

SENATE JOURNAL
SIXTY-THIRD LEGISLATURE
STATE OF WASHINGTON

AT

OLYMPIA, THE STATE CAPITOL

2013 Regular Session Convened January 14, 2013

Adjourned Sine Die April 28, 2013

2013 First Special Session Convened May 13, 2013

Adjourned Sine Die June 11, 2013

2013 Second Special Session Convened June 12, 2013

Adjourned Sine Die June 29, 2013

2013 Third Special Session Convened November 7, 2013

Adjourned Sine Die November 9, 2013

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

Volume 1



Linda Jansson,
Minute and Journal Clerk

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

SENATE CAUCUS OFFICERS

2013

MAJORITY COALITION CAUCUS

Majority Coalition Leader.....Rodney Tom
Republican Leader.....Mark Schoesler
Majority Caucus Chair.....Linda Evans Parlette
Majority Floor Leader.....Joe Fain
Majority Whip.....Ann Rivers
Majority Caucus Deputy Leader.....Don Benton
Majority Caucus Vice Chair.....Bruce Dammeier
Majority Assistant Floor Leader.....Jim Honeyford
Majority Assistant Whip.....John Braun

DEMOCRATIC CAUCUS

Democratic Leader.....Ed Murray
Democratic Caucus Chair.....Karen Fraser
Democratic Floor Leader.....David Frockt
Democratic Whip.....Andy Billig
Democratic Deputy Leader.....Nick Harper
Democratic Assistant Floor Leader.....Annette Cleveland
Democratic Assistant Floor Leader.....Kevin Ranker
Democratic Assistant Whip.....Mark Mullet

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Secretary of the Senate Hunter Goodman
Deputy Secretary Brad Hendrickson
Minute and Journal Clerk Linda Jansson
Readers Kenneth Edmonds and Paul Campos

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FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 14, 2013

At 12:00 noon, pursuant to law, the Senate of the 2013 Regular Session of the Sixty-Third Legislature of the State of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard consisting of Sergeant Ted Dehart, Olympia Criminal Investigation Division; Lieutenant Mike Turcott, Bremerton; Trooper Melissa Braaten, Homeland Security Division, Marysville; Trooper Jimmy Craig, North Seattle, Roanoke; Trooper Matt Fehler, Spokane Criminal Investigation Division and Trooper Chad Hoff, Special Operations Division presented the Colors.

The President led the Senate in the Pledge of Allegiance.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Auburn Mountainview High School a cappella trio members Nicole Costa, Brandon Henderson and Taylor Liabraaten who performed the National Anthem under the direction of Ms. Karen Frerichs

Pastor Jon Sanne from the Calvary Chapel in Olympia offered the prayer.

The Washington State Patrol Honor Guard retired from the chamber.

REMARKS BY THE PRESIDENT

President Owen: "I think it would be appropriate that we recognize these phenomenal singers, the a capella group, and say 'Thank you' for the great job that they did. Most excellent, thank you very much. And just a reminder, members, that was Auburn Mountainview a capella trio and they are guests of Senator Fain's. Thank you, Senator Fain, for bringing them to us."

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate, we are here to do a lot of important work this session. It's always a privilege to be able to stand up here and preside before all of you. The President would like to welcome you back and welcome all the new members and wish you great luck in your deliberations for the future."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Macy Allaire, 2012 Lakefair Queen, who was seated at the rostrum.

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

REMARKS BY MISS MACY ALLAIRE

Miss Macy Allaire: "Thank you for having me. Good afternoon everyone. I hope you're having a good morning so far.

As the reigning 2013 Capital Lakefair Queen, it is my pleasure and my privilege to welcome you to an exciting 2013 Senate session in Olympia, Washington. This is a big year for Washington as we recently passed laws that will create large changes for this state as well as welcoming in a new Governor. As a member of the Legislature you carry the weight and the well-being of everyone here in the state; children; businesses; disabled; retirees; workers; owners; consumers; victims; elderly; and the environment. It is your responsibility to regulate, to authorize, to prescribe, to provide, to sanction, to grant, to declare and to restrict certain elements for the well-being of the state as a whole. As you're representing the state here, I'm representing the Tumwater, Olympia, Lacey, Puget Sound area and the community. Capital Lakefair is a one-hundred percent, academic-based, community scholarship pageant. It is my privilege and honor to serve as Capital Lakefair's fifty-fifth Lakefair Queen. My school, Olympia High School, has not produced a Queen for the last eight years so I am proud to represent my school in this program. Capital Lakefair is more than rides and food and vendors. It is a community event in which people of all ages and backgrounds and various service clubs and organizations come together to celebrate our Puget Sound area. Lakefair generates a great amount of money which is then put towards numerous local non-profit organizations such as the Other Bank and the YWCA. Lakefair also puts money towards a royalty scholarship program by selecting a court of six girls from local high schools and later a Lakefair Queen. As a 2012 Lakefair Queen, I'm unconditionally gracious for receiving the highest royalty scholarship of five thousand dollars. Of course, this money isn't just given to us, the Capitalarian's make us work for our earnings. Capital Lakefair has given me opportunities and experiences I would not have had otherwise. The Royalty Court and I have spoken with thirteen local service organizations and had the opportunity to meet many community leaders as well as my privilege of speaking here today. This is not an experience I could of gained from my part-time jobs. It's programs like Capital Lakefair that provide opportunities for all areas of the community to come together and form relationships with one another that hold our region together. Olympia and the Puget Sound area is one of the most beautiful areas in this State of Washington and the Northwest region with its miles of beaches, local shops, extensive hiking and biking trails and friendly people. I hope that you enjoy your time here as much as I know that I do. Here's to a successful community-building 2013 Legislative Session. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Bob Barnes, Executive Director and Mrs. Serry Barnes, Capital Lakefair Royalty Chair, representatives of Capital Lakefair, the non-profit, volunteer, organization run by Capitalarians and the family of Miss Macy Allaire, 2012 Lakefair Queen: her father, Mr. Chuck Allaire; her mother, Mrs. Jane Allaire; her brother Charlie and sister Sally who were all present in the gallery.

LETTERS OF RESIGNATION

WASHINGTON STATE SENATE
 Senator Joseph Zarelli
 18th Legislative District

Mr. Tom Hoemann
Washington State
Secretary of the Senate
309A Legislative Building
Olympia, WA 98504

Senator Cheryl Pflug
5th Legislative District

June 7, 2012

Governor Christine Gregoire
PO Box 40002
Olympia, WA 98504-0002

RE: Resignation

RE: Resignation from the Washington State Senate as of June 30, 2012

Mr. Hoemann, please accept this letter as indication of my resignation to the Washington State Senate, effective the 31st day of May 2012.

Dear Governor Gregoire:

It has been with great pleasure and honor that I have been elected to serve the people of the 18th Legislative District in Southwest Washington over the last 17 years. However, given my choice to not seek re-election this fall I think that it would better serve my constituents to have, available to them, a member who has chosen to run and could provide greater continuity of service through the remainder of this year and beyond the fall elections.

After serving almost 14 years in the Legislature, I find that it is time for new challenges. I have served my community through the representation of the people of the fifth legislative district, and have found the work very rewarding. However, I am ready to move in a new direction, and I thank you for the exciting opportunity to serve on the Growth Management Hearings Board.

Thank you for your service and friendship these last many years.

My term as a member of the Growth Management Hearings Board begins on July 1. Therefore, pursuant to RCW 42.12.020, please accept my resignation from the Washington State Senate effective Saturday, June 30, 2012.

If you have any questions, or if I may provide any additional information, please do not hesitate to contact me.

Sincerely,

JOSEPH P. ZARELLI, State Senator, 18th Legislative District

Sincerely,

CLARK AND COWLITZ COUNTY SIGNATURE REPORT

CHERYL PFLUG

Joint Resolution 2012-06-08

State Senator, 5th Legislative District
Ranking Member, Senate Judiciary

WHEREAS, Senator Joseph Zarelli has submitted his resignation for the Senate seat for the 18th Legislative District and that seat is now vacant; and

METROPOLITAN KING COUNTY COUNCIL

516 Third Avenue, Room 1200
Seattle, WA 98104-3272

WHEREAS, the Washington State Republican Party has submitted a list of three names for consideration by the Joint Boards of Commissioners for Clark County and Cowlitz County; and

July 9, 2012

WHEREAS, the Joint Boards of County Commissioners for Clark County and Cowlitz County have convened in joint session and duly considered the three names submitted by the Washington State Republican Party, now, therefore;

Mr. Tom Hoemann
Secretary of the Washington State Senate
PO Box 40482
Olympia, WA 98504-0482

IT IS HEREBY RESOLVED by Joint Boards of County Commissioners for the counties of the 18th Legislative District meeting in special session, that Anna M. (Ann) Rivers be and is hereby appointed to fill the vacant Senate seat of the 18th Legislative District.

Dear Mr. Hoemann:

Enclosed is a copy of King County Motion 13688, which appoints Dino Rossi to the vacancy in the 5th Legislative District senate seat.

IT IS FURTHER RESOLVED that the clerk of the joint board forward this resolution to the Governor and the Secretary of State.

Sincerely,

Anne Noris, Clerk of the Council

Approved this 25th day of June, 2012

KING COUNTY SIGNATURE REPORT

Signed by the Board of County Commissioners of Clark County, Washington

July 9, 2012

Marc Boldt, Chairman
Steve Stuart, Commissioner
Tom Mielke, Commissioner

MOTION 13688

Proposed No. 2012-0223.2
Sponsors Lambert

Signed by the Board of County Commissioners of Cowlitz County, Washington

A MOTION making an appointment to fill the vacancy in the 5th legislative district of the Washington state Senate.

George Raiter, Chairman
Mike Karnofski, Commissioner
James Misner, Commissioner

WHEREAS, a vacancy exists in the position of state senator for the 5th legislative district due to the resignation of Senator Cheryl Pflug following her appointment by Governor Gregoire to serve on the Washington State Growth Management Hearings Board; and

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WHEREAS, the 5th legislative district Republican precinct committee officers have met to consider candidates for the position; and

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

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

Dino Rossi is here by appointed to the position of state senator for the 5th legislative district.

Motion 13688 was introduced on 6/11/2012 and passed as amended by the Metropolitan King County Council on 7/9/2012, by the following vote:

Yes: 9 – Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott
 No: 0
 Excused: 0

King County Council
 King County, Washington
 Larry Gossett, Chair

ATTEST:
 Anne Noris, Clerk of the Council

WASHINGTON STATE SENATE
 Senator Derek Kilmer
 26th Legislative District

December 10, 2012

Governor Christine Gregoire
 P. O. Box 40002
 Olympia, WA 98504-0002

Re Resignation from the Washington State Senate

Dear Governor Gregoire:

I came to Olympia eight years ago to represent the people of the 26th Legislative District and work on issues of importance to them. Over the last eight years I've been proud to work on efforts to encourage economic development, to ensure our students get an education that will help them succeed, and to support military families and veterans, I am proud of our successes, and confident progress will continue.

Most of all, I am hopeful for my little girls, Sophie and Tess. I want a better future for them – where they can get a world-class education, where they can get a great job, and where they will share in all the opportunity our state and our nation can offer. That hope for them and for all families is what drove me to service in the Legislature. I've been privileged to work with you and the members of the Legislature to make progress on behalf of the children and families of our great state.

I am grateful to the citizens of the 26th district for giving me the opportunity to represent them. And I am grateful to the people of the 6th Congressional District for choosing me to represent them in the next session of the United States Congress. In order to fulfill my duties as a U. S. Representative, I am resigning from the Washington State Senate, pursuant to RCW 42.12.010, effective immediately.

It has been a great honor and privilege to serve my community in the Legislature.

Sincerely,
 DEREK KILMER, State Senator, 26th Legislative District

Cc: Senator Lisa Brown
 Senator Ed Murray
 Tom Hoemann

WASHINGTON STATE SENATE
 Senator Bob Morton
 7th Legislative District

December 31, 2012

Governor Christine Gregoire
 Insurance Building

Re: Resignation from the Washington State Senate as of December 31, 2012

Dear Governor Gregoire:

After more than twenty years representing the seventh legislative district in the Senate, I find that it is time for me to retire. Therefore, pursuant to RCW 42.12.020, please accept my resignation from the Washington State Senate effective Monday, December 31, 2012.

If you have any questions, or if I may provide any additional information, please do not hesitate to contact me.

Cordially yours,
 BOB MORTON, State Senator, 7th Legislative District

Cc: Senator Rodney Tom, Coalition Majority Leader
 Senator Mark Schoesler, Republican Leader
 Senator Ed Murray, Democratic Leader
 Tom Hoemann, Secretary of the Senate

STEVENS COUNTY COMMISSIONERS
 215 South Oak Street
 Colville, WA 99114-2861

January 7, 2013

Mr. Tom Hoemann
 Secretary of the Senate
 P. O. Box 40482
 Olympia, WA 98504-0482

Dear Secretary Hoemann:

The fifteen County Commissioners from the 7th Legislative District met in Colville, Washington at 1:00 p.m. on January 3, 2013 to interview the candidates for Senator Bob Morton's open Senate seat.

Commissioners present: Todd Mielke, Shelly O'Quinn and Al French from Spokane County; Mike Manus, Karen Skoog and Steve Kiss from Pend Oreille County; Jim Detro, Sheilah Kennedy and Ray Campbell from Okanogan County; Brian Dansel, Mike Blankenship and Brad Miller from Ferry County; Wes McCart, Don Dashiell and Steve Parker from Stevens County. By unanimous vote, Stevens County Commissioner Don

Dashiell was selected to serve as Chairman of the special meeting.

The three candidates selected by the Republican Precinct Committee Officers of the 7th Legislative District and presented to the counties by the Washington State Republican Party were present. Following interviews, **John S. Smith** was selected as Senator Bob Morton’s successor by the following vote:

AYE: 13
NAY 0
ABSTAIN 2
ABSENT 0

Copies of resumes received from John Smith are enclosed. Each county will submit a certificate of appointment and a resolution of appointment this week.

Please let us know if you need anything further.

Sincerely,
Donald Dashiell

Resolution No. 2-2013

BEFORE THE BOARD OF STEVENS COUNTY
COMMISSIONERS
IN THE MATTER OF APPOINTING PERSONS TO FILL
VACANT ELECTED POSITONS
APPOINTING JOHN S. SMITH TO FILL THE SENATE
SEAT OF BOB MORTON

WHEREAS, the Board finds Senator Bob Morton submitted his resignation for his Senate seat for the 7th Legislative District and that seat is now vacant; and

WHEREAS, the Board finds the Washington State Republican Party has submitted a list of three names for consideration by the Joint Boards of Commissioners for Stevens, Spokane, Ferry, Pend Oreille and Okanogan counties; and

WHEREAS, the Board finds the Joint Boards of the five counties met on January 3, 2013, to fill the vacant Senate seat and voted to appoint John S. Smith;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that John S. Smith is appointed to fill the vacant Senate seat of the 7th Legislative District. The Clerk of the Board is authorized and directed to forward this resolution to the Secretary of the Washington State Senate.

Passed by the Board of Stevens Count Commissions meeting in regular session at Colville, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 8th day of January, 2013.

YEA; 3
NAY; 0
ABSTAIN; 0
and
ABSENT; 0

BOARD OF COUNTY COMMISSIONERS OF STEVENS
COUNTY, WASHINGTON

Don Dashiell, Chairman
Wes McCart, Commissioner
Steve Parker, Commissioner

ATTEST:
Polly Coleman, Clerk of the Board

MOTION

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

MESSAGE FROM SECRETARY OF STATE

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

Mr. President:

I, Sam Reed, Secretary of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Senator at the State General Election held in the State of Washington on the 6th day of November, 2012, as shown by the official returns of said election now on file in the office of the Secretary of State.

SENATORS ELECTED NOVEMBER 6, 2012

District	Counties Represented	Name	Party Preference
1	King, Snohomish	Rosemary McAuliffe	Prefers Democratic Party
2	Pierce, Thurston	Randi Becker	Prefers Republican Party
3	Spokane	Andy Billig	Prefers Democratic Party
4	Spokane	Mike Padden	Prefers Republican Party
5	King	Mark Mullet	Prefers Democratic Party
9	Adams*, Asotin*, Franklin, Garfield*, Spokane, Whitman *	Mark G. Schoesler	Prefers G.O.P. Party
10	Island*, Skagit, Snohomish	Barbara Bailey	Prefers Republican Party
11	King	Bob Hasegawa	Prefers Democratic Party
12	Chelan*, Douglas*, Grant, Okanogan	Linda Evans Parlette	Prefers G.O.P. Party
14	Clark, Klickitat*, Skamania*, Yakima	Curtis King	Prefers Republican Party
16	Benton, Columbia*, Franklin, Walla Walla*	Mike Hewitt	Prefers Republican Party
17	Clark	Don Benton	Prefers Republican Party
18	Clark	Ann Rivers	Prefers Republican Party
19	Cowlitz, Grays Harbor, Lewis, Pacific*, Wahkiakum*	Brian Hatfield	Prefers Democratic Party
20	Clark, Cowlitz, Lewis, Thurston	John E. Braun	Prefers Republican Party
22	Thurston	Karen Fraser	Prefers Democratic Party
23	Kitsap	Christine Rolfes	Prefers Democratic Party
24	Clallam*, Grays Harbor, Jefferson*	Jim Hargrove	Prefers Democratic Party
25	Pierce	Bruce Dammeier	Prefers Republican Party
27	Pierce	Jeannie Darneille	Prefers Democratic Party
28	Pierce	Mike Carrell	Prefers G.O.P. Party
39	King, Skagit, Snohomish	Kirk Pearson	Prefers Republican Party

40	San Juan*, Skagit, Whatcom	Kevin Ranker	Prefers Democratic Party
41	King	Steve Litzow	Prefers Republican Party
46	King	David Frockt	Prefers Democratic Party (2 Year Unexpired Term)
49	Clark	Annette Cleveland	Prefers Democratic Party

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this 8th day of January, 2013.

SAM REED

Secretary of State

The Sergeant at Arms escorted the newly elected members to their seat on the floor of the Senate.

The Secretary called the roll on the members elected to the Senate to fill unexpired terms and appointed to fill vacant seats: Senators Frockt and Smith.

The Sergeant at Arms escorted each of the members elected to fill unexpired terms and appointed to fill vacant seats to the rostrum of the Senate to receive their oath of office.

Associate Chief Justice Charles Johnson thereupon administered the oath of office to each member elected to fill unexpired terms and appointed to fill vacant seats.

The President presented each senator a certificate of election.

The Sergeant at Arms escorted each new senator to their seat on the floor of the Senate.

REMARKS BY THE PRESIDENT

President Owen: "Mr. Secretary, thank you very much for assisting this with us today. I know you are a short-timer now but I give you the opportunity to say a few words, if you would like to."

REMARKS BY THE SECRETARY OF STATE SAM REED

Sam Reed: "Thank you. I will have a chance to speak tomorrow at the Joint Session but I did want to thank you senators and some of you former House members with whom I've worked over the last twelve years. I am deeply grateful for your fairness on both sides of the aisle. I felt that I've been treated, and my office has been treated, with great respect over the years. I appreciate your conscientiousness in the last four very difficult years but thank you very much. I've thoroughly enjoyed working with you. Thank you so much."

MOTION

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

MOTION

Senator Frockt moved adoption of the following resolution:

SENATE RESOLUTION 8602

The Secretary called the roll of the following holdover members of the Senate and all were present: Senators Baumgartner, Chase, Conway, Delvin, Eide, Ericksen, Fain, Harper, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kline, Kohl-Welles, Murray, Nelson, Roach, Sheldon, Shin and Tom.

APPOINTMENT OF SPECIAL COMMITTEE

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

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

The Secretary called the roll on the newly re-elected members of the Senate and all were present: Senators Becker, Benton, Carrell, Fraser, Hargrove, Hatfield, Hewitt, King, Litzow, McAuliffe, Padden, Parlette, Ranker, Rolfes and Schoesler.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Secretary of State, Sam Reed, who was seated at the rostrum.

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

Associate Chief Justice Charles Johnson thereupon administered the oath of office to each newly re-elected member.

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

The Sergeant at Arms escorted each newly re-elected member to their seat on the floor of the Senate.

The Secretary called the roll on each newly elected member of the Senate and all were present: Senators Bailey, Billig, Braun, Cleveland, Dammeier, Darneille, Hasegawa, Mullet, Pearson and Rivers.

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

Associate Chief Justice Charles Johnson thereupon administered the oath of office to each newly elected member.

The President presented each newly elected Senator a certificate of election.

FIRST DAY, JANUARY 14, 2013

2013 REGULAR SESSION

By Senator Frockt

BE IT RESOLVED, That the Rules of the Senate for the 2011 Regular Session of the 62nd Legislature, as amended in the 2011 2nd Special Session and the 2012 Regular Session, be adopted as amended as the Rules of the Senate for the 2013 Regular Session of the 63rd Legislature, to read as follows:

PERMANENT RULES
OF THE
SENATE
SIXTY-THIRD LEGISLATURE
2013

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 - Rule 2** President Pro Tempore
 - Rule 3** Secretary of the Senate
 - Rule 4** Sergeant at Arms
 - Rule 5** Subordinate Officers
 - Rule 6** Employees
 - Rule 7** Conduct of Members and Officers
- SECTION II - OPERATIONS AND MANAGEMENT**
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 - Rule 10** Admission to the Senate
 - Rule 11** ENGROSSED Printing of Bills
 - Rule 12** Furnishing Full File of Bills
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 - Rule 17** Order of Business
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 - Rule 21** Precedence of Motions
 - Rule 22** Voting
 - Rule 23** Announcement of Vote
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SECTION I

OFFICERS-MEMBERS-EMPLOYEES

Duties of the President

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

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

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

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

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

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

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

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

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

President Pro Tempore

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

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

Secretary of the Senate

Rule 3. 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

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

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

Sergeant at Arms

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

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

Subordinate Officers

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

Employees

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

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

Conduct of Members and Officers

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

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

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

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid,

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and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

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

SECTION II

OPERATIONS AND MANAGEMENT

Payment of Expenses - Facilities and Operations

Rule 8. 1. After the reorganization caucuses of the senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the facilities and operations committee. The chair of the majority caucus shall be the chair of the facilities and operations committee. The operation of the senate shall transfer to the newly designated members after the reorganization caucuses of the senate.

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

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

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

Use of Senate Chambers

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

Admission to the Senate

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

- The governor and/or designees,
- Members of the house of representatives,
- State elected officials,
- Officers and authorized employees of the legislature,
- Honored guests being presented to the senate,
- Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,

Representatives of the press,
Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

Printing of Bills

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

Furnishing Full File of Bills

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

Regulation of Lobbyists

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

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

Security Management

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

SECTION III

RULES AND ORDER

Time of Convening

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

Quorum

Rule 16. A majority of all members elected or appointed to the senate shall be necessary to constitute a quorum to do business.

Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

Order of Business

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

- FIRST. Reports of standing committees.
- SECOND. Reports of select committees.
- THIRD. Messages from the governor and other state officers.
- FOURTH. Messages from the house of representatives.
- FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.
- SIXTH. Second reading of bills.
- SEVENTH. Third reading of bills.
- EIGHTH. Presentation of petitions, memorials and floor resolutions.
- NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Special Order

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

Unfinished Business

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

Motions and Senate Floor Resolutions (How Presented)

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

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

Precedence of Motions

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

PRIVILEGED MOTIONS

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

INCIDENTAL MOTIONS

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

SUBSIDIARY MOTIONS

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

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

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

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

Voting

Rule 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall

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

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

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

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

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

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

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

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

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

Announcement of Vote

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

Call of the Senate

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

One Subject in a Bill

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

No Amendment by Mere Reference to Title of Act

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

Reading of Papers

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

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

Comparing Enrolled and Engrossed Bills

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

SECTION IV
PARLIAMENTARY PROCEDURE
Rules of Debate

Rule 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities; provided that a senator may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

Recognition by the President

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

Call for Division of a Question

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

Point of Order - Decision Appealable

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

Question of Privilege

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

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

Protests

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

Adoption and Suspension of Rules

Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

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

Previous Question

Rule 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who

presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

Reconsideration

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

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

Motion to Adjourn

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

Yeas and Nays - When Must be Taken

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

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

Reed's Parliamentary Rules

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

SECTION V

COMMITTEES

Committees - Appointment and Confirmation

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

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

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

Standing Committee	Total Membership
1. Agriculture, Water & Rural Economic Development	8
2. <u>Commerce & Labor</u>	<u>8</u>
3. Early Learning & K-12 Education	((14)) <u>12</u>
((3. Economic Development, Trade & Innovation	9))
4. <u>Energy, Environment & Telecommunications</u>	((9)) <u>10</u>
5. Financial Institutions((-Housing)) & Insurance	((7)) <u>8</u>
6. Governmental Operations((-Tribal Relations & Elections))	((7)) <u>8</u>
7. Health ((& Long Term)) Care	((9)) <u>10</u>
8. Higher Education ((& Workforce Development))	((9)) <u>8</u>
9. Human Services & Corrections	((7)) <u>8</u>
10. (Judiciary) <u>Law & Justice</u>	((9)) <u>8</u>
((11. Labor, Commerce & Consumer Protection	7
12. Energy,)) 11. Natural Resources & ((Marine Waters)) <u>Parks</u>	((7)) <u>8</u>
((13.)) 12. Rules	((20)) <u>22</u> (plus the Lieutenant Governor)
13. <u>Trade & Economic Development</u>	<u>8</u>
14. Transportation	16
15. Ways & Means	((20)) <u>26</u>

Each standing committee shall be cochaired, with one chair chosen by the majority caucus and one chair chosen by the minority caucus. Membership on each standing committee shall include equal representation from the majority caucus and the minority caucus.

Subcommittees

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

Subpoena Power

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

to the named individuals and the committee on rules may overrule the service on an individual so named.

Duties of Committees

Rule 44. The several committees shall fully consider measures referred to them.

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

Committee Rules

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

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five

days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

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

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

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

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

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

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

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

8. Any member of the committee not concurring in the majority report may sign a minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and

submitted with the majority report. Unless the signatory of a minority report expressly indicates a "do not pass" recommendation, the member's vote shall be deemed to be "without recommendation." In every case where a majority report form is circulated for signature, a minority report form shall also be circulated.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

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

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session. During any special session of the legislature, this rule may be suspended by a majority vote.

Committee Meetings During Sessions

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

No committee shall sit during any scheduled caucus.

Reading of Reports

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

Recalling Bills from Committees

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

Bills Referred to Rules Committee

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

Rules Committee

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

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

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

Employment Committee

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

Committee of the Whole

Rule 52. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

Appropriation Budget Bills

Rule 53. Reserved

SECTION VI
BILLS, RESOLUTIONS, MEMORIALS AND
GUBERNATORIAL APPOINTMENTS

Definitions

Rule 54. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

Prefiling

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

Introduction of Bills

Rule 56. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring

to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

To be considered during a regular session, a bill must be introduced at least ten days before final adjournment of the legislature, unless the legislature directs otherwise by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

Amendatory Bills

Rule 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

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

Joint Resolutions and Memorials

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

Senate Concurrent Resolutions

Rule 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rules 62, 63, and 64.

Committee Bills

Rule 60. Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

Committee Reference

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

FIRST: A standing committee.
SECOND: A select committee.

Reading of Bills

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

First Reading

Rule 63. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

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

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

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

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

Second Reading/Amendments

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

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

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

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

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

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

Third Reading

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

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

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

Scope and Object of Bill Not to be Changed

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

Matters Related to Disagreement Between the Senate and House

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

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

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

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

Bills Committed for Special Amendment

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

Confirmation of Governorial Appointees

Rule 69. When the names of appointees to state offices are transmitted to the secretary of the senate for senate confirmation, the

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communication from the governor shall be recorded and referred to the appropriate standing committee.

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

Any hearing on a gubernatorial appointment, held by the standing committee, or subcommittees, pursuant to rule 42, shall be a public hearing. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

Senators Frockt, McAuliffe, Hatfield and Murray spoke in favor of adoption of the resolution.

Senator Tom spoke against adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8602.

Senator Frockt demanded a roll call.

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

The President declared the question before the Senate to be the motion by Senator Frockt to adopt Senate Resolution No. 8602.

The Secretary called the roll on the motion by Senator Frockt to adopt Senate Resolution No. 8602 and the resolution was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Carrell, Dammeier, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8601

By Senator Fain

BE IT RESOLVED, That the Rules of the Senate for the 2011 Regular Session of the 62nd Legislature, as amended in the 2011 2nd Special Session and the 2012 Regular Session, be adopted as amended as the Rules of the Senate for the 2013 Regular Session of the 63rd Legislature, to read as follows:

PERMANENT RULES
OF THE
SENATE
SIXTY-THIRD LEGISLATURE
2013

SECTION I - OFFICERS-MEMBERS-EMPLOYEES

- Rule 1** Duties of the President
- Rule 2** President Pro Tempore
- Rule 3** Secretary of the Senate
- Rule 4** Sergeant at Arms
- Rule 5** Subordinate Officers
- Rule 6** Employees
- Rule 7** Conduct of Members and Officers

SECTION II - OPERATIONS AND MANAGEMENT

- Rule 8** Payment of Expenses- Facilities and Operations
- Rule 9** Use of Senate Chambers
- Rule 10** Admission to the Senate
- Rule 11** ENGROSSED Printing of Bills
- Rule 12** Furnishing Full File of Bills
- Rule 13** Regulation of Lobbyists
- Rule 14** Security Management

SECTION III - RULES AND ORDER

- Rule 15** Time of Convening
- Rule 16** Quorum
- Rule 17** Order of Business
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- Rule 19** Unfinished Business
- Rule 20** Motions and Senate Floor Resolutions (How Presented)
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- Rule 24** Call of the Senate
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- Rule 26** No Amendment by Mere Reference to Title of Act
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SECTION IV - PARLIAMENTARY PROCEDURE

- Rule 29** Rules of Debate
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Rule 65	Third Reading
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Rule 67	Matter Related to Disagreement Between the Senate and House
Rule 68	Bills Committed for Special Amendment
Rule 69	Confirmation of Gubernatorial Appointees

SECTION I

OFFICERS-MEMBERS-EMPLOYEES

Duties of the President

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

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

and this prohibition shall be enforced in the same manner as any other breach of order and decorum.

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

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

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

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

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

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

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

President Pro Tempore

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

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

3. A "majority caucus" is a caucus whose members constitute a majority of the senate and may include members from different political caucuses. The establishment of a majority caucus is evidenced by a majority of the members of the senate demonstrating the intent to caucus together and to lead the senate. Those members

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not part of the majority caucus constitute the minority caucus or caucuses.

Secretary of the Senate

Rule 3. 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

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

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

Sergeant at Arms

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

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

Subordinate Officers

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

Employees

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

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

Conduct of Members and Officers

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

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

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

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

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

SECTION II

OPERATIONS AND MANAGEMENT

Payment of Expenses - Facilities and Operations

Rule 8. 1. After the reorganization caucuses of the senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the facilities and operations committee. The ~~(chair)~~ deputy leader of the majority caucus shall be the chair of the facilities and operations committee. The operation of the senate shall transfer to the newly designated members after the reorganization caucuses of the senate or at any time after the reorganization caucuses if a different caucus becomes the majority caucus.

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

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

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

Use of Senate Chambers

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

Admission to the Senate

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

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

Printing of Bills

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

Furnishing Full File of Bills

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

Regulation of Lobbyists

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

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

Security Management

Rule 14. The sergeant at arms may develop methods to protect the senate, including its members, staff, and the visiting public, by

establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

SECTION III RULES AND ORDER Time of Convening

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

Quorum

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

Order of Business

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

- | | |
|----------|--------------------------------------------------------------------------------------------------------------------|
| FIRST. | Reports of standing committees. |
| SECOND. | Reports of select committees. |
| THIRD. | Messages from the governor and other state officers. |
| FOURTH. | Messages from the house of representatives. |
| FIFTH. | Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions. |
| SIXTH. | Second reading of bills. |
| SEVENTH. | Third reading of bills. |
| EIGHTH. | Presentation of petitions, memorials and floor resolutions. |
| NINTH. | Presentation of motions. |

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Special Order

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

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measure that was before the senate when consideration of the special order was commenced.

To commit or recommit
 To postpone indefinitely
 4th Rank: To amend

Unfinished Business

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

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

Motions and Senate Floor Resolutions
 (How Presented)

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

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

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

Voting

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

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

Precedence of Motions

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

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

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

PRIVILEGED MOTIONS

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

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

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

INCIDENTAL MOTIONS

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

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

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

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

SUBSIDIARY MOTIONS

- 1st Rank: To lay on the table
- 2nd Rank: For the previous question
- 3rd Rank: To postpone to a day certain

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

Announcement of Vote

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

Call of the Senate

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

One Subject in a Bill

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

No Amendment by Mere Reference to Title of Act

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

Reading of Papers

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

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

Comparing Enrolled and Engrossed Bills

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

SECTION IV
PARLIAMENTARY PROCEDURE
Rules of Debate

Rule 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities; provided that a senator may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the

debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

Recognition by the President

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

Call for Division of a Question

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

Point of Order - Decision Appealable

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

Question of Privilege

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

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

Protests

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

Adoption and Suspension of Rules

Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be

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rescinded or changed without a majority vote of the members, and one day's notice of the motion.

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

Previous Question

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

Reconsideration

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

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

Motion to Adjourn

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

Yeas and Nays - When Must be Taken

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

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

Reed's Parliamentary Rules

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

SECTION V

COMMITTEES

Committees - Appointment and Confirmation

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

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

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

Standing Committee	Total Membership
1. Agriculture, Water & Rural Economic Development	((8)) 7
2. <u>Commerce & Labor</u>	7
3. Early Learning & K-12 Education	11
((3. Economic Development, Trade & Innovation	9))
4. <u>Energy, Environment & Telecommunications</u>	9
5. Financial Institutions((, Housing) & Insurance	7
6. Governmental Operations((, Tribal Relations & Elections))	7
7. Health ((& Long Term) Care	9
8. Higher Education ((& Workforce Development))	((9)) 7
9. Human Services & Corrections	7
10. ((Judiciary)) <u>Law & Justice</u>	((9)) 7
((11. Labor, Commerce & Consumer Protection	7
12. Energy,)) 11. Natural Resources & ((Marine Waters)) <u>Parks</u>	7
((13.)) 12. Rules	((20)) 21 (plus the Lieutenant Governor)
13. <u>Trade & Economic Development</u>	7
14. Transportation	16
15. Ways & Means	((20)) 23

Subcommittees

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

Subpoena Power

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

Duties of Committees

Rule 44. The several committees shall fully consider measures referred to them.

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

Committee Rules

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

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

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

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

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

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

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

Committee Meetings During Sessions

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 4 of this rule, subject to the limitation of subsection 12 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

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

No committee shall sit during any scheduled caucus.

Reading of Reports

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

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

Recalling Bills from Committees

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

Bills Referred to Rules Committee

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

Rules Committee

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

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

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

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

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

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

Employment Committee

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

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

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session. During any special session of the legislature, this rule may be suspended by a majority vote.

12. When a standing committee is operated by cochairs, the committee may not vote upon any measure or appointment without the consent of each cochair.

Committee of the Whole

Rule 52. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

Appropriation Budget Bills

Rule 53. Reserved

SECTION VI BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Definitions

Rule 54. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

Prefiling

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

Introduction of Bills

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

To be considered during a regular session, a bill must be introduced at least ten days before final adjournment of the legislature, unless the legislature directs otherwise by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

Amendatory Bills

Rule 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall

be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

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

Joint Resolutions and Memorials

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

Senate Concurrent Resolutions

Rule 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rules 62, 63, and 64.

Committee Bills

Rule 60. Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

Committee Reference

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

FIRST: A standing committee.
SECOND: A select committee.

Reading of Bills

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

First Reading

Rule 63. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

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After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment. A proposed amendment to an unamended title-only bill shall be within the scope and object of the bill if the subject of the amendment fits within the language in the title.

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

Matters Related to Disagreement Between the Senate and House

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

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

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

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

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

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

Second Reading/Amendments

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

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

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

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

Bills Committed for Special Amendment

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

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

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

Confirmation of Governatorial Appointees

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

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

Third Reading

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

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

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

Any hearing on a gubernatorial appointment, held by the standing committee, or subcommittees, pursuant to rule 42, shall be a public hearing. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

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

Scope and Object of Bill Not to be Changed

Rule 66. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule. A point of order raising

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

Senator Parlette spoke in favor of adoption of the resolution.

Senators Keiser, Conway, Kohl-Welles, Hargrove, Ranker and Murray spoke against adoption of the resolution.

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

Senator Frockt demanded a roll call.

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

The Secretary called the roll on the motion by Senator Fain to adopt Senate Resolution No. 8601 carried and the resolution was adopted by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Carrell, Dammeier, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes and Shin

PERSONAL PRIVILEGE

Senator Ranker: "I just realized that with the last vote I just became 'ranking Ranker' so I would like to go over to the other side and try and fix this."

PERSONAL PRIVILEGE

Senator Murray: "Thank you Mr. President, several members from the other side came over and expressed their concern about this morning's comments. I wanted to express my appreciation for you coming over. So, you're all still invited to the wedding."

ELECTION OF PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR SCHOESLER

Senator Schoesler: "Thank you Mr. President, I would like to nominate Senator Sheldon to the office of President Pro Tempore. Twenty years ago last month I met Senator Sheldon for the first time. Over the last twenty plus years I've found someone who toured gold mines in Northeast Washington with us, The wheat industry and other agricultural industries of Eastern Washington. Someone who's worked on our state's energy policy from the local PUD level to regional power issues that impact every citizen and every job in the state of Washington. We've watched him as a leader in local government. We've watched him as a leader in the timber industry and jobs in general. Senator

Sheldon brings this twenty plus years of experience to the senate and will make an excellent President Pro Tempore for this body. I urge your support."

REMARKS BY SENATOR TOM

Senator Tom: "Thank you Mr. President, I would like to second the nomination. Senator Sheldon makes a great choice. He is a Wharton grad. A very accomplish individual but also has a very unique background as far as not only does he understand the intellectual aspects of what we do but he also has the commonality as far as being involved in the logging community. So it's kind of a unique dynamic that you have there. For those of us who love to golf, here's a little tidbit on Senator Sheldon. A lot of us are hackers, Tim actually played collegiate golf so if you want a real golfer Tim's a real golfer. But I think he offers us a great avenue as far as where we are, what we're trying to accomplish and his respect for the institution. He's been here several years, a long time, and I think he will help us move forward and really bring that cooperation, bring that collaboration back to the senate. Thank you."

MOTION

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

ROLL CALL

The Secretary called the roll of the electing of the President Pro Tempore and Senator Tim Sheldon was elected President Pro Tempore: Sheldon, 38; Nays, 10; Absent, 0; Excused, 0.

Voting Sheldon: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Carrell, Cleveland, Dammeier, Delvin, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kohl-Welles, Litzow, Mullet, Murray, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Conway, Darneille, Fraser, Hasegawa, Keiser, Kline, McAuliffe, Nelson and Ranker

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Hargrove and Braun to escort Senator Sheldon to the rostrum to receive his oath of office.

Associate Chief Justice Charles Johnson thereupon administered the oath of office to Senator Sheldon.

The President presented a certificate of election to Senator Sheldon.

REMARKS BY SENATOR SHELDON

Senator Sheldon: "Thank you. I very much appreciate your support. After being here twenty two years and it's great to follow in the direction, and I'll look to the big guy back here, my former Senator from the Thirty-fifth, our esteemed President Brad Owen who's done a wonderful job for us over the years. If I can do a job, when he's gone, anything like he has done I think I will succeed. Thank you."

The committee of honor escorted Senator Sheldon to his seat on the floor of the Senate.

REMARKS BY THE PRESIDENT

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President Owen: "Senator Sheldon, the President hopes you screw up so they want me back. Not really."

ELECTION OF VICE PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR SHELDON

Senator Sheldon: "Thank you Mr. President. Senator Shin is one of our longest serving members and one of our most distinguished. From a humble beginning and a wonderful person and personal story. Senator Shin is recognized throughout his district and throughout our state and in many other countries for all the good will he's brought. An emissary, I think, of trade and hope. He's the author of several books. He is esteemed person and a very good friend of mine and I hope that join me in voting for Paull Shin for Vice President Pro Tempore."

REMARKS BY SENATOR NELSON

Senator Nelson: "Thank you Mr. President. I would like to second the nomination of Senator Shin for Vice President Pro Tempore. We all know how well respected Senator Shin is in this body. Whether it is his work on higher education, economic development and trade, his work has benefited all the citizens of this state and in his ongoing role of Vice President Pro Tempore Senator Shin will continue to provide the Senate with leadership and statesmanship. For those observing these proceedings I also want to add a personal thank you to Senator Shin in addition to the work he does here in this chamber he reaches out to adoptees throughout the world. He has been changing the lives of so many children. Senator Shin is a statesman and a leader here and in the world at large and I second his nomination."

MOTION

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

ROLL CALL

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

Voting Shin: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Shin, Smith and Tom

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Smith and Fraser to escort Senator Shin to the rostrum to receive his oath of office.

Associate Chief Justice Charles Johnson thereupon administered the oath of office to Senator Shin.

The President presented a certificate of election to Senator Shin.

REMARKS BY SENATOR SHIN

Senator Shin: "In humility I stand before you with a profound appreciation in my heart. I can't fathom and believe, can you imagine that an orphan boy in Korea, no schooling or even a grade school education being adopted by American soldier came to this country, started with the ABCs, GED and the Ph. D. Professor for thirty-one years. Now I've been in the Senate, legislature for eighteen years. Calling this, I don't know what to say. My heart is filled with emotion, with gratitude and all I can say thank you America and thank you. My father, Dr. Ray Paull, Amy dentist who, when I was crying in the mountains alone, hugged me and adopted me. Brought me to this country for education that I received and services I performed and all of you, the love and friendship I share with you. I will do best I can as you call me to do so and then but all I can say is that, thank you. Thank you very much."

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

ELECTION OF SECRETARY OF SENATE

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

REMARKS BY SENATOR BENTON

Senator Benton: "Thank you Mr. President. I stand before my colleagues today to nominate for this position an extremely qualified candidate. Hunter Goodman is an accomplished attorney. He's worked in government at the local level and he's worked in government at the state level. Many of you know him as the Deputy or Assistant Attorney General but more importantly, and I think this is important for all the citizens of the state of Washington, Hunter also has private business background as the principal of an international freight forwarding company. He brings tremendous private business enterprise skills. Those coupled with his long service in government in terms of administration, brings to us I think one of the most qualified individuals we could find in terms of administrative skills to fulfill our goal of operating and running an efficient and effective Senate that adjourns on time. I'm happy to bring his nomination to you and I ask for your support for Hunter Goodman as the new Secretary of the Senate. Thank you Mr. President."

REMARKS BY SENATOR SHELDON

Senator Sheldon: "Thank you Mr. President. I rise to second the nomination of Hunter Goodman for office of the Secretary of the Senate. We're very familiar with Hunter. He's worked in the legislature, around the legislature for a while certainly and around the capital and most certainly as Attorney General Rob McKenna's legislative liaison and Deputy Chief of staff. We've gotten to know Hunter. He's done a really a great job. He has wonderful leadership skills and management skills and good relationships on both sides of the aisle and he'll do a wonderful job for us. Of course, we always say great things about people when they're nominated like this but I have to note though, maybe you don't know that Hunter was a running back for the University of Southern California Trojans and I had to wonder a little bit about that for a little while but then I got for Christmas a Husky highlight reel which I played over and over and I think I still feel comfortable so I urge you to vote for Mr. Hunter Goodman."

MOTION

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

ROLL CALL

The Secretary called the roll and Hunter Goodman was elected Secretary of the Senate: Goodman, 44; Nays, 1; Absent, 3; Excused, 0.

Voting Goodman: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Nelson

Absent: Senators Keiser, McAuliffe and Murray

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Benton and Frockt to escort Hunter Goodman to the rostrum to receive his oath of office.

Associate Chief Justice Charles Johnson thereupon administered the oath of office to Hunter Goodman.

The President presented a certificate of election to Hunter Goodman.

The committee of honor escorted Hunter Goodman to his seat on the rostrum.

PERSONAL PRIVILEGE

Senator Fraser: "Mr. President, last Friday a man walked quietly out the door of the legislative building to begin a well-earned retirement. A man who spent a thirty year career here with the state senate and most recently served as Secretary of the Senate during the last eight years. He played an exceptionally critical role in the senate as our new Secretary of the Senate will. For those of you who are unfamiliar with his role, there's a reason why we elect such a person and there's a reason why they take an oath of office. This is a critical role as chief of administrative officer for the senate. A person responsible to make sure all the senate functions well and enables each Senator to live up to their oath of office to serve the citizens of the state. Tom Hoemann served with dedication, with intelligence, with an exceptional knowledge of the institution, with integrity, with a wonderful low-key administrative style that enabled him to work with everybody and deal with the myriad of unexpected circumstances that always come up in a legislative body. So I would like to clearly note that he served with distinction, with integrity, always lived up to the premise that the Secretary of the Senate serves the entire senate and I hope others join with me, I know many, everybody does, to wish him a very pleasant and wonderful retirement. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Before the President recognizes, let me take care of one thing so that the Justice can go back to work in the Temple of Justice. Thank you very much for your patience and your job for us today."

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Padden and Harper to escort Associate Chief Justice Charles Johnson from the Senate Chamber.

PERSONAL PRIVILEGE

Senator Parlette: "Thank you Mr. President. I also would like to speak some good words about Tom Hoemann. He's been very helpful. As Ranking on the F&O Committee, he was always available for both the chair and also for me and I really appreciate it. The most painful thing I had to do was call him over a weekend and say 'I'm sorry Tom, but I'm moving in your office and you have until Monday morning to get out;' That was awful. Anyway, we will miss him, I know he has plans for retirement and he certainly has served us well. Thank you."

PERSONAL PRIVILEGE

Senator Eide: "Well, I, too, would like to thank Tom Hoemann. I have been in leadership for sixteen years and for the last seven being the floor leader and this man that sat up at that rostrum was my life line. He was there at a moment's notice helping me look good on this floor. Number one, Tom Hoemann is way too young to retire because I think he's only a year or two older than I am. I just wanted to take this time for all of us, he's been here a very long time. Thirty years is a long time for someone to be in this institution. He will be sorely missed. And Tom I'm still going to call you."

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8600

By Senators Tom and Murray

BE IT RESOLVED, That a committee consisting of two members of the Senate be appointed by the President of the Senate to notify the Governor that the Senate is organized and ready to conduct business.

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

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Floor Resolution No. 8600, the President appointed Senators Bailey and Rolfes to notify the Governor that the Legislature was organized and ready to conduct business.

MOTION

On motion of Senator Fain, the appointments were confirmed.

MOTION

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

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MESSAGE FROM THE HOUSE

January 14, 2013

MR. PRESIDENT:

The House has adopted:

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

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 14, 2013

MR. PRESIDENT:

The House has adopted:

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

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 14, 2013

MR. PRESIDENT:

The House has adopted:

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

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5000 by Senator Honeyford

AN ACT Relating to aeronautic safety; adding a new section to chapter 14.16 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5001 by Senators Honeyford, Tom and Holmquist Newbry

AN ACT Relating to requiring senate confirmation of growth management hearings board members; and amending RCW 36.70A.250.

Referred to Committee on Governmental Operations.

SB 5002 by Senators Honeyford, Fraser and Ericksen

AN ACT Relating to mosquito control districts; and amending RCW 17.28.160.

Referred to Committee on Governmental Operations.

SB 5003 by Senator Ericksen

AN ACT Relating to reducing the cost of transportation projects by providing a sales and use tax exemption; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Transportation.

SB 5004 by Senator Ericksen

AN ACT Relating to restricting gubernatorial appointment of legislators to boards, commissions, and councils; amending RCW 43.06.010, 36.70A.250, 43.21B.020, 43.52.374, 51.52.010, 66.08.012, 80.01.010, and 82.03.020; reenacting and amending RCW 9.95.003 and 80.50.030; and adding a new section to chapter 43.06 RCW.

Referred to Committee on Governmental Operations.

SB 5005 by Senators Ericksen and Sheldon

AN ACT Relating to fiscal relief for cities and counties in times of declining revenues; amending RCW 71.20.110, 73.08.080, 82.14.049, 82.14.350, 82.14.370, 82.14.400, 82.14.420, 82.14.460, 84.34.230, 84.52.069, 84.52.135, 84.55.050, 9.46.113, and 67.28.1815; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.37 RCW.

Referred to Committee on Governmental Operations.

SB 5006 by Senators Rolfes, Honeyford, Hatfield and Delvin

AN ACT Relating to uncontested rate modifications for utilities and transportation commission regulated water companies; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5007 by Senators Mullet and Benton

AN ACT Relating to the settling of certain insurer transactions; amending RCW 48.31.020; and adding a new section to chapter 48.31 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5008 by Senators Hobbs, Benton and Hatfield

AN ACT Relating to portable electronics insurance; amending RCW 48.18.100, 48.19.030, and 48.120.015; and adding a new section to chapter 48.120 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5009 by Senators Hobbs, Litzow, Keiser, Ranker, Conway, Fraser, Darneille, Nelson, Rolfes, Kline, Hasegawa, Harper, Kohl-Welles, Billig, Mullet, McAuliffe, Chase, Hatfield, Eide, Cleveland, Murray and Frockt

AN ACT Relating to preserving health insurance coverage for the voluntary termination of a pregnancy by requiring health plans issued or renewed on or after January 1, 2014, that provide coverage for maternity care or services to

provide a covered person with substantially equivalent coverage to permit the voluntary termination of a pregnancy, by prohibiting a health plan from limiting in any way a woman's access to services related to the voluntary termination of a pregnancy other than terms and conditions generally applicable to the health plan's coverage of maternity care or services including applicable cost sharing, by not limiting in any way a woman's constitutionally or statutorily protected right to voluntarily terminate a pregnancy, by clarifying that health plans are not required to cover abortions that would be unlawful under RCW 9.02.120, by providing an exemption for a multistate plan that does not cover the voluntary termination of pregnancies under federal law, by making the provisions of this act inapplicable to the minimum extent necessary to avoid noncompliance with federal requirements that are a prescribed condition to the allocation of federal funds to the state, and by clarifying that nothing in this act affects the statutory right of objection based on conscience or religion as set forth in RCW 48.43.065 or 70.47.160; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 5010 by Senators Padden, Sheldon and Carrell

AN ACT Relating to community custody conditions for marijuana; and reenacting and amending RCW 9.94A.703.

Referred to Committee on Law & Justice.

SB 5011 by Senators Benton, Delvin, Padden, Sheldon and Smith

AN ACT Relating to prohibiting the state of Washington and its political subdivisions from adopting and developing environmental and developmental policies that infringe or restrict private property rights without due process; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Law & Justice.

SB 5012 by Senators Benton, Bailey, Carrell, Delvin, Ericksen, Padden, Sheldon and Becker

AN ACT Relating to verifying lawful status of individuals upon obtaining or renewing their state-issued drivers' licenses or related identification; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 5013 by Senator Benton

AN ACT Relating to annexations; amending RCW 35.10.217, 35.13.150, 35.13.180, 35.13.182, 35.13.185, 35.13.190, 35.13.210, 35.13.440, 35.13.470, 35.13.480, 35.13.490, 35.21.790, 35.21.890, 35A.14.295, 35A.14.297, 35A.14.299, 35A.14.300, 35A.14.310, 35A.14.440, 35A.14.460, 35A.14.470, 35A.14.480, 35A.14.490, and 35A.21.210; and repealing RCW 35.13.1821 and 35.13.1822.

Referred to Committee on Governmental Operations.

SB 5014 by Senators Benton, Becker and Holmquist Newbry

AN ACT Relating to eminent domain; and adding a new chapter to Title 8 RCW.

Referred to Committee on Law & Justice.

SB 5015 by Senator Benton

AN ACT Relating to aggravated first degree murder; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5016 by Senators Benton, Sheldon, Hewitt, Hasegawa and Holmquist Newbry

AN ACT Relating to eliminating the periodic replacement requirement for license plates; amending RCW 46.16A.200, 46.17.200, and 46.18.130; and reenacting and amending RCW 46.18.140.

Referred to Committee on Transportation.

SB 5017 by Senators Benton and Carrell

AN ACT Relating to eliminating the certificate of need review for all health care facilities except hospitals; amending RCW 70.38.018, 70.38.025, 70.38.105, 70.38.115, 70.38.118, 70.38.125, and 70.38.135; and repealing RCW 70.38.111.

Referred to Committee on Health Care.

SB 5018 by Senators Benton and Carrell

AN ACT Relating to eliminating the requirement to purchase public art with appropriations made for construction of public buildings; and repealing RCW 43.17.200, 43.17.205, 43.17.210, 43.19.455, 28A.335.210, 28B.10.025, and 28B.10.027.

Referred to Committee on Ways & Means.

SB 5019 by Senator Benton

AN ACT Relating to the use of public resources by office holders during campaigns; and amending RCW 42.52.180 and 42.52.185.

Referred to Committee on Governmental Operations.

SB 5020 by Senators Sheldon and Carrell

AN ACT Relating to indigent defense; amending RCW 10.101.020; and reenacting and amending RCW 10.101.010.

Referred to Committee on Law & Justice.

SB 5021 by Senators Padden and Carrell

AN ACT Relating to changing the crime of riot to the crime of criminal mischief; amending RCW 9A.84.010; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

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SB 5022 by Senators Padden, Sheldon and Carrell

AN ACT Relating to changing retail theft with extenuating circumstances to retail theft with special circumstances; amending RCW 9A.56.360; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5023 by Senator Padden

AN ACT Relating to college DUI courts; amending RCW 2.28.175; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5024 by Senators King, Eide and McAuliffe

AN ACT Relating to transportation funding and appropriations; amending RCW 47.64.170, 47.64.270, 46.68.030, 46.68.070, 46.68.170, 46.68.325, 46.68.370, 47.12.244, 47.12.340, 47.56.876, 47.66.070, and 82.44.190; amending 2012 c 86 ss 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 305, 306, 307, 308, 309, 310, 401, 402, 404, 405, 406, and 407 (uncodified); amending 2011 c 367 ss 702, 710, and 711 (uncodified); reenacting and amending RCW 46.68.060 and 70.105D.070; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SCR 8400 by Senators Schoesler and Fraser

Calling joint sessions for various purposes.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4400 by Representatives Sullivan and Kretz

Adopting joint rules.

HCR 4401 by Representatives Sullivan and Kretz

Establishing cutoff dates.

HCR 4402 by Representatives Sullivan and Kretz

Calling two joint sessions of the legislature.

MOTION

On motion of Senator Fain, and without objection, all measures listed on the Introduction and First Reading and the supplemental report were referred to the committees as designated with the exception of House Concurrent Resolution No. 4400, House Concurrent Resolution No. 4401, House Resolution No. 4402 and Senate Concurrent Resolution No. 8400 which were placed on the second reading calendar under suspension of the rules, and Senate Bill No. 5011 was held at the desk.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Bailey and Rolfes appeared before the bar of the Senate and reported that the Governor had been notified under the provisions of Senate Floor Resolution No. 8600 that the Legislature was organized and ready to conduct business

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

MOTION

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

SECOND READING

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

Calling two joint sessions of the legislature.

The measure was read the second time.

MOTION

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

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

HOUSE CONCURRENT RESOLUTION NO. 4402 was adopted on third reading by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Schoesler and Fraser

Calling joint sessions for various purposes.

The measure was read the second time.

MOTION

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

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

SENATE CONCURRENT RESOLUTION NO. 8400 was adopted on third reading by voice vote.

SECOND READING

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

Establishing cutoff dates.

The measure was read the second time.

MOTION

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

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

HOUSE CONCURRENT RESOLUTION NO. 4401 was adopted on third reading by voice vote.

SECOND READING

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

Adopting joint rules.

The measure was read the second time.

MOTION

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

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

HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted on third reading by voice vote.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following 2013 Standing Committee Assignments.

2013 PROPOSED SENATE STANDING COMMITTEE ASSIGNMENTS

Agriculture, Water & Rural Economic Development

Hatfield, Chair ;Honeyford, Ranking Member; Delvin; Eide; Hobbs; Schoesler; Shin

Commerce & Labor

Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Keiser; King; Hasegawa; Hewitt

Early Learning & K-12 Education

Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig; Cleveland; Delvin; Fain; Hill; Mullet; Rivers

Energy, Environment & Telecommunications

Ericksen, Chair; Ranker, Ranking Member; Billig; Chase; Cleveland; Delvin; Honeyford; Sheldon; Litzow

Financial Institutions & Insurance

Hobbs, Chair; Benton, Ranking Member; Fain; Hatfield; Mullet; Nelson; Roach

Governmental Operations

Roach, Chair; Hasegawa, Ranking Member; Conway; Benton; Braun; Fraser; Rivers

Health Care

Becker, Chair; Keiser, Ranking Member; Bailey; Cleveland; Dammeier; Ericksen; Frockt; Parlette ; LD 26

Higher Education

Bailey, Chair; Kohl-Welles, Ranking Member; Baumgartner; Becker; Frockt; McAuliffe; Tom

Human Services & Corrections

Carrell, Chair; Darneille, Ranking Member; Baumgartner; Hargrove; Harper; Padden; Pearson

Law & Justice

Padden, Chair; Kline, Ranking Member; Carrell; Darneille; Kohl-Welles; Pearson; Roach

Natural Resources & Parks

Pearson, Chair; Rolfes, Ranking Member; Hargrove; Hewitt; Kline; Parlette; Smith

Rules

Sheldon (Vice Chair); Bailey; Becker; Benton; Billig; Carrell; Dammeier; Darneille; Ericksen; Fain; Fraser; Frockt; Harper; Keiser; King; Kohl-Welles; Murray; Parlette; Rivers; Schoesler; Tom

Trade & Economic Development

Braun, Chair; Chase, Ranking Member; Baumgartner; Holmquist Newbry; Shin; Smith; LD 26

Transportation

King, Co-Chair; Eide, Co-Chair; Benton, Vice Co-Chair; Hobbs, Vice Co-Chair; Fain, Budget Leadership Cabinet; Billig; Carrell; Delvin; Ericksen; Harper; Litzow ; Mullet; Rolfes; Sheldon; Smith; LD 26

Ways & Means

Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Padden; Parlette; Ranker; Rivers; Schoesler; Tom

MOTION

On motion of Senator Fain the appointments were confirmed.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

**CANVASS OF THE RETURNS
OF THE GENERAL ELECTION
HELD ON NOVEMBER 6, 2012**

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 3,172,939 ballots cast by the 3,904,959 registered voters of the state for and against

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the initiatives, referenda, constitutional amendments, and advisory measures which were submitted to the vote of the people at the state general election held on the 6th day of November, 2012, as received from the County Auditors.

percent and modify the calculation date, calculation period, and the term general state revenues.

Approved 1,748,436
Rejected 1,031,039

Initiative Measure No. 1185

Initiative Measure No. 1185 concerns tax and fee increases imposed by state government.

This measure would restate existing statutory requirements that legislative actions raising taxes must be approved by two-thirds legislative majorities or receive voter approval, and that new or increased fees require majority legislative approval.

Yes 1,892,969
No 1,069,083

Initiative Measure No. 1240

Initiative Measure No. 1240 concerns creation of a public charter school system.

This measure would authorize up to forty publicly-funded charter schools open to all students, operated through approved, nonreligious, nonprofit organizations, with government oversight; and modify certain laws applicable to them as public schools.

Yes 1,525,807
No 1,484,125

Referendum Measure No. 74

The legislature passed Engrossed Substitute Senate Bill 6239 concerning marriage for same-sex couples, modified domestic-partnership law, and religious freedom, and voters have filed a sufficient referendum petition on this bill.

This bill would allow same-sex couples to marry, preserve domestic partnerships only for seniors, and preserve the right of clergy or religious organizations to refuse to perform, recognize, or accommodate any marriage ceremony.

Approved 1,659,915
Rejected 1,431,285

Initiative Measure No. 502

Initiative Measure No. 502 concerns marijuana.

This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorizes; tax marijuana sales; and earmark marijuana-related revenues.

Yes 1,724,209
No 1,371,235

Engrossed Senate Joint Resolution No. 8221

The Legislature has proposed a constitutional amendment on implementing the Commission on State Debt recommendations regarding Washington's debt limit.

This amendment would, starting July 1, 2014, phase-down the debt limit percentage in three steps from nine to eight

Senate Joint Resolution No. 8223

The Legislature has proposed a constitutional amendment on investments by the University of Washington and Washington State University.

This amendment would create an exception to constitutional restrictions on investing public funds by allowing these universities to invest specified public funds as authorized by the legislature, including in private companies or stock.

Approved 1,258,969
Rejected 1,602,785

Advisory Vote No. 1, Engrossed Senate Bill 6635

The legislature eliminated, without a vote of the people, a business and occupation tax deduction for certain financial institutions' interest on residential loans, costing \$170,000,000 in its first ten years, for government spending.

Repealed 1,552,134
Maintained 1,175,863

Advisory Vote No. 2, Substitute House Bill 2590

The legislature extended, without a vote of the people, expiration of a tax on possession of petroleum products and reduced the tax rate, costing \$24,000,000 in its first ten years, for government spending.

Repealed 1,476,491
Maintained 1,207,812

I further certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the ballots cast for all federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county in the General Election held on the 6th day of November, 2012, as received from the County Auditors, and that the votes cast for candidates for these offices are as follows:

U.S. President/Vice President

Barack Obama/Joe Biden	Democratic Party	1,755,396
Mitt Romney/Paul Ryan	Republican Party	1,290,670
Gary Johnson/James P. Gray	Libertarian Party	42,202
Virgil Goode/James N. Clymer	Constitution Party	8,851
Jill Stein/Cheri Honkala	Green Party	20,928
Peta Lindsay/Yari Osorio	Socialism & Liberation Party	1,318
James Harris/Alyson Kennedy	Socialist Workers Party	1,205
Ross C. (Rocky) Anderson/ Luis J. Rodriguez	Justice Party	4,946

U.S. Senator

Maria Cantwell	(Prefers Democratic Party)	1,855,493
Michael Baumgartner	(Prefers Republican Party)	1,213,924

Congressional District 1 - U.S. Representative

John Koster	(Prefers Republican Party)	151,187
Suzan DelBene	(Prefers Democratic Party)	177,025

Congressional District 2 - U.S. Representative

Rick Larsen	(Prefers Democratic Party)	184,826
Dan Matthews	(Prefers Republican Party)	117,465

Congressional District 3 - U.S. Representative

Jaime Herrera Beutler	(Prefers Republican Party)	177,446
Jon T. Haugen	(Prefers Democratic Party)	116,438

Congressional District 4 - U.S. Representative

Doc Hastings	(Prefers Republican Party)	154,749
Mary Baechler	(Prefers Democratic Party)	78,940

Congressional District 5 - U.S. Representative

Cathy McMorris Rodgers	(Prefers Republican Party)	191,066
Rich Cowan	(Prefers Democratic Party)	117,512

Congressional District 6 - U.S. Representative

Derek Kilmer	(Prefers Democratic Party)	186,661
Bill Driscoll	(Prefers Republican Party)	129,725

Congressional District 7 - U.S. Representative

Jim McDermott	(Prefers Democratic Party)	298,368
Ron Bemis	(Prefers Republican Party)	76,212

Congressional District 8 - U.S. Representative

Dave Reichert	(Prefers Republican Party)	180,204
Karen Porterfield	(Prefers Democratic Party)	121,886

Congressional District 9 - U.S. Representative

Adam Smith	(Prefers Democratic Party)	192,034
Jim Postma	(Prefers Republican Party)	76,105

Congressional District 10 - U.S. Representative

Denny Heck	(Prefers Democratic Party)	163,036
Richard (Dick) Muri	(Prefers Republican Party)	115,381

Congressional District 1 One Month Short Term - U.S. Representative

John Koster	(Prefers Republican Party)	141,591
Suzan DelBene	(Prefers Democratic Party)	216,144

Governor

Jay Inslee	(Prefers Democratic Party)	1,582,802
Rob McKenna	(Prefers Republican Party)	1,488,245

Lieutenant Governor

Brad Owen	(Prefers Democrat Party)	1,575,133
Bill Finkbeiner	(Prefers Republican Party)	1,359,212

Secretary of State

Kim Wyman	(Prefers Republican Party)	1,464,741
Kathleen Drew	(Prefers Democratic Party)	1,442,868

State Treasurer

Jim McIntire	(Prefers Democratic Party)	1,695,401
Sharon Hanek	(Prefers Republican Party)	1,192,150

State Auditor

James Watkins	(Prefers Republican Party)	1,344,137
Troy Kelley	(Prefers Democratic Party)	1,512,620

Attorney General

Bob Ferguson	(Prefers Democratic Party)	1,564,443
Reagan Dunn	(Prefers Republican Party)	1,361,010

Commissioner of Public Lands

Peter J. Goldmark	(Prefers Democratic Party)	1,692,083
Clint Didier	(Prefers Republican Party)	1,188,411

Superintendent of Public Instruction

Randy I. Dorn		2,164,163
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Insurance Commissioner

Mike Kreidler	(Prefers Democratic Party)	1,662,555
John R. Adams	(Prefers Republican Party)	1,188,926
Legislative District 1 - State Senator		
Rosemary McAuliffe	(Prefers Democratic Party)	37,316
Dawn McCravey	(Prefers Republican Party)	29,932
Legislative District 1 - State Representative Pos. 1		
Derek Stanford	(Prefers Democratic Party)	37,824
Sandy Guinn	(Prefers Republican Party)	27,559
Legislative District 1 - State Representative Pos. 2		
Luis Moscoso	(Prefers Democratic Party)	38,346
Mark T. Davies	(States No Party Preference)	24,373
Legislative District 2 - State Senator		
Randi Becker	(Prefers Republican Party)	31,946
Bruce L. Lachney	(Prefers Democratic Party)	24,286
Legislative District 2 - State Representative Pos. 1		
Gary Alexander	(Prefers Republican Party)	32,174
Greg Hartman	(Prefers Democratic Party)	23,291
Legislative District 2 - State Representative Pos. 2		
J.T. Wilcox	(Prefers Republican Party)	44,770
Legislative District 7 - State Representative Pos. 1		
Shelly Short	(Prefers Republican Party)	50,821
Legislative District 7 - State Representative Pos. 2		
Joel Kretz	(Prefers Republican Party)	36,747
Robert (Bob) Wilson	(Prefers Republican Party)	20,337
Legislative District 9 - State Senator		
Mark G. Schoesler	(Prefers G.O.P. Party)	39,390
Legislative District 9 - State Representative Pos. 1		
Susan Fagan	(Prefers Republican Party)	39,428
Legislative District 9 - State Representative Pos. 2		
Joe Schmick	(Prefers Republican Party)	39,620
Legislative District 10 - State Senator		
Barbara Bailey	(Prefers Republican Party)	37,810
Mary Margaret Haugen	(Prefers Democratic Party)	33,778

Legislative District 10 - State Representative Pos. 1

Norma Smith	(Prefers Republican Party)	42,581
Aaron Simpson	(Prefers Democratic Party)	27,061

Legislative District 10 - State Representative Pos. 2

Dave Hayes	(Prefers Republican Party)	36,086
Tom Riggs	(Prefers Democratic Party)	32,885

Legislative District 12 - State Senator

Linda Evans Parlette	(Prefers GOP Party)	44,318
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Legislative District 12 - State Representative Pos. 1

Cary Condotta	(Prefers Republican Party)	32,767
Stan Morse	(Prefers Republican Party)	17,736

Legislative District 12 - State Representative Pos. 2

Mike Armstrong	(Prefers Republican Party)	25,253
Brad Hawkins	(Prefers Republican Party)	26,186

Legislative District 13 - State Representative Pos. 1

Judith (Judy) Warnick	(Prefers Republican Party)	37,557
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Legislative District 13 - State Representative Pos. 2

Matt Manweller	(Prefers Republican Party)	31,880
Kaj Selmann	(Prefers Democratic Party)	14,627

Legislative District 14 - State Senator

Curtis King	(Prefers Republican Party)	40,394
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Legislative District 14 - State Representative Pos. 1

Norm Johnson	(Prefers Republican Party)	32,930
Paul Spencer	(Prefers Democratic Party)	18,583

Legislative District 14 - State Representative Pos. 2

Charles Ross	(Prefers Republican Party)	33,676
Mathew K.M. Tomaskin	(Prefers Democratic Party)	17,669

Legislative District 16 - State Senator

Mike Hewitt	(Prefers Republican Party)	32,717
Scott Nettles	(Prefers Democratic Party)	14,197

Legislative District 16 - State Representative Pos. 1

Maureen Walsh	(Prefers Republican Party)	25,503
Mary Ruth Edwards	(Prefers Republican Party)	18,307

Legislative District 16 - State Representative Pos. 2

Terry R. Nealey	(Prefers Republican Party)	37,331
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Legislative District 19 - State Senator

Brian Hatfield	(Prefers Democratic Party)	34,590
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Rick Winsman	(Prefers Republican Party)	21,056
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Legislative District 19 - State Representative Pos. 1

Dean Takko	(Prefers Democratic Party)	33,981
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Dixie Kolditz	(Prefers Republican Party)	21,212
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Legislative District 19 - State Representative Pos. 2

Brian E. Blake	(Prefers Democratic Party)	31,266
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Tim Sutinen	(Prefers Independent Party)	22,740
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Legislative District 20 - State Senator

Dan Swecker	(Prefers Republican Party)	24,075
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John E. Braun	(Prefers Republican Party)	29,943
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Legislative District 20 - State Representative Pos. 1

Richard DeBolt	(Prefers Republican Party)	45,137
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Legislative District 20 - State Representative Pos. 2

Ed Orcutt	(Prefers Republican Party)	34,548
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John Morgan	(Prefers Republican Party)	15,755
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Legislative District 24 - State Senator

Jim Hargrove	(Prefers Democratic Party)	44,417
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Larry Carter	(Prefers Independent Party)	23,455
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Legislative District 24 - State Representative Pos. 1

Kevin Van De Wege	(Prefers Democratic Party)	43,085
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Craig Durgan	<i>(States No Party Preference)</i>	23,980
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Legislative District 24 - State Representative Pos. 2

Steve Tharinger	(Prefers Democratic Party)	40,045
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Steve Gale	(Prefers Republican Party)	28,470
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Legislative District 26 - State Representative Pos. 1

Jan Angel	(Prefers Republican Party)	39,234
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Karin Ashabraner	(Prefers Democratic Party)	27,164
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Legislative District 26 - State Representative Pos. 2

Larry Seaquist	(Prefers Democratic Party)	35,384
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Doug Richards	(Prefers Republican Party)	30,675
Legislative District 30 - State Representative Pos. 1		
Linda Kochmar	(Prefers Republican Party)	24,142
Roger Flygare	(Prefers Democratic Party)	23,487
Legislative District 30 - State Representative Pos. 2		
Katrina Asay	(Prefers Republican Party)	21,454
Roger Freeman	(Prefers Democratic Party)	26,155
Legislative District 31 - State Representative Pos. 1		
Cathy Dahlquist	(Prefers Republican Party)	37,187
Brian L. Gunn	(Prefers Democratic Party)	22,018
Legislative District 31 - State Representative Pos. 2		
Christopher Hurst	(Prefers Independent Dem. Party)	32,462
Lisa Connors	(Prefers Republican Party)	26,237
Legislative District 32 - State Representative Pos. 1		
Cindy Ryu	(Prefers Democratic Party)	45,276
Randy J. Hayden	(Prefers Republican Party)	17,429
Legislative District 32 - State Representative Pos. 2		
Ruth Kagi	(Prefers Democratic Party)	45,495
Robert Reedy	(Prefers Republican Party)	16,917
Legislative District 35 - State Representative Pos. 1		
Kathy Haigh	(Prefers Democratic Party)	33,263
Dan Griffey	(Prefers Republican Party)	31,439
Legislative District 35 - State Representative Pos. 2		
Drew C. MacEwen	(Prefers Republican Party)	32,975
Lynda Ring-Erickson	(Prefers Democratic Party)	30,638
Legislative District 39 - State Senator		
Kirk Pearson	(Prefers Republican Party)	33,449
Scott Olson	(Prefers Democratic Party)	24,603
Legislative District 39 - State Representative Pos. 1		
Dan Kristiansen	(Prefers Republican Party)	32,044
Linda Wright	(Prefers Democrat Party)	25,799
Legislative District 39 - State Representative Pos. 2		
Eleanor Walters	(Prefers Democratic Party)	26,705
Elizabeth Scott	(Prefers Republican Party)	30,667

Legislative District 40 - State Senator

Kevin Ranker	(Prefers Democratic Party)	40,677
John Swapp	(Prefers Independent-Gop Party)	23,959

Legislative District 40 - State Representative Pos. 1

Kristine Lytton	(Prefers Democratic Party)	44,113
Brandon Robinson	(States No Party Preference)	15,810

Legislative District 40 - State Representative Pos. 2

Jeff Morris	(Prefers Democratic Party)	43,868
Howard A. Pellett	(Prefers Green Party)	14,333

Supreme Court - Justice Position 2

Susan Owens		2,098,447
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Supreme Court - Justice Position 8

Steve Gonzalez		2,082,194
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Supreme Court - Justice Position 9

Sheryl Gordon McCloud		1,355,144
Richard B. Sanders		1,097,846

Court of Appeals, Division 1, District 3 - Judge Position 1

Mary Kay Becker		132,652
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Court of Appeals, Division 2, District 2 - Judge Position 2

Pamela (Pam) Loginsky		135,034
Thomas Bjorgen		148,088

Court of Appeals, Division 2, District 3 - Judge Position 1

Joel Penoyar		188,183
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Court of Appeals, Division 3, District 1 - Judge Position 1

Laurel Siddoway		181,130
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Court of Appeals, Division 3, District 3 - Judge Position 2

Teresa C. Kulik		102,499
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Asotin, Columbia, Garfield Superior Court - Judge Position 1

William D. (Bill) Acey		10,807
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Ferry, Pend Oreille, Stevens Superior Court - Judge Position 1

Patrick A. Monasmith		20,669
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Ferry, Pend Oreille, Stevens Superior Court - Judge Position 2

Allen Nielson

20,340

Klickitat, Skamania Superior Court - Judge Position 1

Brian Altman

9,732

Pacific, Wahkiakum Superior Court - Judge Position 1

Mike Sullivan

8,002

Dennis Gordon

2,942

The total number of votes cast for the office of Governor in the November 6, 2012, General Election equals 3,079,639. In accordance with Article II, Section 1 of the Washington State Constitution and RCW 29A.72.150, the number of signatures of legal voters on a petition measure is determined by the total votes cast for the office of Governor at the preceding election. Signature petitions for initiatives must be equal to or exceed eight percent of and four percent of the votes cast for a referendum. To meet the eight percent requirement during the next four years, sponsors of initiative measures must submit a minimum of 246,372 valid signatures and to meet the four percent requirement, sponsors of referendum measures must submit a minimum of 123,186 valid signatures.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State of Washington on this 8th day of January, 2013, at Olympia, the State Capital.

SAM REED
Secretary of State

(Seal)

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

- Engrossed Substitute Senate Bill No. 5978
- Senate Bill No. 6159
- Second Substitute Senate Bill No. 6263
- Engrossed Substitute Senate Bill No. 6486
- Substitute Senate Bill No. 6508

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington this 16th day of November 2012.

SAM REED,
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

6406 Second Engrossed Substitute Senate Bill No.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington this 16th day of November 2012.

SAM REED,
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

Engrossed Senate Bill No. 6074

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington this 16th day of November 2012.

SAM REED,
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

PROVISIONAL CERTIFICATION OF INITIATIVE TO THE LEGISLATURE NO. 517

Pursuant to Article II, Section 1 of the Washington State Constitution and RCW 29A.72.230, prior to the deadline of January 4, the Office of the Secretary of State received signature petitions submitted in support of Initiative to the Legislature No. 517, "Protect the Initiative Act."

The Office of the Secretary of State is currently examining the signatures. 241,153 valid signatures are required by Article II, Section 1 of the Washington State Constitution.

I hereby attach a true and correct copy of Initiative to the Legislature No. 517.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington this 4th day of January 2013.

SAM REED, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

PROVISIONAL CERTIFICATION OF INITIATIVE TO THE LEGISLATURE NO. 522

Pursuant to Article II, Section 1 of the Washington State Constitution and RCW 29A.72.230, prior to the deadline of January 4, the Office of the Secretary of State received signature petitions submitted in support of Initiative to the Legislature No. 522, "The People's Right to Know Genetically Food Act."

The Office of the Secretary of State is currently examining the signatures. 241,153 valid signatures are required by Article II, Section 1 of the Washington State Constitution.

I hereby attach a true and correct copy of Initiative to the Legislature No. 522.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington this 4th day of January 2013.

SAM REED, Secretary of State

MESSAGE FROM THE GOVERNOR PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5978

March 30, 2012

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 218, Engrossed Substitute Senate Bill 5978 entitled:

"AN ACT Relating to medicaid fraud."

Engrossed Substitute Senate Bill 5978 creates a new State Medicaid Fraud False Claims Act. The federal Deficit Reduction Act of 2005 provides that the federal government will give to the state ten percent of any funds recovered as part of Medicaid enforcement actions brought under a state law comparable to the federal False Claims Act.

The emergency clause in Section 218 providing for Engrossed Substitute Senate Bill 5978 to take effect immediately is not necessary. The bill will be effective ninety days after the adjournment of the session at which it was enacted, which will be June 7, 2012. There is no need to provide an earlier effective date. The Legislature has not yet provided funding to implement the provisions of this bill; the Health Care Authority and the Attorney General's Office will need time to prepare for implementation; and the State can request federal approval under the Deficit Reduction Act of 2005 in a timely manner without the emergency clause.

For these reasons, I have vetoed Section 218 of Engrossed Substitute Senate Bill 5978.

With the exception of Section 218, Engrossed Substitute Senate Bill 5978 is approved.

Respectfully submitted, Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR PARTIAL VETO ON SENATE BILL NO. 6159

March 30, 2012

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Senate Bill 6159 entitled:

"AN ACT Relating to a business and occupation tax deduction for amounts received with respect to dispute resolution services."

Senate Bill 6159 allows dispute resolution centers to deduct amounts they receive as contributions from federal, state, and local government or nonprofit organizations from the measure of the business and occupation tax. Nonprofit organizations may also deduct from the measure of tax amounts received from federal, state, or local governments for distribution to a qualified dispute resolution center.

Section 2 would apply this deduction from the measure of the tax both prospectively and retroactively. The retroactive application of the bill would reward delinquent taxpayers, while those who paid on time would not receive a refund under the prohibition on the gift of state funds in Article VIII, Section 5 of the Washington Constitution, as interpreted by the Washington Supreme Court.

For this reason, I have vetoed Section 2 of Senate Bill 6159.

With the exception of Section 2, Senate Bill 6159 is approved.

Respectfully submitted, Christine Gregoire, Governor

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MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL
NO. 6263

March 30, 2012

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 5 and 6, Second Substitute Senate Bill 6263 entitled:

"AN ACT Relating to facilitating marine management planning."

Sections 5 and 6 of the bill would establish the membership and duties of a new Washington State Coastal Solutions Council. Among other duties, this Council would provide a forum to seek consistency in state, local, and tribal policies concerning coastal waters issues; engage other governments on behalf of the state; and provide policy recommendations to the governor, the Legislature, and state and local agencies on specific coastal waters resource management issues.

It is unclear how the Council would exercise these substantial duties in relation to the agencies with jurisdiction, which could participate only as nonvoting members. While the Council would be located within the Governor's Office, the Council would determine its own membership and be an autonomous body. As we look to regain our strength in the post-recession economy, now is not the time to be creating new state commissions. I remain committed to an efficient, lean government that will better serve the citizens of this state.

I fully agree with the legislative intent to directly engage our coastal communities and give them a stronger voice in shaping their future. To that purpose, I will assign a representative from my office to actively participate in the existing Coastal Advisory Board convened by the Department of Ecology.

For these reasons, I have vetoed Sections 5 and 6 of Second Substitute Senate Bill 6263.

With the exception of Sections 5 and 6, Second Substitute Senate Bill 6263 is approved.

Respectfully submitted,
Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE
BILL NO. 6486

March 30, 2012

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Engrossed Substitute Senate Bill 6486 entitled:

"AN ACT Relating to collective bargaining for postdoctoral researchers at certain state universities."

Section 2 provides this act is null and void if specific funding is not provided in the omnibus appropriations act. A veto of this section is necessary to ensure collective bargaining rights for postdoctoral and clinical employees at the University of Washington and Washington State University. Further, if specific funding is not provided in the omnibus appropriations act, the administrative costs associated with the collective bargaining can be paid within existing funds or allocated to the funds that support the employees, many of which are not within the State General Fund.

For this reason, I have vetoed Section 2 of Engrossed Substitute Senate Bill 6486.

With the exception of Section 2, Engrossed Substitute Senate Bill 6486 is approved.

Respectfully submitted,
Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SUBSTITUTE SEATE BILL NO. 6508

March 30, 2012

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill 6508 entitled:

"AN ACT Relating to department of social and health services waivers of overpayment recoveries."

Section 3 requires the Office of Fraud and Accountability within the Department of Social and Health Services to collaborate with the Auditor's Office and the Department of Early Learning to identify, review, and provide the Legislature with recommendations for integrated monitoring and detection systems to prevent overpayments of public assistance. The Office of Fraud and Accountability was created for the specific purpose of focusing on the prevention and investigation of abuse and fraud in the use of public assistance benefits. To avoid diluting this focus, the Secretary of the Department of Social and Health Services should determine what resources of the Department are best used in advancing measures to prevent non-fraudulent overpayments of public assistance.

For this reason, I have vetoed Section 3 of Substitute Senate Bill 6508.

With the exception of Section 3, Substitute Senate Bill 6508 is approved.

Respectfully submitted,
Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SENATE BILL NO. 6074

April 23, 2012

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

Ladies and Gentlemen:

I am returning, without my approval as to Sections 1020, 3017, 6001(5)(b), and 6002, Engrossed Senate Bill 6074 entitled:

“AN ACT Relating to funding capital project.”

Section 1020, pages 16-18, Office of Financial Management, Loan Program Consolidation Board

This proviso creates a loan program consolidation board to recommend a plan to consolidate under a single financing authority all existing state lending programs, including infrastructure and student loan programs. There have been five prior studies reviewing consolidation of infrastructure programs within the last six years. The most recent study was completed by the Public Works Board following the 2011 legislative session and provides ample information for a potential consolidation. Additionally, I do not believe it is appropriate for student loan programs to be comingled with infrastructure programs targeted to local governments and community groups. The Student Achievement Council is tasked to convene a work group on the higher education loan program and can better focus on reforming that program to meet the needs of today’s students. For these reason, I have vetoed Section 1020.

Section 3017, page 36, and Section 6001(5)(b), page 55, State Parks and Recreation Commission, Lake Sammamish Concession and Event Facility

The State Parks and Recreation Commission is provided \$1 million in general obligation bonds and authorization to enter into a certificate of participation financing contract for \$ 2.1 million to build a concession and event facility at Lake Sammamish. It is not anticipated that the revenue initially generated by the event center will be adequate to cover the associated debt and operating costs. Additionally, other revenue generated by the State Parks and Recreation Commission is not stable enough to cover these costs if facility revenues are inadequate. For these reason, I have vetoed Section 3017 and Section 6001 (5)(b), but I encourage the commission to resubmit this project for consideration for the next supplemental capital budget if the revenue outlook improves.

Section 6002, pages 55-56, Department of Commerce

The Department of Commerce is directed to work with stakeholders to develop recommendations for a complete grant program to assist zoos, aquariums and technology and science centers in acquiring, constructing or rehabilitating their facilities. A funding mechanism for these organizations was the subject of legislation that failed to pass this session.

For this reason, I have vetoed Section 6002, but I encourage the organizations to continue to work with legislators, rather than the department, to address their concerns with developing a capital funding program for their facility needs.

Although I am approving the remainder of the capital budget, I am concerned about the long-term implications of over-approaching the State and Local Toxics Control Accounts, the Aquatic Lands Enhancement Account, and other natural resource accounts in both the capital and operating budgets. I have directed the Office of Financial Management to work with the Department of Ecology and the Recreation and Conservation Office to develop a plan to manage these accounts to prevent a cash deficit. However, there is a risk that lower revenue collections or accelerated project costs could create the need to suspend project to balance the accounts. While I value the economic activity and jobs that are created in the capital budget, I ask the Legislature to return to budgeting practices that result in sustainable capital plans with positive fund balances.

With the exception of Sections 1020, 3017, 6001(5)(b), and 6002, Engrossed Senate Bill No. 6074 is approved.

Respectfully submitted,
Christine Gregoire, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SECOND ENGROSSED SUBSTITUTE
SENATE BILL NO. 6406

May 2, 2012

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 305 and 306 Second Engrossed Substitute Senate Bill 6406 entitled:

“AN ACT Relating to modifying programs that provide for protection of the state’s natural resources.”

This bill streamlines regulatory programs for managing and protecting the state’s natural environment while increasing the sustainability of program funding and maintaining current levels of natural resource protection.

Section 301 of the bill requires the Department of Ecology to prepare rules to update the categorical exemptions for environmental review under the State Environmental Policy Act (SEPA), revise the SEPA environmental checklist, and improve integration of SEPA with the provisions of the Growth Management Act. In updating the checklist, Section 301(2)(c) of the bill directs the Department of Ecology to “not include any new subjects into the scope of the checklist, including climate change and greenhouse gases.”

I have been assured that the intent of this language is confined to its plain meaning: This subsection addresses only how the Department of Ecology may modify the environmental checklist in its update of WAC 197-11-960. This language does not impact in any way the scope of the environmental analysis required at the threshold determination stage of the SEPA process or the scope of the environmental analysis required in an environmental impact statement. Letters I have received from legislators involved in the drafting of this language confirm that the Legislature’s intent was to address only the scope of the environmental checklist and not to amend any substantive SEPA requirements.

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This understanding and interpretation of the bill are set forth in letters to me from legislators directly involved in passage of the legislation, including an April 23, 2012, letter from Senator Sharon Nelson and Representative Dave Upthegrove, respective chairs of the Senate and House Environment Committees; an April 26, 2012, letter from Representatives Richard DeBolt, Joel Kretz, Bruce Chandler, Shelly Short, David Taylor, J. T. Wilcox, and Ed Orcutt; and an April 27, 2012, letter from Senators Jim Honeyford and Mark Schoesler.

This is also the understanding and interpretation set forth in an April 19, 2012, letter to me from Representative Joe Fitzgibbon, the prime sponsor of House Bill No. 2253, where this language first appeared. I have also received letters from stakeholders who participated in legislative proceedings related to this provision. These stakeholders include the Association of Washington Cities, Washington State Association of Counties, Futurewise, Association of Washington Business, and the Washington Chapter of the American Planning Association. These letters affirm that the intent of Section 301 was to eliminate existing duplication between state natural resource programs, and not to amend any substantive SEPA requirements. An April 20, 2012, joint letter from representatives of four environmental organizations notes that ESSB 6406 was the product of “a long and ultimately constructive negotiation amongst a diverse set of stakeholders,” including their organizations” People for Puget Sound, Washington Conservation Voters, the Washington Environmental Council, and Climate Solutions. This letter quotes the language of Section 301(2)(c)(ii) and states: “Throughout the bill negotiations, there was agreement amongst all parties that the intent of this subsection was to ensure simply that no new line items were added to the SEPA checklist in the process of the checklist update directed by section 301.” However, the letter indicates that after the passage of this bill by the Senate and House, advisers to these organizations raised concerns that the language could be read to make broader changes in SEPA law.

After careful review, I have concluded that these assurances that the Legislature did not intend to limit the scope of SEPA review of adverse effects of climate change and greenhouse gases are fully supported. Section 1 of the bill expresses the Legislature’s intent to maintain current levels of natural resource protection. Additionally, Section 301(2)(c) specifically references the environmental checklist found in WAC 197-11-960. The Legislature did not reference other steps in the SEPA process such as the threshold determination addressed in different sections of chapter 197-11 WAC. Nothing in the letters I have received or in the legislative discussion of this provision negates this understanding.

My action in approving Section 301 is taken with the intent that it will operate only to prohibit inclusion of any new subjects in the scope of the checklist, and that the subjects of climate change and greenhouse gases will be considered in the environmental analysis required at the threshold determination stage of the SEPA process and in the environmental analysis required in a SEPA environmental impact statement. After consulting legal advisers, it is my understanding that this is the proper reading of this section of the bill and that this understanding will be considered by the courts when ascertaining legislative intent, as outline in *Lynch v. State*, 19 Wn.2d 802 (1944). Without this understanding, I would have vetoed Section 301.

Concern has also been raised that there is a need for a meaningful civil enforcement capacity to support the state’s Hydraulic

2013 REGULAR SESSION

Project Approval (HPA) program. I share this concern and have asked the Washington Department of Fish and Wildlife to clarify the current enforcement mechanisms through rule revision within the ongoing HPA rule update, and to implement an effectiveness survey to measure results.

I am also asking the Department to deliver the survey results to the Office of Financial Management, the Governor’s Office, and the Legislature, with the intent to inform actions needed to create a more effective civil enforcement HPA program.

Amendments to the bill in the final day of the 2012 1st Special Session removed the explicit authority for local governments to collect a fee to recover their costs for a SEPA environmental impact statement prepared in support of certain land use plans. However, remnants of the original fee proposal that are no longer meaningful were left in the bill. Section 305 allows local governments to recover the costs of a SEPA environmental impact statement for certain land use plans from either state funds or private donations. Local governments are already authorized to accept funding from these sources. Section 306 refers to fees that are no longer authorized in Section 305. These two sections of the bill have the potential to create confusion with the existing authorities of local governments.

For these reasons, I have vetoed Sections 305 and 306 of Second Engrossed Substitute Senate Bill No. 6406.

With the exception of Sections 305 and 306 of Second Engrossed Substitute Senate Bill No. 6406 is approved.

Respectfully submitted,
Christine Gregoire, Governor

MOTION

Senator Fain moved the vetoes and partial vetoes be held at the desk.

PERSONAL PRIVILEGE

Senator Fraser: “Thank you Mr. President. As we look around and visit the floor and all the offices, everything looks in place and orderly and tidy but the reason this is the case is because we had a small army of people during the last week helping with a lot of moves, there were many offices that moved, we switched sides on the floor, we switched caucus rooms. There were a lot of moves last week and it couldn’t of happened without the exceptional dedicated, hard work and very fast work of many people, I can’t name names but I’d at least like to identify there you might say their employment affiliation. Senate administrative office, Secretary of the Senates office, legislative support services, the administration section, the supply and operations sections, the technology section, our legislative service center, the computer support telecommunications support, information technology support, member offices, very many of them were involved, caucus staff and also would like to recognize the hard and dedicated work of state department of Enterprise Services, administrative staff managers, supervisors who played a key role in the very successful move. So, I would like to compliment everybody involved and thank everybody involved including members of the staff of offices that moved. Thank you.”

PERSONAL PRIVILEGE

Senator Parlette: “I would like to echo the good words of the Senator from the Twenty-Second District and say that in my own experience I could not believe it. If you had one of those huge recycle bins and you put it right outside your office, it was gone in a minute and brought back empty for you to do another one. So, everybody really did a great job and we should be thankful. Thank you.”

PERSONAL PRIVILEGE

Senator Tom: “thank you Mr. President. I am excited about the great opportunity that we have in front of us this session. It’s evident that there’s going to be issues that we disagree on but I think more importantly it’s the tone that we have set today, a tone of cooperation, a tone of collaboration. I want to thank Senator Murray and your caucus for the professionalism and the dignity that you’ve held this institution today in the manner we have gone about in this debate. You know, we have a lot of pressing issues in front of us if you look at as far as the joblessness, the education systems, the budget sustainability’s. It’s going to take all of us to move forward in a direction that our citizens expect us to go. It’s going to take all of us working side by side so that government functions for everyone. Albert Einstein was once asked ‘What is the most pressing question facing mankind today’ and his answer was kind of interesting, you would think Einstein one of the greatest minds of the twentieth century could of come up with a lot of different things but here was his answer, ‘Is the universe a friendly place?’ is the universe a friendly place, it is that tone that I hope that we can have in mind as we go forward this session, as we work on each other’s bills, as we work on those difficult issues. Can we make sure that this Senate is a friendly place because if we can we can do great things, we can do great things together and we can do great things for the people of this state. Thank you Mr. President.”

MOTION

At 2:57 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Tuesday, January 15, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 15, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner, Delvin, Eide, Hewitt, Holmquist Newbry, McAuliffe, Ranker and Rivers.

The Sergeant at Arms Color Guard consisting of Pages Tyler Wickenhagen and Elsa Salido, presented the Colors.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5025 by Senators Roach, Conway and Shin

AN ACT Relating to a proclamation of a state of emergency; and amending RCW 43.06.210.

Referred to Committee on Governmental Operations.

SB 5026 by Senators Hasegawa and Kohl-Welles

AN ACT Relating to creating a peer mentoring program; amending RCW 28B.12.055; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5027 by Senator Hasegawa

AN ACT Relating to prepaid postage for primary and general election ballots; amending RCW 29A.04.420; reenacting and amending RCW 29A.40.091; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5028 by Senators Hasegawa and Kohl-Welles

AN ACT Relating to state need grant eligibility; and amending RCW 28B.92.080.

Referred to Committee on Higher Education.

SB 5029 by Senators Hasegawa, Chase, Shin, Conway, Rolfes, Darneille, Hargrove, Keiser, Kohl-Welles, Kline and Frockt

AN ACT Relating to establishing the Washington investment trust; amending RCW 30.04.020, 42.56.270, 42.56.400, 43.08.135, and 43.84.080; adding a new section to chapter 39.58 RCW; adding a new section to chapter 41.06 RCW;

adding a new chapter to Title 43 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SB 5030 by Senators Roach and Shin

AN ACT Relating to extending the Chinook scenic byway; amending RCW 47.39.020; and creating a new section.

Referred to Committee on Transportation.

SB 5031 by Senator Padden

AN ACT Relating to actions for damage to real property resulting from construction, alteration, or repair on adjacent property; adding a new section to chapter 4.16 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5032 by Senator Ericksen

AN ACT Relating to extending the tax credit expiration date for certain contributions made to electric utility rural economic development revolving funds; and amending RCW 82.16.0491.

Referred to Committee on Ways & Means.

SB 5033 by Senators Hill, Hargrove and Shin

AN ACT Relating to fiscal matters; amending 2012 2nd sp.s. c 7 ss 111, 112, 114, 115, 121, 127, 128, 129, 131, 136, 137, 139, 142, 143, 144, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 218, 219, 220, 221, 303, 307, 308, 311, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 512, 513, 514, 601, 602, 613, 615, 616, 617, 701, 702, 707, 801, 802, 803, and 804 (uncodified); amending 2011 2nd sp.s. c 9 ss 506, and 703 (uncodified); amending 2011 1st sp.s. c 50 s 804 (uncodified); repealing 2011 c 41 s 3 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5034 by Senators Hill and Hargrove

AN ACT Relating to fiscal matters; amending RCW 41.26.802, 43.08.190, 43.09.475, 43.79.480, 43.101.200, 43.155.050, 43.330.250, 46.66.080, 70.93.180, 79.64.040, 82.14.310, 82.14.320, 82.14.330, 82.14.390, 82.14.500, and 86.26.007; reenacting and amending RCW 41.80.010, 41.80.020, 70.105D.070, 79.105.150, and 82.45.060; adding a new section to chapter 43.88 RCW; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5035 by Senators Honeyford, Nelson and Shin

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 28B.15.210, 28B.20.725, 28B.15.310, 28B.30.750, 28B.35.370, 28B.50.360, 79.17.010, and 79.17.020; reenacting and amending RCW 70.105D.070 and 79.105.150; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5036 by Senators Honeyford, Nelson and Shin

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99G.162; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5037 by Senators Ranker, Shin and Rolfes

AN ACT Relating to labeling of seafood; amending RCW 69.04.060, 69.04.928, 69.04.932, 69.04.933, 69.04.934, and 69.04.935; adding a new section to chapter 69.04 RCW; repealing RCW 69.04.315; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 5038 by Senators McAuliffe, Chase, Shin, Keiser, Rolfes, Nelson, Kohl-Welles, Kline, Hobbs, Frockt and Cleveland

AN ACT Relating to enhancing the basic education allocation formula for principals, assistant principals, and other certificated building-level administrators to support the teacher evaluation program requirements of RCW 28A.405.100; amending RCW 28A.150.260; creating a new section; and providing an effective date.

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

SB 5039 by Senators McAuliffe, Shin, Kohl-Welles and Kline

AN ACT Relating to increasing revenues dedicated to basic education purposes; amending RCW 66.24.290 and 82.04.29002; adding a new section to chapter 82.08 RCW; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5040 by Senators Hasegawa, Conway, Kohl-Welles, Kline and Chase

AN ACT Relating to incorporating state tax expenditures into the state budget process; amending RCW 43.06.400 and 43.88.030; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

SB 5041 by Senators Hasegawa, Conway and Kohl-Welles

AN ACT Relating to implementing recommendations related to the tax preference review process conducted by the joint legislative audit and review committee and the citizen

commission for performance measurement of tax preferences; amending RCW 48.14.020, 82.08.0262, 82.08.0253, 82.12.0345, 82.04.280, 82.04.280, 84.36.840, 82.04.330, 82.04.410, 82.16.020, 82.04.4282, 82.16.050, and 48.36A.240; reenacting and amending RCW 82.16.010 and 82.32.790; adding a new section to chapter 82.04 RCW; creating new sections; repealing RCW 82.04.350, 82.08.0257, 84.36.130, and 82.04.4289; providing effective dates; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5042 by Senator Hasegawa

AN ACT Relating to narrowing the business and occupation tax deduction for investment and related income; and amending RCW 82.04.4281.

Referred to Committee on Ways & Means.

SB 5043 by Senators Hasegawa and Kline

AN ACT Relating to narrowing the property tax exemption for intangibles; amending RCW 84.36.070; and creating a new section.

Referred to Committee on Ways & Means.

SB 5044 by Senators Hasegawa, Shin and Kohl-Welles

AN ACT Relating to the GET ready for college program; adding a new section to chapter 28B.95 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5045 by Senators Keiser, Honeyford, Kohl-Welles and Frockt

AN ACT Relating to allowing day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises; amending RCW 66.12.240; and adding a new section to chapter 66.20 RCW.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5037 which was referred to the Committee on Natural Resources & Parks .

MOTION

On motion of Senator Fain, Senate Bill No. 5011 which had been held on first reading Monday, January 14, 2013 was referred to the Committee on Law & Justice.

MOTION

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

SECOND DAY, JANUARY 15, 2013

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purpose of convening a Joint Session with the House of Representatives.

JOINT SESSION

Pursuant to House Concurrent Resolution 4402, the Speaker (Representative Moeller presiding) called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of the Senate members. The Speaker (Representative Moeller presiding) declared a quorum of the Legislature was present.

The Speaker (Representative Moeller presiding): "The first purpose of this Joint Session is to comply with the constitutional requirement of canvassing the vote for and against referenda and initiatives and for the constitutional elective officers."

The Speaker (Representative Moeller presiding) called on the Clerk to read the message from the Secretary of State.

**MESSAGE FROM THE SECRETARY OF STATE
CANVASS OF THE RETURNS
OF THE GENERAL ELECTION
HELD ON NOVEMBER 6, 2012**

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 3,172,939 ballots cast by the 3,904,959 registered voters of the state for and against the initiatives, referenda, constitutional amendments, and advisory measures which were submitted to the vote of the people at the state general election held on the 6th day of November, 2012, as received from the County Auditors.

Initiative Measure No. 1185

Initiative Measure No. 1185 concerns tax and fee increases imposed by state government.

This measure would restate existing statutory requirements that legislative actions raising taxes must be approved by two-thirds legislative majorities or receive voter approval, and that new or increased fees require majority legislative approval.

Yes 1,892,969
No 1,069,083

Initiative Measure No. 1240

Initiative Measure No. 1240 concerns creation of a public charter school system.

This measure would authorize up to forty publicly-funded charter schools open to all students, operated through approved, nonreligious, nonprofit organizations, with government oversight; and modify certain laws applicable to them as public schools.

Yes 1,525,807
No 1,484,125

Referendum Measure No. 74

The legislature passed Engrossed Substitute Senate Bill 6239 concerning marriage for same-sex couples, modified

domestic-partnership law, and religious freedom, and voters have filed a sufficient referendum petition on this bill.

This bill would allow same-sex couples to marry, preserve domestic partnerships only for seniors, and preserve the right of clergy or religious organizations to refuse to perform, recognize, or accommodate any marriage ceremony.

Approved 1,659,915
Rejected 1,431,285

Initiative Measure No. 502

Initiative Measure No. 502 concerns marijuana.

This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorizes; tax marijuana sales; and earmark marijuana-related revenues.

Yes 1,724,209
No 1,371,235

Engrossed Senate Joint Resolution No. 8221

The Legislature has proposed a constitutional amendment on implementing the Commission on State Debt recommendations regarding Washington's debt limit.

This amendment would, starting July 1, 2014, phase-down the debt limit percentage in three steps from nine to eight percent and modify the calculation date, calculation period, and the term general state revenues.

Approved 1,748,436
Rejected 1,031,039

Senate Joint Resolution No. 8223

The Legislature has proposed a constitutional amendment on investments by the University of Washington and Washington State University.

This amendment would create an exception to constitutional restrictions on investing public funds by allowing these universities to invest specified public funds as authorized by the legislature, including in private companies or stock.

Approved 1,258,969
Rejected 1,602,785

Advisory Vote No. 1, Engrossed Senate Bill 6635

The legislature eliminated, without a vote of the people, a business and occupation tax deduction for certain financial institutions' interest on residential loans, costing \$170,000,000 in its first ten years, for government spending.

Repealed 1,552,134
Maintained 1,175,863

Advisory Vote No. 2, Substitute House Bill 2590

The legislature extended, without a vote of the people, expiration of a tax on possession of petroleum products and reduced the tax rate, costing \$24,000,000 in its first ten years, for government spending.

Repealed 1,476,491

Maintained 1,207,812

I further certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the ballots cast for all federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county in the General Election held on the 6th day of November, 2012, as received from the County Auditors, and that the votes cast for candidates for these offices are as follows:

U.S. President/Vice President

Barack Obama/Joe Biden	Democratic Party	1,755,396
Mitt Romney/Paul Ryan	Republican Party	1,290,670
Gary Johnson/James P. Gray	Libertarian Party	42,202
Virgil Goode/James N. Clymer	Constitution Party	8,851
Jill Stein/Cheri Honkala	Green Party	20,928
Peta Lindsay/Yari Osorio	Socialism & Liberation Party	1,318
James Harris/Alyson Kennedy		
Socialist Workers Party		1,205
Ross C. (Rocky) Anderson/Luis J. Rodriguez		
Justice Party		4,946

U.S. Senator

Maria Cantwell	(Prefers Democratic Party)	1,855,493
Michael Baumgartner	(Prefers Republican Party)	1,213,924

Congressional District 1 - U.S. Representative

John Koster	(Prefers Republican Party)	151,187
Suzan DelBene	(Prefers Democratic Party)	177,025

Congressional District 2 - U.S. Representative

Rick Larsen	(Prefers Democratic Party)	184,826
Dan Matthews	(Prefers Republican Party)	117,465

Congressional District 3 - U.S. Representative

Jaime Herrera Beutler	(Prefers Republican Party)	177,446
Jon T. Haugen	(Prefers Democratic Party)	116,438

Congressional District 4 - U.S. Representative

Doc Hastings	(Prefers Republican Party)	154,749
Mary Baechler	(Prefers Democratic Party)	78,940

Congressional District 5 - U.S. Representative

Cathy McMorris Rodgers		
(Prefers Republican Party)		191,066
Rich Cowan	(Prefers Democratic Party)	117,512

Congressional District 6 - U.S. Representative

Derek Kilmer	(Prefers Democratic Party)	186,661
Bill Driscoll	(Prefers Republican Party)	129,725

Congressional District 7 - U.S. Representative

Jim McDermott	(Prefers Democratic Party)	298,368
Ron Bemis	(Prefers Republican Party)	76,212

Congressional District 8 - U.S. Representative

Dave Reichert	(Prefers Republican Party)	180,204
Karen Porterfield	(Prefers Democratic Party)	121,886

Congressional District 9 - U.S. Representative

Adam Smith	(Prefers Democratic Party)	192,034
Jim Postma	(Prefers Republican Party)	76,105

Congressional District 10 - U.S. Representative

Denny Heck	(Prefers Democratic Party)	163,036
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Richard (Dick) Muri		
(Prefers Republican Party)		115,381

Congressional District 1 One Month Short Term - U.S. Representative

John Koster	(Prefers Republican Party)	141,591
Suzan DelBene	(Prefers Democratic Party)	216,144

Governor

Jay Inslee	(Prefers Democratic Party)	1,582,802
Rob McKenna	(Prefers Republican Party)	1,488,245

Lieutenant Governor

Brad Owen	(Prefers Democrat Party)	1,575,133
Bill Finkbeiner	(Prefers Republican Party)	1,359,212

Secretary of State

Kim Wyman	(Prefers Republican Party)	1,464,741
Kathleen Drew	(Prefers Democratic Party)	1,442,868

State Treasurer

Jim McIntire	(Prefers Democratic Party)	1,695,401
Sharon Hanek	(Prefers Republican Party)	1,192,150

State Auditor

James Watkins	(Prefers Republican Party)	1,344,137
Troy Kelley	(Prefers Democratic Party)	1,512,620

Attorney General

Bob Ferguson	(Prefers Democratic Party)	1,564,443
Reagan Dunn	(Prefers Republican Party)	1,361,010

Commissioner of Public Lands

Peter J. Goldmark	(Prefers Democratic Party)	1,692,083
Clint Didier	(Prefers Republican Party)	1,188,411

Superintendent of Public Instruction

Randy I. Dorn	2,164,163
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Insurance Commissioner

Mike Kreidler	(Prefers Democratic Party)	1,662,555
John R. Adams	(Prefers Republican Party)	1,188,926

Legislative District 1 - State Senator

Rosemary McAuliffe	(Prefers Democratic Party)	37,316
Dawn McCravey	(Prefers Republican Party)	29,932

Legislative District 1 - State Representative Pos. 1

Derek Stanford	(Prefers Democratic Party)	37,824
Sandy Guinn	(Prefers Republican Party)	27,559

Legislative District 1 - State Representative Pos. 2

Luis Moscoso	(Prefers Democratic Party)	38,346
Mark T. Davies	(States No Party Preference)	24,373

Legislative District 2 - State Senator

Randi Becker	(Prefers Republican Party)	31,946
Bruce L. Lachney	(Prefers Democratic Party)	24,286

Legislative District 2 - State Representative Pos. 1

Gary Alexander	(Prefers Republican Party)	32,174
Greg Hartman	(Prefers Democratic Party)	23,291

Legislative District 2 - State Representative Pos. 2

J.T. Wilcox	(Prefers Republican Party)	44,770
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Legislative District 7 - State Representative Pos. 1

Shelly Short (Prefers Republican Party) 50,821

Legislative District 7 - State Representative Pos. 2

Joel Kretz (Prefers Republican Party) 36,747
 Robert (Bob) Wilson (Prefers Republican Party) 20,337

Legislative District 9 - State Senator

Mark G. Schoesler (Prefers G.O.P. Party) 39,390

Legislative District 9 - State Representative Pos. 1

Susan Fagan (Prefers Republican Party) 39,428

Legislative District 9 - State Representative Pos. 2

Joe Schmick (Prefers Republican Party) 39,620

Legislative District 10 - State Senator

Barbara Bailey (Prefers Republican Party) 37,810
 Mary Margaret Haugen (Prefers Democratic Party) 33,778

Legislative District 10 - State Representative Pos. 1

Norma Smith (Prefers Republican Party) 42,581
 Aaron Simpson (Prefers Democratic Party) 27,061

Legislative District 10 - State Representative Pos. 2

Dave Hayes (Prefers Republican Party) 36,086
 Tom Riggs (Prefers Democratic Party) 32,885

Legislative District 12 - State Senator

Linda Evans Parlette (Prefers GOP Party) 44,318

Legislative District 12 - State Representative Pos. 1

Cary Condotta (Prefers Republican Party) 32,767
 Stan Morse (Prefers Republican Party) 17,736

Legislative District 12 - State Representative Pos. 2

Mike Armstrong (Prefers Republican Party) 25,253
 Brad Hawkins (Prefers Republican Party) 26,186

Legislative District 13 - State Representative Pos. 1

Judith (Judy) Warnick (Prefers Republican Party) 37,557

Legislative District 13 - State Representative Pos. 2

Matt Manweller (Prefers Republican Party) 31,880
 Kaj Selmann (Prefers Democratic Party) 14,627

Legislative District 14 - State Senator

Curtis King (Prefers Republican Party) 40,394

Legislative District 14 - State Representative Pos. 1

Norm Johnson (Prefers Republican Party) 32,930
 Paul Spencer (Prefers Democratic Party) 18,583

Legislative District 14 - State Representative Pos. 2

Charles Ross (Prefers Republican Party) 33,676
 Mathew K.M. Tomaskin (Prefers Democratic Party) 17,669

Legislative District 16 - State Senator

Mike Hewitt (Prefers Republican Party) 32,717
 Scott Nettles (Prefers Democratic Party) 14,197

Legislative District 16 - State Representative Pos. 1

Maureen Walsh (Prefers Republican Party) 25,503
 Mary Ruth Edwards (Prefers Republican Party) 18,307

Legislative District 16 - State Representative Pos. 2

Terry R. Nealey (Prefers Republican Party) 37,331

Legislative District 19 - State Senator

Brian Hatfield (Prefers Democratic Party) 34,590
 Rick Winsman (Prefers Republican Party) 21,056

Legislative District 19 - State Representative Pos. 1

Dean Takko (Prefers Democratic Party) 33,981
 Dixie Kolditz (Prefers Republican Party) 21,212

Legislative District 19 - State Representative Pos. 2

Brian E. Blake (Prefers Democratic Party) 31,266
 Tim Sutinen (Prefers Independent Party) 22,740

Legislative District 20 - State Senator

Dan Swecker (Prefers Republican Party) 24,075
 John E. Braun (Prefers Republican Party) 29,943

Legislative District 20 - State Representative Pos. 1

Richard DeBolt (Prefers Republican Party) 45,137

Legislative District 20 - State Representative Pos. 2

Ed Orcutt (Prefers Republican Party) 34,548
 John Morgan (Prefers Republican Party) 15,755

Legislative District 24 - State Senator

Jim Hargrove (Prefers Democratic Party) 44,417
 Larry Carter (Prefers Independent Party) 23,455

Legislative District 24 - State Representative Pos. 1

Kevin Van De Wege (Prefers Democratic Party) 43,085
 Craig Durgan (States No Party Preference) 23,980

Legislative District 24 - State Representative Pos. 2

Steve Tharinger (Prefers Democratic Party) 40,045
 Steve Gale (Prefers Republican Party) 28,470

Legislative District 26 - State Representative Pos. 1

Jan Angel (Prefers Republican Party) 39,234
 Karin Ashabraner (Prefers Democratic Party) 27,164

Legislative District 26 - State Representative Pos. 2

Larry Seaquist (Prefers Democratic Party) 35,384
 Doug Richards (Prefers Republican Party) 30,675

Legislative District 30 - State Representative Pos. 1

Linda Kochmar (Prefers Republican Party) 24,142
 Roger Flygare (Prefers Democratic Party) 23,487

Legislative District 30 - State Representative Pos. 2

Katrina Asay (Prefers Republican Party) 21,454
 Roger Freeman (Prefers Democratic Party) 26,155

Legislative District 31 - State Representative Pos. 1

Cathy Dahlquist (Prefers Republican Party) 37,187
 Brian L. Gunn (Prefers Democratic Party) 22,018

Legislative District 31 - State Representative Pos. 2

Christopher Hurst (Prefers Independent Dem. Party) 32,462
 Lisa Connors (Prefers Republican Party) 26,237

Legislative District 32 - State Representative Pos. 1

Cindy Ryu (Prefers Democratic Party) 45,276
 Randy J. Hayden (Prefers Republican Party) 17,429

Legislative District 32 - State Representative Pos. 2

Ruth Kagi (Prefers Democratic Party) 45,495
 Robert Reedy (Prefers Republican Party) 16,917

Legislative District 35 - State Representative Pos. 1

Kathy Haigh (Prefers Democratic Party) 33,263
 Dan Griffey (Prefers Republican Party) 31,439

Legislative District 35 - State Representative Pos. 2

Drew C. MacEwen (Prefers Republican Party) 32,975
 Lynda Ring-Erickson (Prefers Democratic Party) 30,638

Legislative District 39 - State Senator

Kirk Pearson (Prefers Republican Party) 33,449
 Scott Olson (Prefers Democratic Party) 24,603

Legislative District 39 - State Representative Pos. 1

Dan Kristiansen (Prefers Republican Party) 32,044
 Linda Wright (Prefers Democrat Party) 25,799

Legislative District 39 - State Representative Pos. 2

Eleanor Walters (Prefers Democratic Party) 26,705
 Elizabeth Scott (Prefers Republican Party) 30,667

Legislative District 40 - State Senator

Kevin Ranker (Prefers Democratic Party) 40,677
 John Swapp (Prefers Independent-Gop Party) 23,959

Legislative District 40 - State Representative Pos. 1

Kristine Lytton (Prefers Democratic Party) 44,113
 Brandon Robinson (States No Party Preference) 15,810

Legislative District 40 - State Representative Pos. 2

Jeff Morris (Prefers Democratic Party) 43,868
 Howard A. Pellett (Prefers Green Party) 14,333

Supreme Court - Justice Position 2

Susan Owens 2,098,447

Supreme Court - Justice Position 8

Steve Gonzalez 2,082,194

Supreme Court - Justice Position 9

Sheryl Gordon McCloud 1,355,144
 Richard B. Sanders 1,097,846

Court of Appeals, Division 1, District 3 - Judge Position 1

Mary Kay Becker 132,652

Court of Appeals, Division 2, District 2 - Judge Position 2

Pamela (Pam) Loginsky 135,034
 Thomas Bjorgen 148,088

Court of Appeals, Division 2, District 3 - Judge Position 1

Joel Penoyar 188,183

Court of Appeals, Division 3, District 1 - Judge Position 1

Laurel Siddoway 181,130

Court of Appeals, Division 3, District 3 - Judge Position 2

Teresa C. Kulik 102,499

Asotin, Columbia, Garfield Superior Court - Judge Position 1

William D. (Bill) Acey 10,807

Ferry, Pend Oreille, Stevens Superior Court - Judge Position 1

Patrick A. Monasmith 20,669

Ferry, Pend Oreille, Stevens Superior Court - Judge Position 2

Allen Nielson 20,340

Klickitat, Skamania Superior Court - Judge Position 1

Brian Altman 9,732

Pacific, Wahkiakum Superior Court - Judge Position 1

Mike Sullivan 8,002
 Dennis Gordon 2,942

The total number of votes cast for the office of Governor in the November 6, 2012, General Election equals 3,079,639. In accordance with Article II, Section 1 of the Washington State Constitution and RCW 29A.72.150, the number of signatures of legal voters on a petition measure is determined by the total votes cast for the office of Governor at the preceding election. Signature petitions for initiatives must be equal to or exceed eight percent of and four percent of the votes cast for a referendum. To meet the eight percent requirement during the next four years, sponsors of initiative measures must submit a minimum of 246,372 valid signatures and to meet the four percent requirement, sponsors of referendum measures must submit a minimum of 123,186 valid signatures.

In testimony whereof, I have hereunto set my hand and affixed the seal of the State of Washington on this 8th day of January, 2013, at Olympia, the State Capital.

SAM REED
 Secretary of State

The Speaker (Representative Moeller presiding): "In view of the election results previously read, certified to by the Secretary of State, the Joint Session now declares the following qualified citizens to be the duly elected constitutional officers of the State of Washington:

Jay Inslee, Governor;
 Brad Owen, Lieutenant Governor;
 Kim Wyman, Secretary of State;
 Jim McIntire, State Treasurer;
 Troy Kelley, State Auditor;
 Bob Ferguson, Attorney General;
 Randy Dorn, Superintendent of Public Instruction;
 Mike Kreidler, Insurance Commissioner;
 Peter Goldmark, Commissioner of Public Lands."

The Speaker of the House and the President of the Senate signed the Certificates of Election for the duly elected constitutional officers.

The Speaker (Representative Moeller presiding), having discharged the constitutional requirement imposed upon the Speaker of the House, called upon President Owen to preside over the Joint Session.

President Owen: "This joint session has been convened to receive the State of the State message from Her Excellency, Governor Christine Gregoire."

The President appointed a committee of honor to escort the Chief Justice and the Justice of the State Supreme Court to the

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House Chamber: Representatives Hawkins and Helen-Roberts;
Senators Billig and Pearson.

The President appointed a committee of honor to escort the statewide elected officials to the House Chamber: Representatives Hope and Takko; Senators Dammeier and Hasegawa.

The President appointed a committee of honor to advise Her Excellency, Governor Christine Gregoire, that the joint session had assembled and to escort her to the House Chamber: Representatives Morrell and Kochmar; Senators Tom and Darneille.

The Sergeant at Arms of the House announced the arrival of the Chief Justice and the Justices of the State Supreme Court at the Chamber doors. The committee of honor escorted the Chief Justice and the Justices of the Supreme Court to seats on the floor of the House Chamber and they were introduced: Chief Justice Barbara Madsen, Justice Charles Johnson, Justice Susan Owens, Justice Mary Fairhurst, Justice James Johnson, Justice Debra Stephens, Justice Charlie Wiggins, Justice Steven Gonzalez and Justice Sheryl Gordon-McCloud.

The Sergeant at Arms of the House announced the arrival of the statewide elected officials at the Chamber doors. The committee of honor escorted the statewide elected officials to the floor of the House Chamber and they were introduced: Secretary of State Sam Reed, State Treasurer Jim McIntire, State Auditor Brian Sonntag, State Attorney General Rob McKenna, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Peter Goldmark.

The President introduced the special guests present in the House gallery: former Governor Mike Lowry; former Secretary of State Ralph Munro; and King County Executive Dow Constantine.

The President welcomed and introduced Ms. Gina Miller who was present in the Gallery and is the surviving fiancé of Washington State Trooper Tony Radulescu who was killed in the line of duty on February 23, 2012.

The President welcomed members and representatives of the State of Washington Consular Association who were present in the rear of the Chamber. The members of the Consular Association were joined by Consul General Gao Zhansheng of the Consulate General of the People's Republic of China in San Francisco and Consul General Priya Guha of the British Consulate General of the United Kingdom of Great Britain and Northern Ireland in San Francisco. The President introduced: Career Consul General Kiyokazu Ota of Japan; Consul General Denis Stevens of Canada; Consul General Young Wan Song of the Republic of Korea; Consul General Andrey Yushmanov of the Russia Federation; Career Consul, Head of Mission, Alejandro Garcia Moreno of the United States of Mexico; Consul Jessica Maria Reyes of the Republic of El Salvador; Honorary Consul General John Gokcen of the Republic of Turkey; Honorary Consul General Gary Furlong of the Republic of Uzbekistan; Honorary Consul General Helen M. Szablya of the Republic of Hungary; Honorary Consul General Miguel Angel Velasquez of the Republic of Peru; Honorary Consul H. Ronald Masnik of the Kingdom of Belgium; Honorary Consul Enid L. Dwyer of Jamaica; Honorary Consul Matti Suokko of the Republic of Finland; Honorary Consul Vytautas V. Lapatinskas of the Republic of Lithuania; Honorary Consul Daravuth Huoth of the Kingdom of Cambodia; Honorary Consul Frank Brozovich, DDS, of the Republic of Croatia; Honorary Consul

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Philippe Goetschel of the Swiss Confederation; Honorary Consul Lars Jonsson of the Kingdom of Sweden; Honorary Consul Kim Nesselquist of the Kingdom of Norway; Honorary Consul Petra Walker of the Federal Republic of Germany; Honorary Consul Jack Cowan of the French Republic; Honorary Consul Pedro Augusto Leite Costa of the Federative Republic of Brazil; Honorary Consul Alexander Cocron of the Republic of Austria; Honorary Consul Franco Tesorieri of the Italian Republic; Honorary Consul Wayne Jehlík of the Czech Republic; and Director-General Chin Hsing (Andy Chin) of Taipei Economic and Cultural Office in Seattle.

The Sergeant at Arms of the House announced the arrival of Her Excellency Governor Christine Gregoire and her family at the Chamber doors. The committee of honor escorted Governor Gregoire and family to the rostrum and the family was introduced: First Gentleman Mike Gregoire, Michelle and Courtney Gregoire, Scott Lindsay and Audrey Christine Lindsay.

The President welcomed state officials and representatives from the State of Nevada as well as representatives from the Republic of Uzbekistan who were also present in the House gallery.

The flags were escorted to the rostrum by the Veterans of Foreign Wars (VFW) Post 318 Honor Guard, commanded by Ken Wojczynski. The President led the Joint Session in the Pledge of Allegiance. The National Anthem was performed by the Auburn High School Choir Chamber Quartet comprised of Mr. Marcoantonio Garcia, Mr. Ethan Hinze, Miss Linda Karout and Miss Morgan Warren and directed by Ms. Kandy Gilbert. The Veterans of Foreign Wars (VFW) Post 318 Honor Guard retired from the Chamber.

The prayer was offered by Father Michael J. Ryan, formerly of St. Michael Parish, of Olympia.

Father Michael J. Ryan: "My friends, we read in the Hebrews Scriptures from the Prophet Micah, 'This is all that I ask of you, to do justice, to love tenderly and to walk humbly with your God.' My sisters and brothers, let us pray. Good and gracious God, we gather this day to ask your continual blessings on Governor Christine Gregoire as she passes the baton on to Governor-elect Jay Inslee. As she leaves after eight years of service, may she know our gratitude for the selfless ways in which she has led amidst great and unforeseen obstacles in our economy. She stood tall and continued to work tirelessly for the entire human family of the State of Washington. In her quiet wisdom, gentle care and compassion for the vulnerable, and those who were made to feel they are on the fringe of society, she gave them a sense of inclusion in the one human family. Her concern was for all the precious people of God that she was elected to serve. Bless her for the ways she insisted, from the young to the elders among us, would have opportunities to grow through education and public service. As a tribute to Christine Gregoire may all of us here strive to protect the beautiful creation that surrounds us and it is another sign that you, our God, is generous and gracious. Thanks too, today, to Secretary of State Sam Reed, State Auditor Brian Sonntag and Attorney General Rob McKenna and we conclude now with a blessing for Chris and for First Mike and for their daughters and for their son-in-law Scott and this beautiful granddaughter, and, for those that would like, I invite you extend an arm of blessing as we pray: 'May the Lord bless you and keep you, may the Lord let Gods' face shine upon you and be gracious to you and the Lord look upon you kindly and give you peace.' Amen."

HONORING STATE ELECTED OFFICIALS LEAVING OFFICE

President Owen: “As Washington’s 17th Attorney General, Rob McKenna served as the state’s chief legal officer, directing more than 500 attorneys and 700 professional staff providing legal services to state agencies, the Governor and Legislature. He served two terms, with clear priorities: making communities safer by leading the state in fighting methamphetamine and prescription drug abuse, gang violence, human trafficking, sexual predators and domestic violence; protecting consumers and businesses from identity theft, internet predators, fraud and high-tech crimes, and promoting integrity in government by defending the state’s laws; and implementing new performance management initiatives in his office and encouraging open access to government. Prior to being elected attorney general, Rob was a Metropolitan King County Councilman from 1995-2007. He practiced business and regulatory law at Perkins Coie from 1988-1996, after receiving his J.D. from the prestigious University of Chicago Law School in 1988, where he was a member of the Law Review. He earned a B.A. in Economics and a B.A. in International Studies, both with honors, from the University of Washington. Rob and his wife Marilyn have four beautiful children.”

Attorney General Rob McKenna: “Madam Governor, Mr. President, Mr. Speaker of the House, Members of the House and Senate, I am honored to be here today with so many distinguished and dedicated public servants. I am also honored by the presence here today of a number of outstanding legal professionals from the Washington Attorney General’s Office (AGO) who are with us in the gallery. It has been a tremendous privilege to serve for the past eight years as Attorney General for our great state, and as the leader of the best public law office in America. As all of us do, we in the Attorney General’s Office stand on the shoulders of those who came before us, building on the tradition of excellence in the provision of legal services to this state government, and to the people of Washington State. The 1100 attorneys, professional staff and support staff in our office handle over 20,000 court cases per year, including thousands of cases involving severely abused and neglected children, vulnerable adults, and victims of crime. We represent every agency of state government, from the largest DSHS, L&I, Ecology and Transportation, to the smallest. We provide them with legal counsel every day, and represent them in court thousands of times every year. The Washington AGO is recognized nationally as an outstanding law office, thanks to the tireless efforts of our staff. Over the past eight years, for example, we have won over 90 percent of our appellate cases, including all seven of the cases we have argued in the United States Supreme Court. We also represent the people of the State of Washington more directly in our role as the state’s Consumer Protection agency and anti-trust enforcement agency. In my two terms alone, we have successfully handled over 200,000 consumer complaints, brought enforcement actions against hundreds of companies that have unfairly and deceptively treated their customers, and gone after scammers of all descriptions from across the country. Thanks to this Legislature’s adoption of laws we have proposed, we have deployed new legal tools against 21st Century forms of fraud, going after spyware and malware purveyors, tackling identity theft, and teaching other state attorneys general offices how to do the same. We also have taken very seriously our role in protecting the public’s safety. We have successfully sought and obtained the legal commitment of sexually violent predators, including some of the most notorious in our state’s recent history. We have prosecuted dozens of violent felonies, stepping in where our county prosecutors have needed the state’s help, and we have assisted in solving many other new and cold-case crimes through our Homicide Investigations Tracking Unit. When four Lakewood police

officers were brutally gunned down just after Thanksgiving a few years ago, our senior criminal investigator was on the scene that same morning, bringing to bear the resources of the ‘HITS’ Unit. When a state trooper was the victim of an attempted murder in Grays Harbor County, our Chief Deputy was in the local prosecutor’s office within 24 hours, and our office prosecuted the shooter to conviction in what proved to be a very challenging case. We also have sought to protect consumers, to enhance the public’s safety, and to support our law enforcement community, by offering our office’s ideas for strengthening our state’s laws in all these areas. Thanks to members of the legislature from both parties, and to Governor Gregoire, we have seen 45 bills written in the Attorney General’s Office become law, giving hope to survivors of domestic violence, providing new tools to consumers to avoid identity theft, and protecting children from the scourge of methamphetamine and from predators, among other measures we’ve proposed. In these and in many other ways as well, all of us in the Attorney General’s Office have sought to accomplish what all of you seek to accomplish every day when you come to work as leaders and public servants: To make a difference, to improve the lives of our fellow citizens, to leave this wonderful Evergreen State a little better than how we found it. I would like to thank all of you with whom I have been privileged to serve these past eight years, and especially the women and men of the Attorney General’s Office. It has been an extraordinary journey. Thank you all very, very much”.

On behalf of the people of the State of Washington and the Legislature, the President presented Attorney General Rob McKenna with a gift in gratitude for and recognition of his public service. The artwork, a rendering of the state capitol in glass, was created by local artist and former legislative and state employee Ms. Kim Merriman of Olympia, who was introduced and present in the gallery.

The President: “Next we have the opportunity to bid a fond farewell today to one of our state’s longest-standing elected officials, State Auditor Brian Sonntag. Mr. Sonntag was first elected to public office way back in 1978 as Pierce County Clerk, working as the administrative officer for the Superior Courts. He was elected to the office of Pierce County Auditor in 1986, an office his father, Jack W. Sonntag, had held for 21 years, from 1948 to 1969. Mr. Sonntag was elected Washington State Auditor on November 3, 1992. He has been re-elected every four years since then, most recently in 2008 with seventy percent of the vote. He has served our state with distinction and honor. We now turn Mr. Sonntag out to his private life, where he can have more time with his wife, Jann, their five sons and three grandchildren.”

State Auditor Brian Sonntag: “I often thought this would be a pretty good fit. I could get used to this. You know, I don’t get nervous talking to groups of people, or I haven’t until today. This is, this is a little daunting for me. ... No, this isn’t it. ... I, I’d feel better if you just come up here. I first wanted to introduce my wife Jann. I also would like to introduce my sister-in-law Alison Sonntag, who without her husband ... oh boy, stop ... my brother, Dick, I would have never even thought of embarking on a political career, so... My youngest son Michael is here today as is my daughter-in-law Dee who is married to my number two son, Joey, and my granddaughter, Jade. You know, our state’s founders were a bunch of populists who didn’t really like or trust government very much. They had some pretty good reasons too, at that time. They created a very independent check and balance on state and local government operations. They called it the Office of State Auditor and put it right smack in the Constitution. For this office, the only issue is accountability. It’s holding governments accountable to the people whom they work for. I

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define that as government being open, accessible, responsive and responsible, a government that listens to people and when it talks to them, tells them the truth. I think citizens certainly expect that and deserve nothing less from all of us. President Kennedy called public service, 'a noble profession and a high calling.' I have believed that my entire life. Like Governor Gregoire and like probably many of you here today, President Kennedy was a huge influence on me getting interested in public service at all. I was in the sixth grade when he came and spoke in Tacoma at Cheney Stadium. The ballpark was filled with students, high school and college students mostly. It was two months before he was killed but I got to go to the ballpark that day with my dad and listen to the President speak. He talked about the future. He talked about government not being a spectator sport. He talked about giving back and that has always meant so much to me. Those of us who the voters have hired are the holders of a trust, a fragile trust. We have an opportunity to serve the public. That opportunity comes with a responsibility, a responsibility, every day, to make a difference. I believe after 20 years as State Auditor, we have made a difference. We raised the visibility of this office so citizens could independently assess the stewardship of their government officials. We advocated for state employee whistleblowers and supported all state employees who are trying to make state government work better. We truly listened to citizens and helped connect them with their government. I'm proud that *Governing Magazine* credited us with what they described as a 'one-of-a-kind effort to bring citizens in the decision-making fold.' Not everyone thought that was such a swell idea but I'm glad we did. Open government is a deeply held value of mine and it must be for all of us in public office. Citizens must have clear and direct access to government meetings, actions and information. It's the foundation of our state government and government at all levels. When government's doors are open and elected officials remember who they work for citizens' trust and confidence in government will increase. I'm proud of the work of our office the financial compliance and performance audits we have done and also some of the broader issues we've looked at and reported on. Issues like underfunded liabilities, the state's financial systems, local governments at risk of financial sustainability and resizing state government's footprint. We've been able to do the work we do because of the talents and commitment of the employees in the State Auditor's Office, many of whom are here today and I'd like to recognize them and be recognized. I thank you so much. I'm so very blessed and thankful for the opportunity to serve the citizens of Washington, to have served with colleagues like these and others over the years and to have worked with some very wonderful people. Good luck to all of you and thanks for your service to our state".

On behalf of the people of the State of Washington and the Legislature, the President presented State Auditor Brian Sonntag with a gift of artwork created by Ms. Kim Merriman in gratitude for and recognition of his public service.

The President: "And last but not least, we thank Sam Summer Reed for his public service. Sam became Washington's 14th Secretary of State in 2000, and he certainly made his mark in elections history. Sam and Rob McKenna took the people's case for a wide open, Top-Two Primary to the United States Supreme Court, and won. Sam also is widely recognized for sweeping improvements to the voting process following Washington's contested 2004 gubernatorial race, the closest in U.S. history. Throughout Secretary Reed's past two terms in office, the Secretary has worked diligently to make Washington a more business-friendly state by allowing corporations to file

electronically. Also in 2004, he launched the nation's first state government digital archives to rescue disappearing electronic history. Prior to his service as Secretary of State, Reed was elected Thurston County Auditor five times and served as the Assistant Secretary of State. Governor Dan Evans appointed Mr. Reed Director of the Urban Affairs Commission and the Constitutional Reform Commission. Sam, whose family lived in Washington in territorial days, grew up in Wenatchee and later moved to Spokane. He attended Washington State University where he earned a Bachelor's Degree in Social Studies and Master's Degree in Political Science. Secretary of State Sam Reed and his wife Margie make their home in Olympia and are looking forward to spending more time traveling and working on their backhand in tennis. They have two adult children, David and Kristen, and two grandchildren."

Sam Reed: "Mr. Speaker, Mr. President, Governor Gregoire, distinguished statewide elected officials, Chief Justice Madsen and members of the Supreme Court, legislators, family and friends, people of Washington and those watching us on TVW: I thank you and I bid you a fond farewell today. Unlike the Governor, I don't have a darling little granddaughter to show but I do have an ugly old valise. [Reading from the inside flap:] 'January 13, 1910, Sam Sumner,' My grandfather was sworn into the Washington State House of Representatives. This valise he bought to serve in the Washington State Legislature and gave this to me as a boy. It means a lot to me because he was the man who inspired me to public service. He really believed it was the highest calling. Our Sunday dinners in Wenatchee, I remember as a boy, he would give us a history lesson and a civics lesson. You know, for a little kid, you'd think this would be awfully boring but it wasn't. He really inspired us and inspired me, really, to public service. It has been an amazing ride for Margie and me – 45 years of public service for the State of Washington and for Thurston County and actually, another five years of public work, three in education and a couple others and 35 years as an elected official in county and state government! Nearly a lifetime ago, it seems, we came to Olympia from the apple orchards and from the Palouse of Eastern Washington to first teach and then to serve in government. We stayed to raise our family here and to heed the call of service. On even our hardest days, we never regretted that decision. My heart is full today as this Wenatchee boy reflects on the opportunity to be of service and to work with many of you in this room to make Washington a better, more responsive and just government worthy of her people. Whenever we saw a problem to fix or an opportunity to grasp, we went to work. In our better moments, all of us worked collaboratively across the aisle, with common purpose and with civility. Together, we saved the Washington State Library, the oldest cultural institution in Washington going back to 1853 and it has a unique collection in the world of Washington State and Territorial history. Together, we created the nation's first ground-up Digital Archives which now has three hundred million documents that are available to the public. Together, we handled the closest governor's race in America – do you remember that? Anyway, I sure remember that. The Court remembers that. Remember? First the Democrats sued me one week, then, the next week, the Republicans sued me and they had to hear both of them real fast. Afterwards, we had this challenge and a challenge, really, for all of you who were here back in 2005, because we had to rebuild public confidence after that. We ended up proposing extensive election reform and with your help, not only did we get it passed but, frankly, now we're the envy of the nation in terms of our election system in this state. Together also, we ramped up service to our job-creating corporations. We honored our history which means so much to me and so much, I have found, to most of you serving for

Washington State. We had displays including women in government and the Suffrage Centennial in my office. We continue to look forward to the day when we have the Heritage Center which is a building for the Washington State Library, Washington State Archives right here on campus that welcomes and educates our visitors and provides a proper home for all our the public records and all our Library services and documents. Obviously, that was a shameless plug. Kim Wyman will carry it forward. I do want to thank my staff and there are a number of them up in the gallery. Would you please stand? I have really been blessed. I and many of you comment on this but I have been really been fortunate. I have such high-quality, bright, capable, articulate people who have worked with me. It's been one of the great joys of serving. I also want to thank my fellow statewides. We've had a good time, we've worked together so collaboratively and, really, it's just been, I think, one of the, again, things I've truly enjoyed about serving. I want to thank the legislators in both houses and both sides of the aisle. It would have been easy, particularly when we got on these election reform measures, to start getting partisan and, you know, going after one another but, instead, you worked together and most of those measures we managed to pass almost unanimously and that in itself was quite an accomplishment. I would also thank my family and friends for the support that made public service possible and enjoyable all these years. I brought my grandfather's briefcase along today as a poignant reminder of how we and our families influence each other. Sam Sumner, for whom I am named, was sworn in 100 years ago and his legacy later lived on in our community and in me personally. Politics is, and should be, a noble calling. I believe that. Although I am leaving public life, I am not leaving public service. I expect to be deeply engaged in volunteer working, mentoring and working as a private citizen on my signature issues of civility, bipartisanship and moderation. I feel confident we can look forward to bright and creative days ahead. I wish you well in your new session. House, Senate and new statewide elected officials: I know you are up to the task and the challenges that await you and I will be supporting from the sideline. Thank you so much. I have enjoyed serving. Thank you."

On behalf of the people of the State of Washington and the Legislature, the President presented Secretary of State Sam Reed with a gift of artwork created by Ms. Kim Merriman in gratitude for and recognition of his public service.

The President introduced Governor Christine Gregoire.

STATE OF THE STATE

Governor Christine Gregoire: "What a warm greeting. Thank you everyone. Before I begin, join me in remembering two distinguished legislators no longer with us. Senator Sid Snyder of Long Beach was an institution, a great and effective leader. He taught us how to listen, how to come together and how to get things done for the people of Washington. We will always remember Senator Sid Snyder. Senator Lorraine Wojahn of Tacoma was a woman who laid a path for all women to follow. She listened to the voiceless among us and she helped them: our children, the poor, the mentally ill, the disabled. We will always thank her for her service to our state. Let us remember Eva Santos, our Director of Human Resources. She brought so much to a life of public service: skill, compassion and integrity. We will miss Eva Santos. Let us also remember and honor Washington State Patrol Trooper Tony Radulescu. Last February, on a dark, rural road, Tony gave his life protecting all of us. We will never forget Tony's sacrifice on behalf of the people of the State of Washington. And this morning, let us remember the brave military men and women who gave their lives in service to our

nation in the past year. We owe them and their families a debt of gratitude for their sacrifice that can never be repaid. I ask you to pause with me for a moment of silence and remembering all of these who have lost their lives but will forever be remembered."

The Joint Session observed a moment of silence in remembrance.

Governor Christine Gregoire: "Thank you. Good morning. Thank you, Father Mike, for starting us off with such an inspiring prayer. And thank you to the talented young singers from the Auburn High School Chamber Quartet: Linda Karout, Morgan Warren, Marcosantonio Garcia and Ethan Hinze. That was a beautiful rendition of our national anthem! You made Auburn High School proud and made this alum of Auburn High School proud. Thank you guys very much. Mr. President, Mr. Speaker, Madame Chief Justice and distinguished justices of the court, honored officials, members of the Washington State Legislature, former governors, tribal leaders, local government officials, members of the Consular Association of Washington, my fellow citizens: Please, again, join me – and I want to take a moment, if I can, to give a big thanks to three wonderful public servants who I've had the privilege to serve with: Secretary of State Sam Reed, Attorney General Rob McKenna and State Auditor Brian Sonntag. Gentlemen, it has been a privilege to serve the people of this great state with you. Thank you for your years of dedicated service and congratulations. Let me introduce my family: my husband, Mike. How about a round of applause for Mike's eight years of volunteer work to better the lives of our military service men and women and our veterans? Who's the fellow in the gray suit? Why, that's former Gov. Mike Lowry, watching from the gallery. Also, my daughter, Michelle, a third-year law student at the University of Washington; our daughter, Courtney, and son-in-law, Scott Lindsay. And of course, the most important thing in my life right now, my two-month-old grandbaby, Audrey Christine Lindsay. It's true. We've already opened her GET account. We're a family of lawyers. We've found the perfect way to lull her to sleep. Turns out reading the Revised Code of Washington to babies does wonders in putting both parent and child to bed. As one chapter of our lives ends, another begins with the arrival of Audrey Christine. And let me tell you, there's nothing like changing diapers again to bring perspective to life. Being a grandmother is a great gift. To fall in love again and to remember what really matters. You know, the Executive Mansion was our home for eight years, and when I could, I slipped out the door and down the steps for a walk around our beautiful Capitol Campus. That was one time of my day that I could reflect. So today my last full day as Governor I invite you to come with me on my last walk to reflect on the state of the State of Washington what we accomplished this past eight years, and what we still must do to keep the state of our state strong. This particular morning, I see a woman in Beijing or Hyderabad, or Paris or Seoul. She works on a laptop that runs on Microsoft software. She sips a cup of Starbucks coffee. Her laptop ordered from Amazon was delivered to an airport via a Boeing 747. It was hauled to a warehouse on a Kenworth 18-wheeler built by our own Paccar. This woman happens to be a bio scientist. She's working with hundreds of others on a global health project maybe a malaria vaccine led by the Bill & Melinda Gates Foundation and PATH [Program for Appropriate Technology in Health] and our two great research universities, the University of Washington and Washington State University. Or maybe she just started a small life sciences company and is working with another start-up down in Vancouver on gene therapy for a rare disease. She also happens to be a healthy, discerning consumer, and in her bag is an apple, or bag of cherries, or bread made from Washington wheat or a

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bottle of fine wine for after work, all shipped through our ports from the orchards and the fields of Eastern Washington, the refrigerator of the world. On our walk this morning, I want to pause and say to you: Ladies and gentlemen, there is no other state in the nation, not one that has what the Great State of Washington has. There is no other state with our diversity of riches, our great outdoors and the promise they bring to our children and grandchildren. We are indeed very fortunate. A booming aerospace industry. Boeing just keeps winning orders for the 787, 737-MAX, the 737 and the 777. We landed the Air Force tanker contract and now let's make sure we do the same for the 777X! I'm counting on you guys to make sure that happens. Today we have the strongest, most integrated aerospace supply chain on earth with 50 percent more suppliers in the past eight years, 740 and rising. The aerospace sector puts 128,000 Washingtonians to work every day. But we won't rest on our laurels. Washington will always be the home to aerospace and the good-paying jobs that those companies bring. Along with aerospace, we have a software and IT presence that begins with Microsoft, Amazon, RealNetworks and T-Mobile, but in no way ends there. We are home to more than 4,000 companies all across Washington. The fact is, our software and IT sector encompasses a broader range of products and services than just about any state in the United States, and brings more than \$30 billion in business a year. Along with software and IT, a life sciences sector that took off in Seattle but now stretches to the Tri-Cities, Spokane, Snohomish County and Vancouver. About 70 Washington cities are home to 480 life sciences companies and research organizations, including biotech, pharma and medical devices. All relieve suffering here and around the world, and today they provide nearly 35,000 good-paying Washington jobs. Along with life sciences, a global health presence powered by the Bill & Melinda Gates Foundation, PATH, our research universities and nonprofits. Thank you for establishing the Life Sciences Discovery Fund. It has proven to be an essential tool in growing the industry, and I ask you to continue to support it. Along with global health: agriculture. Apples, potatoes, wheat, wine and dozens of other products are shipped all over the world, making agriculture our second-largest export after transportation equipment. This \$46 billion industry exported \$8.6 billion in products in the past 12 months. Ladies and gentlemen, that's a record! I've handed out cherries in South Korea, french fries in Vietnam and Almond Roca in Beijing. I've enjoyed being Promoter-in-Chief but I have to admit I won't miss being called the French Fry Lady! And along with all this, we have the Hanford Nuclear Reservation, the one-of-its-kind incubator not just for cleanup technology for the world, but for breakthroughs in everything from cancer treatment to an energy-saving electricity grid to scientists and engineers who are following the innovation of their Hanford forbearers and inventing first-time technology, this time to be used to clean up not just the Hanford site, but sites from England to Russia to Japan. It's very clear. No other state has what we have. So this morning, part way through our walk, I'm ready to report. The state of Washington is coming out of the Great Recession as a world leader in the economies of the 21st century industries that provide good jobs from Spokane to Seattle and from Bellingham to Vancouver. And despite the challenges ahead, I can say today that the state of our state is strong! We can say with confidence that in the past eight years, we have built the future of the Great State of Washington a future of promise and opportunity. On our walk, we now can see the magnificent Capitol dome in the distance and the marble building where you and I have worked together for the past eight years. I think everybody in this Chamber will agree: History will reflect that this was not just any eight years. You were not just any

Legislature. And these were not just any times. You and I witnessed a historic economic crisis and with it, wrenching change in our economy and in our social fabric. But we didn't just witness it. We were called to confront it every day. And we did. Together, we served in good times and bad. And whatever the challenge, we took it on for the people of Washington State. Our biggest challenge started in 2008 when trouble hit trouble not seen since the Great Depression with revenue plunging quarter after quarter after quarter as if there were no bottom. In fact, revenue fell almost every quarter 13 of 16 until it finally stabilized last February. That was the longest string of revenue drops since the Economic and Revenue Forecast Council was created 28 years ago. You were tested. I was tested. This was not what I expected. It wasn't what anybody expected. But we stepped up. And together, we guided the state of Washington through the worst economic calamity since the Great Depression and we did it with our heads and our hearts. We did it with compassion. And we did it with our Washington values. So today, I thank you. You have much to do in the months ahead, but let's pause this morning and be grateful to each other for all we've accomplished together to build the future of Washington state. When I came into office in 2005, we were at the tail end of a recession. We were on the road to recovery from the impact of Initiative 695, the dot-com bust and 9-11. There was pent-up need for services, education, health care, our social safety net, the environment, transportation. Money is never unlimited. Even then, we had to make hard choices. Everybody was banging at the door. From the start, we said that just getting by isn't good enough. We wanted to do better for the people of our state. And we made the best decisions to build the future of Washington. The best decisions for our schoolchildren and our college students. I'm proud that in my first term, we invested more in education than at any other time in our history. We created the Department of Early Learning. The impact we make on our children will benefit our state for generations to come. Harvard has named our early learning program as the most innovative in the country. And we are one of just nine states to receive an Early Learning Race to the Top \$60 million grant. We made the best decisions for our K-12 system, and despite the challenges we still face, our public schools are serving our kids in ways that this century demands if they are to succeed in the world economy. We put more money and muscle into science, technology, engineering and math, or STEM, so our children are ready for the jobs of the future. We are implementing a model evaluation system so our teachers can excel and win the confidence of parents. We have innovative schools with targeted, creative approaches to learning. We have Launch Year to prepare seniors for jobs or college. We have College Bound scholarships to give kids who do well in school and stay out of trouble a path to college. Let's build more schools and fewer prisons! We made the best decisions for our two- and four-year colleges to keep the doors open to more students and more opportunity. We increased enrollment in our community and technical colleges by 31,000 students and launched online learning. Today, we are building the workforce of tomorrow: Twenty-four of our colleges provide training for aerospace jobs. We provided branch campuses to serve more Washingtonians, and today the UW has campuses in Tacoma and Bothell. WSU has campuses in Vancouver, the Tri-Cities and Spokane, and offers four-year degrees at Everett Community College. We expanded enrollment at our universities, and today we are educating 12,000 more students a year. The bottom line: 50,000 more students are getting a college education because we believe in them and our future. We significantly increased financial aid for all our college students even in tough times. We created the Student Achievement Council to focus on our students' success from high school to

higher education. We created a public-private partnership the Opportunity Scholarship so smart young people can afford a college education. The Great Recession has severely tested our higher education system. We had tuition increases because we had to. We had no choice. We had to maintain our values, quality and access. And we did. Now the challenge is clear. Our future is at stake. We must fully fund a seamless education system from early learning through higher education. We made the best decisions for transportation. In 2005, we passed a historic construction package, and voters ratified it because we made our case. And we have delivered on our promise. From the 2005 voter-endorsed gas tax we are close to completing all 421 statewide projects. Eighty-eight percent have been completed early or on time, and 91 percent are on or under budget. Those projects provided thousands of good-paying jobs at a time we needed them most. And importantly, those projects move millions of people every single day. They move moms and dads to work, their kids to school and soccer practice, and products to and from our thriving ports. We are building a world-class infrastructure. In 2015, we will open the two-mile-long tunnel under the heart of Seattle to replace the crumbling, dangerous Alaskan Way Viaduct and give Seattle a world-class waterfront. I'll be at the ribbon cutting with my granddaughter! We are building the new 520 Bridge across Lake Washington to replace the 50-year-old structure that could fall in the next bad windstorm. I'll be at that ribbon cutting too maybe with two grandchildren! Today, that part of our future that relies on passage over Snoqualmie Pass is faster and safer for freight and motorists. We have built half of Spokane's critical North-South Freeway. And we are on our way to building the new Columbia River Crossing to replace the current one built for horse and buggy. Ladies and gentlemen, within the past eight years, we undertook the largest transportation construction package in state history: more than \$16 billion. And we – not the next big earthquake or windstorm – are knocking down the old Viaduct, the 520 Bridge and the Columbia River Crossing Bridge and building for our future. We made difficult decisions for our social safety net and health care. We were tested, but I believe we maintained the health and safety of our most vulnerable our seniors, our mentally ill, our developmentally disabled, and our abused and neglected children. We made sure every child in Washington has access to health care, certainly one of our proudest accomplishments. We have built one of the best long-term care systems in the nation, a system of choices for our seniors to live out their lives in dignity. AARP [Association of American Retired Persons] rates our system the second-best in the country. We just became the second state in the nation to assure better, safer health care for our poorest seniors and disabled. We will merge and manage their care under Medicare and Medicaid for better-quality care at a lower cost. In 2005, we set out to cut costs, increase access and provide higher-quality health care. We did, we are, and we lead the nation. While the vast majority of other states are struggling with rising Medicaid-inflation costs, our growth rate is projected to be minus one percent. You heard me right: minus one percent. We are employing evidence-based medicine to ensure better health outcomes for Washingtonians. And because we were already reforming health care, we are among the first states in the nation to implement the Affordable Care Act! This morning I ask you to embrace this historic opportunity to give every Washingtonian the health care coverage they deserve and you will save \$140 million in the next biennium. Every Washingtonian deserves an open door to the doctor when they need one! We made the best decisions for public safety. Washingtonians have a right to be safe in their homes and on the streets. We took action in good times and bad, and the crime rate has fallen every year since I

took office. Every jurisdiction now has the resources to verify that sex offenders are living where they say they are. We closed three prisons to make better use of space, and did it without letting the serious offenders walk free. We strengthened community supervision and now we concentrate on the offenders who are high risk to reoffend. And I'm proud to say the Washington State Patrol is ranked the best state law enforcement agency in the country. We made the best decisions for our economy. One in three jobs in our state depends on international trade. We sold, traded and created innovative partnerships through 12 trade missions. This fall, we became the first state to establish a sister-state relationship with an Indian state, Andhra Pradesh. China is now our number one trading partner, with Canada, Japan and Korea close behind. Trade with China alone has grown at an average rate of nearly 20 percent a year since 2000, even during the global downturn. In the past eight years, we have recruited and retained shippers at our ports, most recently Hanjin, Korea's largest container line, at the Port of Seattle. Our export of goods has grown 119 percent, from about \$30 billion to \$65 billion. Export of services is up by an additional \$29 million. Make no mistake. Our trade economy kept us going through the hard times and it is our future. It unites Eastern and Western Washington, impacts every community and provides the jobs we need. We are the most trade-dependent state in the nation, and the fact is our work knows no boundaries. Like never before, we trade with the world! We made the best decisions for clean, renewable energy now and in the future. Our base is legacy hydropower. When I took office, we produced no wind power. Today we are among the top-five wind energy producers. We are pioneering the smart grid and have a strong presence in the solar power supply chain. Clean, renewable energy has been our unique history for 80 years. Today, we are number one in the nation in renewable energy. We made the best decisions for water. I believe a new era is finally here, when bitter wars over water are finally surrendering to partnerships that bring good, clean and new water to our farms, our fish and our growing cities. We've made the most progress with water in our history: more water to the Yakima Basin and our growing west side cities, innovative tools through water markets and banking to create flexibility, and protection for our fish-critical basins. Mark Twain said, 'Whiskey's for drinking and water's for fighting.' Well, no longer will our water policy be defined by who won and who lost. It's high time that we all win and we will! We made the best decisions for broadband. Today, 99 percent of Washingtonians have access to high-speed internet. We had a plan when the American Recovery and Reinvestment Act was looking to invest in broadband. Today we've been named the most-wired state in the nation. We made the best decisions to save the jewel and economic engine of Western Washington, our Puget Sound. We created a partnership among local, state and federal governments, tribes and stakeholders to get it done. We must meet our goal to make Puget Sound fishable, swimmable and diggable by 2020. Let's be the generation that saves Puget Sound! We made the best decisions to support our brave military men and women and veterans. In fact, you passed, and I signed, more legislation to help veterans than at any other time in our history! We are a step ahead in our efforts to make sure we keep Washington's second-largest employer, our United States military. I urge you to support our Washington Military Alliance and fund our proposal to maintain our military presence that adds \$13 billion a year to our economy. We made the best decisions to reset and reform state government. Our challenges in the past eight years were unprecedented. We said we would not waste this crisis, and we did not. Together, we achieved landmark pension and debt service reforms that will lead to billions of dollars in future savings. Ladies and gentlemen, we are the envy of states around

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the country. Our public pension system is now rated one of the strongest in the nation. We helped employees and employers weather the recession. Together, we reformed our workers' compensation and unemployment insurance systems. We saved our businesses including small businesses billions of dollars in the years to come. We held workers' comp[ensation] rates flat again this year. And over the past eight years, we had little or no increases in workers' comp premiums. In two of those years, the Department of Labor and Industries returned \$350 million. At the same time, we reformed the way we serve injured workers, and we're getting them back on the job faster or trained for new careers. While 36 states' funds are bankrupt, we have the most stable unemployment insurance (UI) trust fund in the nation and record-low UI rates. Together, we ripped out the walls and pulled up the floors to remodel our 123-year-old house of government. We consolidated and merged all or part of five agencies' back-office operations under one director at the new Department of Enterprise Services. This has already saved taxpayers \$18 million and is expected to save another \$27 million in the next biennium. We closed six institutions. The last time even one was closed was four decades ago. Since 2008, our general government workforce has shrunk by nearly 11 percent. The number of state employees is the lowest since 1996, and they serve 1 million more people. Our public servants have met the challenge and they have sacrificed with furloughs and pay cuts, with higher health care premiums and pension payments. They helped make my favorite four-letter word GMAP, for Government Management Accountability and Performance, successful. Now they're doing Lean management to serve Washingtonians in better and more efficient ways. Today let's recognize the caseworker called out at midnight to save a battered child, the snowplow driver clearing Snoqualmie Pass at 3 a.m., the agriculture inspector making sure our food is safe, the legislative lawyer who works through the night to get the bills just right, the person at the front desk whose phone is lit up all day long. Today I ask you to stand and join me in well-deserved recognition for our dedicated state employees! Finally, we made the best decision for our gay and lesbian citizens, and the people of Washington agreed. We clearly saw that separate but equal is not equal. We gave all couples the right to marry and to help us build a better Washington and a better world. I'm proud that our gay and lesbian couples became the first in the country to marry because their friends and neighbors stood up at the ballot box and said they should have that right. I'm proud that our citizens passed marriage equality by the widest margin of any state. And I'm proud of my daughters for showing the way and helping me realize that their generation understands that who you are is not about who you love. Thank you. So thanks for taking this walk with me today. It's my last one, and I appreciate your company. Tomorrow at noon, I will be the former Governor of the Great State of Washington. And you will be writing new history with Governor Jay Inslee. I know this won't surprise you but before I go, I have two recommendations for you about the future of the Great State of Washington. First, this Legislature must give our children what we were given: good schools, good teachers and the chance to be part of the world economy. We cannot falter. Education is the heart of everything we do and it is our future. Second, if education is the heart of our economic future, transportation is the backbone. Our state will remain strong only if our roads, highways, bridges and ferries are effectively getting our people to work and our goods to market. Remember our competition. China isn't waiting. India isn't waiting. Korea isn't waiting. We can't wait either. The decision of the Supreme Court in McCleary told us we are failing in our paramount duty. Our moral and legal responsibility is to give every child in Washington the chance for a good basic education,

the same one you and I got. There is no free lunch. We cannot cut our way out of this. We cannot save our way out of this. To meet the McCleary ruling, we will need at least a \$1 billion down payment in the next biennium and \$3.4 billion by 2018. Today is the day. Now is the time. We must invest in our children and their future! We must also have the transportation infrastructure for our economic corridors to get employees to work and goods to market if we want to remain a vibrant economic competitor in the years to come. These projects and more demand funding: The Columbia River Crossing; Spokane's North-South Freeway. Snoqualmie Pass; State Route 167 between Tacoma and Puyallup; the 40-mile I-405 corridor; a new 144-car ferry; and I-5 at Joint Base Lewis-McChord. Freight-dependent businesses account for nearly 45 percent of our jobs. Companies move nearly \$40 million worth of freight on our roads every single hour. We must maintain our very valuable transportation system, from highways and bridges to ferries and city streets. If we step up to our commitment to build a new Columbia River Crossing with Oregon this year, the federal government will too. I urge you to invest the \$450 million to make certain that this critical West Coast economic corridor moves forward. Now is the time to build the future of Washington! In the end, these two challenges are only that challenges. You've met tougher ones in the past eight years, and you delivered for the people of Washington. I know you will deliver again. You will do what you always do. You will keep the state of our state strong! Finally, today, in my last appearance as governor I still feel the need to pinch myself a little to make sure the past eight years weren't just a dream. My mother was a short-order cook at the Rainbow Café in Auburn for so many years, a single mom who worked so hard and kept a watchful eye on her daughter, Chris O'Grady, sitting on a stool in the kitchen doing her homework. I always believed what my mom said. 'You can make it in America if you work hard enough. If you respect yourself and serve those around you. If you keep the faith and don't give up.' That's what I did. I was just a Washington girl who loved to play basketball, pick blueberries, ride horses in the summer. I was just a young Washington woman who became the first in her family to graduate from college. I was just a Washington woman who got that gift of education, who admired John F. Kennedy and who chose a career of public service as a clerk typist, a caseworker, an Assistant Attorney General, a Director of Ecology, an Attorney General and then the ultimate privilege: to serve as Governor of the state I love, the Great State of Washington. And on my last full day as Governor, I can speak from experience and say we still live in the greatest state in the nation and the greatest country in the world. Thank you to the people of Washington, for the pleasure of serving you. And thank you, ladies and gentlemen of the Legislature, for hearing me one last time. I appreciate it. I will miss governing and I will miss all of you. Please accept my deepest thanks for your public service. Farewell, God bless you and God bless the great State of Washington."

President Owen: "Thank you Governor for you very, very profound remarks. I can see why you are such an excellent politician, emphasized by a couple of our colleagues. For instance, Auditor Sonntag pulls out a grocery list during his remarks, as a prop. Okay. Sam Reed? A used up old briefcase. The Governor? A two-month old baby. Nice going. Governor you have been proven to be a very skilled mediator, a tough negotiator, and extremely effective leader in the toughest of times. We thank you very much and wish you all the best. Personally, I would like to thank you for your tremendous accessibility, your guidance and your friendship over the years that we've had. Thank you very much. We would also like to

present you with a little remembrance of your time serving the great State of Washington.”

On behalf of the people of the State of Washington and the Legislature, the President presented Governor Christine Gregoire with a gift of artwork created by Ms. Kim Merriman in gratitude for and recognition of her public service.

The President called upon the committee of honor to escort Governor Gregoire and the Gregoire family from the House Chamber.

The President called upon the committee of honor to escort the statewide elected officials from the House Chamber.

The President called upon the committee of honor to escort the Chief Justice and the Justices of the Supreme Court from the House Chamber.

On motion of Representative Sullivan, the Joint Session was dissolved. The Speaker (Representative Moeller presiding) assumed the chair.

The Speaker (Representative Moeller presiding) called upon the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Brad Owen, President Pro Tempore Tim Sheldon, Senator Ed Murray and Senator Mark Schoesler and the Senate from the House Chamber.

The Senate was called to order at 12:22 p.m. by President Owen.

At 12:23 p.m., on motion of Senator Fain, the Senate adjourned until 10 :00 a.m., Wednesday, January 16, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

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THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 16, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Hargrove.

The Sergeant at Arms Color Guard consisting of Pages Laura Cronin and Hailey Sanne, presented the Colors.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SI 517

Initiative and referendum

Referred to Committee on Governmental Operations.

SI 522

Genetically engineered foods

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5046 by Senators Padden, Kline, Keiser, Harper, Shin and Kohl-Welles

AN ACT Relating to modifying the mandatory retirement provision for district judges; and amending RCW 3.74.030.

Referred to Committee on Law & Justice.

SB 5047 by Senators Nelson, Darneille and Murray

AN ACT Relating to allowing for partial payment of delinquent property taxes; amending RCW 84.56.020; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5048 by Senators Sheldon, Benton and Hargrove

AN ACT Relating to notice against trespass; and reenacting and amending RCW 9A.52.010.

Referred to Committee on Law & Justice.

SB 5049 by Senator Sheldon

AN ACT Relating to allowing lodging taxes to be used to fund law enforcement officers; and amending RCW 67.28.1815.

Referred to Committee on Ways & Means.

SB 5050 by Senators Sheldon, King, Ericksen and Litzow

AN ACT Relating to the carrying of passengers in a vehicle attached to a flatbed tow truck; and amending RCW 46.61.625.

Referred to Committee on Transportation.

SB 5051 by Senators Hatfield and Shin

AN ACT Relating to the classroom portion of traffic safety education courses; and amending RCW 46.82.280 and 28A.220.020.

Referred to Committee on Transportation.

SB 5052 by Senators Ericksen, Ranker, Shin, Padden and Kohl-Welles

AN ACT Relating to increasing the number of superior court judges in Whatcom county; amending RCW 2.08.063; and creating a new section.

Referred to Committee on Law & Justice.

SB 5053 by Senators Harper, Tom, Roach, Murray, Kohl-Welles, Eide, Carrell and Shin

AN ACT Relating to vehicle prowling; amending RCW 9A.52.100; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5054 by Senators Honeyford, Smith, Schoesler, Benton, Pearson, Ericksen and Hewitt

AN ACT Relating to establishing a process for the acquisition of habitat and recreation lands by the state; amending RCW 77.12.037, 77.12.220, 79.70.030, 79.71.040, and 79A.05.095; reenacting and amending RCW 79A.05.030; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.30 RCW; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Natural Resources & Parks.

SB 5055 by Senator Honeyford

AN ACT Relating to the state archivist; and amending RCW 40.14.020.

Referred to Committee on Governmental Operations.

SB 5056 by Senators Honeyford, Keiser, Shin and Hewitt

AN ACT Relating to the submission of new master applications by persons seeking work permits for the employment of minors; and adding a new section to chapter 19.02 RCW.

Referred to Committee on Commerce & Labor.

SB 5057 by Senators Ericksen, Hargrove, Sheldon, Holmquist Newbry, Becker, King, Honeyford and Shin

AN ACT Relating to outdoor recreation on lands purchased by a private, not-for-profit organization acquired in whole or part with public funds; adding a new section to chapter 79A.25 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 90.71 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

SB 5058 by Senators Carrell, Hewitt, Pearson, Roach, Delvin, Benton, Shin and Kohl-Welles

AN ACT Relating to assault of a corrections officer, law enforcement officer, or other employee of a law enforcement agency; amending RCW 9A.36.011 and 9A.36.021; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5059 by Senators Carrell, Hewitt, Pearson, Roach, Delvin, Benton, Hargrove, Harper, Shin and Kohl-Welles

AN ACT Relating to rendering criminal assistance; and amending RCW 9A.76.050 and 9.94A.535.

Referred to Committee on Law & Justice.

SB 5060 by Senators Carrell, Darneille, Dammeier, Conway and Becker

AN ACT Relating to the removal of county elected officials; amending RCW 36.29.090; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Governmental Operations.

SB 5061 by Senators Carrell, Roach, Becker, Bailey, Conway, Rolfes and Shin

AN ACT Relating to a veteran's preference for the purpose of public employment; and amending RCW 41.04.010.

Referred to Committee on Governmental Operations.

SB 5062 by Senators Carrell, Becker, Padden, Harper, Benton, Roach, Darneille, Delvin and Rolfes

AN ACT Relating to squatters on foreclosed property; amending RCW 9A.52.090; adding a new section to chapter 9A.52 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 5063 by Senators Carrell, Benton, Hargrove, Padden and Shin

AN ACT Relating to ethics in public service; amending RCW 42.52.050, 42.52.120, 42.52.360, 42.52.410, 42.52.420, and 42.52.460; reenacting and amending RCW 42.52.010; adding new sections to chapter 42.52 RCW; creating a new section; and repealing RCW 42.52.500.

Referred to Committee on Governmental Operations.

SB 5064 by Senators Hargrove and Kline

AN ACT Relating to persons sentenced for offenses committed prior to reaching eighteen years of age; amending RCW 9.94A.510, 9.94A.540, 9.94A.6332, 9.94A.729, 9.95.425, 9.95.430, 9.95.435, 9.95.440, and 10.95.030; adding a new section to chapter 9.94A RCW; adding new sections to chapter 10.95 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5065 by Senators Mullet and Benton

AN ACT Relating to the settling of certain insurer transactions; amending RCW 48.31.020; and adding a new section to chapter 48.31 RCW.

Referred to Committee on Financial Institutions & Insurance.

SJR 8200 by Senators Benton, Ericksen, Braun, Bailey, Dammeier, Sheldon, Delvin, Becker, Schoesler, Honeyford, Pearson, King, Roach and Hewitt

Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes.

Referred to Committee on Governmental Operations.

SJR 8201 by Senators Ericksen, Holmquist Newbry, Roach, Sheldon, Benton, Bailey, Delvin, Padden, Hill, Becker, Honeyford, Braun, Pearson, Hewitt and Dammeier

Amending the state Constitution to require a balanced budget.

Referred to Committee on Ways & Means.

SJR 8202 by Senators Ericksen, Holmquist Newbry, Benton, Sheldon, Delvin, Padden, Honeyford, Braun and Pearson

Amending the Constitution to prohibit the legislature from enacting legislation taxing net or earned income.

Referred to Committee on Ways & Means.

SJR 8203 by Senators Carrell, Pearson, Padden, Roach, Benton, Hargrove, Harper, Becker, Delvin and Hewitt

Amending the state Constitution to allow a reasonable suspicion standard in certain searches of students on school grounds.

Referred to Committee on Law & Justice.

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MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5062 which was referred to the Committee on Financial Institutions & Insurance.

PERSONAL PRIVILEGE

Senator Sheldon: "Well, thank you Mr. President. Today is the Inaugural Ball and I wanted let all the members know that if you are attending tonight please stop by my office at 8:30 or 9:00. We have some desserts and coffee and everyone is welcome so I understand from Andy there going to treat the floor here just like it is when we're in session so they'll have security at the door so please come by with your friends and guests and a cup of coffee and a dessert."

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. Do you know if they are going to have the geoduck ice sculpture this year at the Governor's Ball?"

REPLY BY THE PRESIDENT

President Owen: "I don't know but I'll check on it right away. ... Short timer."

At 10:09 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the Call of the President for the purpose of a joint session with the House of Representatives.

JOINT SESSION

Pursuant to House Concurrent Resolution 4402, the Speaker (Representative Moeller presiding) called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of the Senate members. The Speaker (Representative Moeller presiding) declared a quorum of the Legislature was present.

The Speaker (Representative Moeller presiding) called upon the President of the Senate, Lt. Governor Brad Owen, to preside over the Joint Session.

President Owen: "The purpose of this joint session is to administer the oaths of office to statewide elected officials and to receive the inaugural address from His Excellency, Governor Jay Inslee."

The President appointed a committee of honor to escort the Chief Justice and the Justice of the State Supreme Court to the House Chamber: Representatives Freeman and O'Ban; Senators Fain and Mullet.

The President appointed a committee of honor to escort the statewide elected officials to the House Chamber: Representatives Appleton and Magendanz; Senators Conway and Rivers.

The President appointed a committee of honor to advise His Excellency, Governor Jay Inslee, that the joint session had assembled and to escort him to the House Chamber: Representatives Hunt and Zeiger; Senators Cleveland and Parlette.

The Sergeant at Arms of the House announced the arrival of the Chief Justice and the Justices of the State Supreme Court at the Chamber doors. The committee of honor escorted the Chief Justice and the Justices of the Supreme Court to seats on the floor of the House Chamber and they were introduced: Chief Justice Barbara Madsen, Justice Charles Johnson, Justice Susan Owens, Justice Mary Fairhurst, Justice James Johnson, Justice Debra Stephens, Justice Charlie Wiggins, Justice Steven Gonzalez and Justice Sheryl Gordon-McCloud.

The Sergeant at Arms of the House announced the arrival of the statewide elected officials at the Chamber doors. The committee of honor escorted the statewide elected officials to the floor of the House Chamber and they were introduced: Secretary of State-elect Kim Wyman, State Treasurer Jim McIntire, State Auditor-elect Troy Kelley, State Attorney General-elect Bob Ferguson, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Peter Goldmark.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the special guests present in Chamber: former Governor Mike Lowry; Ms. Virginia Cross, Tribal Chairman, Muckleshoot Tribal Council; Mr. Melvin R. Sheldon, Jr., Chairman, Board of Directors, Tulalip Tribes; Mr. Harry Smiskin, Chairman, Yakama Nation Tribal Council; and Mr. Brian Cladoosby, Chairman, Swinomish Indian Tribal Community.

The President welcomed members and representatives of the State of Washington Consular Association who were present in the Gallery. The members of the Consular Association were joined by Consul General Gao Zhansheng of the Consulate General of the People's Republic of China in San Francisco and Consul General Priya Guha of the British Consulate General of the United Kingdom of Great Britain and Northern Ireland in San Francisco. The President introduced: Career Consul General Kiyokazu Ota of Japan; Consul General Denis Stevens of Canada; Consul General Young Wan Song of the Republic of Korea; Consul General Andrey Yushmanov of the Russia Federation; Career Consul, Head of Mission, Alejandro Garcia Moreno of the United States of Mexico; Consul Jessica Maria Reyes of the Republic of El Salvador; Honorary Consul General John Gokcen of the Republic of Turkey; Honorary Consul General Gary Furlong of the Republic of Uzbekistan; Honorary Consul General Helen M. Szablya of the Republic of Hungary; Honorary Consul General Miguel Angel Velasquez of the Republic of Peru; Honorary Consul H. Ronald Masnik of the Kingdom of Belgium; Honorary Consul Enid L. Dwyer of Jamaica; Honorary Consul Vytautas V. Lapatinskas of the Republic of Lithuania; Honorary Consul Daravuth Huoth of the Kingdom of Cambodia; Honorary Consul Frank Brozovich, DDS, of the Republic of Croatia; Honorary Consul Philippe Goetschel of the Swiss Confederation; Honorary Consul Kim Nesselquist of the Kingdom of Norway; Honorary Consul Stephen Zirschky of the Republic of Latvia; Honorary Consul Petra Walker of the Federal Republic of Germany; Honorary Consul Luis Esteban Fernandez of the Kingdom of Spain; Honorary Consul Jack Cowan of the French Republic; Honorary Consul Pedro Augusto Leite Costa of the Federative Republic of Brazil; Honorary Consul Franco Tesorieri of the Italian Republic; Honorary Vice-Consul Kristiina Hiukka of the Republic of Finland; and Director-General Chin Hsing (Andy Chin) of Taipei Economic and Cultural Office in Seattle.

The Sergeant at Arms of the House announced the arrival of His Excellency Governor Jay Inslee at the Chamber doors. The

committee of honor escorted Governor Inslee to the rostrum and he was introduced.

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard, commanded by Trooper Pete Stock. The President led the Joint Session in the Pledge of Allegiance. The National Anthem was performed by Miss Lena Hou, a fourth grade student from Sierra Heights Elementary School in Renton. The Washington State Patrol Honor Guard retired from the Chamber.

The prayer was offered by Reverend Dr. Dee Eisenhauer, Eagle Harbor Congregational Church of Bainbridge Island.

Reverend Eisenhauer: “Holy One, whom we call by many names, out of our separate paths we have converged in this place on this day of new beginnings. Call us out of our separateness, out of our parties and caucuses, out of our interest groups and districts. Help us, for this moment, to transcend all that divides us. Give us in these moments of prayer a spirit of true unity as we attune our souls to a Higher Power. God of Grace, we ... Amen.”

OATHS OF OFFICE

Governor Jay Inslee: “ ”

GOVERNOR’S INAUGURAL ADDRESS

Governor Inslee: “Mr. President, Mr. Speaker, Madam Chief Justice, distinguished Justices of the court, my fellow statewide elected officials, members of the Washington State Legislature, members of our armed forces and National Guard, members of the Consular Corps, Governor Mike Lowry and Governor Christine Gregoire and all of my fellow Washingtonians: This we know: Our world is changing faster and more dramatically than ever before. Once-in-a-lifetime events now seem to happen with startling regularity. We’ve seen the greatest financial crisis since the Great Depression, natural disasters fueled by climate change and unimaginable human tragedies, like Sandy Hook Elementary. But we also bear witness to rapid breakthroughs in technology, medicine and the fundamental understanding of our universe. Every day I am left in awe at how much we are able to achieve and heartbroken over the tragedies that we have had to endure. We truly live in extraordinary times. We also live in an extraordinary state, filled with extraordinary people. Where the world sees uncertainty, we Washingtonians see opportunity. And we all feel a profound responsibility to our children and our grandchildren. We have a spirit of innovation here in Washington that has changed the world, from aerospace to software to e-commerce. And you know what? We are not done. A new world economy is emerging from the depths of this recession. While its contours and relationships are not fully understood to us, understood to us, we do know two things: First: With our uniquely powerful fusion of values and talents, Washington state has the potential to lead the next wave of world changing innovations. Second: The world will not wait for us. We face fierce and immediate global competition for the jobs of tomorrow. Leading this next wave of growth is our opportunity, not our entitlement. We must move, swiftly and boldly, to put this recession behind us and bring forward a unique economic strategy that brings the best of Washington state to the world. As Franklin Delano Roosevelt said, ‘Never before have we had so little time in which to do so much.’ Today, I’d like to share my vision of our path ahead. I know that to achieve this vision we’ve all got to work together. Democrat and Republican, House and Senate, East and West, to answer the challenges of our age. I have represented both sides of our state, first as a state representative from Yakima Valley, then in Congress

representing both Eastern and Western Washington. I want to thank the people of Washington for electing me to be your governor. I am truly humbled to represent all of Washington, and to deliver the change in Olympia all the people asked for me last November. Now I would like to do something very difficult to do as a University of Washington Husky, and that is to honor a Washington State Cougar. I would like to introduce all of you to my wife of 40 years, Trudi Inslee, a great Washington State Cougar. We met at Ingraham High School in 1966 and any who doubt the power of public education, it can create great marriages, I can tell you that. We raised our family in a century-old farmhouse in the Yakima Valley. I’d also like you to meet my three boys and their families: Connor; Joe; Jack and his wife, Megan; our grandson, Brody; and the newest Inslee, Zoe Ann. Hey Brody. This is a very special day for my family, all of our electeds’ families. And this is a very special time for many other families in our state for this reason. People all across Washington stood up for fairness and family in approving marriage equality last November. We should all be proud. The vote on Referendum 74 represents the best of who we are as a state. It should be an inspiration for the progress we can make always towards equality, always towards fairness, always towards justice all across of Washington. It has been an amazing journey for me and Trudi over the past year and a half, as we’ve traveled to all corners of the state. I am a fifth generation son of the state of Washington. I’m proud to have roots in this state that are as wide as they are deep. My family came to this state as fishermen and gold mining engineers. My grandmother raised four boys as a single mother working at Bartell’s drugstore. My uncles and cousins built the best airplanes in the world at Boeing, my dad was a biology teacher, a great biology teacher, and I am proud that my mom and dad worked to restore the alpine meadows of Mount Rainier. But I am mostly proud of the working people of Washington, and I believe I know their work. I’ve driven bulldozers in Bellevue, painted houses in Burien, I know the business end of a jackhammer, I’ve prosecuted drunk drivers and I raised hay in the Yakima Valley. Washington has welcomed many people to our great state from all points of the compass, but no matter when you and your family arrived here, in our souls all of us in Washington are pioneers. That is what makes us unique. We push the world forward. We take risks. We take pride in what we do and who we are. I look forward to a true partnership with Senate Majority Leader Rodney Tom and with Democratic Leader Ed Murray, and with House Speaker Frank Chopp and Minority Leader Richard DeBolt. I want us to collaborate early and often on a legislative agenda that benefits all of Washington. I want to work with every member of the Legislature, personally. Our economy draws its strength from a marketplace of ideas, and so should our state. I have called all of you in the Legislature already and I’m ready to begin this partnership. If you got a call from me in the last several weeks, that wasn’t a robocall. I need to talk to each one of you so we can work together to better the future of our state. When the people of Yakima sent me here to Olympia more than two decades ago, Washington had just completed its first century. I sat and listened as former Governor Booth Gardner presented us with a challenge heading into Washington’s second century. He said, ‘Either we respond to international competition, or we doom ourselves and our children to a dramatic slide to second-rate status in the world.’ We chose to answer this challenge with a unique formula for international success that has made us who we are today: the businesses, entrepreneurs, state government, all working together. Now it’s 24 years later. I have a new job, a new vantage point, and the world looks much different. A once-vibrant and growing state economy was brought low by the gross irresponsibility of those on Wall Street. As a result we have suffered four years of recession, with almost

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300,000 people in Washington looking for work. Too many of our families are on the brink of losing their home. Parents lie awake at night wondering how they can provide for their children's future. But we do remain an optimistic state, a visionary state and an innovative state. Time has not dimmed and the recession has not diminished our thirst for innovation and our talent for technological growth. We are the most creative, entrepreneurial group of businessmen and women, scientists, educators and workers on the planet. Companies like Silicon Energy in Marysville are leading the world with some of the most durable solar cells ever built. Janicki Industries in Sedro Woolley is driving innovation in aerospace. Valve, a software company in Bellevue, has grown into a worldwide leader in interactive entertainment. And in Grays Harbor an across-the-board effort led to the re-opening of the paper mill last year, putting 175 people back to work making 100 percent recycled paper. I have this to say about Washington: Innovation is in our genes. We create. We invent. We build. So now we must go forward, with both high ambition and a recognition that the power of innovation will fuel the next wave of job growth in Washington. Make no mistake: Our top priority today, tomorrow, and every single day for the next four years, is jobs. We must build a working Washington, capable of sustained economic leadership in a rapidly changing world. During the campaign I put out a plan to get Washington back to work that grew to more than 100 points of action. My plan focuses on job growth in seven industry clusters: aerospace, life sciences, military, agriculture, information technology, clean energy technology and the maritime trades. These clusters represent both the present and the future key drivers of economic growth and job creation in our state. We must support innovators in these areas with incentives to take risks and bring ideas from dream to reality. I have proposed a tradable R and D [research and development] tax credit to help early-stage companies to develop and commercialize their idea. It's worked in other states, and it's something we can do this session. I will work with the Legislature to make it more desirable for small and medium-size businesses to hire more people and to do a better job commercializing the technologies developed in our world-class research institutions, connecting the dots from the classrooms to the laboratory to the marketplace. We've got to get that job done. No economic strategy would be complete without a transportation plan that facilitates this growth. This session I expect to work with stakeholders that have already committed to a bipartisan plan to build an infrastructure for the next generation. In the next 10 years, our population will grow by approximately three-quarters of a million people, but we will not add one more square inch of dirt. To honestly address our infrastructure, we've got to recognize that in transportation creativity is just as important as concrete. I want to turn our innovative spirit towards crafting a transportation package that includes roads, trains, light rail, buses, bike routes, pedestrian and every other mode of transportation. We need ways to free capacity for freight and commerce, and to fundamentally rethink how we do the business of transportation in our state and how we use our transportation infrastructure. If we're serious about long-term economic growth, innovation must become part of the very culture of Olympia. I heard a clear and powerful message on Election Day. The people of Washington State are tired of a state government that doesn't change with the times. They expect me, and all of us here, to be as innovative as the people we represent. Since the recession, the debate over the state budget seems to be stuck in the movie 'Groundhog Day.' We have the same arguments and we revisit the same untenable options. It's time we made it to a new day. Today we begin a multi-year effort to bring disruptive change to

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Olympia, starting with the very core of how we do business. With authentic, courageous leadership, we will bring the principles of Lean management to all of state government, following the lead of Boeing, Virginia Mason and a growing number of state and local governments. We will provide efficiency, effectiveness and transparency. Importantly, we will introduce performance metrics where it counts, giving us the data we need to fix what's broken, cut what we don't need and replace rhetoric with quantifiable results. But this effort is about more than measurement. It's about instituting a culture shift that will endure well beyond my administration. Moving forward, all state agencies will be rooted in the same three principles: First, we will measure success by the results we produce, not the money we put in. Second, we will know our customers and what they value. Third, every agency will adopt a unique process for continual improvement that engages our state employees. Change is coming to Olympia, and I want all state employees to be an active part in it. I know how much state employees have sacrificed. You've been on the front lines, figuring out how to do more with less during this recession just like every family in Washington right now. You will be empowered as change agents, and we will need your ingenuity and dedication more than ever. I am serious about reform. I will be taking action to transition to a results- and data-driven government, with continuous quality improvement, employee engagement and clear accountability. And to honestly address our budget problems, we must admit the difficult truth that the road to a balanced budget and a fully-funded educational system runs directly through health care reform. This means investing in preventative care and aligning incentives with patients to encourage healthy lifestyle choices. King County is already doing this, and it is working. We'll improve the health of all of us in Washington as we move from 'sick care' to the true health care system we deserve. We need to leverage our Medicaid and state employee health systems, and engage health care providers, carriers and community clinics, to find innovative payment models and health care delivery systems that incentivize quality over quantity, value over volume. Effectively implementing the Affordable Care Act will save us money by removing the hidden tax of hundreds of dollars paid monthly by all our state's insured citizens. We can do this for the health of our family and the health of our economy. When we make our health care system more efficient, we lower the cost of doing business in our state. The states that get this right will have a clear advantage in recruiting and retaining the jobs of tomorrow. This session, we must make sure Washington gets this right, first. And I look forward to working with you. Now, as we do this we must also protect the quality and choice that we expect from a health care system that works. For that reason, Washington women need the freedom and privacy to make the health care decisions that are best for themselves and their families. That's why I look forward to the Legislature sending the Reproductive Parity Act to my desk, which I will sign. Let's get this done. For Washington to be successful, our economy, our government and our schools must all work together, but before we continue, I want to take a moment to honor the courage and heroism of public school teachers, educators and all of our public employees. The tragedy at Sandy Hook Elementary School in Connecticut showed us all that our nation's educators put the welfare of their students above everything, even their own lives. You may have heard the story about the parent who was in the principal's office when the sounds of gunshots began. That parent said she ran to get under the nearest desk, as most people would have done, but the educators in the room ran another way. They ran toward the sound of the gunfire. They did not return. It is my fervent hope that the country sees the sacrifices made at this one school, in this

one state, as entirely consistent with what teachers and educators do every day, in every school, protect the children in their care. We should honor them today. The tragedy at Sandy Hook was unimaginable, but, unfortunately, not unfamiliar. We have lost too many loved ones in Washington state: in a Seattle café, in Lakewood, at the Seattle Jewish Federation, in a house in Carnation, all victims of a lethal combination of untreated mental illness, evil intent and easy access to deadly weapons. Any failure to address this issue of violence in our communities and our schools this year will be intolerable, and in the coming weeks I will work with the Legislature to address this crisis responsibly. I don't have all the answers, but I know the sooner we reject the extremes and embrace common sense, the sooner we'll be able to get a public health solution to a public health crisis. And common sense tells us that this solution will involve mental health and keeping guns out of the wrong hands while respecting the right of my son to hunt and my uncle to defend his home. This is common sense. All of us have an obligation to provide for the well-being of our families, to ensure their safety and to make sure our children are prepared for the world. I am proud to live in a state where the education of our children is enshrined as the paramount duty of state government. I got my start in politics as a concerned parent, when Trudi and I led an effort with another couple in Selah, Washington to fund construction of a new high school. I'm inspired by the pockets of excellence I have seen in schools all across Washington. In Pasco, they've improved high school graduation rates through intervention teams they created. In Renton, they closed the achievement gaps with a world-class approach that demands continuous quality improvement in how we educate our children. I visited the TAF [Technology Access Foundation] Academy where, thanks to a unique public-private partnership, young students are applying the latest technological tools to solve real-world problems. Across our state we need this kind of real innovation, real reform using proven models and real accountability. We need to increase the emphasis on STEM education. Science, technology, engineering and math [STEM] are just as important to the next generation as the three R's were to my generation. They are the essential tools for success in this new economy. We need to invest more where we get the biggest return, in quality early learning programs. We need a system that aligns from early learning to K-12 [kindergarten to 12th grade] to our universities. Accountability must be present at every level. We should continue the progress we are making on improving the teacher and principal evaluation system, and make it a significant part of personnel decisions. And yes, we need to meet the funding obligations set out by the McCleary decision, but we cannot continue to allow funding debates to mask deeper problems in our schools that do demand innovation and reform. I want us to be able to look our children in the eyes, knowing that we honored our commitment to provide them with a world-class education through systemic, sustainable reform of our schools. It's also critical for us to preserve the leading role of our research institutions play in inventing the future, growing our economy and growing and creating jobs. While we do this, we can no longer accept the misalignment between what our schools teach and what skills our employers need. This is something I will act on immediately to sharpen the relationship between our schools and the economy they are preparing our young people to enter. It will be hard work, but it is required work if we want Washington to rise to the challenges the world will present us. There is no challenge greater for Washington, with more opportunity for job growth in Washington and more suited to our particular brand of genius and ingenuity, than leading the world's clean energy economy. It is clear to me that we are the right state, at the right time, with the right people. It's also clear to me that we face grave and immediate danger if we fail to act. Nine of 10 of the hottest

years on record happened in the past decade. We've had epic flooding, searing drought, devastating wildfires, including last summer's fires in Central Washington and the rising tides along our coast. Our Pacific Northwest waters, including in Puget Sound, are becoming too acidic due to carbon pollution, forcing parts of our shellfish industry already to have had to move last year. In Eastern Washington, our long tradition of agriculture could be threatened if snowpack melts more rapidly. Water stored as snow is money in the bank for Washington's rural economies and the bank could fail if we don't act. As a parent and a grandparent, I cannot consciously accept the dangers of climate change for my family or yours. As a Governor, I can't afford to look the other way or point fingers or deny these realities and I cannot allow our state to miss this moment which is our destiny to lead the world in clean energy. All of us in Washington will have to square up to both our responsibility and our opportunity on climate change, and when we do, I'd like all of us to remember what Dr. Martin Luther King once said: 'The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.' On climate change, we have settled the scientific controversy. That's resolved. What remains now is how we respond to the challenge. Now I know Washington can't solve this global problem alone, but we must embrace our role as first responders as our children's health is in clear and immediate danger. We must also embrace our role as entrepreneurs and pioneers, ensuring that economic solutions to climate change begin here. Companies in this state are already moving forward, and we will not hand over our destiny to lead the world in clean energy to any other state or to any other nation. You know, I hope to embrace all of us in this effort for this reason: we don't deny science in Washington; we embrace it. We do not follow technological innovation; we lead it. And we will not pass up a golden opportunity to create jobs across this state. We need these clean energy jobs that work for the long haul. These jobs will be in Bellingham at the Itec solar company, in Seattle at MacDonald-Miller, a great efficiency company, in Spokane at the McKinstry Company and at Boeing where we, today, are making the world's most fuel efficient jet. These jobs won't just fall into our laps. Washington has what it takes to win, but the clean energy race is highly competitive. Germany, China and California are not waiting. Neither should we. So over the next four years, we need to show our commitment with policies to promote economic growth, research and development on a clean energy program, to lock in the next wave of growth and opportunity for the next generation. I look forward to having a real dialogue with each and every one of you in the Legislature in the coming weeks on creating jobs, on educating our children, on changing how we do business in state government and on creating a culture of leading the world toward a clean energy economy. But as we move forward to determine what we will do, let's remember who we are as a state. Washington is a state that embraces all people for who they are. A state that allows all to love who they will. A state that is never content with today but is always leading the world in inventing tomorrow. A state whose very name commits itself to the preservation of its own beauty for its own grandchildren and its own great-grandchildren. The Evergreen State. Thank you. Now let's get to work. Thanks a lot."

The President thanked Governor Inslee for his remarks and called upon the committee of honor to escort Governor Inslee from the House Chamber and the Governor retired from the Chamber.

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The President called upon the committee of honor to escort the statewide elected officials from the House Chamber and they retired from the Chamber.

The President called upon the committee of honor to escort the Chief Justice and the Justices of the Supreme Court from the House Chamber and they retired from the Chamber.

On motion of Representative Sullivan, the Joint Session was dissolved. The Speaker (Representative Moeller presiding) assumed the chair.

The Speaker (Representative Moeller presiding) called upon the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Brad Owen, President Pro Tempore Tim Sheldon, Senator Ed Murray and Senator Mark Schoesler and the Senate from the House Chamber and the Senate retired from the Chamber.

The Senate was called to order at 1:01 p.m. by President Owen.

At 1:01 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, January 17, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FOURTH DAY

 NOON SESSION

Senate Chamber, Olympia, Thursday, January 17, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5066 by Senators Billig, Litzow, Eide, Frockt and Rolfes

AN ACT Relating to local authorities altering maximum speed limits; and amending RCW 46.61.415.

Referred to Committee on Transportation.

SB 5067 by Senators Padden and Schoesler

AN ACT Relating to will provisions; and amending RCW 11.12.051.

Referred to Committee on Law & Justice.

SB 5068 by Senators Conway and Shin

AN ACT Relating to the annexation of property owned by the state for military purposes; and amending RCW 38.12.020, 35.13.130, and 35.13.125.

Referred to Committee on Governmental Operations.

SB 5069 by Senators Schoesler, Hewitt and Kohl-Welles

AN ACT Relating to increasing the number of superior court judges in Benton and Franklin counties jointly; amending RCW 2.08.064; and creating a new section.

Referred to Committee on Law & Justice.

SB 5070 by Senators Delvin, Hewitt, Benton, Litzow, Schoesler, Kline and Hasegawa

AN ACT Relating to establishing special license endorsements for cigar lounges and retail tobacconist shops; amending RCW 70.160.060; and adding new sections to chapter 82.26 RCW.

Referred to Committee on Commerce & Labor.

SB 5071 by Senators Delvin, Holmquist Newbry, Becker, Ericksen, Roach, Schoesler and Hewitt

AN ACT Relating to extending the time period permitted to put water to beneficial use; amending RCW 90.03.380, 90.03.380, 90.14.031, 90.14.043, 90.14.130, 90.14.140, 90.14.140, 90.14.160, 90.14.170, 90.14.180, and 90.92.070; adding a new section to chapter 90.14 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5072 by Senators Delvin, Hobbs, Baumgartner, Becker, Carrell, Roach, Schoesler, Holmquist Newbry, Hatfield, Hewitt, Shin, Keiser and Rolfes

AN ACT Relating to a sales and use tax exemption for disabled veterans and members of the armed forces for certain equipment and services that assist physically challenged persons to safely operate a motor vehicle; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5073 by Senators Chase, Kline, Keiser, Rolfes and Hasegawa

AN ACT Relating to disclosure of foods produced through genetic engineering; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5074 by Senator Chase

AN ACT Relating to the training of code enforcement officials; and adding new sections to chapter 49.04 RCW.

Referred to Committee on Commerce & Labor.

SB 5075 by Senator Chase

AN ACT Relating to assessment increases in homeowners' associations; and amending RCW 64.38.025.

Referred to Committee on Financial Institutions & Insurance.

SB 5076 by Senators Dammeier, Rolfes, Fain, Ranker, Shin, Keiser, Frockt and Hasegawa

AN ACT Relating to including information on home energy efficiency in residential home inspection reports; amending RCW 18.280.030; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5077 by Senators Kohl-Welles, Holmquist Newbry and Keiser

AN ACT Relating to technical corrections to gender-based terms; amending RCW 2.48.210, 6.13.080, 8.16.090,

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9.91.020, 13.34.105, 13.50.010, 13.50.100, 13.50.140, 18.20.185, 18.20.305, 18.20.390, 18.20.420, 18.27.090, 18.106.010, 18.106.020, 18.106.030, 18.106.040, 18.106.050, 18.106.070, 18.106.075, 18.106.080, 18.106.090, 18.106.100, 18.106.110, 18.106.150, 18.106.155, 19.28.006, 19.28.161, 19.28.191, 19.28.201, 19.28.205, 19.28.211, 19.28.221, 19.28.231, 19.28.241, 19.28.261, 20.01.030, 22.09.860, 24.34.010, 26.12.185, 26.44.030, 26.44.220, 28A.175.075, 28A.175.140, 28A.230.020, 28A.300.136, 28A.300.285, 28A.300.2851, 28B.10.053, 28B.15.102, 28B.45.020, 28B.45.030, 28B.45.040, 28B.50.278, 28B.76.502, 28B.77.090, 28B.77.220, 35.39.060, 35.50.260, 35A.37.010, 35A.42.040, 35A.84.010, 36.39.060, 41.04.130, 41.26.110, 41.26.150, 43.06A.010, 43.06A.020, 43.06A.030, 43.06A.050, 43.06A.060, 43.06A.070, 43.06A.080, 43.06A.085, 43.06A.090, 43.06A.100, 43.06A.110, 43.06B.010, 43.06B.020, 43.06B.030, 43.06B.040, 43.06B.050, 43.06B.060, 43.190.010, 43.190.030, 43.190.040, 43.190.050, 43.190.060, 43.190.065, 43.190.070, 43.190.080, 43.190.090, 43.190.110, 43.190.120, 43.215.520, 44.04.220, 48.02.093, 48.18A.070, 50.22.010, 51.04.063, 51.14.300, 51.14.310, 51.14.320, 51.14.330, 51.14.340, 51.14.350, 51.14.360, 51.14.370, 51.14.380, 51.14.390, 51.14.400, 51.14.450, 59.20.210, 60.13.020, 60.13.040, 60.13.050, 60.13.060, 60.36.030, 60.36.040, 60.42.040, 62A.2-201, 62A.2-210, 62A.2-304, 62A.2-305, 62A.2-308, 62A.2-311, 62A.2-312, 62A.2-313, 62A.2-316, 62A.2-318, 62A.2-319, 62A.2-320, 62A.2-324, 62A.2-325, 62A.2-328, 62A.2-402, 62A.2-501, 62A.2-502, 62A.2-504, 62A.2-507, 62A.2-508, 62A.2-510, 62A.2-602, 62A.2-603, 62A.2-604, 62A.2-606, 62A.2-607, 62A.2-608, 62A.2-609, 62A.2-610, 62A.2-611, 62A.2-612, 62A.2-613, 62A.2-615, 62A.2-616, 62A.2-702, 62A.2-704, 62A.2-706, 62A.2-707, 62A.2-709, 62A.2-711, 62A.2-712, 62A.2-714, 62A.2-716, 62A.2-717, 62A.2-718, 62A.2-722, 62A.2-723, 62A.11-109, 64.34.364, 66.20.120, 67.08.080, 67.16.200, 70.97.040, 70.97.100, 70.128.150, 70.128.163, 70.128.200, 70.129.030, 70.129.090, 70.129.110, 70.129.160, 70.129.170, 71.24.350, 73.16.061, 73.20.010, 74.04.011, 74.04.014, 74.04.080, 74.04.350, 74.04.385, 74.04.480, 74.08.050, 74.08.280, 74.08.340, 74.08.370, 74.09.210, 74.09.230, 74.12.010, 74.12.250, 74.13.334, 74.13.368, 74.13.640, 74.13A.025, 74.13A.040, 74.13A.075, 74.15.140, 74.20.260, 74.20A.040, 74.20A.130, 74.20A.150, 74.34.095, 74.34.200, 76.09.100, 76.36.100, 74.36.110, 74.36.120, 74.36.130, 74.38.040, 74.38.050, 74.39A.060, 74.39A.380, 74.42.450, 74.42.640, 76.09.320, 76.14.080, 76.14.090, 76.14.100, 76.14.110, 76.42.030, 76.52.020, 77.04.060, 77.12.370, 77.12.620, 77.12.760, 77.15.570, 77.32.155, 77.65.280, 77.65.340, 77.95.030, 78.04.030, 78.08.080, 78.08.100, 78.12.070, 78.16.030, 78.16.040, 78.52.550, 78.60.110, 78.60.170, 78.60.250, 79.02.150, 79.14.060, 79.22.120, 79.24.030, 79.24.150, 79.24.660, 79.44.050, 79.44.100, 79A.05.085, 79A.05.105, 79A.05.700, 80.01.020, 80.01.100, 80.04.020, 80.04.040, 80.04.050, 80.04.070, 80.04.120, 80.04.170, 80.04.280, 80.04.460, 80.04.470, 80.04.510, 80.08.110, 80.32.100, 80.50.080, 81.04.020, 81.04.040, 81.04.050, 81.04.070, 81.04.120, 81.04.280, 81.04.460, 81.04.500, 81.04.510, 81.08.110, 81.24.070, 81.28.290, 81.40.060, 81.40.110, 81.44.070, 81.48.060, 81.48.070, 81.52.050, 81.53.010, 81.53.030, 81.53.120, 81.53.261, 81.64.160, 81.77.020, 81.80.100, 81.80.355, 81.96.030, 82.03.050, 82.03.060, 82.03.080, 82.04.290, 82.04.425, 82.08.0266, 82.08.0269, 82.08.100, 82.12.070, 82.24.210, 82.24.250, 82.32.070, 82.32.120, 82.32.170, 82.32.260, 82.32.270, 82.32.310, 82.36.110, 82.36.250, 82.36.410, 82.38.060, 82.38.275, 82.41.080, 82.42.040, 82.42.100, 82.44.140, 82.50.520, 82.56.030, 82.56.040, 83.100.020, 84.08.120, 84.08.140, 84.08.190, 84.09.040, 84.12.240, 84.16.032, 84.36.300, 84.36.320, 84.36.400, 84.36.813, 84.36.850, 84.38.040, 84.38.060, 84.38.080, 84.38.090, 84.40.070, 84.40.110, 84.40.160, 84.40.185, 84.40.210, 84.40.220, 84.40.240, 84.40.370, 84.41.080, 84.41.120, 84.44.080, 84.48.018, 84.56.090, 84.56.210, 84.56.210, 84.56.270, 84.56.320, 84.60.040, 84.64.040, 84.64.130, 84.64.180, 84.68.110, 84.68.120, 84.68.150, 84.69.090, 85.05.076, 85.05.100, 85.05.120, 85.05.130, 85.05.150, 85.05.160, 85.05.180, 85.06.100, 85.06.120, 85.06.130, 85.06.150, 85.06.160, 85.06.180, 85.06.210, 85.06.250, 85.06.330, 85.06.550, 85.06.560, 85.06.570, 85.06.600, 85.06.630, 85.06.750, 85.07.070, 85.07.090, 85.07.120, 85.07.140, 85.08.340, 85.08.360, 85.08.400, 85.08.410, 85.08.420, 85.08.440, 85.08.490, 85.08.500, 85.08.570, 85.08.820, 85.08.840, 85.15.030, 85.15.090, 85.15.110, 85.15.150, 85.16.130, 85.16.150, 85.18.160, 85.16.210, 85.16.230, 85.18.040, 85.18.100, 85.18.120, 85.24.070, 85.24.075, 85.24.130, 85.24.140, 85.24.150, 85.24.160, 85.24.170, 85.24.180, 85.24.290, 85.28.030, 85.28.040, 85.28.060, 85.28.080, 85.28.090, 85.32.050, 85.32.060, 85.32.170, 86.09.259, 86.09.292, 86.09.301, 86.09.304, 86.09.310, 86.09.319, 86.09.325, 86.09.328, 86.09.391, 86.09.430, 86.09.433, 86.09.448, 86.09.466, 86.09.493, 86.09.496, 86.09.499, 86.09.502, 86.09.508, 86.09.511, 86.09.556, 86.09.562, 86.09.619, 86.09.703, 86.13.030, 86.13.050, 86.13.060, 86.13.090, 86.13.100, 86.15.060, 86.15.130, 86.16.035, 86.24.030, 87.03.025, 87.03.031, 87.03.032, 87.03.033, 87.03.045, 87.03.075, 87.03.080, 87.03.081, 87.03.082, 87.03.090, 87.03.100, 87.03.110, 87.03.115, 87.03.175, 87.03.180, 87.03.245, 87.03.250, 87.03.255, 87.03.260, 87.03.270, 87.03.272, 87.03.280, 87.03.442, 87.03.570, 87.03.610, 87.03.660, 87.03.690, 87.03.760, 87.03.765, 87.03.820, 87.04.010, 87.22.065, 87.22.215, 87.25.030, 87.25.060, 87.25.100, 87.52.030, 87.52.040, 87.52.060, 87.53.100, 87.53.120, 87.53.150, 87.56.040, 87.56.180, 87.56.190, 87.56.203, 87.56.210, 87.64.010, 87.64.020, 87.64.040, 87.84.070, 88.08.060, 88.16.130, 88.24.010, 88.24.020, 88.24.030, 88.32.020, 88.32.040, 88.32.090, 88.32.100, 88.32.140, 88.32.160, 88.32.170, 88.32.190, 88.32.200, 88.32.210, 89.08.010, 89.08.170, 89.08.180, 89.08.200, 89.08.210, 89.12.020, 89.12.050, 89.12.150, 89.16.040, 89.16.045, 89.16.050, 89.30.025, 89.30.034, 89.30.055, 89.30.058, 89.30.109, 89.30.229, 89.30.259, 89.30.265, 89.30.301, 89.30.304, 89.30.307, 89.30.313, 89.30.316, 89.30.322, 89.30.325, 89.30.328, 89.30.352, 89.30.367, 89.30.382, 89.30.565, 89.30.604, 89.30.625, 89.30.649, 89.30.652, 89.30.655, 89.30.670, 89.30.676, 89.30.685, 89.30.700, 89.30.709, 89.30.721, 89.30.724, 89.30.730, 89.30.790, 90.03.040, 90.03.070, 90.03.210, 90.03.220, 90.03.230, 90.03.250, 90.03.270, 90.03.410, 90.03.440, 90.03.450, 90.08.040, 90.08.050, 90.08.060, 90.08.070, 90.14.061, 90.14.101, 90.14.130, 90.14.170, 90.24.020, 90.24.050, 90.44.110, 90.44.130, 90.48.095, 90.58.170, 91.08.030, 91.08.080, 91.08.130, 91.08.150, 91.08.170, 91.08.220, 91.08.250, 91.08.250, 91.08.280, 91.08.340, 91.08.370, 91.08.390, 91.08.400, 91.08.410, 91.08.430, 91.08.460, 91.08.500, 91.08.510, 91.08.550, 91.08.560, 91.08.590, 91.08.600, and 91.08.620; reenacting and amending RCW 19.28.041, 26.44.030, 27.53.030, 28B.50.100, 60.13.010, 74.13.333, 80.50.150, 82.36.310, and

87.03.440; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 5078 by Senators Ericksen, Smith, Hatfield, Baumgartner, Chase and Shin

AN ACT Relating to modifying the property tax exemption for nonprofit fairs; and amending RCW 84.36.480.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5079 by Senators Roach, Becker, Pearson, Benton, Schoesler and Honeyford

AN ACT Relating to providing compensation for damage to livestock caused by wolves; amending RCW 77.36.100 and 77.36.130; reenacting and amending RCW 77.36.010; and adding new sections to chapter 77.36 RCW.

Referred to Committee on Natural Resources & Parks.

SB 5080 by Senator Ericksen

AN ACT Relating to providing that the vehicle access pass provide access to the department of natural resources' recreation sites; and amending RCW 79A.80.040.

Referred to Committee on Natural Resources & Parks.

SB 5081 by Senators Ranker, Litzow, Shin, Kline, Keiser and Frockt

AN ACT Relating to unlawful trade in shark fins; and amending RCW 77.15.770.

Referred to Committee on Natural Resources & Parks.

SB 5082 by Senators Benton and Smith

AN ACT Relating to exchange facilitator requirements; and amending RCW 19.310.010, 19.310.040, 19.310.080, 19.310.100, 19.310.110, and 19.310.120.

Referred to Committee on Financial Institutions & Insurance.

SB 5083 by Senators Benton, Shin, Carrell, Kline and Hasegawa

AN ACT Relating to political yard signs in homeowners' associations; and amending RCW 64.38.034.

Referred to Committee on Financial Institutions & Insurance.

SB 5084 by Senators Benton, Bailey, Shin, Padden, Becker, Litzow, Dammeier, Roach, Carrell and Pearson

AN ACT Relating to discounted discovery passes for disabled veterans; and amending RCW 79A.80.020.

Referred to Committee on Natural Resources & Parks.

SB 5085 by Senators Benton, Chase, Rivers, Padden, Roach, Holmquist Newbry, Sheldon, Becker and Honeyford

AN ACT Relating to voter approval of a high capacity transportation system plan and financing plan; and amending RCW 81.104.030.

Referred to Committee on Transportation.

SB 5086 by Senators Benton, Roach, Holmquist Newbry, Sheldon, Dammeier and Carrell

AN ACT Relating to safety rest areas; amending RCW 47.12.125 and 47.12.244; adding new sections to chapter 47.38 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5087 by Senators Benton and Sheldon

AN ACT Relating to preventing illegal aliens from qualifying as resident students for purposes of in-state tuition and financial aid; and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

SB 5088 by Senators Benton, Rivers, Holmquist Newbry, Honeyford and Becker

AN ACT Relating to the equal distribution of votes within certain taxing districts; amending RCW 81.104.015, 81.104.150, 81.104.160, 81.104.180, and 81.104.190; reenacting and amending RCW 81.104.170; creating a new section; and repealing RCW 81.104.200 and 81.104.210.

Referred to Committee on Governmental Operations.

SB 5089 by Senators Benton, Bailey, Shin, Roach, Holmquist Newbry, Sheldon and Keiser

AN ACT Relating to allowing certain health care coverage deductions from the calculation of disposable income for the purpose of qualifying for senior property tax programs; and amending RCW 84.36.383.

Referred to Committee on Ways & Means.

SB 5090 by Senators Benton, Rivers and Honeyford

AN ACT Relating to preventing the extension of light rail from Oregon to Washington on Interstate 5 between Portland and Vancouver; adding a new section to chapter 47.01 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5091 by Senators Benton, Roach, Honeyford and Holmquist Newbry

AN ACT Relating to creating the taxpayer savings account; adding a new section to chapter 82.32 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5092 by Senators Benton, Shin, Braun, Roach and Honeyford

FOURTH DAY, JANUARY 17, 2013

2013 REGULAR SESSION

AN ACT Relating to providing an exemption from continuing competency requirements for registered nurses who seek advanced nursing degrees; and amending RCW 18.79.110.

Referred to Committee on Health Care.

SB 5093 by Senators Benton and Roach

AN ACT Relating to a transportation benefit district vehicle fee; amending RCW 82.80.140; and creating a new section.

Referred to Committee on Transportation.

MOTION

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

MOTION

At 12:00 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, January 18, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTH DAY

 NOON SESSION

Senate Chamber, Olympia, Friday, January 18, 2013

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5094 by Senators Pearson, Rivers, Roach, Padden, Benton, Bailey, Carrell, Becker, Holmquist Newbry, Litzow, Sheldon, Honeyford, Dammeier, Parlette, Smith, Braun and Hewitt

AN ACT Relating to requiring notification of sex offenders attending schools; amending RCW 9A.44.138 and 28A.320.125; and adding a new section to chapter 9A.44 RCW.

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

SB 5095 by Senators Roach, Tom, Rivers, Becker, Holmquist Newbry, Schoesler, Ericksen, Padden, Bailey, Hill and Honeyford

AN ACT Relating to providing proof of financial responsibility for motor vehicle operation; and amending RCW 46.30.020.

Referred to Committee on Financial Institutions & Insurance.

SB 5096 by Senators Keiser, Fain, Nelson, Hasegawa and Frockt

AN ACT Relating to transferring ferry and flood control zone district functions and taxing authorities to county legislative authorities in counties with a population of one million five hundred thousand or more; adding new chapters to Title 36 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5097 by Senators Becker, Pearson, Bailey, Hatfield, Holmquist Newbry, Tom, Schoesler, Rivers, Honeyford, Padden, Roach and Parlette

AN ACT Relating to allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass; and amending RCW 79A.80.020.

Referred to Committee on Natural Resources & Parks.

SB 5098 by Senators Ericksen and Ranker

AN ACT Relating to wireless communications structures; and amending RCW 43.21C.0384.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5099 by Senator Rivers

AN ACT Relating to fuel usage of publicly owned vehicles, vessels, and construction equipment; and amending RCW 43.19.648 and 43.325.080.

Referred to Committee on Governmental Operations.

SB 5100 by Senators Hargrove and Padden

AN ACT Relating to the statute of limitations for sexual abuse against a child; amending RCW 9A.04.080 and 4.16.020; and repealing RCW 4.16.340.

Referred to Committee on Law & Justice.

SB 5101 by Senators Mullet, Hobbs, Litzow, Fain, Murray, Hatfield, Hill, Hewitt and Schoesler

AN ACT Relating to a sales and use tax exemption for certain financial information provided to qualifying businesses providing international investment management services; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5102 by Senators Pearson, Darneille, Padden, Kohl-Welles and Conway

AN ACT Relating to veterinarian immunity from liability when reporting suspected animal cruelty; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Law & Justice.

SB 5103 by Senators Harper, Murray, Litzow, Frockt, Conway, Fain and Kohl-Welles

AN ACT Relating to grants for community outdoor and indoor athletic facilities; amending RCW 43.99N.060; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SB 5104 by Senators Mullet, Frockt, Hatfield, Litzow, Ericksen, Fain and Kohl-Welles

AN ACT Relating to placing epinephrine autoinjectors in schools; adding a new section to chapter 28A.210 RCW; and creating a new section.

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

FIFTH DAY, JANUARY 18, 2013

2013 REGULAR SESSION

SB 5105 by Senators Dammeier, Harper, Pearson and Darneille

AN ACT Relating to conditions under which the department of corrections provides rental vouchers to a registered sex offender; amending RCW 9.94A.729; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5106 by Senator Delvin

AN ACT Relating to county budgets; and amending RCW 36.40.200.

Referred to Committee on Governmental Operations.

SB 5107 by Senators Padden and Holmquist Newbry

AN ACT Relating to prevailing wages for workers employed in residential construction; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

SB 5108 by Senators Padden, Carrell, Roach, Benton, Pearson, Holmquist Newbry, Conway and Hewitt

AN ACT Relating to property tax exemptions for service-connected disabled veterans and senior citizens; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Ways & Means.

SB 5109 by Senators Padden, Benton, Smith and Conway

AN ACT Relating to creating a business and occupation tax exemption for new businesses; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

SB 5110 by Senators Tom, Murray, Hill and McAuliffe

AN ACT Relating to local government purchasing; and amending RCW 39.30.040.

Referred to Committee on Governmental Operations.

SB 5111 by Senators Billig, Kohl-Welles, Cleveland, Rivers and Kline

AN ACT Relating to beer and wine theater licenses; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

SB 5112 by Senators Holmquist Newbry, Sheldon, Braun and Hewitt

AN ACT Relating to independent medical exam and consultation and vocational rehabilitation assessment scheduling authority for qualified retrospective rating plan employers and groups; amending RCW 51.04.1101; and adding a new section to chapter 51.18 RCW.

Referred to Committee on Commerce & Labor.

SB 5113 by Senators Bailey, Padden, Carrell, Roach, Benton and Hobbs

AN ACT Relating to enforcing speed limits within condominium association communities; and amending RCW 46.61.419.

Referred to Committee on Financial Institutions & Insurance.

SB 5114 by Senators Bailey, Hobbs, Roach, Becker, Carrell, Dammeier, Benton, Honeyford, Padden and King

AN ACT Relating to access to K-12 campuses for occupational or educational information; and amending RCW 28A.230.180.

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

SB 5115 by Senator Keiser

AN ACT Relating to the definition of community mental health service delivery system; and amending RCW 71.24.025.

Referred to Committee on Human Services & Corrections.

SB 5116 by Senators Benton, Harper and King

AN ACT Relating to exempting transfers of real property by operation of law or court order from the requirement to file a real estate excise tax affidavit; and amending RCW 82.45.090 and 82.45.197.

Referred to Committee on Governmental Operations.

SB 5117 by Senators McAuliffe, Litzow, Rolfes, Kohl-Welles and Frockt

AN ACT Relating to family involvement coordinators in public schools; amending RCW 28A.150.260; and creating a new section.

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

SB 5118 by Senators Carrell, Benton, Darneille, Bailey, Roach and Honeyford

AN ACT Relating to access to original birth certificates after adoption finalization; and amending RCW 26.33.345.

Referred to Committee on Human Services & Corrections.

SB 5119 by Senators Carrell, Pearson, Hewitt, Sheldon, Becker, Holmquist Newbry, Litzow, Roach, Honeyford and Dammeier

AN ACT Relating to body armor; amending RCW 9.94A.030, 9.94A.533, and 9.94A.728; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5120 by Senators Carrell, Rivers, Benton, Braun and Bailey

AN ACT Relating to expenditures for works of art; amending RCW 28A.335.210, 28B.10.027, and 43.17.200; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5121 by Senators Carrell, Benton, Becker, Bailey, Litzow, Roach and Honeyford

AN ACT Relating to the effect of zoning ordinances on hobby vehicle restoration; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Governmental Operations.

SB 5122 by Senators Carrell, Darneille, Pearson, Roach, Sheldon, Dammeier, Honeyford and Conway

AN ACT Relating to improving safety for patients and staff at state hospitals; and adding a new section to chapter 72.23 RCW.

Referred to Committee on Human Services & Corrections.

SB 5123 by Senators Ranker, Hatfield, Hobbs, Parlette and Conway

AN ACT Relating to a farm internship program; reenacting and amending RCW 49.46.010; adding a new section to chapter 49.12 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 50.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 5124 by Senators Holmquist Newbry, Braun, King, Baumgartner, Rivers, Ericksen, Benton, Becker, Dammeier, Smith, Schoesler, Honeyford, Tom, Parlette and Hewitt

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.32.050, 51.32.060, and 51.32.090; adding a new section to chapter 51.08 RCW; repealing RCW 51.08.178; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 5125 by Senators Holmquist Newbry, Braun, King, Baumgartner, Rivers, Ericksen, Benton, Bailey, Becker, Schoesler, Honeyford and Hewitt

AN ACT Relating to workers' compensation reform through clarification of occupational disease claims; amending RCW

51.08.140, 51.32.180, and 51.28.055; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 5126 by Senators Holmquist Newbry, Braun, King, Baumgartner, Rivers, Benton, Becker, Ericksen, Bailey, Litzow, Schoesler, Hill, Honeyford, Tom and Hewitt

AN ACT Relating to recovery for purposes of legal actions under the industrial insurance statutes; amending RCW 51.24.030, 51.24.050, and 51.24.060; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 5127 by Senators Holmquist Newbry, Tom, King, Sheldon, Baumgartner, Ericksen, Rivers, Litzow, Benton, Dammeier, Carrell, Braun, Bailey, Honeyford, Becker, Hill, Roach, Schoesler, Parlette, Padden and Hewitt

AN ACT Relating to amending provisions governing structured settlements by removing age barriers and clarifying legislative intent; amending RCW 51.04.063; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 5128 by Senators Holmquist Newbry, Braun, King, Baumgartner, Sheldon, Rivers, Ericksen, Benton, Litzow, Becker, Dammeier, Smith, Hill, Bailey, Honeyford, Tom, Schoesler, Parlette, Padden and Hewitt

AN ACT Relating to compensation for injured workers; amending RCW 51.32.090; adding new sections to chapter 51.04 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SJM 8000 by Senators Kohl-Welles, Kline, Murray and Billig

Requesting that the Drug Enforcement Administration reclassify medical marijuana as a Schedule II drug.

Referred to Committee on Health Care.

SJR 8204 by Senators Roach, Benton, Schoesler, Holmquist Newbry, Carrell, Sheldon, Ericksen, Dammeier, Smith, Padden and Hewitt

Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes.

Referred to Committee on Governmental Operations.

SJR 8205 by Senators Roach, Benton, Schoesler, Padden, Holmquist Newbry, Carrell, Sheldon, Ericksen, Dammeier and Smith

Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes.

Referred to Committee on Governmental Operations.

FIFTH DAY, JANUARY 18, 2013

2013 REGULAR SESSION

SJR 8206 by Senators Bailey, Roach, Benton, Becker,
Holmquist Newbry, Sheldon, Honeyford and Padden

Amending the Constitution to require emergency clauses only be allowed by amendment to a bill and approved by sixty percent of each house of the legislature.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5101 which was referred to the Committee on Financial Institutions, Housing & Insurance.

MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, January 21, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 21, 2013

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

To the Honorable Brad Owen
President of the Senate

I, Kim Wyman, Secretary of the State of Washington and custodian of the State Seal, do hereby certify that the attached is a true and correct copy of the papers now on file with the Secretary of State relating to the resignation of Derek Kilmer from the office of State Senator for the 26th District of the State of Washington, and the appointment of Nathan Schlicher to fill the vacancy created thereby.

I further certify that Nathan Schlicher has been duly appointed by action of the County Council of Pierce County and the County Commission of Kitsap County, meeting jointly, to the office of State Senator from the 26th Legislative District.

In testimony Whereof, I have hereunto set my hand and affixed the Seal of the State of Washington on this 18th Day of January 2013, at Olympia, the State Capitol.

Seal

Kim Wyman, Secretary of State

JOINT RESOLUTION NO JR2013-1

A Joint Resolution of the Pierce County Council and Kitsap County Board of Commissioners Appointing Nathan Schlicher to Represent Legislative District No. 26 in the Washington State Senate.

WHEREAS, a vacancy has been created in the 26th Legislative District, Washington State Senate, due to the resignation of Senator Derek Kilmer; and
WHEREAS, Legislative District No. 26 is a multi-jurisdictional District located partly in Pierce County and partly in Kitsap Count, and the Washington State Constitution, Article II, Section 15, provides that in the event of a multi-jurisdictional vacancy, that the vacancy shall be filled by joint action of the boards of county legislative authorities of the counties composing the joint district, and
WHEREAS, the Washington State Democratic Central Committee has submitted the names of three nominees for the vacancy in the Washington State Senate for consideration by the Pierce County Council and Kitsap County Board of Commissioners, and both the Councilmembers and Commissioners have met in a joint Special Meeting and have interviewed the nominees; Now, Therefore,
BE IT RESOLVED by the Pierce County Council and Kitsap County Board of Commissioners:

Section 1. Nathan Schlicher is one of three nominees recommended by the Washington State Democratic Central Committee, and is qualified to fill the vacancy in the Washington State Senate.

Section 2. Nathan Schlicher is hereby appointed to the Washington State Senate, Legislative District No. 26, to fill the vacancy left by the resignation of Senator Derek Kilmer.

Section 3. The Clerks of the Council and Board of Commissioners are hereby directed to provide a copy of this Joint Resolution to the individual appointed, the Governor the State of Washington, and the Chair of the Washington State Democratic Central Committee.

JOINTLY ADOPTED this 17th day of January, 2013.

PIERCE COUNTY COUNCIL, Pierce County, Washington

KITSAP COUNTY BOARD OF COMMISSIONERS, Kitsap County, Washington

Joyce, McDonald,
Chair of the Council
Josh Brown, Chair of the Board

MOTION

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

MESSAGE FROM THE HOUSE

January 18, 2013

MR. PRESIDENT:

The House has adopted:

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

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5129 by Senators Hobbs, Shin, Padden, Bailey, Hatfield, Ranker, Delvin, Eide, Braun, Billig, Pearson, Tom, Sheldon, Conway, Rolfes, Kohl-Welles, Schlicher and Roach

AN ACT Relating to authorizing the establishment and use of veterans' treatment courts; amending RCW 2.28.190; adding a new section to chapter 2.28 RCW; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5130 by Senators Frockt, Conway, Keiser, Tom, Kohl-Welles and Schlicher

AN ACT Relating to eosinophilia gastrointestinal associated disorders; and amending RCW 48.20.520, 48.21.300, 48.44.440, and 48.46.510.

EIGHTH DAY, JANUARY 21, 2013

2013 REGULAR SESSION

Referred to Committee on Health Care.

SB 5131 by Senators Honeyford, Benton, Dammeier, Shin, Hobbs, Becker, Bailey, Tom, Holmquist Newbry, Rivers, Carrell, Braun, Padden, Parlette and Roach

AN ACT Relating to providing tax incentives for donations of modern laboratory equipment to higher education institutions and vocational skills centers; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5132 by Senators Honeyford, Dammeier and Padden

AN ACT Relating to disclosure of estimated state debt service costs; amending RCW 43.88.031; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5133 by Senator Honeyford

AN ACT Relating to ensuring growth management hearings board members meet qualifications relating to land use experience; and amending RCW 36.70A.250.

Referred to Committee on Governmental Operations.

SB 5134 by Senators Honeyford, King, Benton, Becker, Holmquist Newbry and Sheldon

AN ACT Relating to reserve studies for certain homeowners' associations; and amending RCW 64.34.380.

Referred to Committee on Financial Institutions & Insurance.

SB 5135 by Senators Pearson, Kline and Padden

AN ACT Relating to judicial proceedings and forms; and amending RCW 2.36.095, 11.96A.090, and 26.26.610.

Referred to Committee on Law & Justice.

SB 5136 by Senators Padden and Kline

AN ACT Relating to electronic presentment of claims against the state arising out of tortious conduct; and amending RCW 4.92.100.

Referred to Committee on Law & Justice.

SB 5137 by Senators Hargrove, Carrell, Sheldon, Dammeier, Fraser, Roach, Hatfield, Schoesler, Hewitt, Billig, Smith, Honeyford and Shin

AN ACT Relating to department of fish and wildlife license suspensions; and amending RCW 77.15.670.

Referred to Committee on Natural Resources & Parks.

SB 5138 by Senators Parlette and Hargrove

AN ACT Relating to the creation of a council on state debt; amending RCW 43.88.030 and 43.88.031; reenacting and

amending RCW 39.42.070; adding a new section to chapter 39.42 RCW; adding a new section to chapter 43.08 RCW; adding a new section to chapter 43.88 RCW; creating a new section; repealing RCW 39.42.140; and repealing 2011 1st sp.s. c 46 ss 1 and 2 (uncodified).

Referred to Committee on Ways & Means.

SB 5139 by Senators Hatfield, Schoesler, Hobbs, Honeyford and Shin

AN ACT Relating to milk and milk products; amending RCW 15.36.201, 15.36.451, and 15.36.454; repealing RCW 15.36.457 and 15.36.471; and prescribing penalties.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5140 by Senators Pearson and Carrell

AN ACT Relating to limiting alternatives to confinement for certain offenders who violate terms of community custody; and amending RCW 9.94A.633.

Referred to Committee on Human Services & Corrections.

SB 5141 by Senators King, Eide, Rivers, Sheldon, Hatfield, Delvin, Ericksen, Carrell, Padden, Harper, Keiser, Rolfes, Shin, Holmquist Newbry, Roach and Kline

AN ACT Relating to allowing motorcycles to stop and proceed through traffic control signals under certain conditions; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SB 5142 by Senators Rolfes, Benton, Hargrove, Sheldon, Hatfield, Delvin, Ericksen, Keiser, Conway, Schlicher and Roach

AN ACT Relating to incorporating motorcycles into certain transportation planning; and amending RCW 70.94.531, 46.61.165, and 47.52.025.

Referred to Committee on Transportation.

SB 5143 by Senators Benton, Hargrove, Carrell, Rivers, Braun, Delvin, Smith, Roach, Sheldon, Hatfield and Holmquist Newbry

AN ACT Relating to the use of motorcycle helmets; and amending RCW 46.37.530.

Referred to Committee on Transportation.

SB 5144 by Senators Keiser and Schlicher

AN ACT Relating to medical assistants; amending RCW 18.360.050; and adding a new section to chapter 18.360 RCW.

Referred to Committee on Health Care.

SB 5145 by Senators Keiser, Conway, Eide, Kohl-Welles, Shin and Schlicher

AN ACT Relating to community assistance referral and education services; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Governmental Operations.

SB 5146 by Senators Frockt, Litzow, Mullet, Kohl-Welles, Ranker, Dammeier, Harper, Darneille, Shin, Tom, Rolfes and Kline

AN ACT Relating to a competitive grant program for informal science, technology, engineering, and mathematics education; and adding a new section to chapter 43.330 RCW.

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

SB 5147 by Senators Hargrove, Carrell, Hewitt, Darneille and Shin

AN ACT Relating to juveniles and runaway children; and amending RCW 13.32A.030, 13.32A.082, 13.32A.085, and 43.43.510.

Referred to Committee on Human Services & Corrections.

SB 5148 by Senators Keiser, Becker, Cleveland, Conway, Frockt, Parlette, Rolfes, Kohl-Welles, Schlicher and Kline

AN ACT Relating to medication access for the uninsured; adding a new chapter to Title 69 RCW; and providing an effective date.

Referred to Committee on Health Care.

SB 5149 by Senators Carrell, Conway, Padden, Pearson, Braun, Dammeier and Parlette

AN ACT Relating to crimes against pharmacies; amending RCW 9.94A.533; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Law & Justice.

SB 5150 by Senators Carrell, Darneille, Pearson, Kohl-Welles, Tom, Keiser and Conway

AN ACT Relating to forming a task force for reform of the state mental health system; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5151 by Senators Carrell, Pearson and Keiser

AN ACT Relating to criminal defendants who are guilty and mentally ill; amending RCW 10.77.040 and 9.94A.501; and adding a new section to chapter 10.77 RCW.

Referred to Committee on Human Services & Corrections.

SB 5152 by Senators Eide, King, Hobbs, Fain, Hatfield, Delvin, Murray, Frockt, Conway, Kohl-Welles and Shin

AN ACT Relating to Seattle Sounders FC and Seattle Seahawks special license plates; amending RCW 46.18.200, 46.17.220, 46.68.420, and 46.18.060; adding new sections to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5153 by Senators Kohl-Welles, Carrell, Darneille, Pearson and Schlicher

AN ACT Relating to strengthening families by allowing transfers between regional support networks to be closer to relatives or other strong personal supports; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Human Services & Corrections.

SB 5154 by Senators Becker, Ranker, Schoesler, Carrell and Conway

AN ACT Relating to exempting from business and occupation tax certain amounts received by cooperative finance organizations; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5155 by Senators McAuliffe, Rolfes, Kohl-Welles, Eide, Shin, Darneille and Kline

AN ACT Relating to long-term suspension and expulsion of students in kindergarten through twelfth grade; and adding a new section to chapter 28A.600 RCW.

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

SB 5156 by Senators Benton, Sheldon, Holmquist Newbry, Padden, Honeyford, Carrell, Hewitt, Delvin, Ericksen, Dammeier, Braun, Rivers, King, Smith, Bailey, Pearson, Shin and Roach

AN ACT Relating to abortion notification; amending RCW 9.02.170; adding new sections to chapter 9.02 RCW; creating new sections; repealing RCW 9.02.100 and 9.02.110; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5157 by Senators Carrell, Pearson, Schoesler, Hill and Fain

AN ACT Relating to child care; amending RCW 74.20.040 and 74.20.330; reenacting and amending RCW 43.215.010 and 43.215.135; and adding a new section to chapter 43.215 RCW.

Referred to Committee on Human Services & Corrections.

SB 5158 by Senators Braun, Holmquist Newbry, Becker, Bailey, Roach, Sheldon, Dammeier, Schoesler and Honeyford

AN ACT Relating to minimum wage and overtime compensation complaints; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

SB 5159 by Senators Braun, Holmquist Newbry, Becker, Bailey, Carrell, Padden, Tom, Sheldon, Schoesler, Honeyford and Parlette

AN ACT Relating to repealing the family and medical leave insurance act; amending RCW 51.44.033; reenacting and amending RCW 43.79A.040; repealing RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160, 49.86.170, 49.86.180, 49.86.210, 49.86.900, 49.86.901, 49.86.902, and 49.86.903; and providing an effective date.

Referred to Committee on Commerce & Labor.

SB 5160 by Senators Holmquist Newbry, Becker, Braun, Carrell, Sheldon, Schoesler, Honeyford and Roach

AN ACT Relating to administrative reassignment; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Commerce & Labor.

SB 5161 by Senators Braun, Carrell, Padden, Bailey, Becker, Fain, Roach, Sheldon, Dammeier, Honeyford, Schoesler, Conway, Rolfes and Kohl-Welles

AN ACT Relating to gold star license plates; amending RCW 46.18.245; and providing an effective date.

Referred to Committee on Transportation.

SJM 8001 by Senators Sheldon, Bailey, Holmquist Newbry, Becker, Cleveland, Carrell, Frockt, Delvin, Padden, Ericksen, Dammeier, Rivers, Benton, Honeyford, Braun, Hill, Parlette, Roach, Tom, Schoesler, King, Hewitt and Conway

Requesting that Interstate 5 be named the "Purple Heart Trail."

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5151 which was referred to the Committee on Human Services & Corrections.

MOTION

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

MOTION

Senator Litzow moved adoption of the following resolution:

SENATE RESOLUTION
8604

By Senators Fain, Rolfes, Eide, Billig, Hobbs, Carrell, Shin, Murray, Ranker, King, Benton, Mullet, Litzow, Hasegawa, Cleveland, Conway, Frockt, Keiser, Parlette, Fraser, Dammeier, Darneille, Smith, Kohl-Welles, Ericksen, Harper, Becker, Hargrove, Kline, Nelson, Chase, Hill, Schlicher, and Hatfield

WHEREAS, Today, the third Monday in January, we remember and honor the life and legacy of Dr. Martin Luther King Jr., who would become a beacon of hope for equality in our nation; and

WHEREAS, Dr. King used his gift of oratory to awaken America to the realities of life for many Americans and to make life better for all by encouraging change through nonviolent means; and

WHEREAS, Dr. King's steadfast faith encouraged others, as exemplified in his famous "I Have a Dream" speech, delivered 50 years ago this coming August 28th, in which he said, "With this faith we will be able to hew out of the mountain of despair a stone of hope"; and

WHEREAS, Dr. King's unwavering support for the principles of racial justice and social equality helped change America; and

WHEREAS, In his life, Dr. King called on others to make a personal commitment to serve humanity by helping the less fortunate, uniting as a global family, and acting with kindness and compassion; and

WHEREAS, Service is a powerful way to commemorate the words and deeds of Dr. King and to translate our reverence for his life and teachings into action to make our nation better; and

WHEREAS, Dr. King believed that a person's worth should not be measured by his or her color, culture, or class, but rather by his or her commitment to making life better for all through service rendered to each other;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, on behalf of the people of the state of Washington, and in recognition of the courageous leadership and legacy of hope demonstrated by Dr. Martin Luther King Jr., honors his memory by urging all citizens of our state to continue the legacy of Dr. King by treating all people as equal.

Senators Litzow, Shin, Frockt, Fraser, Tom, Kline, Conway and Hasegawa spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8604.

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

MOTION

At 12:26 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, January 22, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

NINTH DAY

 NOON SESSION

Senate Chamber, Olympia, Tuesday, January 22, 2013

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 21, 2013

SI 522 Prime Sponsor, : Genetically engineered foods
Reported by Committee on Commerce & Labor

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

Passed to Committee on Agriculture, Water & Rural Economic Development.

January 21, 2013

SB 5003 Prime Sponsor, Senator Ericksen: Reducing the cost of transportation projects by providing a sales and use tax exemption. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Eide, Co-Chair; King, Co-Chair; Benton, Vice Co-Chair; Fain, Budget Leadership Cabinet; Delvin; Harper; Hobbs; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Ways & Means.

January 21, 2013

SB 5021 Prime Sponsor, Senator Padden: Changing the crime of riot to the crime of criminal mischief. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5021 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Kline, Ranking Member; Darneille; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

January 21, 2013

SB 5022 Prime Sponsor, Senator Padden: Changing retail theft with extenuating circumstances to retail theft with special circumstances. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5022 be substituted therefor, and the substitute bill do

pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Kline, Ranking Member; Darneille; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

January 21, 2013

SB 5046 Prime Sponsor, Senator Padden: Modifying the mandatory retirement provision for district judges. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Kline, Ranking Member; Darneille; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

January 21, 2013

SB 5095 Prime Sponsor, Senator Roach: Providing proof of financial responsibility for motor vehicle operation. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Eide, Co-Chair; King, Co-Chair; Benton, Vice Co-Chair; Fain, Budget Leadership Cabinet; Delvin; Harper; Hobbs; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Financial Institutions & Insurance.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5162 by Senators Roach, Carrell, Rivers, Benton, Sheldon, Dammeier, Holmquist Newbry, Padden, Fraser, Frockt and Chase

AN ACT Relating to prohibiting a child custody award to a suspect in an active murder investigation; amending RCW 13.34.132, 26.09.191, and 26.10.160; adding a new section to chapter 13.34 RCW; adding a new section to chapter 26.09 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5163 by Senators Roach, Benton, Holmquist Newbry, Shin and Chase

AN ACT Relating to child protective services workers; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Human Services & Corrections.

NINTH DAY, JANUARY 22, 2013

2013 REGULAR SESSION

SB 5164 by Senators Roach, Rivers, Schoesler, Becker, Carrell, Bailey, Padden and Honeyford

AN ACT Relating to farm vehicles that are exempt from vehicle registration; amending RCW 46.16A.080 and 46.17.325; reenacting and amending RCW 46.16A.420; adding a new section to chapter 46.17 RCW; recodifying RCW 46.17.325; and providing an effective date.

Referred to Committee on Transportation.

SB 5165 by Senators Hargrove and Carrell

AN ACT Relating to increasing the authority of superior court commissioners to hear and determine certain matters; and amending RCW 71.05.137, 71.34.315, 2.24.010, and 2.24.040.

Referred to Committee on Law & Justice.

SB 5166 by Senators Chase and Kline

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 6.15.020, 41.24.240, 41.32.052, 41.35.100, 41.40.052, 41.44.240, 41.26.053, 43.43.310, 82.08.020, 84.52.065, 84.52.043, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, 84.52.010, 84.69.020, 39.89.020, and 43.99I.040; reenacting and amending RCW 43.99H.060; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; repealing RCW 6.15.025; prescribing penalties; providing contingent effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5167 by Senators Chase and Shin

AN ACT Relating to the ability of a local legislative authority to regulate genetically modified organisms; amending RCW 69.04.730, 69.04.761, and 69.04.880; adding a new section to chapter 69.04 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5168 by Senator Chase

AN ACT Relating to removal of the insurance premium tax credit under the Washington insurance guaranty association act; and repealing RCW 48.32.145.

Referred to Committee on Financial Institutions & Insurance.

SB 5169 by Senators Roach and Hasegawa

AN ACT Relating to implementing recommendations of the sunshine committee; amending RCW 42.56.330, 48.37.060, and 70.148.060; and reenacting and amending RCW 42.56.230 and 42.56.250.

Referred to Committee on Governmental Operations.

SB 5170 by Senators Roach and Hasegawa

AN ACT Relating to implementing a recommendation of the sunshine committee; and amending RCW 13.34.100.

Referred to Committee on Human Services & Corrections.

SB 5171 by Senators Roach and Hasegawa

AN ACT Relating to implementing recommendations of the sunshine committee; and amending RCW 42.56.240 and 42.56.400.

Referred to Committee on Governmental Operations.

SB 5172 by Senators Tom, Smith, Roach, Honeyford, Braun, Litzow, Schlicher, Rolfes and Parlette

AN ACT Relating to participation in extracurricular activities by students with physical or mental disabilities; adding a new section to chapter 28A.600 RCW; and creating new sections.

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

SB 5173 by Senators Hasegawa, Kline, Frockt and Chase

AN ACT Relating to excusing work and school absences for a reason of faith or conscience; and amending RCW 1.16.050 and 28A.225.010.

Referred to Committee on Commerce & Labor.

SB 5174 by Senators Hasegawa, Chase, Conway, Kohl-Welles, Nelson, Kline, Keiser, Shin and Frockt

AN ACT Relating to taxpayer accountability by requiring a net benefit to the state in order to claim the benefit of a tax expenditure; and amending RCW 82.32.585 and 82.32.534.

Referred to Committee on Ways & Means.

SB 5175 by Senators Hargrove, Harper, Darneille, Keiser and Shin

AN ACT Relating to sexual assault protection orders; amending RCW 7.90.040, 7.90.050, 7.90.120, 7.90.140, and 7.90.170; adding new sections to chapter 7.90 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5176 by Senators Hargrove, Carrell and Hewitt

AN ACT Relating to criminal incompetency and civil commitment; amending RCW 10.77.086, 10.77.0845, 10.77.088, 10.77.270, 71.05.235, 71.05.280, 71.05.320, 71.05.425, and 71.05.360; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5177 by Senators Carrell and Conway

AN ACT Relating to creating an office of corrections ombuds; and adding a new chapter to Title 43 RCW.

Referred to Committee on Human Services & Corrections.

SB 5178 by Senators Carrell, Rolfes, Roach, Becker, Padden, Pearson and Conway

AN ACT Relating to organized retail theft; amending RCW 9A.56.350; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5179 by Senators Shin, Roach, Conway, Hobbs, Benton, Bailey, Hasegawa, Sheldon, Eide, Hatfield, Keiser, Frockt, McAuliffe, Honeyford, Schlicher, Rolfes, Braun, Cleveland, Chase and Kline

AN ACT Relating to removing the one-year waiting period for veterans or active members of the military for the purpose of eligibility for resident tuition; and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

SB 5180 by Senators Shin, Roach, Benton, Conway, Harper, Keiser, Sheldon, McAuliffe, Hill, Hatfield, Frockt, Schlicher and Kline

AN ACT Relating to improving access to higher education for students with disabilities; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

SB 5181 by Senators Nelson, Billig, Hargrove, Harper, Schlicher, Kline, Frockt, Chase, Hasegawa, Tom, Mullet, Fraser, Rolfes, Litzow, McAuliffe, Keiser, Murray, Ranker and Shin

AN ACT Relating to flame retardants; amending RCW 70.76.010, 70.76.070, 70.76.100, and 70.240.030; and adding new sections to chapter 70.76 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5182 by Senators Carrell, Harper, King, Chase, Smith, Eide, Hobbs and Schlicher

AN ACT Relating to the disclosure of vehicle owner information; and reenacting and amending RCW 46.12.635.

Referred to Committee on Transportation.

SJR 8207 by Senators Chase and Kline

Amending the Constitution to allow an income tax.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, January 23, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TENTH DAY, JANUARY 23, 2013

2013 REGULAR SESSION

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 23, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5183 by Senators Padden and Kline

AN ACT Relating to financing statements to perfect security interests; amending RCW 62A.9A-502 and 62A.9A-503; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5184 by Senators Benton, Darneille, Roach, Nelson and Hasegawa

AN ACT Relating to the expansion of the membership of the capital projects advisory review board; and amending RCW 39.10.220 and 43.131.408.

Referred to Committee on Governmental Operations.

SB 5185 by Senators Roach, Benton, Conway, Chase and Shin

AN ACT Relating to the powers of water-sewer districts; and amending RCW 57.08.005.

Referred to Committee on Governmental Operations.

SB 5186 by Senators Roach, Conway, Benton, Chase and Shin

AN ACT Relating to contractor's bond; amending RCW 39.08.030 and 39.08.030; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

SB 5187 by Senators Smith, Becker, Roach, Schoesler and Honeyford

AN ACT Relating to protecting livestock against predator attacks; and amending RCW 77.36.030, 77.15.120, 77.15.130, 77.15.410, and 77.15.430.

Referred to Committee on Natural Resources & Parks.

SB 5188 by Senators Smith, Becker, Roach, Schoesler, Honeyford and Holmquist Newbry

AN ACT Relating to addressing imminent threats to commercial livestock caused by wolves; amending RCW 77.15.120, 77.15.130, 77.15.410, and 77.15.430; and adding a new section to chapter 77.36 RCW.

Referred to Committee on Natural Resources & Parks.

SB 5189 by Senators Smith, Benton, Braun, Becker, Padden, Hill, Bailey, Sheldon, Dammeier, Honeyford and Roach

AN ACT Relating to photovoltaic electrical systems; and adding a new section to chapter 19.28 RCW.

Referred to Committee on Commerce & Labor.

SB 5190 by Senators Eide, King, Frockt, Shin and Schlicher

AN ACT Relating to public contracts for transportation improvement projects; amending RCW 60.28.011, 39.08.030, 39.08.030, 39.12.040, 47.04.082, and 47.28.140; reenacting and amending RCW 39.08.010; adding a new section to chapter 47.28 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 5191 by Senator Honeyford

AN ACT Relating to the owner of a beneficial interest in real property; amending RCW 61.24.030 and 65.08.070; and reenacting and amending RCW 61.24.005.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5192 by Senator Honeyford

AN ACT Relating to water-sewer district connection charges; and amending RCW 57.08.005.

Referred to Committee on Governmental Operations.

SB 5193 by Senators Smith, Roach, Honeyford and Delvin

AN ACT Relating to large wild carnivore conflict management; amending RCW 77.08.030, 77.36.100, 77.36.130, 46.18.200, 46.17.220, 46.68.425, and 46.18.060; reenacting and amending RCW 77.36.010 and 77.12.170; adding new sections to chapter 77.36 RCW; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5194 by Senator Honeyford

AN ACT Relating to reducing adjustments to compensation for educational and academic employees; amending RCW 28A.400.205, 28B.50.465, 28B.50.468, and 28A.405.415; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5195 by Senators Rolfes, Hill, Tom, Bailey and Fain

AN ACT Relating to allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program; amending RCW 28B.92.030, 28B.105.020, 28B.133.010, 28B.133.050, and 43.88C.010; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5196 by Senators Keiser, Frockt, Darneille, Kohl-Welles, Schlicher and Conway

AN ACT Relating to restoring payment rates for community residential providers and annually adjusting payment rates for community residential providers by the rate of inflation; adding a new section to chapter 71A.12 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5197 by Senators Dammeier, Rolfes, Litzow, Billig, Mullet, Becker, Hill, Hargrove, Braun, Honeyford, Roach and Hewitt

AN ACT Relating to safe school buildings; amending RCW 28A.335.010; and adding new sections to chapter 28A.335 RCW.

Referred to Committee on Ways & Means.

SB 5198 by Senators Darneille, Dammeier, Harper, Billig and Roach

AN ACT Relating to exempting from public inspection and copying personal information relating to children; and reenacting and amending RCW 42.56.230.

Referred to Committee on Human Services & Corrections.

SB 5199 by Senators Ericksen and Holmquist Newbry

AN ACT Relating to de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies; amending RCW 90.03.380 and 90.03.380; adding a new section to chapter 90.03 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5200 by Senators Hatfield and Shin

AN ACT Relating to consolidating a new exempt withdrawal of groundwater into an existing public water system; and amending RCW 90.44.105.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5201 by Senators Ranker, Ericksen, Harper, Hobbs, Keiser, Kline, Eide and Hasegawa

AN ACT Relating to accelerating cleanup of hazardous waste sites; amending RCW 70.105D.010, 70.105D.020, 70.105D.030, 70.105D.040, and 70.105D.050; reenacting and amending RCW 70.105D.070, 43.84.092, and 43.84.092; adding new sections to chapter 70.105D RCW; creating a new section; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 5202 by Senators Chase, Kohl-Welles, Conway, Shin, Nelson, Darneille, Frockt, McAuliffe, Keiser, Kline, Harper and Rolfes

AN ACT Relating to local animal care and control functions; amending RCW 15.53.9018, 15.53.9044, and 18.92.260; adding a new chapter to Title 16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5203 by Senators Kohl-Welles, Shin, Chase, Nelson, Conway, Delvin, Darneille, Frockt, Kline and Harper

AN ACT Relating to the prevention of animal cruelty; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5204 by Senators Kohl-Welles, Shin, Chase, Carrell, Conway, Nelson, Delvin, Darneille, Frockt, Keiser and Kline

AN ACT Relating to the prevention of animal cruelty; amending RCW 16.52.117, 16.52.207, 16.52.320, and 9.08.070; reenacting and amending RCW 16.52.011; adding new sections to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5205 by Senators Becker, Keiser, Schlicher, Parlette, Shin and Dammeier

AN ACT Relating to the additional surcharge imposed on registered nurses and licensed practical nurses; amending RCW 43.70.110 and 43.70.250; and repealing RCW 18.79.2021.

Referred to Committee on Health Care.

ESB 5206 by Senators Becker, Keiser, Schlicher, Parlette and Conway

AN ACT Relating to increasing the health professions participating in online access to the University of Washington health sciences library; and amending RCW 43.70.110.

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Referred to Committee on Appropriations Subcommittee on Health & Human Services.

SB 5207 by Senators Fain, Benton, Hobbs, Roach, Nelson, Mullet, Hatfield and Keiser

AN ACT Relating to making technical corrections and updating licensing and enforcement provisions of the consumer loan act; and amending RCW 31.04.015, 31.04.025, 31.04.027, 31.04.035, 31.04.093, 31.04.102, 31.04.105, 31.04.155, 31.04.221, 31.04.290, 31.04.293, and 31.04.297.

Referred to Committee on Business & Financial Services.

SB 5208 by Senators Benton, Hobbs, Nelson, Hatfield, Mullet and Shin

AN ACT Relating to banks, trust companies, savings banks, and savings associations, and making technical amendments to the laws governing the department of financial institutions; amending RCW 30.04.010, 30.04.070, 30.04.111, 30.04.215, 30.04.217, 30.04.240, 30.04.260, 30.04.280, 30.08.140, 30.08.140, 30.08.155, 30.38.010, 30.38.015, 30.46.020, 30.46.030, 30.46.040, 30.46.050, 30.46.060, 30.46.070, 30.46.080, 30.46.090, 32.04.030, 32.08.140, 32.08.140, 32.08.142, 32.08.153, 32.50.030, 33.12.012, 33.24.010, and 33.32.060; amending 2011 c 303 s 9 (uncodified); adding a new section to chapter 32.04 RCW; repealing RCW 30.08.095, 32.08.146, 32.08.155, and 32.08.1551; providing an effective date; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5209 by Senators Hobbs, Benton, Nelson, Mullet and Hatfield

AN ACT Relating to licensing and enforcement provisions applicable to money transmitters; amending RCW 19.230.020, 19.230.040, 19.230.110, 19.230.120, 19.230.150, 19.230.200, and 19.230.310; reenacting and amending RCW 19.230.010; and adding a new section to chapter 19.230 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5210 by Senators Nelson and Hatfield

AN ACT Relating to the department of financial institutions' regulation of mortgage brokers and clarifying the department's existing regulatory authority regarding residential mortgage loan modification services; and amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.060, 19.146.220, 19.146.240, and 19.146.228.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5211 by Senators Hobbs, Eide, Kline, Ranker, Hatfield, Harper, Billig, Hasegawa, Kohl-Welles, Shin, Keiser, Frockt, Rolfes, Hill, Conway and Nelson

AN ACT Relating to social networking accounts and profiles; adding new sections to chapter 49.44 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SB 5212 by Senators Holmquist Newbry, Becker and Roach

AN ACT Relating to the Washington state horse park authority; amending RCW 79A.30.030; and creating a new section.

Referred to Committee on Community Development, Housing & Tribal Affairs.

SB 5213 by Senators Becker, Tom, Bailey, Honeyford and Frockt

AN ACT Relating to prescription review for medicaid managed care enrollees; and reenacting and amending RCW 74.09.522.

Referred to Committee on Ways & Means.

SB 5214 by Senators Becker, Rivers, Benton, Honeyford, Holmquist Newbry, Carrell, Padden and Schlicher

AN ACT Relating to a business and occupation tax deduction for donated medical services; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Health Care.

SB 5215 by Senators Becker, Holmquist Newbry, Ericksen, Dammeier, Honeyford and Schlicher

AN ACT Relating to health care professionals not being required to participate in any public or private third-party reimbursement program as a condition of licensure; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Ways & Means.

SB 5216 by Senators Rolfes, Bailey, Mullet, Parlette, Keiser, Shin and Conway

AN ACT Relating to long-term care insurance; and amending RCW 48.83.090 and 48.83.170.

Referred to Committee on Health Care & Wellness.

SB 5217 by Senator Schoesler

AN ACT Relating to eliminating the Washington state quality award program; amending RCW 43.17.380, 43.185C.210, and 43.185C.240; and repealing RCW 43.17.390 and 43.330.084.

Referred to Committee on Governmental Operations.

SB 5218 by Senators Dammeier, Benton, Conway, Roach, Darneille and Billig

AN ACT Relating to the lien for collection of sewer utility charges by counties; and amending RCW 36.94.150.

Referred to Committee on Governmental Operations.

SB 5219 by Senators Honeyford, Hatfield, Smith, Schoesler, Delvin and Hewitt

AN ACT Relating to retaining water resources to assure the vitality of local economies; adding new sections to chapter 90.42 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5220 by Senators Conway and Shin

AN ACT Relating to membership on city disability boards; and amending RCW 41.26.110.

Referred to Committee on Appropriations.

ESB 5221 by Senators Kohl-Welles, Carrell and Darneille

AN ACT Relating to notification of release of a person following dismissal of charges based on incompetence to stand trial; and amending RCW 10.77.065.

Referred to Committee on Judiciary.

SB 5222 by Senators Kohl-Welles, Hatfield, Hobbs, Frockt, Chase, Hasegawa and Kline

AN ACT Relating to industrial hemp; and creating new sections.

Referred to Committee on Ways & Means.

SB 5223 by Senators Kohl-Welles, Fraser, Carrell, Darneille, Frockt, Keiser, Chase, Hasegawa, Kline, Shin, Roach, Schlicher, McAuliffe and Conway

AN ACT Relating to adding children victims of trafficking to the definition of abuse and neglect; amending RCW 26.44.020; reenacting and amending RCW 26.44.020; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5224 by Senators Kohl-Welles, Murray, Keiser, Chase, Darneille, Nelson, Hasegawa, Kline, Frockt and Conway

AN ACT Relating to the Washington health security trust; amending RCW 41.05.130, 66.24.290, 82.24.020, 82.26.020, 82.08.150, 43.79.480, and 41.05.220; reenacting and amending RCW 41.05.120; adding new sections to chapter 82.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 82.04.260, 82.04.260, and 48.14.0201; providing contingent effective dates; and providing an expiration date.

Referred to Committee on Health Care.

SB 5225 by Senators Becker, Bailey, Ericksen and Carrell

AN ACT Relating to exempting public hospital districts from certificate of need requirements; amending RCW 70.38.105 and 70.38.111; and creating a new section.

Referred to Committee on Health Care.

SB 5226 by Senators Becker, Bailey, Ericksen and Carrell

AN ACT Relating to exempting public hospital districts from certificate of need requirements; amending RCW 70.38.105 and 70.38.111; and creating a new section.

Referred to Committee on Health Care.

SB 5227 by Senators Schoesler, Holmquist Newbry, Delvin, Hatfield, Shin, King, Hobbs, Sheldon, Padden, Honeyford, Dammeier and Roach

AN ACT Relating to the corporate officer provisions of the employment security act; amending RCW 50.12.070, 50.04.165, 50.04.310, 50.04.080, and 50.04.090; creating a new section; and repealing RCW 50.24.230.

Referred to Committee on Commerce & Labor.

SB 5228 by Senators Shin, Chase, Keiser, Schlicher and Conway

AN ACT Relating to public notification of local health conditions; adding a new section to chapter 43.70 RCW; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Health Care.

SB 5229 by Senators Shin, Roach, Benton, Chase, Harper, Delvin, Honeyford and Schlicher

AN ACT Relating to the penalty schedule for alcohol and drug violators; and reenacting and amending RCW 46.61.5055.

Referred to Committee on Law & Justice.

SB 5230 by Senators Shin, Chase, Kohl-Welles, Keiser and Schlicher

AN ACT Relating to operating a motor vehicle while smoking; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5184 which was referred to the Committee on Governmental Operations, Senate Bill No. 5196 which was referred to the Committee on Ways & Means; Senate Bill No. 5198 which was referred to the Committee on Human Services & Corrections; and Senate Bill No. 5203 and Senate Bill No. 5204 which were referred to the Committee on Law & Justice.

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SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8400.

MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:00 a.m. by President Owen.

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8606

By Senator Fain

WHEREAS, The Senate adopted permanent rules for the 2013-2015 biennium under Senate Resolution 8601; and

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

WHEREAS, The Senate desires to change the name of the committee on Financial Institutions & Insurance to the Committee on Financial Institutions, Housing & Insurance;

NOW, THEREFORE, BE IT RESOLVED, That Rule 41 is amended as follows:

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

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

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

- | | |
|-------------------------------------------------------|------------------|
| Standing Committee | Total Membership |
| 1. Agriculture, Water & Rural Economic Development | 7 |
| 2. Commerce & Labor | 7 |
| 3. Early Learning & K-12 Education | 11 |
| 4. Energy, Environment & Telecommunications | 9 |
| 5. Financial Institutions, <u>Housing</u> & Insurance | 7 |
| 6. Governmental Operations | 7 |
| 7. Health Care | 9 |
| 8. Higher Education | 7 |
| 9. Human Services & Corrections | 7 |
| 10. Law & Justice | 7 |
| 11. Natural Resources & Parks | 7 |
| 12. Rules 21 (plus the Lieutenant Governor) | |
| 13. Trade & Economic Development | 7 |
| 14. Transportation | 16 |
| 15. Ways & Means | 23" |

Senators Fain and Frockt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8606.

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

MOTION

Senator Frockt moved adoption of the following resolution:

SENATE RESOLUTION
8607

By Senator Frockt

WHEREAS, The Senate adopted permanent rules for the 2013-2015 biennium under Senate Resolution 8601; and

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

WHEREAS, The Senate desires to make changes to Senate rules concerning the chair of the facilities and operations committee;

NOW, THEREFORE, BE IT RESOLVED, That Rule 8 is amended as follows:

"Rule 8. 1. After the reorganization caucuses of the senate, the majority caucus shall designate ~~((four))~~ three members and the minority caucus shall designate three members to serve on the facilities and operations committee. The ~~((deputy leader of the majority caucus))~~ lieutenant governor shall be the nonvoting chair of the facilities and operations committee. The operation of the senate shall transfer to the newly designated members after the reorganization caucuses of the senate or at any time after the reorganization caucuses if a different caucus becomes the majority caucus.

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

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

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

Senator Fraser spoke in favor of adoption of the resolution.

MOTION

Senator Hatfield moved that the following amendment be adopted:

In the first sentence of Rule 8, after "the majority caucus shall designate" strike "~~((four))~~ three members" and insert "four members"

Senators Hatfield and Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield to Senate Resolution No. 8607.

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

Senator Fain spoke against adoption of the resolution.
 Senator Frockt spoke in favor of adoption of the resolution.

Senator Frockt demanded a roll call.
 The President declared that one-sixth of the members supported the demand and the demand was sustained.
 Senator Murray spoke in favor of adoption of the resolution.
 Senator Rivers spoke against adoption of the resolution.

POINT OF ORDER

Senator Frockt: "The Senator respectfully is not speaking to the resolution before us."

REPLY BY THE PRESIDENT

President Owen: "The President believes that Senator Frockt point is well taken. Please address only the resolution."

Senators Kohl-Welles and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8607 as amended.

The Secretary called the roll on the motion by Senator Frockt and the motion to adopt Senate Resolution No. 8607 as amended failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Carrell, Dammeier, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

PARLIAMENTARY INQUIRY

Senator Fain: "Thank you Mr. President. I just want to remind the body that the original plan was to go at ease for a moment prior to the State of the Judiciary but I would ask that members remain present and we'll go straight into that, with the permission of the President."

REPLY BY THE PRESIDENT

President Owen: "That is what the plan is. Thank you."

The Sergeant at Arms of the Senate announced the arrival of the members of the House of Representatives at the Senate Chamber doors. The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Deputy Speaker Pro Tempore of the House, the Honorable Tina Orwall, House Majority Floor Leader Tami Green and House Assistant Republican Floor Leader Matt Shea to seats at the rostrum. The members of the House of Representatives were invited to seats within the Chamber.

JOINT SESSION

Pursuant to Senate Concurrent Resolution No. 8400, the President called the Joint Session to order. The Secretary called the roll of the members of the Senate. The Secretary called the roll of the members of the House of Representatives. The President declared that a quorum of the Legislature was present.

REMARKS BY THE PRESIDENT

President Owen: "This joint session has been convened to receive the State of the Judiciary message from the Honorable Barbara Madsen, Chief Justice of the Washington State Supreme Court."

The President appointed a committee of honor to escort the Justices of the State Supreme Court to the Senate Chamber: Representatives Holy and Stonier; Senators Frockt and Pearson.

The President appointed a committee of honor to escort the statewide elected officials to the Senate Chamber: Representatives Farrell and Scott; Senators Bailey and Nelson.

The President appointed a committee of honor to advise the Honorable Barbara Madsen, Chief Justice of the Washington State Supreme Court, that the joint session had assembled and to escort her to the Senate Chamber: Representatives Goodman and Nealey; Senators Chase and Padden.

The Sergeant at Arms of the Senate announced the arrival of the Justices of the State Supreme Court at the Chamber doors. The committee of honor escorted the Justices of the State Supreme Court to the front of the Chamber and they were introduced: Justice Charles W. Johnson, Justice Susan Owens, Justice Mary E. Fairhurst, Justice Debra L. Stephens, Justice Charlie K. Wiggins, Justice Steven Gonzalez and Justice Sheryl Gordon-McCloud.

The Sergeant at Arms of the Senate announced the arrival of the statewide elected official at the Chamber doors. The committee of honor escorted the statewide elected official to the front of the Chamber and he was introduced: State Auditor Troy Kelley.

The Sergeant at Arms of the Senate announced the arrival of the Honorable Barbara Madsen, Chief Justice of the Washington State Supreme Court, at the Chamber doors. The committee of honor escorted the Honorable Barbara Madsen, Chief Justice of the Washington State Supreme Court, to the rostrum of the Senate.

The Washington State Patrol Honor Guard consisting of Lieutenant Mike Turcott and Sergeant Ted DeHart presented the Colors. The President led the Joint Session in the Pledge of Allegiance. The Washington State Patrol Honor Guard retired from the Chamber. The prayer was offered by Rabbi Seth Goldstein of Temple Beth Hatfiloh, Olympia.

Rabbi Goldstein: "Source of all Life and Blessing: We ask that your blessing descend upon this body. May all those who assemble here be endowed with a mind of wisdom and a heart of compassion. May the spirit of goodness fill their souls and may they continue to see one another and the people they serve as full, whole human beings, created in the divine image and worthy of love and respect. And on this day when we focus on the judiciary, we ask for blessing not only for those who are charged with making the laws, but those who are charged with their interpretation and application. May all those who serve in the judiciary be blessed with a sense of fairness and of justice, of equality and of service, of righteousness and of peace. We are mindful of that universal charge we find in Scripture, in the book of Deuteronomy: *tzedek tzedek tirdof*—justice, justice shall you pursue. It is asked, 'Why is the word 'justice' repeated?' One interpretation is that this verse first teaches that our desired outcome is justice—justice must be the goal of a well-ordered society. The repetition of the word implies that not only must our

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goal be justice, but the path to justice—the process by which we achieve justice in our society—must also be just. We are blessed that our system of government allows for the separation of powers, provides for the orderly execution of justice and establishes a dynamic system of legal interpretation. May this continue to be so. And may all those who serve the public good, in any capacity, from any place, find favor in Your eyes and may the work of their hands benefitting the people of our state and country long endure. Amen.”

The President welcomed and introduced the Honorable Barbara Madsen, Chief Justice of the State Supreme Court.

STATE OF THE JUDICIARY

Chief Justice Barbara Madsen: “Thank you Mr. President, Speaker Chopp, elected officials, members of the House and Senate, fellow justices and judges, ladies, and gentlemen. Let me add my welcome to all of you new legislators and to those of you who have changed houses. I had the chance to meet many of you over the last week or so, either swearing you or dancing at the Ball with you, or celebrating the Temple of Justice’s birthday with you. For those of you I have not yet met, I do look forward to meeting all you as the course of this legislative session runs. Whatever the occasion to bring us together, I believe that time spent getting to know one another is time well spent.

I am honored to be here today, along with my colleagues on the Washington Supreme Court, to deliver this report on the state of Washington’s judiciary. As many of you know, our court system operates through a system of trial courts and appellate courts. Many of the leaders of our court associations are with us today, in the gallery. I would like to take a moment to introduce them: in particular, Presiding Chief Judge Christine Quinn-Brintnall from the Court of Appeals, Division Two in Tacoma; Benton/Franklin County Superior Court Judge Craig Matheson, president of the Superior Court Judges’ Association of Washington; Judge Sara Derr from Spokane County District Court, president of the District and Municipal Court Judges’ Association and she’s with us as well. These judges are joined by members of the Board for Judicial Administration, that’s the policy-setting board for the courts. I am very proud of these judges and the people they represent who work in our court system. I would like to have them stand up, members of the Board for Judicial Administration. And I’d like to single out, Judge Chris Wickham who is my co-chair. Thank you Judge Wickham. Judge Wickham is a Superior Court judge here in Thurston County. And we have the administrative heads of our three agencies with us as well: The Washington State Court Administrator who heads the Administrative Office of the Courts, Callie Dietz; the Executive Director of the Office of Civil Legal Aid, Jim Bamberger; and the Director for the Office of Public Defense, Joanne Moore. It is no secret that we are experiencing very challenging times here in our state and in our nation. I have not spoken to anyone who is predicting that you will have an easy session this year. I think you will be spending long days and late nights in Olympia.

As the spokesperson for the courts, I also feel a great weight on my shoulders. Even in the best of times, our divided government requires careful leadership in each branch. As you begin this legislative session, I know that many of you are thinking about the issue of divided government. The gray areas around the edges of our respective powers can give rise to debate and even disagreement about the areas of authority in which each of the branches operate. Such debate and disagreement is healthy – indeed I think this is a part of the checks and balances that our founders intended. Even in a divided government, the

branches are meant to work together. As many of you know, this is the 100th anniversary of the Temple of Justice. The Temple, which is home to the Supreme Court, was the first building on our capitol campus. If you look at the campus from Budd Inlet, you will see that the Temple appears to blend into the capitol building – and together, the Temple and the Capitol are covered by one dome. In designing the capitol group in this way, the architects were intending to make a statement to reflect the reality that, together, the three branches form one government. As the legislature and the governor, the judiciary also has a role to play. I want to assure all of you that the courts are committed to working with all of you on matters of common interest and concern within the limits of our branch’s authority.

Unlike the legislature and the governor, our courts generally operate under the radar screen. More than two million individual civil and criminal cases are filed every year in our trial courts. Thousands of cases are decided in our appellate courts every year. We have one constitutional duty. That is to fairly, effectively, and timely adjudicate the civil and criminal disputes that come before us.

At a judge’s swearing-in a few weeks ago, I heard a story from John Ladenburg, who is formerly the Pierce County Executive. John was telling us that he was on a trade mission to China along with Microsoft, Amazon, and some other U.S. companies. According to John, one of the delegates asked a Chinese government minister what he thought was needed to attract new businesses to China. His answer: ‘Lawyers.’ You might laugh – you might clap! The Washington delegation laughed. But when they laughed, according to John, the minister became incensed. He said, ‘Without lawyers there are no courts. Without courts there is no legal system. Without a legal system there is no protection. There are no commercial laws. You do not understand the advantage you have in your country. You have the rule of law. Your courts protect people and their property. That makes all the difference.’ Now, lest you think I am claiming all the credit for the courts, I believe that it is the legislature, the executive, and the courts working together that provide the kind of environment that is necessary for individuals and businesses to grow and prosper. Even with its flaws, our system is the envy of the world.

We know that the law is complex. Cases are complex. And disagreements are predictable. Cases like *McCleary* that address school funding, and the pending case of *League of Education Voters* which involves a challenge to restrictions on the power of the legislature to tax, these will always provoke controversy. That comes with the constitutional responsibility placed on courts. But it’s how we work together to meet the very complex and difficult challenges that will determine the future for the public that we all serve. Last week, we heard comments from outgoing Governor Gregoire and newly-elected Governor Inslee. Though their plans for meeting the future differed, the common theme was the same: We are all facing significant challenges maybe now more than ever as year upon year of economic difficulties continue.

I recently learned that the Chinese symbol for crisis is a combination of two concepts, opportunity and danger. The opportunity is to redefine how we deliver services to the public. The danger is in failing to adapt.

The extensive budget cuts of the past four years have required the courts to become creative and to be innovators. And we’re committed to continue looking for new, efficient processes to help us fulfill our responsibility to deliver justice. Though being the Chief does carry its challenges, the position also gives me a bird’s eye view of the tremendous job that our courts are doing to innovate in these tough budget times. I want to mention

just a few of these creative solutions: At the Administrative Office of the Courts, we have created online education that allows judges and court personnel to stay current with changes in law and practices while reducing or eliminating travel costs and time away from court.

We are also modernizing our aging computer systems by looking at commercial, off-the-shelf products to meet the growing demands of technology in courts throughout our state.

Local courts are also working in innovative ways to help curb costs and improve service. Pierce County juvenile courts, just one example, have reduced the ‘failure to appear’ rates and detention rates by implementing a two-tiered warrant system, by calling and even conducting home visits to remind juveniles that they have to be in court, and using a continuum of alternatives to detention. This strategy is one of six that Pierce County has implemented to reduce racial and ethnic disparities in their juvenile court system. The result has been a 47% decrease in detention from 2007 to 2011.

In Seattle Municipal Court, my old alma mater, the probation department has formed a partnership with social work programs at three schools: Seattle University, the University of Washington, and the University of Southern California. Volunteers and interns from these schools have a wide range of experience and are placed in positions in anything from answering phones to assisting with assessments and collecting program data. Last year, volunteers gave nearly 16,000 hours of service. In Kitsap County District Court, the judges began transitioning to an electronic filing system, which has resulted in 80% reduction in supplies, copy machines contracts, forms, filing cabinets, and so on, as well as a 23% reduction in staffing. In King County, eight municipal courts, led by Tukwila Municipal Court, have pioneered a system for scheduling and sharing precious interpreter resources. This has reduced cost and increased availability of translators. And right here in Thurston County, the judges are developing a risk assessment tool for domestic violence defendants. Through the Washington Supreme Court Gender and Justice Commission we hope to make that tool available to judges across the state.

In this vein, we are also exploring ways to foster regional courts. District and municipal courts are where most citizens impact the justice system, and we need to foster an approach that best serves the public. More than 170 municipalities now contract with district or municipal courts. It is imperative that we examine the most efficient and cost effective method of providing judicial services to everyone coming to court in Washington State. More and more, community leaders are interested in exploring cooperative arrangements for the delivery of court services. Thanks to a grant from the State Justice Institute, we are currently exploring a concept that is broadly described as regional courts. Combined courts can contribute to better court performance, customer service, and fiscal efficiency. We want to work with you on this important court reform.

Along with the Temple of Justice centennial, this year is also the 50th anniversary of the United States Supreme Court’s decision in *Gideon v. Wainwright*. As Justice Hugo Black wrote in that ground breaking decision, ‘Lawyers in criminal courts are necessities, not luxuries.’ We can be proud that long before the United States Supreme Court expressed that belief, our legislature acted to guarantee the right to counsel in Washington State. Recently, however, we have learned that in areas of our state, the promise of access to effective assistance of counsel guaranteed by both the constitution and the legislature has not been met. Public trust and confidence in our criminal justice system depends on people knowing and believing they are being treated fairly and that their rights are being protected. A conviction may have a lifetime of consequences-including the

ability to get a job, an apartment, a student loan. A conviction may separate a family or mean losing the custody of a child. As judges, it is our duty to ensure not just the presence of counsel, but effective counsel. And it takes time to be effective. As far back as 2004, the Blue Ribbon Panel on Criminal Defense concluded that the standards for public defense services enacted in RCW 10.101 were being ignored in many jurisdictions and that the lack of enforceable standards, especially case load standards, ‘jeopardizes the ability of even the most dedicated defenders to provide adequate representation.’ After more than a year of debate, a four-month public comment period, and intense internal discussion, the Washington Supreme Court recently adopted indigent defense certification, which requires development of case load standards. But adopting the court rules is just the beginning. Now, attorneys, trial judges, and administrators must work together to find the best ways to implement certification in their courts.

We know that some legislators have concerns about how this will impact local communities but, through the Office of Public Defense, we are committed to working with cities and counties to help design workable systems. Last December, the Supreme Court ordered the Office of Public Defense to prepare a new report on how the standards and attorney certification rules were being implemented across the state. The report is due this March and will focus on how jurisdictions are working with attorney case loads and methods for addressing them successfully and with creativity. The case load limits do not become effective under our rules until October of 2013.

I want to mention also one other new initiative that the Office of Public Defense is undertaking. Because of its great success with the Parents Representation Program, you in this legislature have asked the office to take on the enormous task of reforming defense of sexually violent predators. I have no doubt that the Office of Public Defense will exercise the same scrupulous care in evaluating the most efficient and cost-effective ways of delivering services to this population that it has exercised in all of its innovative programs. We look forward to working with you on this important initiative.

Another challenge facing the branch is to effectively address racial disparities in our court system. The Washington State Center for Court Research, which operates within the judicial branch, has been hard at work collecting and sharing data on a statewide level and county-by-county. The specific details at the county and court level will help us determine the causes for disproportionality and will guide us in finding solutions. Based on data gathered so far, the task force has submitted a number of recommendations for action by the Supreme Court, for judicial branch agencies, for the different court levels, and for our justice partners, including law schools and law enforcement agencies. We need to examine the causes of disproportionality and work toward solutions. We know that ‘Justice is the Guardian of Liberty.’ These words are etched on the facade of the United States Supreme Court. It will take all of us working together to ensure that justice is equally applied. We will be asking for your help as we meet this challenge.

Likewise, we must recognize that not all people who use our court systems are able to speak English. Seventy-eight different languages were interpreted in Washington trial courts in 2012, and King County keeps a running tally that shows that they have provided interpreters for 130 different languages. However, our state has certified and registered interpreters in 35 languages, meaning that we are not able to ensure meaningful access for persons speaking many of the languages in our courts. Legal proceedings, with their technical language and complex processes, are confusing enough when you understand English. But just imagine walking into a high stakes situation where you

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don't understand a word of what was going on. As Washington's diversity continues to grow, the need for interpreters is exploding. With limited resources, we must find a way to provide interpreter services in the most efficient and effective ways possible. That is why the Supreme Court included in the budget submission to the legislature a request for funding for a pilot program for video remote interpreting. Reducing both the cost and time of travel can better focus the scarce resources where they belong. We need your help in finding a solution. We also recognize that the Great Recession has caused a host of profound legal problems for low-income Washingtonians. In 2011 alone, more than a quarter of a million calls were placed to our statewide legal aid hotline. Demand for help is particularly high in recession-sensitive areas of law such as housing, foreclosure, help with governmental support programs, domestic violence, and family safety issues. In Washington, legal aid is delivered through an innovative public private partnership. State funding supports our nationally recognized statewide legal aid provider-the Northwest Justice Project-but also 17 local volunteer legal aid programs. I'm very proud of the thousands of volunteer attorneys across the state who together delivered nearly 60,000 hours of free legal aid, worth more than \$10 million to over 20,000 individuals and families. But deep federal budget cuts have crippled legal aid. There are only 87 state-funded legal aid attorneys left to meet the needs of more than 1.8 million low-income people who are eligible for state-funded civil legal aid. Today, there is one legal aid attorney serving all of Clallam and Jefferson Counties; one legal aid attorney serves all of Southeast Washington, from Walla Walla to Clarkston; and one legal aid lawyer serves all low-income people in Grays Harbor and Pacific Counties. In our urban areas, it's not much better. There are more than 22,000 eligible clients for every single state-funded legal aid attorney. Legal aid helps to resolve cases quickly and often keeps cases out of court – and if they are in court, often helps to resolve them more quickly. Legal aid is a smart and cost-effective investment. The legal aid system, as administered by our Office of Civil Legal Aid, has received strong bipartisan support from this legislature in years past. For this, the judicial branch is grateful. But we need your continuing support to meet the civil justice needs of our state's poorest residents.

Finally, I would like to address the critical challenges that we face in keeping our courthouses safe for thousands of attorneys, jurors, court staff, litigants and members of the public. As Judge David Edwards of Grays Harbor County can attest, this is a challenge in every local jurisdiction. He is a shining example of courage in what can only be described as a terrifying ordeal that occurred in his courthouse. Given Judge Edwards' experience, the recent attack on Judge Brett Buckley at his home here in Olympia, the multiple bomb threats in courthouses throughout Washington just last month, we know that courthouse security is a continuing challenge that needs to be resolved quickly. We are truly blessed in each situation that I've mentioned, there was not a tragic ending. But hoping that this remains the case is not a policy. At a fundamental level, our democracy is dependent on a judicial branch that can decide disputes in safety. No one should be afraid to walk into a courthouse. In 2012, the security staff at Spokane County District Court confiscated over 1,000 handguns, 9,000 knives, 80 tasers, 1,700 razor blades, 1,100 cans of mace and hundreds of other items that could be used as weapons. In courts without security, these items are entering our courthouses every day. The reality is that at any given time, people who are charged with violent crimes or who are engaged in intensely emotional situations are all together in the same place. Simply hoping that nothing bad happens is no longer good enough.

As we look back on an extraordinarily challenging year, Washington can be proud of its judiciary and its ability to adapt, modernize, and innovate. But this is just the beginning. We will continue to devise innovative and cost efficient ways to ensure that all persons-including the most vulnerable in our society-are provided with fair and timely justice and that they have their day in court in a modern and technologically-advanced court system. With the leadership of the Board for Judicial Administration, the efforts of our exceptional judges and court staff, I am confident we will continue to turn the challenges we face into opportunities to transform the court system today and in the future. We will continue to balance the scales so that we can adapt to fiscal realities and never stray from our constitutional mission. The pursuit of justice is what this court system is all about-from its inception two centuries ago to this very day and in all the years to come. I want to thank you for the warm welcome that you have given to me and my fellow justices, and I wish you all well during the upcoming session. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Chief Justice, we appreciate very much your very profound comments and your commitment and spirit of unity and cooperation of the Legislature. As well as we want to thank the courts throughout the state for their incredible efforts to be more efficient and effective through the creative concepts that they have developed. Thank you very much for that information."

The President called upon the committee of honor to escort Chief Justice Madsen, Chief Justice of the Washington State Supreme Court from the Chamber.

The President called upon the committee of honor to escort the State Auditor Troy Kelley from the Chamber.

The President called upon the committee of honor to escort the Justices of the Washington State Supreme Court from the Chamber.

MOTION

On motion of Senator Fain the Joint Session was dissolved.

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Deputy Speaker Pro Tempore of the House, the Honorable Tina Orwall, House Majority Floor Leader Tami Green, House Assistant Republican Floor Leader Matt Shea and the members of the House of Representatives from the Senate Chamber.

MOTION

At 12:17 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, January 24, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 24, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE NO. 517

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29A.72.230, and WAC 434-379-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature No. 517 to be examined in the following manner:

1. It was determined that 346,906 signatures were submitted by the sponsors of the initiative. A random sample of 10,606 signatures was taken from those submitted;
2. Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 9,122 valid signatures, 1,459 signatures that were invalid and 25 pairs of duplicated signatures in the sample;
3. We calculated an allowance for the chance error of sampling (57) by multiplying the square root of the number of invalid signatures by 1.5;
4. We estimated the upper limit of the number of signatures on the initiative petition which were invalid (49,596) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
5. We determined the maximum allowable number of pairs of signatures on the petition (56,157) by subtracting the sum of the number of signatures required by Article II, Section 1 of the Washington State Constitution (241,153) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;
6. We determined the expected number of pairs of signatures in the sample (52) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;
7. We determined the acceptable number of pairs of signatures in the sample (41) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

8. The number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample.

Therefore, I hereby declare Initiative to the Legislature No. 517 to contain sufficient signatures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 23rd day of January, 2013.

MARK NEARY
Deputy Secretary of State

MOTION

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

MESSAGE FROM THE HOUSE

January 23, 2013

MR. PRESIDENT:

The Speaker has signed:

- HOUSE CONCURRENT RESOLUTION NO. 4400,
 - HOUSE CONCURRENT RESOLUTION NO. 4401,
 - HOUSE CONCURRENT RESOLUTION NO. 4402,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- HOUSE CONCURRENT RESOLUTION NO. 4400,
- HOUSE CONCURRENT RESOLUTION NO. 4401,
- HOUSE CONCURRENT RESOLUTION NO. 4402,

MOTION

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

INTRODUCTION AND FIRST READING

SB 5231 by Senators Sheldon, Ericksen, Tom, Kline, Fraser, Hatfield, Billig, Delvin, Rolfes, Shin and Conway

AN ACT Relating to ensuring hunter safety; amending RCW 77.32.155; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 5232 by Senators McAuliffe, Schlicher and Shin

AN ACT Relating to requiring the establishment of a medical emergency response and automated external defibrillator program for high schools; and adding new sections to chapter 28A.300 RCW.

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

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SB 5233 by Senators Hobbs, Carrell, Rolfes and Conway

AN ACT Relating to establishing a training program for managers of manufactured housing communities; adding a new chapter to Title 59 RCW; prescribing penalties; providing an effective date; and providing a contingent effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5234 by Senators Carrell, Darneille, Hargrove, Keiser, Schlicher and Conway

AN ACT Relating to improving behavioral health services provided to adults in Washington state by defining outcomes for adult behavioral health services, increasing use of evidence-based, research-based, and promising practices for the provision of adult behavioral health services, implementing a strategy for the improvement of the adult behavioral health system, reviewing the provision of forensic mental health services, procuring enhanced services facility services, and requiring timely hospital discharge under the involuntary treatment act when a person no longer requires active psychiatric treatment in a hospital; amending RCW 71.24.025; adding a new section to chapter 43.20A RCW; adding a new section to chapter 70.97 RCW; adding a new section to chapter 71.05 RCW; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5235 by Senators Hargrove and Carrell

AN ACT Relating to the purchase of care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; amending RCW 74.13.031; reenacting and amending RCW 74.13.031; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5236 by Senators Kline and Padden

AN ACT Relating to the uniform correction or clarification of defamation act; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law & Justice.

SB 5237 by Senators Dammeier, Litzow, Rivers, Tom, Fain, Hobbs, Hatfield, Carrell and Shin

AN ACT Relating to establishing accountability for student performance in third grade; adding new sections to chapter 28A.655 RCW; and creating a new section.

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

SB 5238 by Senators Holmquist Newbry and Conway

AN ACT Relating to recommendations for streamlining reporting requirements for taxes and fees on spirits; adding a new section to chapter 66.08 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 5239 by Senators Eide, Benton, King, Hobbs, Mullet and Shin

AN ACT Relating to project selection by the freight mobility strategic investment board; and amending RCW 47.06A.020 and 46.68.300.

Referred to Committee on Transportation.

SB 5240 by Senators Kline, Delvin, Keiser and Kohl-Welles

AN ACT Relating to court security; amending RCW 3.58.050, 3.50.080, and 35.20.120; adding a new section to chapter 3.58 RCW; adding a new section to chapter 3.50 RCW; and adding a new section to chapter 35.20 RCW.

Referred to Committee on Law & Justice.

SB 5241 by Senators Harper, Ericksen, Carrell, Hargrove, Ranker, Bailey, Litzow, Rolfes and Shin

AN ACT Relating to nonresident vessel permits and taxation; amending RCW 88.02.620, 82.08.700, and 82.12.700; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5242 by Senators Litzow, Dammeier, Tom, Hobbs, Hatfield, Delvin, Hewitt, Padden and Schoesler

AN ACT Relating to policies regarding assignment of certificated instructional staff in public schools; adding a new section to chapter 28A.405 RCW; and adding a new section to chapter 41.59 RCW.

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

SB 5243 by Senators Litzow, Dammeier, Tom, Harper, Hobbs, Delvin, Hewitt, Padden, Mullet and Shin

AN ACT Relating to establishing policies to support academic acceleration for high school students; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

SB 5244 by Senators Litzow, Dammeier, Ranker, Hobbs, Harper, Hatfield, Delvin, Tom, Hewitt, Schoesler, Smith and Mullet

AN ACT Relating to school suspensions and expulsions; and amending RCW 28A.600.015, 28A.600.020, and 28A.600.410.

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

SB 5245 by Senators Litzow, Dammeier, Hobbs, Harper, Hatfield, Delvin, Tom, Hewitt, Padden, Schoesler, Smith and Mullet

AN ACT Relating to the collection of student suspension and expulsion data; and amending RCW 28A.300.046, 28A.300.042, and 28A.300.507.

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

SB 5246 by Senators Litzow, Tom, Hobbs, Delvin, Padden, Schoesler, Smith and Shin

AN ACT Relating to clarifying the teacher and principal evaluation process; and amending RCW 28A.405.100.

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

SB 5247 by Senators Chase and Shin

AN ACT Relating to the assignment of intellectual property rights at institutions of higher education; and amending RCW 28B.10.630.

Referred to Committee on Higher Education.

SB 5248 by Senators Chase and Kline

AN ACT Relating to creating a tax on plastic shopping bags; adding a new chapter to Title 82 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5249 by Senators Chase, Schlicher and Shin

AN ACT Relating to creating a business and occupation tax credit for hiring certain persons in manufacturing; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Trade & Economic Development.

SB 5250 by Senators Chase and Kline

AN ACT Relating to petroleum-based beverage bottles; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5251 by Senators Chase and Shin

AN ACT Relating to exempting certain manufacturing research and development activities from business and occupation taxation; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

SB 5252 by Senators Chase and Kline

AN ACT Relating to food service products; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5253 by Senators Chase and Kline

AN ACT Relating to retail store carryout bags; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5254 by Senators Chase and Shin

AN ACT Relating to salmon and steelhead spawning beds; adding a new section to chapter 77.95 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 5255 by Senator Chase

AN ACT Relating to protecting environmental quality and human health; amending RCW 43.21C.030; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5256 by Senators Padden and Baumgartner

AN ACT Relating to reports and records of autopsies and postmortems; amending RCW 68.50.105; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5257 by Senators Roach, Benton, Rivers, Conway and Fraser

AN ACT Relating to modifying time frames applicable to certain public disclosure commission requirements; amending RCW 42.17A.120 and 42.17A.265; reenacting and amending RCW 42.17A.110; and repealing RCW 42.17A.420.

Referred to Committee on Governmental Operations.

SB 5258 by Senators Benton, Roach, Hasegawa, Conway, Billig, Rivers and Fraser

AN ACT Relating to aggregating the cost of related ballot measure advertisements for purposes of top five sponsor identification requirements; and amending RCW 42.17A.320.

Referred to Committee on Governmental Operations.

SB 5259 by Senators Murray, Fain, Litzow, McAuliffe, Harper and Shin

AN ACT Relating to Seattle University special license plates; amending RCW 46.18.200, 46.17.220, 46.68.420, and 46.18.060; adding a new section to chapter 46.04 RCW; and providing an effective date.

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Referred to Committee on Transportation.

for health care services; adding a new section to chapter 48.165 RCW; and creating a new section.

SB 5260 by Senators Schlicher, Smith, Rolfes, Keiser, Becker, Billig and Hobbs

Referred to Committee on Health Care.

AN ACT Relating to authorizing regular meetings of county legislative authorities to be held at alternate locations within the county; and amending RCW 36.32.080.

SB 5268 by Senators Billig, Hasegawa, Darneille, Nelson, Ranker, Frockt, Murray, Rolfes, Kohl-Welles, Schlicher, Shin, Conway and Kline

Referred to Committee on Governmental Operations.

AN ACT Relating to extending the time period for voter registration; amending RCW 29A.08.140; and creating a new section.

SB 5261 by Senators Conway, Keiser, Hasegawa, Chase, Nelson, Kline, Darneille and Kohl-Welles

Referred to Committee on Governmental Operations.

AN ACT Relating to liquor self-checkout machines; and adding a new section to chapter 66.24 RCW.

SB 5269 by Senators Benton and Mullet

Referred to Committee on Commerce & Labor.

AN ACT Relating to title insurance rate filings; amending RCW 48.03.010, 48.03.060, and 42.56.400; and adding new sections to chapter 48.29 RCW.

SB 5262 by Senators Fraser, Dammeier, Ranker, King, Eide, Becker, Hasegawa and Shin

Referred to Committee on Financial Institutions, Housing & Insurance.

AN ACT Relating to the lodging tax; amending RCW 67.28.1816; reenacting and amending RCW 67.28.080; providing an effective date; and declaring an emergency.

SB 5270 by Senators Billig, Darneille, Hasegawa, Nelson, Cleveland, Ranker, Frockt, Rolfes, Kohl-Welles, Mullet and Kline

Referred to Committee on Trade & Economic Development.

AN ACT Relating to motor voter preregistration for sixteen and seventeen year olds; amending RCW 46.20.155 and 29A.08.710; reenacting and amending RCW 42.56.250; and creating new sections.

SB 5263 by Senators Benton and King

AN ACT Relating to motorcycles overtaking and passing pedestrians and bicyclists; and amending RCW 46.61.608.

Referred to Committee on Governmental Operations.

Referred to Committee on Transportation.

SB 5264 by Senators Benton, Mullet, Baumgartner and Sheldon

SB 5271 by Senators Kline and Delvin

AN ACT Relating to the transportation and storage of certain explosive devices; and amending RCW 70.74.191.

AN ACT Relating to allowing courts to assess additional costs to defendants if they are successful in setting aside a committed finding after failing to respond to an infraction or failing to appear for a hearing; and amending RCW 46.63.151.

Referred to Committee on Transportation.

Referred to Committee on Law & Justice.

SB 5265 by Senators Mullet, Benton, Rolfes, Nelson, Hatfield, Keiser, Hobbs, Shin and Kline

SB 5272 by Senators Padden, Kline and Delvin

AN ACT Relating to transparency in patient billing; and amending RCW 70.01.030 and 70.01.040.

AN ACT Relating to modifying provisions in the forms for traffic infraction notices; and amending RCW 46.63.060.

Referred to Committee on Health Care.

Referred to Committee on Law & Justice.

SB 5266 by Senators Mullet, Nelson and Kohl-Welles

AN ACT Relating to the discover pass; amending RCW 46.16A.090; creating a new section; and providing an effective date.

SB 5273 by Senators Conway, Bailey, Fain, Hobbs, Holmquist Newbry and Shin

Referred to Committee on Natural Resources & Parks.

AN ACT Relating to the veterans innovation program; amending RCW 67.70.240; adding a new section to chapter 67.70 RCW; and repealing RCW 67.70.500, 43.131.405, and 43.131.406.

SB 5267 by Senators Becker, Keiser, Conway, Ericksen, Bailey, Dammeier, Frockt and Schlicher

Referred to Committee on Commerce & Labor.

AN ACT Relating to improving patient health care through a more efficient and standardized prior authorization process

SB 5274 by Senators Carrell, Eide, King, Harper, Hill and Shin

AN ACT Relating to private motorcycle skills education programs; amending RCW 46.81A.020; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5275 by Senators Holmquist Newbry, Braun, Becker, Sheldon, Carrell, Schoesler, Smith and Honeyford

AN ACT Relating to preventing the curtailment of employment opportunities by allowing employers to pay a training wage for a specified period of time; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

SB 5276 by Senators Hobbs, Honeyford, Hatfield, Pearson, Hargrove, Shin, Delvin and Schoesler

AN ACT Relating to the use of designated agricultural lands; amending RCW 36.70A.060; and creating a new section.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5277 by Senator Hill

AN ACT Relating to reducing costs and inefficiencies in elections; amending RCW 29A.24.311, 29A.32.070, 29A.32.210, 29A.32.241, 29A.32.280, 29A.52.220, 29A.60.021, 29A.60.120, 29A.72.010, 29A.72.025, 29A.72.070, 29A.72.090, and 43.135.041; repealing RCW 29A.32.080; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5278 by Senators Carrell, Baumgartner, Sheldon, Litzow and Dammeier

AN ACT Relating to providing a salary bonus for teachers in high market demand subjects; adding a new section to chapter 28A.405 RCW; making an appropriation; and providing an expiration date.

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

SB 5279 by Senators Carrell, Baumgartner, Smith, Becker, Schoesler, Sheldon, Rivers, Delvin, Tom, Braun, Padden, Bailey and Hill

AN ACT Relating to use of public assistance benefits; and amending RCW 74.08.580.

Referred to Committee on Human Services & Corrections.

SB 5280 by Senators Carrell, King, Holmquist Newbry, Padden, Becker, Sheldon, Rivers, Tom, Bailey, Roach and Honeyford

AN ACT Relating to criminal activities occurring at rental properties; amending RCW 9A.52.070, 59.04.050, and 59.18.075; and creating a new section.

Referred to Committee on Law & Justice.

SB 5281 by Senators Carrell, Darneille, Tom, Fain and Roach

AN ACT Relating to an empirical study of the validity and reliability of the current child welfare safety assessment tool; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5282 by Senators Carrell, Pearson, Keiser, Sheldon, Becker, Tom, Parlette, Rivers, Braun, Bailey, Padden, Roach, Litzow, Honeyford and Shin

AN ACT Relating to creating a statewide database of mental health commitment information; amending RCW 9.41.097, 9.41.047, 9.41.070, 9.41.090, and 9.41.173; creating new sections; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5283 by Senators Hill, Keiser, Hargrove and Kline

AN ACT Relating to a business and occupation tax exemption for the Washington health benefit exchange established under chapter 43.71 RCW; amending RCW 43.71.010; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5284 by Senators Hill, Hargrove and Shin

AN ACT Relating to imposing fees for reseller permits; amending RCW 82.32.780 and 82.32.783; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5285 by Senators Hill, Hargrove and Shin

AN ACT Relating to increasing excise tax revenue with liquor license renewals; amending RCW 82.08.155, 82.32.080, 82.03.190, 66.24.010, 66.08.150, and 34.05.422; adding a new section to chapter 82.32 RCW; creating a new section; recodifying RCW 82.08.155; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5286 by Senator Hargrove

AN ACT Relating to the implementation of a statewide forest fire protection benefit charge; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Ways & Means.

SB 5287 by Senators Hill and Hargrove

AN ACT Relating to eliminating accounts and funds; amending RCW 19.146.205, 64.44.060, 70.116.134, 41.05.140, 82.45.180, and 70.122.130; reenacting and amending RCW 43.84.092, 43.84.092, 43.79A.040, 82.44.180, and 43.99H.020; creating a new section; repealing RCW 13.40.466, 27.34.410, 28B.10.851, 28B.14D.040, 28B.121.070, 36.120.200, 41.45.230, 43.31.805,

ELEVENTH DAY, JANUARY 24, 2013

2013 REGULAR SESSION

43.60A.153, 43.60A.215, 43.63A.315, 43.63A.766, 43.70.325, 43.83H.030, 43.338.030, 46.68.330, 49.78.350, 70.47A.080, 70.122.140, 72.72.030, 77.70.450, and 81.100.070; providing an effective date; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5241 which was referred to the Committee on Ways & Means and Senate Bill No. 5251 which was referred to the Committee Trade & Economic Development.

Referred to Committee on Ways & Means.

SB 5288 by Senators Hill, Hargrove and Shin

MOTION

AN ACT Relating to contracts for health care services for incarcerated offenders; and amending RCW 72.10.030.

At 12:04 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, January 25, 2013.

Referred to Committee on Human Services & Corrections.

BRAD OWEN, President of the Senate

SB 5289 by Senators Hargrove, Hatfield, Ranker, Hobbs, Sheldon and Schoesler

HUNTER GOODMAN, Secretary of the Senate

AN ACT Relating to the discover pass; amending RCW 79A.80.020 and 79A.80.080; and adding a new section to chapter 79A.80 RCW.

Referred to Committee on Natural Resources & Parks.

SB 5290 by Senators Delvin, Ericksen, Sheldon, Roach, Becker, Bailey, Rivers, Honeyford, Braun, Carrell, Schoesler, Parlette and Hewitt

AN ACT Relating to the designation of hydroelectric energy generation on irrigation district facilities as renewable; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5291 by Senators Roach, Chase, Rivers and Ericksen

AN ACT Relating to the signing and receipt of ballots; and reenacting and amending RCW 29A.40.091 and 29A.40.110.

Referred to Committee on Governmental Operations.

SB 5292 by Senators Keiser, Conway, Murray, Kohl-Welles, Shin, Hasegawa, Harper, Nelson, Hatfield and Kline

AN ACT Relating to implementing family and medical leave insurance; amending RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.160, 49.86.170, 49.86.180, 49.86.210, and 50.29.021; reenacting and amending RCW 43.79A.040 and 34.05.328; adding new sections to chapter 49.86 RCW; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Commerce & Labor.

SCR 8401 by Senators Keiser, Becker, Frockt, Dammeier and Schlicher

Creating a joint select committee on health care oversight.

Referred to Committee on Health Care.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 25, 2013

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 2013

SB 5147 Prime Sponsor, Senator Hargrove: Concerning juveniles and runaway children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5293 by Senators Cleveland, Rivers, King, Hobbs, Harper, Billig, Ericksen, Ranker, Eide, Fain, Keiser and Tom

AN ACT Relating to extending the expiration dates of the local infrastructure financing tool program; amending RCW 39.102.904 and 82.14.475; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5294 by Senators Ericksen, Holmquist Newbry, Roach, Sheldon, Becker, Rivers, Bailey, Padden, Delvin, Smith, Honeyford, Pearson, King, Braun, Parlette, Schoesler, Hewitt and Carrell

AN ACT Relating to recognizing hydroelectricity as an eligible renewable resource in the energy independence act; amending RCW 19.285.020; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5295 by Senators Ericksen and Schoesler

AN ACT Relating to appeal and permit procedures under the shoreline management act; amending RCW 90.58.140; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5296 by Senators Ericksen, Baumgartner, Rivers, Bailey, Delvin and Honeyford

AN ACT Relating to the model toxics control act; amending RCW 70.105D.020 and 70.105D.030; reenacting and amending RCW 70.105D.070; adding a new section to chapter 70.105D RCW; and creating new sections.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5297 by Senators Braun, Ericksen and Carrell

AN ACT Relating to coal transition power; amending RCW 19.285.040; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5298 by Senators Braun and Ericksen

AN ACT Relating to coal transition power; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5299 by Senators Ranker and Rolfes

AN ACT Relating to the creation of a special license plate dedicated to raising revenue to fund preventative wolf management efforts at the department of fish and wildlife; amending RCW 46.18.200, 46.17.220, 46.68.425, and 46.18.060; reenacting and amending RCW 77.12.170; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5300 by Senators Ranker, Rolfes, Hargrove and Frockt

AN ACT Relating to enhancing wolf management efforts through the promotion of cooperative agreements; amending RCW 77.36.110, 77.12.037, and 77.12.210; adding a new section to chapter 77.36 RCW; and adding a new section to chapter 79.13 RCW.

Referred to Committee on Natural Resources & Parks.

SB 5301 by Senators Rolfes, Litzow, McAuliffe, Dammeier, Mullet, Rivers, Billig and Keiser

TWELFTH DAY, JANUARY 25, 2013

2013 REGULAR SESSION

AN ACT Relating to the suspension and expulsion of students; amending RCW 28A.300.046, 28A.300.042, 28A.300.507, 28A.600.015, 28A.600.020, and 28A.600.410; adding new sections to chapter 28A.600 RCW; creating a new section; and providing an expiration date.

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

SB 5302 by Senators Benton and Hobbs

AN ACT Relating to credit unions' corporate governance and investments; and amending RCW 31.12.005, 31.12.195, 31.12.225, 31.12.235, 31.12.285, 31.12.365, 31.12.426, 31.12.436, 31.12.438, 31.12.461, and 31.12.630.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5303 by Senators Harper and Ericksen

AN ACT Relating to identifying wineries, breweries, and microbreweries on private labels; and reenacting and amending RCW 66.28.310.

Referred to Committee on Commerce & Labor.

SB 5304 by Senators King, Shin, Fain, Harper, Hatfield, Eide, Ericksen, Keiser and Tom

AN ACT Relating to providing cities and towns with the local options to permit digital outdoor advertising signs; amending RCW 47.42.062; and adding new sections to chapter 47.42 RCW.

Referred to Committee on Transportation.

SB 5305 by Senators Becker, Schlicher, Kline, Dammeier, Delvin, Ericksen, Parlette and Carrell

AN ACT Relating to requiring hospitals to report when providing treatment for bullet wounds, gunshot wounds, and stab wounds to all patients; and amending RCW 70.41.440.

Referred to Committee on Health Care.

SB 5306 by Senators Benton, Carrell and Hobbs

AN ACT Relating to disposing property in the leased premises of a deceased tenant; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5307 by Senators Hobbs and Benton

AN ACT Relating to unlawful detainer actions for at-will tenancies; and amending RCW 59.12.030.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5308 by Senators Kohl-Welles, Carrell, Darneille, Padden, Kline, Hargrove, Fraser, Chase, Keiser, Conway, Cleveland and Tom

AN ACT Relating to establishing the commercially sexually exploited children statewide coordinating committee; and adding a new section to chapter 7.68 RCW.

Referred to Committee on Human Services & Corrections.

SB 5309 by Senators Roach, Chase, Benton, Rivers and Kline

AN ACT Relating to the use of the job order contracting procedure by certain water-sewer districts; and amending RCW 39.10.420.

Referred to Committee on Governmental Operations.

SB 5310 by Senators Nelson, Kohl-Welles, Chase, Harper, Keiser and Conway

AN ACT Relating to senior center licenses; amending RCW 66.20.300 and 66.20.310; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

SB 5311 by Senators Rolfes, Murray and Hatfield

AN ACT Relating to removing the requirement that housing organizations apply to the Washington state quality award program; and amending RCW 43.185C.210.

Referred to Committee on Governmental Operations.

SB 5312 by Senators Hobbs, Harper, Eide, Benton, Hatfield, Chase, Frockt, Schoesler, Roach, Keiser, Mullet and Tom

AN ACT Relating to small consumer installment loans; adding a new chapter to Title 31 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5313 by Senator Carrell

AN ACT Relating to modifying the criteria for public works assistance; amending RCW 43.155.070; and creating new sections.

Referred to Committee on Governmental Operations.

SB 5314 by Senators Becker, Dammeier, Rivers, Braun, Ericksen, Delvin and Honeyford

AN ACT Relating to siting essential public facilities; and amending RCW 36.70A.200.

Referred to Committee on Governmental Operations.

SB 5315 by Senators Becker, Dammeier, Rivers, Padden and Roach

AN ACT Relating to the implementation of the recommendations made by the Powell fatality team; amending RCW 13.34.136, 13.34.380, and 74.14B.010; reenacting and amending RCW 13.34.130; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

SB 5316 by Senators Becker and Carrell

AN ACT Relating to adopting a model policy to require a third person to be present during interviews; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5317 by Senators Becker, Bailey and Honeyford

AN ACT Relating to tabulation and receipt of ballots; reenacting and amending RCW 29A.40.091, 29A.40.110, and 29A.60.190; adding a new section to chapter 29A.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5318 by Senators Bailey, Becker, Roach, Hobbs, Holmquist Newbry, Honeyford, Hill, Chase, Billig, Kline, Cleveland and Carrell

AN ACT Relating to removing the one-year waiting period for veterans or active members of the military for the purpose of eligibility for resident tuition; and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

SB 5319 by Senators Bailey, Padden, Becker and Honeyford

AN ACT Relating to access to state recreation lands by disabled veterans; and amending RCW 79A.80.020, 79A.80.080, and 79A.05.065.

Referred to Committee on Natural Resources & Parks.

SB 5320 by Senators Becker, Benton, Roach, Ericksen and Honeyford

AN ACT Relating to ballot drop boxes; and amending RCW 29A.40.160.

Referred to Committee on Governmental Operations.

SB 5321 by Senator Ericksen

AN ACT Relating to harmonizing state greenhouse gas reporting requirements with federal requirements; and amending RCW 70.94.151.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5322 by Senators Carrell, Becker, Dammeier and Billig

AN ACT Relating to municipally produced class A biosolids; reenacting and amending RCW 15.54.270; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

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

MOTION

At 10:01 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, January 28, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 28, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5323 by Senators Roach, Darneille, Conway and Carrell

AN ACT Relating to assessments for nuisance abatement in cities and towns; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Governmental Operations.

SB 5324 by Senators Honeyford, Fraser and Ericksen

AN ACT Relating to mosquito abatement in storm water control retention ponds; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5325 by Senators Rivers, Cleveland, Benton and King

AN ACT Relating to the definition of a rural county for public facilities' sales and use tax purposes; and amending RCW 82.14.370.

Referred to Committee on Trade & Economic Development.

SB 5326 by Senators Rivers, Benton, King, Ericksen and Shin

AN ACT Relating to delaying new storm water requirements; and amending RCW 90.48.260.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5327 by Senators Fraser, Hobbs and Becker

AN ACT Relating to small farms under the current use property tax program for farm and agricultural lands; amending RCW 84.34.020; and creating a new section.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5328 by Senators Litzow, Hobbs, Dammeier, Hatfield, Baumgartner, Roach, Hill, Braun, Shin and Tom

AN ACT Relating to creating a school-grading program that relies on the accountability index; and adding new sections to chapter 28A.655 RCW.

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

SB 5329 by Senators Litzow, Hobbs, Fain, Hatfield, Tom, Frockt and Roach

AN ACT Relating to creating the state superintendent school district; amending RCW 28A.310.140; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.323 RCW; adding a new section to chapter 28A.343 RCW; and adding a new chapter to Title 28A RCW.

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

SB 5330 by Senators Hargrove, Shin and Hill

AN ACT Relating to improved student achievement and student outcomes; amending RCW 28A.150.220, 28A.150.315, 28A.150.250, 28A.150.260, 28A.150.410, 28A.165.005, 28A.165.015, 28A.165.025, 28A.165.035, 28A.175.025, 28A.400.200, and 28A.655.080; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.165 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections.

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

SB 5331 by Senators Hobbs, Roach, Conway, Fain and Delvin

AN ACT Relating to voter-approved benefit charges for regional fire protection service authorities; and amending RCW 52.26.220, 52.26.230, and 84.55.092.

Referred to Committee on Governmental Operations.

SB 5332 by Senators Roach, Nelson, Rolfes, Conway, Fain and Delvin

AN ACT Relating to voter-approved benefit charges for fire protection districts; and amending RCW 52.18.050.

Referred to Committee on Governmental Operations.

SB 5333 by Senators Keiser, McAuliffe, Rolfes, Becker, Schlicher, Harper, Nelson, Hobbs, Frockt, Kline and Shin

AN ACT Relating to mental health first aid; adding a new section to chapter 71.24 RCW; creating a new section; and making an appropriation.

Referred to Committee on Human Services & Corrections.

SB 5334 by Senator Hewitt

AN ACT Relating to public facilities' grants and loans; amending RCW 43.160.010, 43.160.020, 43.160.030, 43.160.050, 43.160.076, 43.160.080, and 43.160.900; adding new sections to chapter 43.160 RCW; and repealing RCW 43.160.060, 43.160.070, and 43.160.078.

Referred to Committee on Trade & Economic Development.

SB 5335 by Senators Dammeier, Eide, King, Hobbs and Fain

AN ACT Relating to heavy haul corridors; amending RCW 46.44.0915; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5336 by Senators Roach, Sheldon, Benton and Shin

AN ACT Relating to the standard of evidence for appeals of valuation of property for purposes of taxation; amending RCW 84.40.0301; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5337 by Senators Pearson, Fraser, Hargrove, Nelson, Smith, Fain, Kline, Hobbs, Shin, Tom and Parlette

AN ACT Relating to expiration dates affecting the department of natural resources' timber sale program; amending 2009 c 418 s 7 (uncodified); amending 2010 c 126 ss 15 and 16 (uncodified); providing an effective date; and providing expiration dates.

Referred to Committee on Natural Resources & Parks.

SB 5338 by Senators Hobbs, Mullet, Fain and Benton

AN ACT Relating to nonprofit debt adjusters; amending RCW 18.28.080 and 18.28.120; and reenacting and amending RCW 18.28.010.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5339 by Senators Becker, Schlicher, Dammeier, Billig, Keiser, Tom and Mullet

AN ACT Relating to wellness programs under the insurance code; and amending RCW 48.30.140 and 48.30.150.

Referred to Committee on Health Care.

SB 5340 by Senators Chase, Darneille, Schlicher, Kline, Nelson, Keiser, Shin and Conway

AN ACT Relating to maximum capital and reserves accumulations by health care service contractors and health maintenance organizations; amending RCW 48.31C.060 and 48.43.305; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 5341 by Senators Darneille, Benton, Harper, Kohl-Welles and Kline

AN ACT Relating to nonconviction records; adding a new chapter to Title 10 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5342 by Senators Dammeier, Murray, Mullet, Harper, Parlette, Schlicher, Tom, Sheldon and Kohl-Welles

AN ACT Relating to a sales and use tax exemption for restaurants in respect to certain items that impart flavor to food during the cooking process; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5343 by Senators Bailey, Rivers, Hobbs, Kline, Mullet, Fain, Frockt, Billig, Shin, Tom, Conway and Roach

AN ACT Relating to the rights of higher education students involved in military service; and amending RCW 28B.10.270.

Referred to Committee on Higher Education.

SB 5344 by Senators Mullet, Hobbs, Kline, Fain and Benton

AN ACT Relating to revising state statutes concerning trusts; amending RCW 11.36.010, 11.36.021, 11.96A.050, 11.96A.070, 11.96A.120, 11.96A.125, 11.97.010, 11.98.005, 11.98.019, 11.98.039, 11.98.041, 11.98.045, 11.98.051, 11.98.080, 11.103.040, 11.103.050, 11.96A.250, 11.98.015, 11.98.078, 11.103.030, 11.106.010, 11.106.020, and 11.118.050; adding new sections to chapter 11.98 RCW; creating a new section; and repealing RCW 11.98.090.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5345 by Senators Pearson, Kline, Roach, Carrell and Kohl-Welles

AN ACT Relating to adding persons who serve legal process to assault in the third degree provisions; reenacting and amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5346 by Senators Keiser, Kohl-Welles, Kline, Rolfes, Chase, McAuliffe, Billig, Conway, Hasegawa, Nelson, Fraser, Frockt and Shin

AN ACT Relating to restoring funding to in-home care services; adding a new section to chapter 74.09 RCW; and repealing RCW 82.08.0273.

Referred to Committee on Health Care.

SB 5347 by Senators Rivers and Roach

FIFTEENTH DAY, JANUARY 28, 2013

2013 REGULAR SESSION

AN ACT Relating to assuring the people's right to vote on initiatives that submit sufficient valid voter signatures; and adding a new section to chapter 29A.72 RCW.

Referred to Committee on Commerce & Labor.

SB 5348 by Senators Nelson, Kohl-Welles and Kline

AN ACT Relating to directing the department of health to review the impact of chemicals on public health; adding new sections to chapter 43.70 RCW; creating a new section; and making an appropriation.

SB 5353 by Senators Roach and Holmquist Newbry

AN ACT Relating to providing information to assist in unemployment insurance overpayment recovery; amending RCW 42.56.430; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

Referred to Committee on Commerce & Labor.

SB 5349 by Senators Dammeier, Hasegawa, Hewitt, Keiser, Rivers, Hobbs and Kline

AN ACT Relating to revisions to alternative public works contracting procedures; amending RCW 39.10.220, 39.10.230, 39.10.240, 39.10.250, 39.10.260, 39.10.270, 39.10.280, 39.10.300, 39.10.320, 39.10.330, 39.10.340, 39.10.380, 39.10.385, 39.10.390, 39.10.400, 39.10.420, 39.10.440, 39.10.490, 43.131.407, and 43.131.408; reenacting and amending RCW 39.10.210; adding a new section to chapter 43.131 RCW; repealing RCW 39.10.500 and 39.10.510; providing an effective date; providing a contingent effective date; providing an expiration date; and declaring an emergency.

SB 5354 by Senators Holmquist Newbry and Conway

AN ACT Relating to changing the employment security department's settlement authority; amending RCW 50.24.020; and creating a new section.

Referred to Committee on Commerce & Labor.

Referred to Committee on Governmental Operations.

SB 5350 by Senators Kohl-Welles, Hasegawa, Conway, Nelson, Keiser, Harper, Rolfes, Darneille, Kline, Chase, Billig, Delvin, Frockt and Shin

AN ACT Relating to modifying collective bargaining law related to providing additional compensation for academic employees at community and technical colleges; amending RCW 28B.52.035 and 28B.50.140; and creating a new section.

SB 5355 by Senators Holmquist Newbry, Conway, Kohl-Welles and Keiser

AN ACT Relating to implementing the unemployment insurance integrity provisions of the federal trade adjustment assistance extension act of 2011; amending RCW 50.16.010, 50.20.070, and 50.29.021; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

Referred to Committee on Commerce & Labor.

SB 5351 by Senator Ericksen

AN ACT Relating to creating a state universal communications service program; amending RCW 80.36.610; reenacting and amending RCW 80.36.005; adding new sections to chapter 80.36 RCW; creating new sections; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

SB 5356 by Senators Holmquist Newbry, Conway, Kohl-Welles, Rolfes and Kline

AN ACT Relating to changing the unemployment insurance shared work program by adopting short-time compensation provisions in the federal middle class tax relief and job creation act of 2012; amending RCW 50.60.030, 50.60.090, and 50.60.110; reenacting and amending RCW 50.60.020; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5352 by Senators Holmquist Newbry, Conway and Hewitt

AN ACT Relating to the real estate agency relationship; and amending RCW 18.86.010, 18.86.020, 18.86.030, 18.86.031, 18.86.040, 18.86.050, 18.86.060, 18.86.070, 18.86.080, 18.86.090, 18.86.100, 18.86.110, and 18.86.120.

SB 5357 by Senators Honeyford, Delvin, Ericksen, Hobbs, Hatfield and Rolfes

AN ACT Relating to directing state investments of existing litter tax revenues under chapter 82.19 RCW in material waste management efforts without increasing the tax rate; and amending RCW 70.93.020, 70.93.180, and 70.93.200.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5358 by Senators Becker, Keiser, Conway, Schlicher, Dammeier, Cleveland, Bailey, Parlette, Ericksen, Shin, Kohl-Welles and Kline

AN ACT Relating to the no paid case load of the division of developmental disabilities; amending RCW 71A.12.161 and 43.88C.010; adding new sections to chapter 71A.12 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5359 by Senator Carrell

AN ACT Relating to mandatory reporting of child abuse or neglect by supervised persons; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5360 by Senators Conway, Keiser, Hasegawa, Kohl-Welles, Frockt and Kline

AN ACT Relating to the collection of unpaid wages; amending RCW 49.48.086; and adding a new section to chapter 49.48 RCW.

Referred to Committee on Commerce & Labor.

SB 5361 by Senators Holmquist Newbry, Conway, Keiser, Hasegawa, Kohl-Welles and Kline

AN ACT Relating to payment methods on certain claimants' benefits; and amending RCW 7.68.031, 7.68.033, 7.68.034, 51.04.080, 51.28.060, 51.32.040, 51.32.045, and 51.44.110.

Referred to Committee on Commerce & Labor.

SB 5362 by Senators Conway, Holmquist Newbry, Keiser and Kohl-Welles

AN ACT Relating to recommendations of the vocational rehabilitation subcommittee for workers' compensation; amending RCW 51.32.095 and 51.32.099; amending 2011 c 291 s 3 (uncodified); amending 2009 c 353 s 7 (uncodified); amending 2007 c 72 s 6 (uncodified); and providing expiration dates.

Referred to Committee on Commerce & Labor.

SB 5363 by Senators Holmquist Newbry, Conway, Keiser, Hasegawa and Kohl-Welles

AN ACT Relating to industrial insurance for horse racing employment; and amending RCW 51.16.210.

Referred to Committee on Commerce & Labor.

SB 5364 by Senators Kline and Padden

AN ACT Relating to court reporting, communication access real-time translation, and real-time captioning services; amending RCW 18.145.005, 18.145.040, and 18.145.120; reenacting and amending RCW 18.145.030 and 18.145.080; and adding new sections to chapter 18.145 RCW.

Referred to Committee on Law & Justice.

SB 5365 by Senators Rolfes, Cleveland, Frockt, Kohl-Welles and Kline

AN ACT Relating to increasing the capacity of school districts to recognize and respond to troubled youth; amending RCW 28A.410.035; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.310 RCW; and creating new sections.

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

SB 5366 by Senators Rolfes, Hobbs, McAuliffe, Chase, Frockt and Shin

AN ACT Relating to requiring the office of the superintendent of public instruction to assist school districts in disclosing information about required assessments; adding a new section to chapter 28A.655 RCW; and creating a new section.

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

SB 5367 by Senators Honeyford, Hatfield, Fraser, King, Nelson, Delvin and Shin

AN ACT Relating to Yakima river basin water resource management; amending RCW 90.38.005, 90.38.010, 90.38.900, and 90.38.902; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 90.38 RCW; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5368 by Senators Honeyford and King

AN ACT Relating to determining the proportion of supplemental income to be paid by component cities, towns, and counties; and amending RCW 70.94.092.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5369 by Senators Kline, King, Honeyford and Mullet

AN ACT Relating to the use of geothermal resources; amending RCW 78.60.030, 78.60.040, and 78.60.060; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5370 by Senators Kline, Keiser and Shin

AN ACT Relating to implementing the recommendation of the developmental disabilities service system task force relating to community living safeguards; amending RCW 71A.12.080 and 71A.12.270; adding new sections to chapter 71A.12 RCW; adding a new section to chapter 71A.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

SB 5371 by Senators Kline, King, Keiser and Shin

AN ACT Relating to implementing the recommendations of the developmental disability service system task force; amending RCW 28A.190.020, 71A.20.020, 71A.20.170, 71A.20.180, and 71A.20.190; and providing an expiration date.

Referred to Committee on Health Care.

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SB 5372 by Senators Kline, Kohl-Welles, Murray, Hasegawa, Nelson, Keiser and Billig

AN ACT Relating to reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, 10.95.200, and 10.95.900.

Referred to Committee on Law & Justice.

SB 5373 by Senator Kline

AN ACT Relating to confidential informants; and adding a new chapter to Title 10 RCW.

Referred to Committee on Law & Justice.

SB 5374 by Senators Kline and Keiser

AN ACT Relating to photographs, microphotographs, and electronic images from traffic safety cameras and toll systems; amending RCW 46.63.160; and reenacting and amending RCW 46.63.170.

Referred to Committee on Law & Justice.

SB 5375 by Senators Kline, Conway, Litzow, Keiser, Chase, Hasegawa, Kohl-Welles, Schoesler and Roach

AN ACT Relating to assault in the third degree; reenacting and amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5376 by Senators Kline, Fain, Shin, Nelson, Keiser, Carrell, McAuliffe, Hill, Litzow, Tom and Kohl-Welles

AN ACT Relating to juvenile firearms and weapons crimes; and amending RCW 13.40.0357, 13.40.127, 13.40.193, and 13.40.160.

Referred to Committee on Human Services & Corrections.

SB 5377 by Senators Rivers, Hatfield, Bailey, Becker and Hargrove

AN ACT Relating to extending the program establishing Christmas tree grower licensure; and amending 2007 c 335 s 19 (uncodified).

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5378 by Senators Benton, Schoesler, Bailey, Carrell, Becker, Holmquist Newbry, Sheldon, Ericksen and Dammeier

AN ACT Relating to a six-year time frame for substantial building code amendments; amending RCW 19.27.074, 19.27A.045, and 19.27A.025; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5379 by Senator Benton

AN ACT Relating to nighttime vision acuity testing for driver's license applicants; and amending RCW 46.20.130.

Referred to Committee on Transportation.

SB 5380 by Senators Benton, Carrell and Rivers

AN ACT Relating to verifying voter registration qualifications; amending RCW 29A.08.125; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Governmental Operations.

SB 5381 by Senators Benton and Padden

AN ACT Relating to cellular telephone use by state employees; amending RCW 43.88.160; and adding new sections to chapter 43.41A RCW.

Referred to Committee on Governmental Operations.

SB 5382 by Senators Benton, Holmquist Newbry, Rivers, Carrell, Padden and Shin

AN ACT Relating to promoting economic development through tax relief for start-up firms; adding new sections to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Trade & Economic Development.

SB 5383 by Senators Benton, Cleveland and Rivers

AN ACT Relating to restrictions on collecting a pension in the public employees' retirement system for retirees returning to work; and amending RCW 41.40.037 and 41.40.630.

Referred to Committee on Ways & Means.

SJM 8002 by Senators Kline, Kohl-Welles, Billig, Rolfes, Nelson, Harper, Darneille, McAuliffe, Hargrove and Frockt

Requesting an amendment to the United States Constitution to return the authority to regulate election campaign contributions to congress and state legislatures.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5325 which was referred to the Committee on Trade & Economic Development.

MOTION

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

MOTION

Senator Rolfes moved adoption of the following resolution:

SENATE RESOLUTION
8609

At 12:07 p.m., on motion of Senator Fain, the Senate
adjourned until 12:00 noon, Tuesday, January 29, 2013.

By Senators Rolfes, Pearson, Schlicher, Keiser, Cleveland, Eide,
Nelson, Billig, Fraser, Parlette, Frockt, and Harper

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

WHEREAS, Outdoor recreation in Washington state is a foundation of our state's quality of life in both urban and rural parts of the state; and

WHEREAS, Our state's history, identity, and culture is intertwined with the outdoor recreational opportunities provided in this state; and

WHEREAS, Washington state has an unsurpassed diversity of outdoor recreation for our state's citizens and for people around the world who visit Washington state to experience our state's outdoor recreational opportunities; and

WHEREAS, Outdoor recreational businesses comprise an important part of our state's economy, from worldwide leaders in retail and manufacturing to small businesses in every corner of the state; and

WHEREAS, The national Outdoor Industry Alliance has calculated the economic impact of outdoor recreation in Washington state to be eleven billion seven hundred million dollars; and

WHEREAS, Outdoor recreation supports one hundred fifteen thousand jobs in Washington state; and

WHEREAS, A diverse group of over two dozen outdoor recreation businesses, user groups, and nonprofits called the Big Tent Outdoor Coalition has established the first-ever recognition of Washington state's outdoor recreation economy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the significance of outdoor recreation to Washington state's economy, citizens, and quality of life; and

BE IT FURTHER RESOLVED, That the Washington State Senate today celebrates outdoor recreation in Washington state; and Senator Rolfes spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8609.

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

REMARKS BY THE PRESIDENT

President Owen: "The President would just note to our wonderful young people here today that asking questions or addressing people in the gallery is not allowed. So you are very special today that to happen. We know that you're very special anyway and we're very grateful that you're here with us today."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Big Tent Outdoor Coalition who were present in the gallery and recognized by the Senate.

POINT OF PERSONAL PRIVILEGE

Senator Fain: "Point of clarification, Mr. President: REI is headquartered in the illustrious City of Kent, the fighting 47th District."

REPLY BY THE PRESIDENT

President Owen: "Very important correction there."

MOTION

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 29, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 2013

SB 5052 Prime Sponsor, Senator Ericksen: Increasing the number of superior court judges in Whatcom county. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

January 28, 2013

SB 5112 Prime Sponsor, Senator Holmquist Newbry: Granting scheduling authority for qualified retrospective rating plan employers and groups. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

January 28, 2013

SB 5124 Prime Sponsor, Senator Holmquist Newbry: Simplifying and adding certainty to the calculation of workers' compensation benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5124 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

January 28, 2013

SB 5126 Prime Sponsor, Senator Holmquist Newbry: Concerning recovery for purposes of legal actions under the industrial insurance statutes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

January 28, 2013

SB 5127 Prime Sponsor, Senator Holmquist Newbry: Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

January 28, 2013

SB 5128 Prime Sponsor, Senator Holmquist Newbry: Addressing compensation for injured workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5128 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5384 by Senators Bailey, Keiser, Becker, Ericksen, Dammeier, Parlette, Darneille, Schlicher and Frockt

AN ACT Relating to making the board of denturists the disciplining authority for licensed denturists; amending RCW

18.30.030, 18.30.065, 18.30.090, 18.30.095, 18.30.130, and 18.30.135; reenacting and amending RCW 18.130.040 and 18.130.040; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

SB 5385 by Senators Bailey, Keiser, Becker, Ericksen, Parlette, Darneille and Schlicher

AN ACT Relating to the practice of denturism; amending RCW 18.30.010; adding a new section to chapter 18.30 RCW; and providing an effective date.

Referred to Committee on Health Care.

SB 5386 by Senators Mullet, Benton, Hatfield, Hobbs and Delvin

AN ACT Relating to reducing the littering of retail carryout bags; adding a new section to chapter 70.93 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; and prescribing penalties.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5387 by Senators Pearson, Conway, Hasegawa and Roach

AN ACT Relating to the public employees' collective bargaining act as applied to department of corrections employees; reenacting and amending RCW 41.80.020; and adding new sections to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

SB 5388 by Senators Parlette, Keiser and Schlicher

AN ACT Relating to reducing the financial loss to emergency medical care and transportation services by ensuring direct payment for emergency transportation services; and amending RCW 48.44.026.

Referred to Committee on Health Care.

SB 5389 by Senators Billig, Fain, Hargrove, Litzow, Murray, Tom, Kohl-Welles, Rolfes, Harper and Chase

AN ACT Relating to sibling visitation for children in foster care; amending RCW 13.34.136; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5390 by Senators Frockt, Kohl-Welles, McAuliffe, Ranker, Murray, Harper and Conway

AN ACT Relating to establishing the educational achievement and tuition reduction incentive program; adding a new section to chapter 28B.15 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

SB 5391 by Senators Bailey, Benton, Carrell, Holmquist Newbry, Sheldon, Delvin, Fain and Padden

AN ACT Relating to an exemption from discover pass requirements for off-road vehicles; and amending RCW 79A.80.010.

Referred to Committee on Natural Resources & Parks.

SB 5392 by Senators Bailey, Holmquist Newbry, Delvin, Tom, Fain, Honeyford and Schoesler

AN ACT Relating to limiting the impact of excess compensation on state retirement system contribution rates; and amending RCW 41.50.150.

Referred to Committee on Ways & Means.

SB 5393 by Senators Keiser, Conway, Kohl-Welles, Hasegawa, Kline, McAuliffe, Cleveland and Chase

AN ACT Relating to extending apprenticeship utilization requirements; amending RCW 39.04.320, 82.60.025, 82.75.010, 82.82.010, 82.08.820, 82.08.900, 82.08.955, and 82.12.955; and reenacting and amending RCW 82.63.010.

Referred to Committee on Commerce & Labor.

SB 5394 by Senators Hasegawa, Conway, Kohl-Welles, Kline, Keiser, Cleveland and Chase

AN ACT Relating to requiring use of resident workers on public works; amending RCW 82.60.025, 82.75.010, 82.82.010, 82.08.820, 82.08.900, 82.08.955, and 82.12.955; reenacting and amending RCW 82.63.010; adding a new section to chapter 39.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SB 5395 by Senators Conway, Hasegawa, Kohl-Welles, Kline, Keiser, Cleveland and Chase

AN ACT Relating to extending the application of prevailing wage requirements; amending RCW 39.12.010, 39.12.030, 39.12.040, 39.12.042, 39.12.050, 39.12.065, 39.12.070, 82.60.025, 82.75.010, 82.82.010, 82.08.820, 82.08.900, 82.08.955, and 82.12.955; reenacting and amending RCW 82.63.010; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

SB 5396 by Senators Hewitt, Holmquist Newbry, Conway, Kohl-Welles, Hatfield, Hobbs, Schoesler, Delvin and Kline

AN ACT Relating to limited on-premise spirits sampling; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

SB 5397 by Senators Keiser, Schlicher, McAuliffe and Conway

AN ACT Relating to establishing outcome measures for the community mental health service delivery system; adding a

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new section to chapter 71.28 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5398 by Senators Darneille, Kline, Shin and McAuliffe

AN ACT Relating to the provision of and reimbursement for certain court interpreter services; and amending RCW 2.43.030, 2.43.040, and 2.42.120.

Referred to Committee on Law & Justice.

SB 5399 by Senators Dammeier, Becker, Conway, Fraser, Rivers and Nelson

AN ACT Relating to the timing of penalties under the growth management act; and amending RCW 36.70A.300, 43.17.250, 43.155.070, 70.146.070, and 36.70A.200.

Referred to Committee on Governmental Operations.

SB 5400 by Senators Honeyford, Ericksen and Hewitt

AN ACT Relating to allowing utilities serving customers in Washington and in other states to use eligible renewable resources located within the western electricity coordinating council area to comply with chapter 19.285 RCW, the energy independence act; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5401 by Senators Carrell and Darneille

AN ACT Relating to empowering the department of social and health services, the department of early learning, and the health care authority to establish and enforce debts against vendors who attempt to avoid their obligation to repay overpayment debts by creating new entities and yet continue to do business with those state agencies; amending RCW 43.20B.010, 43.20B.675, 41.05A.010, and 41.05A.170; adding a new section to chapter 43.20B RCW; adding a new section to chapter 41.05A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5402 by Senators Carrell and Pearson

AN ACT Relating to allowing residents of total confinement facilities and secure community transition facilities to engage in therapeutic occupational assignments within the confines of McNeil Island; and adding a new section to chapter 71.09 RCW.

Referred to Committee on Human Services & Corrections.

SB 5403 by Senators Carrell and Darneille

AN ACT Relating to the enforcement powers of the office of financial recovery; amending RCW 43.20B.010 and 43.20B.030; and adding new sections to chapter 43.20B RCW.

Referred to Committee on Human Services & Corrections.

SB 5404 by Senators Carrell, Hargrove, Pearson and Darneille

AN ACT Relating to introduction of contraband into or possession of contraband in a secure facility; amending RCW 9A.76.140, 9A.76.150, and 9A.76.160; reenacting and amending RCW 9A.76.010; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5405 by Senators Murray, Tom, Kohl-Welles, Darneille, Hobbs, Harper and Frockt

AN ACT Relating to extended foster care services; amending RCW 13.34.145, 13.34.267, 13.34.232, 74.13.020, and 74.13.031; reenacting and amending RCW 13.04.030, 13.34.030, 74.13.020, and 74.13.031; adding a new section to chapter 13.34 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5406 by Senator Ericksen

AN ACT Relating to local government compliance with the growth management act; and amending RCW 36.135.030, 36.70A.130, 36.70A.295, 36.70A.330, 36.70A.340, 36.70A.345, 36.70A.500, 43.17.250, 43.155.070, 70.146.070, and 82.02.050.

Referred to Committee on Governmental Operations.

SB 5407 by Senator Ericksen

AN ACT Relating to electronic filing of pollutant discharge elimination permit system applications; and amending RCW 90.48.260.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5408 by Senator Ericksen

AN ACT Relating to modifying the definition of nonpower attributes in the energy independence act; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5409 by Senators Ericksen, Ranker, Litzow, Cleveland, Fain, Carrell and Holmquist Newbry

AN ACT Relating to extending the sales and use tax exemption of machinery and equipment that generate electricity from specified sources; amending RCW 82.08.962 and 82.12.962; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5410 by Senator Schlicher

AN ACT Relating to metropolitan park district property tax levies; amending RCW 84.52.010 and 84.52.120; creating a new section; and repealing 2011 1st sp.s. c 28 s 7 (uncodified).

Referred to Committee on Governmental Operations.

SB 5411 by Senators Rolfes, Holmquist Newbry, Hatfield, Honeyford and Conway

AN ACT Relating to requiring the ballot proposition to reduce the terms of office of port commissioners to be submitted at the next general election; and amending RCW 53.12.175.

Referred to Committee on Governmental Operations.

SB 5412 by Senators Ericksen, Smith, Sheldon and Carrell

AN ACT Relating to adding incremental hydroelectricity that is marketed by the Bonneville power administration to the definition of an eligible renewable resource for the purposes of chapter 19.285 RCW; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5413 by Senators Eide, Fain, Litzow, Chase, Hobbs, Conway, Delvin, Roach, Keiser and Sheldon

AN ACT Relating to metal theft; amending RCW 9A.48.100, 9A.56.030, 9A.56.040, 19.290.020, and 19.290.070; adding new sections to chapter 19.290 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5414 by Senators Schlicher, Becker, Bailey and Keiser

AN ACT Relating to the requirements of allopathic physician licensure; amending RCW 18.71.050, 18.71.051, 18.71.055, and 18.71.095; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Health Care.

SB 5415 by Senators Schlicher, Becker, Bailey and Keiser

AN ACT Relating to updating and aligning with federal requirements hospital health care-associated infection rate reporting; and amending RCW 43.70.056.

Referred to Committee on Health Care.

SB 5416 by Senators Bailey, Schlicher, Becker and Keiser

AN ACT Relating to prescription information; amending RCW 69.41.010, 69.50.308, and 69.50.312; and reenacting and amending RCW 69.50.101.

Referred to Committee on Health Care.

SB 5417 by Senators Mullet, Fain, Hasegawa and Roach

AN ACT Relating to the annexation of unincorporated territory within a code city; and amending RCW 35A.14.295.

Referred to Committee on Governmental Operations.

SB 5418 by Senators Bailey, McAuliffe, Shin, Chase and Harper

AN ACT Relating to county property tax levies; and amending RCW 71.20.110 and 73.08.080.

Referred to Committee on Governmental Operations.

SB 5419 by Senators Benton, Shin and Roach

AN ACT Relating to increasing the cap on small loans; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5420 by Senators Kohl-Welles, Frockt, Murray, McAuliffe, Fraser, Ranker, Rolfes, Kline, Conway and Chase

AN ACT Relating to creating a two-year freeze on tuition rates at four-year institutions of higher education; reenacting and amending RCW 28B.15.067; and creating a new section.

Referred to Committee on Higher Education.

SB 5421 by Senators Kohl-Welles, Frockt, Murray, McAuliffe, Fraser, Ranker, Kline, Conway and Chase

AN ACT Relating to state funding for the enrollments of the state's institutions of higher education; amending RCW 28B.10.776, 28B.10.778, 28B.10.784, and 43.88C.010; creating a new section; and repealing RCW 28B.10.780 and 28B.10.782.

Referred to Committee on Higher Education.

MOTION

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

MOTION

At 12:01 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, January 30, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 30, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miller White and Siobhan Wells, presented the Colors. Senator Morton offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 2013

SB 5013 Prime Sponsor, Senator Benton: Requiring a vote of the people before all annexations. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5013 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Hasegawa, Ranking Member and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5019 Prime Sponsor, Senator Benton: Concerning the use of public resources by office holders during campaigns. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5027 Prime Sponsor, Senator Hasegawa: Requiring prepaid postage for primary and general election ballots. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Ways & Means.

January 29, 2013

SB 5061 Prime Sponsor, Senator Carrell: Addressing a veteran's preference for the purpose of public employment. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5068 Prime Sponsor, Senator Conway: Concerning the annexation of property owned by the state for military purposes. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5068 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5078 Prime Sponsor, Senator Ericksen: Modifying the property tax exemption for nonprofit fairs. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5078 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Ways & Means.

January 29, 2013

SB 5088 Prime Sponsor, Senator Benton: Concerning the equal distribution of votes within certain taxing districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5099 Prime Sponsor, Senator Rivers: Concerning fuel usage of publicly owned vehicles, vessels, and construction equipment. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5139 Prime Sponsor, Senator Hatfield: Concerning milk and milk products. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5145 Prime Sponsor, Senator Keiser: Allowing fire departments to develop a community assistance referral and education services program. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

January 29, 2013

SJR 8206 Prime Sponsor, Senator Bailey: Amending the Constitution to require emergency clauses only be allowed by amendment to a bill and approved by sixty percent of each house of the legislature. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5088 which was referred to the Committee on Transportation.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5422 by Senator Ericksen

AN ACT Relating to telecommunications tax parity; amending RCW 82.14B.040, 82.14B.042, 82.14B.030, 82.14B.200, 80.36.430, and 43.20A.725; and reenacting and amending RCW 82.14B.020 and 82.08.0289.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5423 by Senators Schlicher, Becker, Keiser, Delvin, Bailey, Murray, McAuliffe, Conway, Kohl-Welles and Roach

AN ACT Relating to containing the scope and costs of the diabetes epidemic in Washington; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

SB 5424 by Senators Chase, Benton, McAuliffe, Roach, Ranker, Nelson, Shin, Kohl-Welles and Kline

AN ACT Relating to paint stewardship; amending RCW 42.56.270; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5425 by Senators Benton and Roach

AN ACT Relating to the entering of monetary judgments against defendants under the residential and manufactured/mobile home landlord-tenant acts; and amending RCW 59.18.055.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5426 by Senator Roach

AN ACT Relating to the definition of unlawful detainer; and amending RCW 59.12.030.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5427 by Senators King and Eide

AN ACT Relating to removing certain requirements for vehicle registration certificate applicants; reenacting and amending RCW 46.63.020; and repealing RCW 46.16A.050.

Referred to Committee on Transportation.

SB 5428 by Senators Schlicher, Darneille, Rolfes, Kohl-Welles, Braun, Kline, Keiser, Conway and Chase

AN ACT Relating to initiatives in high schools to save lives in the event of cardiac arrest; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.230 RCW; and creating a new section.

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

SB 5429 by Senators Chase, Hasegawa, Conway, Nelson, Kohl-Welles, Keiser and Kline

AN ACT Relating to increasing accountability for the tax preferences for manufacturing machinery and equipment by requiring a net benefit to the state and deferring sales and use tax; adding a new chapter to Title 82 RCW; repealing RCW 82.08.02565 and 82.12.02565; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

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SB 5430 by Senators Hobbs, King, Eide, Honeyford, Schlicher and Cleveland

AN ACT Relating to the distribution and use of aircraft excise taxes; and amending RCW 82.48.080.

Referred to Committee on Transportation.

SB 5431 by Senators Ericksen, Carrell, Pearson, Benton, Padden, Smith and Bailey

AN ACT Relating to recognizing hydroelectricity as an eligible renewable resource in the energy independence act; amending RCW 19.285.020; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5432 by Senator Ericksen

AN ACT Relating to hydroelectric power; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5433 by Senators Frockt, Keiser, Ranker, Nelson, Kohl-Welles, Hasegawa, McAuliffe and Murray

AN ACT Relating to mid-level dental professionals; amending RCW 18.32.030, 18.32.0351, 18.260.010, 18.260.040, 18.260.070, 18.260.080, and 69.41.010; reenacting and amending RCW 18.120.020, 18.120.020, 18.130.040, 18.130.040, and 69.41.030; adding a new chapter to Title 18 RCW; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care.

SB 5434 by Senators Becker, Dammeier, Keiser, Harper and Conway

AN ACT Relating to the filing and public disclosure of health care provider compensation; amending RCW 48.46.243; adding a new section to chapter 48.43 RCW; and repealing RCW 48.44.070.

Referred to Committee on Health Care.

SB 5435 by Senators Cleveland and Rivers

AN ACT Relating to the creation of a storm water compliance pilot project; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5436 by Senators Pearson, Darneille and Carrell

AN ACT Relating to making specific prosecution and defense documents and materials exempt from public inspection and copying; and amending RCW 42.56.240.

Referred to Committee on Law & Justice.

SB 5437 by Senators Padden, Hargrove, Roach, Kline, Sheldon, Pearson and Chase

AN ACT Relating to boating safety; amending RCW 79A.60.040, 10.31.100, and 79A.60.150; reenacting and amending RCW 7.80.120; adding new sections to chapter 79A.60 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5438 by Senators Ericksen and Chase

AN ACT Relating to using conservation achieved by a qualifying utility in excess of its biennial acquisition target under the energy independence act; and amending RCW 19.285.040.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5439 by Senators Benton and Hobbs

AN ACT Relating to the administrative costs for the allocation, management, and oversight of housing trust fund investments; and amending RCW 43.185.020, 43.185.050, 43.185.070, 43.185A.010, 43.185A.030, and 43.185A.050.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5440 by Senators McAuliffe, Litzow, Dammeier, Harper, Cleveland, Billig, Rivers, Kohl-Welles, Eide, Hill, Tom, Schlicher, Conway, Chase and Kline

AN ACT Relating to support public schools special license plates; amending RCW 46.18.200, 46.17.220, 46.68.425, and 46.18.060; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5441 by Senator Rivers

AN ACT Relating to prioritizing state investments in storm water control; amending RCW 90.48.290 and 90.48.285; reenacting and amending RCW 70.105D.070; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5442 by Senators Hill and Hargrove

AN ACT Relating to protecting the state's interest in collecting deferred property taxes; amending RCW 35.49.160, 36.35.110, 36.35.140, 36.35.190, 36.35.220, 36.35.250, 84.37.070, 84.38.100, 84.38.140, 84.60.010, and 84.64.050; and adding a new section to chapter 84.64 RCW.

Referred to Committee on Ways & Means.

SB 5443 by Senators Roach, Hasegawa, Keiser, Chase and Mullet

AN ACT Relating to creating greater efficiency in the offices of county assessors by allowing notification via electronic means; and adding a new section to chapter 84.09 RCW.

Referred to Committee on Governmental Operations.

SB 5444 by Senators Hasegawa, Nelson, Kohl-Welles, Hobbs, Chase, Keiser and Kline

AN ACT Relating to creating greater efficiency in the offices of county assessor by eliminating the requirement to annually appraise tax-exempt government properties; and amending RCW 84.40.045, 84.40.175, and 82.29A.120.

Referred to Committee on Governmental Operations.

SB 5445 by Senators Honeyford, Schoesler, Dammeier, Braun, Parlette, Litzow, Baumgartner, Carrell, Sheldon, Ericksen, Becker, King, Fain and Bailey

AN ACT Relating to funding capital projects; adding a new chapter to Title 43 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5446 by Senators Hobbs, Schoesler, Hatfield and Tom

AN ACT Relating to state auditor applications for investigative subpoenas; adding a new section to chapter 43.09 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5447 by Senators Murray, Rolfes and Kohl-Welles

AN ACT Relating to unintentional lapses of long-term care insurance policies; adding a new section to chapter 48.84 RCW; adding a new section to chapter 48.83 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5448 by Senators Ericksen, Hewitt, Carrell, Schoesler, Honeyford, Delvin, Sheldon, Hatfield, Smith, Benton, Padden and Chase

AN ACT Relating to narrowing the requirement that utilities purchase electricity, renewable energy credits, or electric generating facilities that are not needed to serve their customers' loads; and amending RCW 19.285.040.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5449 by Senators Parlette, Keiser, Becker, Bailey, Dammeier, Frockt, Ericksen and Schlicher

AN ACT Relating to modification of the Washington state health insurance pool; amending RCW 48.41.060 and 48.41.160; reenacting and amending RCW 48.41.100; adding

a new section to chapter 44.28 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

SB 5450 by Senator Parlette

AN ACT Relating to public hospital districts insurance coverage for commissioners; and amending RCW 70.44.050.

Referred to Committee on Health Care.

SB 5451 by Senators Shin, Litzow, McAuliffe, Keiser, Conway, Chase and Kohl-Welles

AN ACT Relating to supporting music education for young children in public schools; adding a new section to chapter 28A.630 RCW; and creating a new section.

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

SJM 8003 by Senators Kohl-Welles, Padden, Kline, Roach, Fraser, Carrell, Darneille, Pearson, Conway and Chase

Requesting Congress to amend the Communications Decency Act.

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5426 which was referred to the Committee on Financial Institutions, Housing & Insurance.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Abby Lohman, the 2012-2013 Washington State of Skagit County Dairy Ambassador, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Dairy Ambassador Abby Lohman.

REMARKS BY MISS ABBY LOHMAN

Miss Abby Lohman: "Good morning. My name is Abby Lohman. I am 19 years old and I was raised on my family's two-hundred acre seed crop farm in Edison, Washington. I have been involved in the dairy industry since before I was strong enough to hold a calf's milk bottle. To this day I'm still a proud, 'Ambassador for Milk' in the dairy industry. Milk is the most highly regulated food in the United States and that regulation begins on the farm itself. Dairy farmers are held to strict standards when it comes to animal well-being, labor, milk safety and environmental stewardship. Dairy farmers take great pride in following sustainable farming practices. Not only to protect their businesses but because it's the right thing to do. Dairy farmers are committed to supporting and raising healthy environments and healthy communities. One prominent way dairy farmers ensure their farming practices are compliant with strict environmental standards is our dairy nutrient management plans which are required and tailored to each farm's unique needs and characteristics. Dairy farmers have been proactive and innovative in utilizing waste by recycling high quality fertilized for crops,

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compost, energy and other uses. Proper waste management not only protects water quality but promotes the health and well-being of our animals. Dairy farms also create thousands of acres of habitat for wild life, particularly for migrating water fowl such as trumpeter swans and snow geese that frequent the Skagit Valley where I'm from. Ninety-eight percent of farms in this country are family owned. They have been passed down for generations. While dairy farmers use many time-tested traditional farming practices, new innovations and technologies are embraced and implemented in our ever evolving world. Beside environmental stewardship, the dairy industry plays an important economic role in the state of Washington, contributing 2.3 billion dollars in economic benefits a year. We invite you to get to know us and visit our family dairy farms, especially as you consider voting on items that could significantly impact us. Thank you for the opportunity to speak with you this morning. I hope to see you at a local agriculture event or family dairy farm in the future and invite you to the rotunda at noon to enjoy some delicious ice cream. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the remaining representatives of the Washington State Dairy Women's Ambassador Program: Alternate Dairy Ambassadors Miss Jennifer Callanan, King-Pierce Counties, and Miss Elizabeth Beck, Lewis County, who were seated at the

The President also welcomed and introduced County and regional Dairy Ambassadors: Whatcom County Dairy Ambassador Miss Rebecca Steiger, Miss Lily Kroontje and Miss Mary Kahle, Alternates; Skagit County Dairy Ambassador Miss Samantha Mesman; Snohomish County Dairy Ambassador Miss Shana Morcom and Miss Haley Grillo, Alternate; King-Pierce Counties Dairy Ambassador Miss Annie Birkliid and Miss Samantha Lanting, Alternate; Lewis County Dairy Ambassador Miss Jennifer Swenson; Inland Northwest Dairy Ambassador Miss Alayna Loveall; and Mid-Columbia Dairy Ambassador Olivia Zurcher who were present in the gallery.

PERSONAL PRIVILEGE

Senator Becker: "I'd like to address the ambassadors. Thank you Mr. President. I really wanted to say thank you to the current Ambassador, the Dairy Ambassador. It is such a privilege to see you here. I know I've talked for the last few years but I grew up in Enumclaw on a dairy farm and when you're talking about dairies it brings back all sorts of memories for me. It's the time when dairy farms were a lot smaller and I can remember running out and getting the cows and my horse and the cow knocking me off my horse and things like that, but being in 4-H and living and breathing the dairy industry for all the years that I did, it was a remarkable way to grow up. I want to thank you. One of the other things that I had the privilege to do a few years GO and I'll never forget IT was to be a judge for the Dairy Ambassador position. It was like interviewing all sorts people that all had skills and abilities and desires to succeed like I've never seen before. It was one of the hardest things that I ever did but one of the most enjoyable. So, to this day, I believe that everybody should drink milk and to this day I drink milk every day and it is a wholesome way of life. It is an awesome way that you will now represent the state in your role and I thank you very much."

PERSONAL PRIVILEGE

Senator Honeyford: "Well thank you Mr. President. I stand and recognize the women behind you there and the contribution they are making to the dairy industry being from Yakima County being one of the largest, is the largest dairy producing county in the state. Also want to mention that my wife was once a dairy princess so you may be a legislator or a wife of a legislator in the future. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Senator Becker, the President doesn't drink a lot of milk but he does believe that ice cream is an essential food group."

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

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

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8611

By Senators Shin and Honeyford

WHEREAS, Taiwan and the United States are long-standing friends with a shared historical relationship and dearly cherished values of freedom, democracy, and human rights; and

WHEREAS, Taiwan is the world's eighteenth largest economy, one of the key trading partners of the United States, and the two-way trade volume between the United States and Taiwan reached sixty-seven billion two hundred million dollars in 2011; and

WHEREAS, The state of Washington and Taiwan have enjoyed a long and mutually beneficial partnership that promises further growth based on strong bilateral trade, the exchange of education and culture, scientific and technological innovation, and tourism; and

WHEREAS, The United States officially included Taiwan in its visa waiver program, allowing its residents to travel to the United States for tourism or business stays of ninety days or less without obtaining a visa with the purpose of increasing tourism, business, and the exchange of ideas; and

WHEREAS, Taiwan is Washington's ninth largest export consumer with the trade volume from Washington to Taiwan totaling one billion nine hundred twenty million dollars, and with major products including aircraft, wheat, iron, steel, electric machinery, and industrial machinery; and

WHEREAS, Taiwan's strong economy and dedication to democratic freedoms for its people will continue with the support of the people of the state of Washington; and

WHEREAS, Taiwan is tied economically to our shared responsibility to address climate change; and

WHEREAS, Taiwan, as a willing and contributing member of the world community, has made countless contributions of technical and financial assistance in the aftermath of hurricane Katrina and other natural disasters worldwide; and

WHEREAS, The contributions made by the people of Taiwan, the Honorable Ma Ying-jeou, and the institutions and businesses of Taiwan deserve praise from the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate reaffirm its commitment to the strong relationship between the state of Washington and Taiwan and support Taiwan's meaningful participation in international organizations as well as encouraging continued discussions that may lead to increased trade; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Director General of the Taipei Economic and Cultural Office in Seattle.

Senators Shin, Delvin, Honeyford, Fraser, Ericksen, Kohl-Welles, Benton and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8611.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Director-General Chin Hsing (Andy Chin) and Director Richard Lin of the Taipei Economic and Cultural Office in Seattle who were present in the gallery and recognized by the Senate.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION 8610

By Senators Honeyford, Becker, Bailey, Pearson, Padden, Braun, Fain, Smith, Rivers, Parlette, Tom, Carrell, Baumgartner, Schoesler, Dammeier, King, Litzow, Ericksen, Sheldon, Roach, Hill, Holmquist Newbry, Hewitt, Hargrove, Delvin, Nelson, Conway, Keiser, Benton, Hatfield, Murray, Ranker, and Fraser

WHEREAS, Senator Bob Morton served the 7th legislative district with distinction for twenty-two years, first in the Washington State House of Representatives from 1991 through 1994, and then in the Senate from 1995 through 2013; and

WHEREAS, Senator Morton tirelessly traveled one of the farthest distances to represent his constituents in Olympia, but was happiest when he returned home to the scenic 7th legislative district and his beautiful wife Linda; and

WHEREAS, Senator Morton came to elected office with a diverse professional background including experience working as a Methodist minister, farmer, logger, and bush pilot in Alaska; and

WHEREAS, Senator Morton continued to fill in at local churches as a preacher during his time in the legislature and officiated at several weddings, including for legislative staff and lobbyists; and

WHEREAS, Senator Morton often lead the opening prayer in the Senate chambers with ecumenical grace; and

WHEREAS, This great institution affectionately refers to him as its "Minister of Agriculture"; and

WHEREAS, Senator Morton was extremely well liked and respected not only by his faithful constituents and staff, but by Senators on both sides of the aisle, as they recall how he was the consummate gentleman who was respectful of all viewpoints and always made people around him smile; and

WHEREAS, Senator Morton fought passionately for his district which also led him on one occasion to be gavelled down by the President of the Senate for blowing a railroad whistle on the Senate floor when he thought he was being railroaded by legislation; and

WHEREAS, Senator Morton was a careful reader of bills, once raising a question on the floor whether a bill provision was more appropriately labeled as an "exemption" or an "exception"; and

WHEREAS, Senator Morton's policy ideas generated his name in a clue on the game show Jeopardy and most recently in Time Magazine; and

WHEREAS, Senator Morton has been a mentor and friend to many staff in the legislature, including one of his former legislative assistants, Cathy McMorris Rodgers, who is now the United States Representative for the 5th congressional district and the highest ranking Republican woman in Congress serving as the Chair of the House Republican Conference; and

WHEREAS, Senator Morton dedicated his service in the legislature to natural resource issues serving as Chair of the Natural Resources, Energy & Water Committee and Chair of the Agriculture & Environment Committee; and

WHEREAS, Senator Morton spearheaded efforts to protect water rights for agricultural use, to develop a statewide plan to preserve the health of our forests, and to defend livestock from wild animal predation; and

WHEREAS, In 2006, Senator Morton was instrumental in the passage of historical water legislation seeking out new water supplies through the construction of new storage facilities and conservation measures; and

WHEREAS, Senator Morton was known for carrying around a seven foot tall pole that depicted the flow of the Columbia River which he presented to Governor Gregoire as a gift at the bill signing ceremony for the 2006 water legislation; and

WHEREAS, Senator Morton was known for compiling and distributing an annual salmon report with the goal of achieving a balance between the delicate environmental needs of salmon and the important economic needs and recreational activities of humans; and

WHEREAS, Senator Morton has made the decision to retire, leaving an indelible mark on Olympia and this great institution. He will be greatly missed by all of us who know and love him;

NOW, THEREFORE, BE IT RESOLVED, That the members and staff of the Washington State Senate offer their best wishes for a happy and fulfilling retirement and our deepest gratitude to Senator Bob Morton; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Senator Bob Morton.

Senators Honeyford, Fraser, Schoesler and Hargrove spoke in favor of adoption of the resolution.

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well, when I first came here thirteen years ago, I kind of looked around for a mentor and decided, because Senator Morton was such a held in high esteem, we shared a cubicle next to each other over in the INB Building, that he would be my mentor. I thought.' You know anything that he does I would be very safe and I can follow his lead.' Well, I signed a letter that had something to do with a French chef because Bob had signed the letter and I thought, 'This is going to be safe.' This will be

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ok. It's nice that we have a French chef downstairs and if Bob likes it I'm going to like it to. Probably the largest mistake I've made in the thirteen years that I've been here because remember that went United States-wide, Fox news covered it, and we were in trouble and I thought, 'My God I'll never get elected again because I'm supporting this French chef downstairs.' Anyway Bob, my highlight with you I think was that trip to Alaska where we got in that jet sled of yours, that eighteen foot jet sled and drove for eleven hours solid. Left at eleven in the morning and got there at ten-thirty, eleven o'clock at night. Thank god they had long days because it was quite an experience. All the way Bob was keeping track of how much gas we were using because gas stations are not prevalent when you get back in the tundra, right. I mean we drove one hundred eighty miles back in this river and Bob was always calculating the gasoline that we burned and how much we have left and how many gallons he's going to have to get back to get more gas. It was phenomenal for me to watch that as a younger person then. What a wonderful experience that was to get to see all that wildlife and seriously was one of the, by the way it was my first trip to Alaska ever too, so it was marvelous to do that but to drive in little boat with Linda, his wife, and the three of us and listen to that roar for eleven hours it was absolutely wonderful. I'm going to miss you not only as a colleague but I'm going to miss you as a person. You are a very outstanding person. I think all of us really hold you in high esteem. I'm happy for you because I kind of feel the new life you have. There is life after. I think you're going to enjoy that. You're going to enjoy your first trip to Mexico in the winter time for many, many years. So Bob, we all love you and God Bless you."

Senators Ranker, Shin and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8610.

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

REPLY BY THE PRESIDENT

President Owen: "President Owen: "Senator I would be remiss if I didn't offer you the opportunity to respond to these comments and share some thoughts with us. The microphone is yours."

REMARKS BY SENATOR MORTON

Senator Morton: "Thank you Mr. President. How much time do you give me?"

REPLY BY THE PRESIDENT

President Owen: "They have not instituted the three minute rule yet so ..."

REMARKS BY SENATOR MORTON

Senator Morton: "Oh my, that's a lot of ground to cover ..."

REMARKS BY SENATOR MORTON

Senator Morton: "In the experiences that we have shared together. We have been richly blessed. It would not have been possible, however, without my wife Linda. And also because of

you. Many of you are still here, We have survived quite a bit in the last twenty years. Surprising how fast it has gone for me. Now I'd also like to have you thank those who have put up with my shenanigans and yours during the last few years and that's my family. I won't name them all off Mr. President, it would take too long but they're up there to my left, left hand corner waving their hands at you to say thank you to all of you. Thank you very much. Without their patience and their support many of the things that we accomplished would not have been accomplishable. Mr. President, there is a lot of information that I'd love to share with you. As elected officials, we're very challenging times that we are in and as I look at those whom I know, here in front of me, I am confident of the direction that you're moving in will be a good one. I talked yesterday with both of your leaders and I was encouraged. Now, they've got to have your backing as you know but I also look at the rest of you, who are new to me, I am encourage so don't let me down. We are blessed with challenges in a wonderful age and we have a God to guide us and being able to fulfill not what we think is best but which the Creator has sent us to determine. So, I wish you well and I thank you from the bottom of my heart. And from my family, who are probably much like yours, and the sprouting of young people who are going to live the results of what we leave them with it new laws, codes and recommendations. We still are America and we still are in the pursuit of the happiness for our people and we still have the opportunities to fulfill what God anticipates for us to accomplish. God Bless."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Kang Min Ho, Gwon Jiyeoung, Kim Seo Yeoung, Kim Yeoung, Kin Joo-Hyun, Lee Yewon, Jeong Sungjin and Kim Yeeun, students from a variety of universities in the Republic of South Korea shadowing members of the House and Senate and touring the capitol to learn about American democracy and the political process, guests of Senator Shin, who were present in the gallery and recognized by the Senate.

The President welcomed members and representatives of the Washington State Grange, led by President Duane Hamp, who were present in the gallery and recognized by the Senate.

The President welcomed and offered the Senate's appreciation to the family of retiring Senator Bob Morton who were present in the gallery and again recognized by the Senate.

The President welcomed representatives of Wenatchee Valley Community College, guests of Senators Parlette and Smith, who were present in the gallery and recognized by the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington State Grange who were seated in the gallery.

MOTION

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

The Senate was called to order at 11:23 a.m. by President Owen.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Stevens County Commissioner Wes McCart, Pend Oreille County Commissioner Mike Manus and Okanogan County Commissioner Sheila Kennedy, guests of Senator Smith, who were present in the gallery and recognized by the Senate.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5021, by Senate Committee on Law & Justice (originally sponsored by Senators Padden and Carrell)

Changing the crime of riot to the crime of criminal mischief.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5021 was substituted for Senate Bill No. 5021 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5021.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5021 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Carrell, Cleveland, Conway, Dammeier, Darneille, Delvin, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Fraser, Keiser and Murray

SUBSTITUTE SENATE BILL NO. 5021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5147, by Senators Hargrove, Carrell, Hewitt, Darneille and Shin

Concerning juveniles and runaway children.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5147 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Hargrove and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5147.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5147 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5052, by Senators Ericksen, Ranker, Shin, Padden and Kohl-Welles

Increasing the number of superior court judges in Whatcom county.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5052.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Baumgartner

SENATE BILL NO. 5052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SEVENTEENTH DAY, JANUARY 30, 2013

2013 REGULAR SESSION

SENATE BILL NO. 5046, by Senators Padden, Kline, Keiser, Harper, Shin and Kohl-Welles

Modifying the mandatory retirement provision for district judges.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5046.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Delvin, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Eide

SENATE BILL NO. 5046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5022, by Senators Padden, Sheldon and Carrell

Changing retail theft with extenuating circumstances to retail theft with special circumstances.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5022 was substituted for Senate Bill No. 5022 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5022.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5022 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:52 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, January 31, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTEENTH DAY

 NOON SESSION

Senate Chamber, Olympia, Thursday, January 31, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 2013

SB 5010 Prime Sponsor, Senator Padden: Establishing that courts may order an offender to refrain from the consumption of marijuana as a part of community custody conditions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5010 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member and Pearson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kohl-Welles.

Passed to Committee on Rules for second reading.

January 30, 2013

SB 5030 Prime Sponsor, Senator Roach: Extending the Chinook scenic byway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Billig; Fain, Budget Leadership Cabinet; Harper; Hobbs; Mullet; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

January 30, 2013

SB 5056 Prime Sponsor, Senator Honeyford: Allowing a person to apply for a work permit for the employment of minors without completing a new master application under certain circumstances. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

January 30, 2013

SB 5077 Prime Sponsor, Senator Kohl-Welles: Making technical corrections to certain gender-based terms. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5077 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5082 Prime Sponsor, Senator Benton: Concerning exchange facilitator requirements. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5082 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Benton, Ranking Member; Fain; Hatfield; Mullet; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5083 Prime Sponsor, Senator Benton: Concerning the display of political yard signs in homeowners' associations. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Benton, Ranking Member; Fain; Hatfield; Mullet; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5095 Prime Sponsor, Senator Roach: Providing proof of financial responsibility for motor vehicle operation. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5095 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Benton, Ranking Member; Fain; Hatfield; Mullet; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5113 Prime Sponsor, Senator Bailey: Concerning the enforcement of speed limits on roads within condominium associations. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Benton, Ranking Member; Fain; Mullet and Nelson.

Passed to Committee on Rules for second reading.

January 30, 2013

SB 5152 Prime Sponsor, Senator Eide: Creating Seattle Sounders FC and Seattle Seahawks special license plates. Reported by Committee on Transportation

EIGHTEENTH DAY, JANUARY 31, 2013

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MAJORITY recommendation: That Substitute Senate Bill No. 5152 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Fain, Budget Leadership Cabinet; Harper; Hobbs; Mullet; Schlicher; Sheldon and Smith.

SB 5455 by Senators Darneille, Kohl-Welles, Frockt and Kline

AN ACT Relating to protecting children under the age of eighteen from the harmful effects of exposure to ultraviolet radiation associated with tanning devices; adding a new chapter to Title 18 RCW; and prescribing penalties.

Passed to Committee on Rules for second reading.

Referred to Committee on Health Care.

January 30, 2013

SJM 8001 Prime Sponsor, Senator Sheldon: Requesting that Interstate 5 be named the "Purple Heart Trail." Reported by Committee on Transportation

SB 5456 by Senators Schlicher, Becker, Keiser, Bailey, Frockt, Cleveland, Hargrove, Darneille and McAuliffe

AN ACT Relating to detentions under the involuntary treatment act; amending RCW 71.05.040 and 71.05.150; and adding a new section to chapter 71.05 RCW.

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Billig; Fain, Budget Leadership Cabinet; Harper; Hobbs; Mullet; Schlicher; Sheldon and Smith.

Referred to Committee on Human Services & Corrections.

Passed to Committee on Rules for second reading.

MOTION

SB 5457 by Senators Nelson, Delvin, Ranker, Kohl-Welles and Kline

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

AN ACT Relating to adopting the Washington small rechargeable battery stewardship act; adding a new chapter to Title 70 RCW; and prescribing penalties.

MOTION

Referred to Committee on Energy, Environment & Telecommunications.

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

SB 5458 by Senators Billig, Ranker, Kohl-Welles and Kline

INTRODUCTION AND FIRST READING

SB 5452 by Senators Conway, Carrell, Darneille and Kohl-Welles

AN ACT Relating to the labeling of certain asbestos-containing building materials; adding a new chapter to Title 70 RCW; and prescribing penalties.

AN ACT Relating to protection orders for stalking and harassment; amending RCW 9A.41.800, 9A.41.535, 9A.46.040, 9A.46.110, 10.14.065, 10.14.070, and 10.31.100; reenacting and amending RCW 26.50.110; adding new sections to chapter 10.14 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; and prescribing penalties.

Referred to Committee on Energy, Environment & Telecommunications.

Referred to Committee on Human Services & Corrections.

SB 5459 by Senators Becker, Keiser, Parlette, Dammeier and Kline

SB 5453 by Senators Honeyford, Hobbs, Shin, Hatfield, Bailey, Parlette, Eide, Schoesler and King

AN ACT Relating to requiring ninety-day supply limits on certain drugs dispensed by a pharmacist; and adding a new section to chapter 18.64 RCW.

AN ACT Relating to extending the expiration date of tax exemptions for honey beekeepers; amending 2008 c 314 s 7 (uncodified); and providing an expiration date.

Referred to Committee on Health Care.

Referred to Committee on Ways & Means.

SB 5460 by Senators Darneille, Rivers, Harper, Mullet, Kohl-Welles, Kline, Billig and Hobbs

SB 5454 by Senators Rolfes, Cleveland, Kohl-Welles and Kline

AN ACT Relating to the rights of parents who are incarcerated or in residential substance abuse treatment; amending RCW 13.34.067, 13.34.132, 13.34.136, and 13.34.145; and reenacting and amending RCW 13.34.030 and 13.34.180.

AN ACT Relating to testing of infants placed in out-of-home care under chapter 13.34 RCW whose human immunodeficiency virus is unknown; amending RCW 13.34.315 and 70.24.330; and creating a new section.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Human Services & Corrections.

SB 5461 by Senators Darneille, Harper, Kohl-Welles and Frockt

AN ACT Relating to representation of children in dependency matters; amending RCW 13.34.100 and 13.34.105; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5462 by Senators Honeyford, Carrell and McAuliffe

AN ACT Relating to efficiencies in the department of ecology processing of water right change applications to permit the consolidation of the annual quantities of those water rights held by the applicant; amending RCW 90.44.100 and 90.44.100; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5463 by Senators Honeyford and Carrell

AN ACT Relating to efficiencies in the department of ecology processing of water right change applications that move the point of withdrawal reducing the potential for surface water body impacts; amending RCW 90.44.100 and 90.44.100; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5464 by Senators Cleveland, Becker, Schlicher, Keiser, McAuliffe and Kline

AN ACT Relating to allowing dental hygienists and dental assistants to provide certain services under the supervision of a dentist; amending RCW 18.29.050, 18.29.056, and 18.260.040; and adding a new section to chapter 18.29 RCW.

Referred to Committee on Health Care.

SB 5465 by Senators Dammeier, Schlicher, Becker, Keiser and McAuliffe

AN ACT Relating to exemptions from licensure as a physical therapist; and amending RCW 18.74.150 and 18.74.180.

Referred to Committee on Health Care.

SB 5466 by Senators Carrell, Kohl-Welles and King

AN ACT Relating to criminal history record information compliance audits; and amending RCW 10.98.100.

Referred to Committee on Human Services & Corrections.

SB 5467 by Senators King, Eide, Litzow and Harper

AN ACT Relating to conforming vehicle owner list furnishment requirements with federal law; and amending RCW 46.12.630.

Referred to Committee on Transportation.

SB 5468 by Senators Hewitt, Rolfes, Keiser, Schoesler, Hobbs and McAuliffe

AN ACT Relating to modifying the definition of tourist for the purposes of the lodging tax; and amending RCW 67.28.080.

Referred to Committee on Trade & Economic Development.

SB 5469 by Senators Frockt, Rivers, Hobbs, Keiser, Hatfield, Ericksen, Kohl-Welles, Delvin and McAuliffe

AN ACT Relating to the prescription of biological products and interchangeable biosimilar products; amending RCW 69.41.010, 69.41.120, and 69.41.190; and adding a new section to chapter 69.41 RCW.

Referred to Committee on Health Care.

SB 5470 by Senators Hewitt, McAuliffe, Parlette and Conway

AN ACT Relating to facility-based vocational services; amending RCW 9.94A.725, 36.110.050, 39.23.005, 39.23.010, 39.23.020, 43.20A.445, 43.99C.020, 49.12.091, and 84.36.350; reenacting and amending RCW 82.04.385; and adding a new section to chapter 71A.10 RCW.

Referred to Committee on Health Care.

SB 5471 by Senators Nelson, Mullet, Hobbs, Fain and Keiser

AN ACT Relating to insurance; amending RCW 48.02.060, 48.02.120, 48.15.050, 48.15.120, 48.16.030, 48.20.435, 48.21.157, 48.43.700, 48.43.705, 48.46.040, 48.140.040, 48.140.050, 48.155.010, 48.175.005, and 48.175.020; and repealing RCW 48.140.070.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5472 by Senators Bailey, Ranker, Kohl-Welles and Becker

AN ACT Relating to applied doctorate level degrees in audiology at Western Washington University; and adding a new section to chapter 28B.35 RCW.

Referred to Committee on Higher Education.

SB 5473 by Senators Nelson, Shin, Ranker, Mullet, Billig, Harper, Kline, Keiser, Hasegawa, Conway, Chase, Kohl-Welles, Cleveland, McAuliffe, Darneille, Rolfes, Schlicher, Murray and Hobbs

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections, requiring redistricting and new elections in certain circumstances, and establishing a cause of action to redress lack of voter opportunity; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on Governmental Operations.

SB 5474 by Senators Mullet, Frockt, Keiser, Billig, Fain, McAuliffe and Kline

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AN ACT Relating to state employee wellness and productivity; amending RCW 41.05.540; and creating a new section.

Referred to Committee on Health Care.

Referred to Committee on Health Care.

SB 5475 by Senator Harper

AN ACT Relating to the creating of a licensing category for receiving care centers; amending RCW 74.15.020; and adding a new section to chapter 74.15 RCW.

SB 5482 by Senators Keiser, Becker, Cleveland, Nelson, Ranker, Darneille, Conway, Chase, Hasegawa, Kohl-Welles and Kline

AN ACT Relating to health care options under the affordable care act; amending RCW 43.71.030 and 70.47.250; and creating a new section.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Health Care.

SB 5476 by Senators Hewitt, Keiser, Conway and Holmquist Newbry

AN ACT Relating to the employment status of independent contractors in the news business; amending RCW 50.04.240 and 51.12.020; and reenacting and amending RCW 49.46.010.

SB 5483 by Senators Hobbs, Rolfes and Benton

AN ACT Relating to the financial education public-private partnership; amending RCW 28A.300.450 and 28A.300.460; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Commerce & Labor.

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

SB 5477 by Senators Roach and Litzow

AN ACT Relating to high school diplomas; and amending RCW 28A.230.090.

SB 5484 by Senators Kline, Frockt, Ranker, Rolfes, Padden, Fain and Kohl-Welles

AN ACT Relating to assault in the third degree occurring in areas used in connection with court proceedings; amending RCW 9.94A.535; reenacting and amending RCW 9A.36.031; and prescribing penalties.

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

Referred to Committee on Law & Justice.

SB 5478 by Senators Keiser, Kohl-Welles, Darneille, Nelson and Kline

AN ACT Relating to prohibiting possession of firearms for persons participating in mental health court; and amending RCW 2.28.180.

SB 5485 by Senators Kline, Shin, Keiser, Ranker, Frockt, Schlicher and Kohl-Welles

AN ACT Relating to unauthorized access to firearms; reenacting and amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

Referred to Committee on Law & Justice.

SB 5479 by Senators Keiser, Kohl-Welles, Darneille, Nelson and Kline

AN ACT Relating to establishing a process for voluntary temporary safekeeping of firearms with law enforcement agencies; and adding a new section to chapter 9.41 RCW.

SB 5486 by Senators Kline, Shin and Nelson

AN ACT Relating to partial and total confinement options for offenders; amending RCW 9.94A.030, 9.94A.190, 9.94A.704, 9.94A.728, 9.94A.731, and 72.65.010; adding new sections to chapter 72.65 RCW; creating a new section; and repealing RCW 9.94A.734.

Referred to Committee on Law & Justice.

Referred to Committee on Human Services & Corrections.

SB 5480 by Senators Keiser, Kohl-Welles, Darneille, Nelson, McAuliffe and Kline

AN ACT Relating to accelerating expansion of mental health involuntary commitment laws; amending 2011 2nd sp.s. c 6 ss 1 and 3 (uncodified); creating a new section; providing an effective date; and providing an expiration date.

SB 5487 by Senators Kline, Kohl-Welles and Hargrove

AN ACT Relating to persistent offenders; amending RCW 9.94A.501, 9.94A.570, and 9.95.435; adding a new section to chapter 9.94A RCW; adding new sections to chapter 9.95 RCW; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Human Services & Corrections.

SB 5481 by Senators Keiser, Kline, Rolfes, Roach and Chase

AN ACT Relating to the department of social and health services' supported living program; adding a new chapter to Title 71A RCW; and prescribing penalties.

SB 5488 by Senators Kohl-Welles, Padden, Kline, Darneille, Fraser, Ranker, Keiser, Delvin, Carrell, McAuliffe, Chase and Conway

AN ACT Relating to establishing an enhanced penalty for the use of an internet advertisement to facilitate the commission of a sex-trafficking crime; adding a new section to chapter 9.68A RCW; repealing RCW 9.68A.104; repealing 2012 c 138 s 1 (uncodified); and repealing 2012 c 138 s 3 (uncodified).

Referred to Committee on Law & Justice.

SB 5489 by Senators Mullet, Hobbs and Nelson

AN ACT Relating to adopting the insurer state of entry model act; amending RCW 48.05.090; adding new sections to chapter 48.35 RCW; repealing RCW 48.35.010, 48.35.020, 48.35.030, 48.35.040, 48.35.050, 48.35.060, 48.35.070, 48.35.080, 48.35.090, 48.35.100, 48.35.110, 48.35.120, 48.35.130, 48.35.140, 48.35.150, 48.35.160, 48.35.170, 48.35.180, 48.35.190, and 48.35.200; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5490 by Senators Roach, Rolfes, Benton, Shin, Hasegawa, Braun, Rivers, Hobbs, Ranker, Conway and Chase

AN ACT Relating to veterans' assistance levies; amending RCW 73.08.080, 84.52.043, 84.52.043, 84.52.010, and 84.52.010; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 5491 by Senators McAuliffe, Litzow, Kohl-Welles, Dammeier, Frockt, Nelson, Rolfes, Chase, Eide, Cleveland, Rivers, Hobbs, Fain, Hewitt, Murray, Kline, Billig and Conway

AN ACT Relating to statewide indicators of educational health; adding a new section to chapter 28A.150 RCW; and creating a new section.

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

SB 5492 by Senators Becker, Schlicher, Darneille and Parlette

AN ACT Relating to requiring transparency for patients regarding training and qualifications of health care professionals; adding new sections to chapter 18.130 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

SB 5493 by Senators Schlicher, Parlette and Conway

AN ACT Relating to funding the prescription monitoring program from the medicaid fraud penalty account; amending RCW 70.225.020 and 74.09.215; and creating a new section.

Referred to Committee on Health Care.

SB 5494 by Senators Hobbs, Fain, Holmquist Newbry, Mullet, Dammeier and McAuliffe

AN ACT Relating to carbon monoxide alarms; and amending RCW 19.27.530.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5495 by Senators Holmquist Newbry, Fain, Hobbs, Dammeier and McAuliffe

AN ACT Relating to the state building code council; and amending RCW 19.27.070.

Referred to Committee on Governmental Operations.

SB 5496 by Senators Braun, Fain, Hatfield, Hargrove, Dammeier, Chase and Kohl-Welles

AN ACT Relating to authorizing approval of online school programs in private schools; adding a new section to chapter 28A.195 RCW; and creating new sections.

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

SB 5497 by Senators Fain, McAuliffe, Litzow, Rolfes, Tom, Rivers, Hill, Fraser, Becker, King and Kohl-Welles

AN ACT Relating to assault in the third degree against a school employee; reenacting and amending RCW 9A.36.031; prescribing penalties; and providing an effective date.

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

SB 5498 by Senators Benton and Padden

AN ACT Relating to authorizing counties to establish and conduct polling place voting; amending RCW 29A.32.241 and 29A.40.010; adding a new section to chapter 29A.04 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on Governmental Operations.

SB 5499 by Senators Benton, Hasegawa and Baumgartner

AN ACT Relating to time for filing initiative measures; and amending RCW 29A.72.030.

Referred to Committee on Governmental Operations.

SB 5500 by Senators Benton, Roach and Hobbs

AN ACT Relating to providing a replacement ballot by telephone, mail, or in person to a voter who is not a voter that is overseas or in the military; and reenacting and amending RCW 29A.40.070.

Referred to Committee on Governmental Operations.

SB 5501 by Senators Hobbs, McAuliffe, Litzow and Benton

AN ACT Relating to reducing certain requirements affecting school districts; and amending RCW 28A.230.090, 28A.165.025, and 43.09.260.

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

EIGHTEENTH DAY, JANUARY 31, 2013

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SB 5502 by Senators Benton, Rivers, Hobbs, Billig and Keiser

AN ACT Relating to requiring the tolling agreement for the Columbia river crossing project to contain certain provisions; amending RCW 47.56.892; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5503 by Senators Roach, Delvin, Litzow, Fraser, Conway, Sheldon, Shin and Padden

AN ACT Relating to payment of delinquent property taxes; amending RCW 84.56.020; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5504 by Senators Roach, Padden, Fain and Tom

AN ACT Relating to requiring that a state employee be truthful when providing information; adding a new section to chapter 42.52 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 5505 by Senators Roach, Chase, Hasegawa, Fain and Tom

AN ACT Relating to ensuring valid voter signatures on petitions count and timely validation of signatures; amending RCW 29A.72.170 and 35.21.005; and creating new sections.

Referred to Committee on Governmental Operations.

SJM 8004 by Senators Roach, Hasegawa and Conway

Requesting Congress and the Postmaster General to establish a special accommodation for official election mail.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5481 which was referred to the Committee on Health Care.

MOTION

At 12:01 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, February 1, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 1, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Kathryn Sinn and Johnathan Bjerk, presented the Colors. Pastor Lee Ronshaugen of Lighthouse Christian Center of Puyallup offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 2013

SB 5002 Prime Sponsor, Senator Honeyford: Concerning mosquito control districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5002 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

January 31, 2013

SB 5025 Prime Sponsor, Senator Roach: Providing that a proclamation of a state of emergency is effective upon the governor's signature. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

January 31, 2013

SB 5110 Prime Sponsor, Senator Tom: Regarding local government purchasing. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5110 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

January 29, 2013

SB 5121 Prime Sponsor, Senator Carrell: Concerning the effect of zoning ordinances on hobby vehicle restoration. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

January 31, 2013

SB 5222 Prime Sponsor, Senator Kohl-Welles: Concerning industrial hemp. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5222 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Delvin; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Ways & Means.

January 31, 2013

SB 5257 Prime Sponsor, Senator Roach: Modifying time frames applicable to certain public disclosure commission requirements. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser and Rivers.

Passed to Committee on Rules for second reading.

January 31, 2013

SB 5258 Prime Sponsor, Senator Benton: Aggregating the cost of related ballot measure advertisements for purposes of top five sponsor identification requirements. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE
NO. 522

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29A.72.230, and WAC 434.379.010, the

NINETEENTH DAY, FEBRUARY 1, 2013

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Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature No. 522 to be examined in the following manner:

1. It was determined that 353,331 signatures were submitted by the sponsors of the initiative. A random sample of 10,762 signatures was taken from those submitted;
2. Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 9,503 valid signatures, 1,241 signatures that were invalid and 18 pairs of duplicated signatures in the sample;
3. We calculated an allowance for the chance error of sampling (53) by multiplying the square root of the number of invalid signatures by 1.5;
4. We estimated the upper limit of the number of signatures on the initiative petition which were invalid (42,479) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
5. We determined the maximum allowable number of pairs of signatures on the petition (69,699) by subtracting the sum of the number of signatures required by Article II, Section 1 of the Washington State Constitution (241,153) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;
6. We determined the expected number of pairs of signatures in the sample (65) by multiplying the square of the sampling ration by the maximum allowable number of pairs of signatures on the initiative petition;
7. We determined the acceptable number of pairs of signatures in the sample (51) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and
8. The number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample.

Therefore, I hereby declare Initiative to the Legislature No. 522 to contain sufficient signatures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the State of Washington this 31st day of January, 2013.

KIM WYMAN, Secretary of State

Seal

MOTION

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

INTRODUCTION AND FIRST READING

SB 5506 by Senators Billig, Eide, Frockt, Cleveland, Schlicher, Rolfes, Hobbs, Nelson, Fain, Parlette, Keiser, Kohl-Welles, Hill, Shin, Murray, McAuliffe and Conway

AN ACT Relating to committing state and federal support to the safe routes to school program; amending RCW 47.04.300; reenacting and amending RCW 46.68.060; and creating a new section.

Referred to Committee on Transportation.

SB 5507 by Senators Billig, Benton, Rolfes, Rivers, Hatfield, Harper, Ranker, Hasegawa, Frockt, Schlicher, Smith, Fraser, Sheldon, Roach, Kohl-Welles, Keiser, Shin, Murray, McAuliffe, Kline and Conway

AN ACT Relating to increasing transparency of donors to candidates and ballot measures; amending RCW 29A.32.031, 29A.32.070, 29A.36.106, and 29A.36.161; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5508 by Senators Hatfield and Shin

AN ACT Relating to prevailing wages on certain rural school district projects; and amending RCW 39.12.020.

Referred to Committee on Commerce & Labor.

SB 5509 by Senators Becker and Keiser

AN ACT Relating to electronic timekeeping for in-home personal care or respite services; and amending RCW 74.39A.325.

Referred to Committee on Health Care.

SB 5510 by Senators Becker, Keiser, Kohl-Welles, McAuliffe and Conway

AN ACT Relating to abuse of vulnerable adults; and amending RCW 74.34.020, 74.34.035, and 74.34.067.

Referred to Committee on Health Care.

SB 5511 by Senators Hasegawa, Chase, Shin and Kline

AN ACT Relating to creating the Washington state preservation of liberty act condemning the unlawful detention of United States citizens and lawful resident aliens under the national defense authorization act; adding a new section to chapter 42.20 RCW; adding a new section to chapter 38.40 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5512 by Senators Conway, Hobbs, Nelson, Delvin, Schlicher, McAuliffe, Hatfield and Shin

AN ACT Relating to calculating service credit for school administrators for alternate early retirement eligibility; and amending RCW 41.32.765, 41.32.875, 41.35.420, and 41.35.680.

Referred to Committee on Ways & Means.

SB 5513 by Senators Rolfes, Delvin, Becker, Ranker, King, Sheldon, Ericksen, Benton and Roach

AN ACT Relating to regulating the use of off-road vehicles in certain areas; amending RCW 46.09.310, 46.09.360,

46.09.400, 46.09.410, 46.09.420, 46.09.450, 46.09.460, 46.09.530, 46.17.350, 46.30.020, 79A.80.010, and 46.63.030; reenacting and amending RCW 46.09.470, 46.63.020, 43.84.092, and 43.84.092; adding new sections to chapter 46.09 RCW; creating a new section; prescribing penalties; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 5514 by Senators Roach and Benton

AN ACT Relating to utility rates and charges for vacant mobile home lots in manufactured housing communities; and amending RCW 35.23.535, 35.58.220, 35.67.020, 35.92.010, 35.92.020, 36.89.080, 36.94.140, 54.24.080, and 57.08.081.

Referred to Committee on Governmental Operations.

SB 5515 by Senators Eide and Benton

AN ACT Relating to fees for certain vehicle title, registration, and permitting services; amending RCW 46.17.040, 46.17.050, and 46.17.060; and adding new sections to chapter 46.68 RCW.

Referred to Committee on Transportation.

SB 5516 by Senators Keiser and Fain

AN ACT Relating to the criminal justice training commission firing range maintenance account; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Law & Justice.

SB 5517 by Senators Hobbs, Hewitt, Hatfield, Honeyford and Shin

AN ACT Relating to the beer and wine tasting endorsement for grocery stores; and amending RCW 66.24.363.

Referred to Committee on Commerce & Labor.

SB 5518 by Senators Roach, Darneille, Sheldon and Hatfield

AN ACT Relating to making nonsubstantive changes to election laws; amending RCW 29A.04.008, 29A.04.013, 29A.04.079, 29A.04.086, 29A.04.097, 29A.04.169, 29A.04.216, 29A.04.321, 29A.04.330, 29A.04.410, 29A.04.420, 29A.08.020, 29A.08.220, 29A.08.230, 29A.08.260, 29A.08.330, 29A.08.340, 29A.08.350, 29A.08.820, 29A.12.005, 29A.12.080, 29A.12.120, 29A.12.150, 29A.20.021, 29A.20.111, 29A.20.121, 29A.20.161, 29A.20.191, 29A.24.020, 29A.24.031, 29A.24.101, 29A.24.320, 29A.28.041, 29A.28.050, 29A.28.061, 29A.32.100, 29A.32.210, 29A.36.010, 29A.36.060, 29A.36.101, 29A.36.121, 29A.36.131, 29A.36.161, 29A.36.201, 29A.40.010, 29A.52.112, 29A.52.210, 29A.52.321, 29A.52.355, 29A.56.040, 29A.56.210, 29A.56.320, 29A.56.360, 29A.56.490, 29A.60.010, 29A.60.060, 29A.60.110, 29A.60.160, 29A.60.165, 29A.60.240, 29A.60.250, 29A.64.021, 29A.64.030, 29A.64.050, 29A.64.061, 29A.64.090, 29A.68.011, 29A.68.020, 29A.72.080, 29A.72.130,

29A.72.250, 29A.72.290, 29A.76.020, 29A.76.030, 29A.80.020, 29A.84.210, 29A.84.261, 29A.84.510, 29A.84.520, 29A.84.711, 29A.88.020, 29A.88.040, 42.12.040, 42.12.070, 46.20.155, 29A.24.311, and 29A.36.040; reenacting and amending RCW 29A.36.170, 29A.40.070, 29A.40.091, and 35.17.020; reenacting RCW 29A.08.520; adding a new section to chapter 29A.08 RCW; adding new sections to chapter 29A.24 RCW; adding new sections to chapter 29A.60 RCW; adding new sections to chapter 29A.56 RCW; adding a new section to chapter 29A.80 RCW; adding a new section to chapter 29A.16 RCW; recodifying RCW 29A.04.240, 29A.20.010, 29A.20.021, 29A.20.030, 29A.20.040, 29A.20.111, 29A.20.121, 29A.20.131, 29A.20.151, 29A.20.161, 29A.20.171, 29A.20.181, 29A.20.191, 29A.28.071, and 29A.76.030; repealing RCW 7.16.370, 29A.04.225, 29A.08.250, 29A.08.785, 29A.12.170, 29A.20.141, 29A.20.201, 29A.24.030, 29A.24.120, 29A.28.011, 29A.28.021, 29A.32.036, 29A.32.050, 29A.36.050, 29A.36.104, 29A.36.106, 29A.36.171, 29A.36.191, 29A.52.011, 29A.52.106, 29A.52.111, 29A.52.116, 29A.52.130, 29A.52.141, 29A.52.151, 29A.53.010, 29A.53.020, 29A.53.030, 29A.53.040, 29A.53.050, 29A.53.060, 29A.53.070, 29A.53.080, 29A.53.090, 29A.53.900, 29A.53.901, 29A.53.902, 29A.80.011, 44.04.015, and 49.28.120; and repealing 2009 c 369 s 27.

Referred to Committee on Governmental Operations.

SB 5519 by Senators Bailey, Darneille, Dammeier, Keiser, Litzow, Kohl-Welles and Conway

AN ACT Relating to enacting planning measures to provide for the future long-term care services and supports needs of the aging population; amending RCW 74.41.050; creating new sections; and providing expiration dates.

Referred to Committee on Health Care.

SB 5520 by Senators Billig, Conway, Fain and Delvin

AN ACT Relating to establishing a regional fire protection service authority formation process for cities; amending RCW 52.26.010, 52.26.030, 52.26.040, and 52.26.060; and reenacting and amending RCW 52.26.020.

Referred to Committee on Governmental Operations.

SB 5521 by Senators King, Darneille, Kohl-Welles, Schlicher, Keiser, Frockt, Shin and Kline

AN ACT Relating to protecting children under the age of eighteen from the harmful effects of exposure to ultraviolet radiation associated with tanning devices; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SB 5522 by Senators Sheldon, Benton and Shin

AN ACT Relating to clarification of the duration of a rental agreement offered for renewal in manufactured housing communities; and amending RCW 59.20.090.

Referred to Committee on Financial Institutions, Housing & Insurance.

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SB 5523 by Senators Benton and Roach

AN ACT Relating to the property taxation of mobile homes and park model trailers; amending RCW 46.44.170; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5524 by Senators Cleveland, Schlicher, Benton, Baumgartner, Keiser, Shin and Kline

AN ACT Relating to authorizing Washington pharmacies to fill prescriptions written by physician assistants in other states; and reenacting and amending RCW 69.50.101.

Referred to Committee on Health Care.

SB 5525 by Senator Keiser

AN ACT Relating to medical specialty technicians; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health Care.

SB 5526 by Senators Conway, Kohl-Welles, Keiser, Hasegawa, Ranker, Fraser, Nelson, Harper, Rolfes, Hatfield, Hobbs, Shin and Kline

AN ACT Relating to ensuring fairness to employers by protecting employees; amending RCW 39.12.010, 39.12.050, 49.52.070, 49.48.084, 50.12.070, 50.12.072, 50.24.070, 50.04.100, 50.04.298, 51.08.070, and 51.08.180; reenacting and amending RCW 49.48.082, 49.48.060, and 49.46.010; adding new sections to chapter 39.12 RCW; adding new sections to chapter 49.52 RCW; adding new sections to chapter 49.48 RCW; adding new sections to chapter 49.46 RCW; adding a new section to chapter 50.04 RCW; adding a new chapter to Title 49 RCW; adding a new chapter to Title 60 RCW; creating new sections; repealing RCW 39.12.100, 49.46.100, 50.04.140, 50.04.145, 51.08.181, and 51.08.195; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SB 5527 by Senators Hobbs, Mullet and Baumgartner

AN ACT Relating to debt adjusting services; amending RCW 18.28.080, 18.28.090, 18.28.110, 18.28.150, 18.28.165, and 18.28.190; reenacting and amending RCW 18.28.010; adding new sections to chapter 18.28 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5528 by Senators Kohl-Welles, Delvin, Litzow, Kline, Darneille, Keiser and Murray

AN ACT Relating to the medical use of cannabis but only relating to making technical corrections necessary to address the partial veto of Engrossed Second Substitute Senate Bill No. 5073 by restoring definitions, removing references to the

vetoed provisions, providing qualifying patients and their designated providers with arrest protection, and requesting the liquor control board to study the feasibility of issuing a qualifying patient identification card; amending RCW 69.51A.010, 69.51A.020, 69.51A.030, 69.51A.040, 69.51A.047, 69.51A.055, 69.51A.060, 69.51A.085, and 69.51A.140; creating a new section; repealing RCW 69.51A.043; and providing an expiration date.

Referred to Committee on Health Care.

SB 5529 by Senators Rivers, Harper, Benton, Cleveland, Hobbs, Padden, Holmquist Newbry, Kohl-Welles, Shin and McAuliffe

AN ACT Relating to creating a sales tax holiday for back-to-school clothing and supplies; amending RCW 82.12.040; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

SB 5530 by Senators Conway, Becker, Keiser, Parlette and Shin

AN ACT Relating to requiring physicians and physician assistants to provide requested demographic information at the time of license renewal; and amending RCW 18.71.080 and 18.71A.020.

Referred to Committee on Health Care.

SB 5531 by Senators Darneille, Litzow, Hargrove, Murray, Nelson, Carrell, Pearson, Fain, Mullet, Harper, Tom, Rivers, Hewitt, Hill and Keiser

AN ACT Relating to measuring performance of the child welfare system; adding new sections to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5532 by Senators Rolfes, Hobbs, Billig, Darneille, Keiser, McAuliffe and Kline

AN ACT Relating to requiring crisis intervention training for peace officers; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Law & Justice.

SB 5533 by Senators Rolfes, Chase and Braun

AN ACT Relating to fostering economic development through revitalization of abandoned and vacant properties; amending RCW 43.160.010, 43.160.020, 43.160.070, 43.160.076, and 43.160.080; and adding new sections to chapter 43.160 RCW.

Referred to Committee on Trade & Economic Development.

SB 5534 by Senators Rolfes and Billig

AN ACT Relating to assessing penalties on motor vehicle-related violations in order to support the Washington state strategic highway safety plan; adding a new section to chapter 46.64 RCW; adding a new section to chapter 43.59 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 5535 by Senators Rolfes, Honeyford and Nelson

AN ACT Relating to the recording of real property encumbrance transfers and assignments; and amending RCW 65.08.070.

Referred to Committee on Governmental Operations.

SB 5536 by Senators Conway, Litzow, Hewitt, Bailey and Holmquist Newbry

AN ACT Relating to the marine employees' commission; amending RCW 47.64.280 and 41.58.065; amending 2011 1st sp.s. c 16 s 28 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 5537 by Senators Keiser, Schlicher, Frockt, Shin, Mullet, Rolfes, Murray, Kline and Conway

AN ACT Relating to improving the quality and value of health care with greater transparency of price and quality data; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health Care.

SB 5538 by Senators Keiser, Schlicher, Frockt, Mullet, Murray, McAuliffe, Kline and Conway

AN ACT Relating to transparency, accountability, and affordability in the provision of essential health care services; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 5539 by Senators Becker, Schlicher, Bailey, Keiser, Frockt, Ericksen and Shin

AN ACT Relating to providing prescription drugs by direct practice providers; amending RCW 48.150.040; and reenacting and amending RCW 48.150.010.

Referred to Committee on Health Care.

SB 5540 by Senators Parlette, Schlicher, Becker, Bailey, Dammeier, Keiser and Rolfes

AN ACT Relating to expanding opportunities to purchase health care coverage from out-of-state carriers; amending RCW 48.05.070 and 48.21.047; adding new sections to chapter 48.21 RCW; and adding a new section to chapter 43.71 RCW.

Referred to Committee on Health Care.

MOTION

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

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

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

MOTION

Senator Hargrove moved adoption of the following resolution:

SENATE RESOLUTION

8608

By Senators Hargrove and Hatfield

WHEREAS, The 2012 Montesano High School football team withstood adversity in many forms during an improbable eleven-week run leading to the team's third state championship; and

WHEREAS, The Montesano High School football team was beset by the challenges of inexperience and graduation in the opening weeks of the 2012 season, resulting in a 1-2 start and the end of a forty-game league winning streak; and

WHEREAS, A fire at the historic Jack Rottle Stadium grandstands on the night of September 16, 2012, forced the Montesano High School football team to play all but one of its remaining home games on the road; and

WHEREAS, The Montesano players and coaches responded like true champions, winning eleven consecutive games including a 43-28 win over the second-ranked Royal Knights to win the school's third 1A state championship; and

WHEREAS, The Montesano High School football team's season is a testament to the fruits of hard work, determination, and sacrifice; and

WHEREAS, The Montesano High School football team members' efforts on the field were mirrored by their success in the classroom, where team members achieved a cumulative 3.5 grade point average and 2012 1A Football State Academic Championship;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the tremendous achievement of the Montesano High School football team on its success on the field and in the classroom; and

BE IT FURTHER RESOLVED, That Coach Terry Jensen and his staff be commended for their guidance and leadership in helping to shape this group of young men into champions; and

BE IT FURTHER RESOLVED, That the City of Montesano be commended for its support and dedication to its sons during their pursuit of a state championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Montesano High School, the Aberdeen Daily World, and Montesano Vidette newspapers.

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Senators Hargrove and Hatfield spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8608.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed members and coaches of the Montesano High School Bulldog Football Team who were seated in the gallery.

MOTION

Senator Hewitt moved adoption of the following resolution:

SENATE RESOLUTION
8612

By Senators Hewitt, Tom, Schoesler, Parlette, Rivers, Fain, King, Becker, Holmquist Newbry, McAuliffe, Dammeier, Bailey, Kohl-Welles, Hill, Frockt, Fraser, Rolfes, Benton, Chase, Braun, and Kline

WHEREAS, Jerome Delvin has served the 8th legislative district with distinction for eighteen years, first in the House of Representatives for ten years, and then in the Senate for eight; and

WHEREAS, Senator Delvin protected his community by serving as a Richland police officer for twenty-eight years; and

WHEREAS, Senator Delvin's passionate views on serving his community are evident in his leadership as the President of the International Law Enforcement Foundation, a member of the Board of Directors of the Boys and Girls Club, and as a member of the National D.A.R.E. Officers Association; and

WHEREAS, Senator Delvin has been a true champion in protecting Washington's children against exploitation and predators by increasing criminal penalties, clarifying the legal definition of sexually inappropriate behavior, supporting a package of nine bills related to human trafficking, and personally sponsoring two bills during the 2012 legislative session; and

WHEREAS, Senator Delvin is a man of true convictions who has tirelessly fought for a common sense approach to the environment, been an advocate for clean and safe nuclear energy, and refused to ever drink the Kool-Aid; and

WHEREAS, Senator Delvin's actions in the Senate have benefited the developmentally disabled community with funding and by making various programs readily available for those in need; and

WHEREAS, Senator Delvin, while in the House of Representatives, sponsored two bills ensuring the teaching of the United States and Washington Constitutions, thus educating Washington's children about the foundations of our state and country; and

WHEREAS, Senator Delvin forged many working relationships across the aisle, most notably as part of a dynamic duo with Senator Kohl-Welles, on many issues ranging from human trafficking to medical marijuana; and

WHEREAS, Senator Delvin earned many prestigious awards throughout his life, including the Distinguished Community Service Award for ARC of the Tri-Cities, the Order of Merit from the Peruvian National Police, and most significantly, for saving a woman's life, for which he was awarded the Richland Police Department's Outstanding Commendation; and

WHEREAS, Senator Delvin has traveled internationally, climbed Manaslu in the Nepalese Himalayas, the world's eighth highest peak, and promoted Washington's agriculture and jobs all around the world; and

WHEREAS, Senator Delvin made history when he became the first unofficial chair of the Cigar Caucus; and

WHEREAS, Senator Delvin will be fondly remembered for his quick humor, friendly disposition, and ability to bring levity to even the most tense situations; and

WHEREAS, Senator Delvin's wife of fifteen years, Josie, will be looking forward to spending time with her husband and watching TV in their side-by-side Barcaloungers; and

WHEREAS, Senator Delvin will be leaving the Senate to better serve Benton County as a commissioner and will be deeply missed in the Senate;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and recognize Senator Delvin's devout dedication to the citizens of Washington State and the Tri-Cities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Senator Jerome Delvin.

Senators Hewitt, Shin, Roach, Holmquist Newbry, Hargrove, Conway, Becker, Murray, Benton and Kohl-Welles spoke in favor of adoption of the resolution.

PERSONAL PRIVILEGE

Senator Parlette: "Senator Delvin, I will miss your sense of humor. We had the respectful workplace training, I let it be very clear with all of my members, let it be known, that all members had to attend. Who didn't show up? Senator Delvin. I gave direction to somebody, 'Please call his office and make sure he gets here.' He showed up and then the next day in caucus he stood up and he said, 'I must be honest, I was going to wear a tee shirt but I decided after the respectful workplace training, what it said on the back would not be appropriate so I changed my mind.' So I appreciate your attendance for that. Most of all I appreciate Jerome's direct, sincere, consistent honesty. It takes courage to say things sometimes that nobody else has the courage to say and Jerome is honest and he has the courage. I will really miss you. Thank you."

Senators Eide, Schoesler and Kline spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8612.

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

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. First as, Janea said, I couldn't of done this all this time without my wife, Josie. Who I love dearly, who has been there for me for a lot of tough times. It is bitter sweet that I'm leaving but I think I'm going out on my own terms. You know when I decided that it was time. The opportunity came and I chose to run for the commissioner. Someone else I have to who's been with me, I told her we don't hug, that's my assistant Jeri May whose been with me sixteen years now and, you all know, once you have an LA that's good and you know I get more compliments on her than I do back in the district. You know you have a good LA, you got to support that LA and she's been a dear and she's been there for a lot of tough times and I really appreciate that Jeri, really appreciate that. All of

you, you know, gotten to have some really good friends when we've traveled but working, working on issues. I always told myself you know this place is bigger than you are as an individual but, you know, you can be successful, you can get things done by relationships. I always tell new members, you know, you got to build those relationships because that's important. You got to be able to have a cigar or an espresso or a drink after hours and sit down and bond and appreciate the perspectives that everyone else has, that they bring to this institution. Yeah, I guess from being a police officer for so many years, you know, levity sometimes is a good way to break up a tense moments because as a police officer you learn that. You learn sometimes, especially if it's a domestic violence, sometimes you know a little joke now and then can break the tension and also it can piss off the people to though. But, so, I guess that's me. I'm just going to miss everyone here, you know, the experiences I've had. I mean how many people get to fly off an aircraft carrier? You know you can do that as a legislator, you know, if you're at the time with Ralph Munro or something. All the opportunities I've had. You know, I was offered yeah, you need to bring, you know, Tom Fitzsimmons shouldn't come back. You know, I said, 'Show me the money. Show me the money.' You know, no one ever came up with any money and that was spending a tent with him, sometimes, four days in a row, you know, in a snow storm. He did pull me out of a crevasse. I've never forgiven him for that so, I really appreciate that. Just all the good times, Mr. President, with you on some trips and but it's just been a, I can't complain one bit. You know the staff that I've been fortunate to work with too, that staff all of our committees. They are professional. They're excellent. The caucus and the nonpartisan staff. I mean just truly some great people here that I'll certainly miss. But, you know, I will be coming back here as a County Commissioner with my hand out for, you know, more authority and money. You know, I'll be telling you, 'What were you thinking when you passed this one? You know. So, I'll be gracing your doorsteps now and then. Also let me, with the press, I'll end with the press. You know, some of you guys I've known for a long time, you know, and I really respect you, like Eric and Peter Callaghan and John Stang. He's been around for a long time you know, I really appreciate you guys have a job to do. Always, sometimes referred to as the evil necessary for this place but you need to. The latest one. I want you to know, I have two cell phones now. I have two cell phones and I am proud to have two cell phones. But, you know, you have to do what you need to do to bring the press but I thought of some other things but I won't say those about the press. I'll be nice to you all. Well, wait a minute, it's my turn to take a dig at you all. You know, now I have to comply with this open meeting act thing you know, I can't talk to another commissioner because that's considered as a meeting. You know I get that and that's fine but some of this stuff recently just I don't know if that one AP reporter is here but I had one phone call and one email about the article about cell phones but once I explained it they were all good with it. So, you know, some of you guys were awful upset about that. You know, get used to that. It happens every year. They go searching for you know. I've has it for travel before but I think once you explain it to your constituents they get that. So, thank you for highlighting those nice things about us here, appreciate that. But, for all of you, good-bye. I'll be back. You know, it's really been an honor and privilege to serve with all of you and get to know all of you even though maybe we didn't agree sometimes but I'm really going to miss this place and all of you and your all in my prayers. Thank you very much Mr. President."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Josie Delvin, Benton County Clerk, spouse of Senator Delvin, who was seated at the rostrum.

MOTION

At 10:47 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:13 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5128, by Senators Holmquist Newbry, Braun, King, Baumgartner, Sheldon, Rivers, Ericksen, Benton, Litzow, Becker, Dammeier, Smith, Hill, Bailey, Honeyford, Tom, Schoesler, Parlette, Padden and Hewitt

Addressing compensation for injured workers.

MOTION

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 5128 was substituted for Senate Bill No. 5128 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Roach moved that the following amendment by Senator Roach and others be adopted:

On page 1, line 14, strike all of subsection (i) and insert the following:

"(i) resolve a claim for all benefits other than medical;"

On page 4, starting on line 4, strike all material after "(7)" through "(8)" on line 11.

Senators Roach and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach and others on page 1, line 14 to Substitute Senate Bill No. 5128.

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

MOTION

Senator Holmquist Newbry moved that the rules be suspended, Engrossed Substitute Senate Bill No. 5128 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Frockt objected to the motion to suspend the rules to expedite the readings of Engrossed Substitute Senate Bill No. 5128.

Senator Frockt objected to the motion by Senator Holmquist Newbry to suspend the rules to expedite the readings of Substitute Senate Bill No. 5128.

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MOTION

Senator Fain moved that further consideration of Engrossed Substitute Senate Bill No. 5128 be deferred and that the measure hold its place on the day's calendar.

SECOND READING

SENATE BILL NO. 5127, by Senators Holmquist Newbry, Tom, King, Sheldon, Baumgartner, Ericksen, Rivers, Litzow, Benton, Dammeier, Carrell, Braun, Bailey, Honeyford, Becker, Hill, Roach, Schoesler, Parlette, Padden and Hewitt

Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent.

MOTION

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 5127 was substituted for Senate Bill No. 5127 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hobbs moved that the following amendment by Senator Hobbs and others be adopted:

On page 1, line 5, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 51.04.063 and 2011 1st sp.s. c 37 s 302 are each amended to read as follows:

(1) Notwithstanding RCW 51.04.060 or any other provision of this title, beginning on January 1, 2012, an injured worker who is at least fifty-five years of age on or after January 1, 2012, fifty-three years of age on or after January 1, 2015, ~~((or))~~ fifty years of age on or after January 1, 2016, forty-five years of age on or after January 1, 2018, or forty years of age on or after January 1, 2020, may choose from the following: (a) To continue to receive all benefits for which they are eligible under this title, (b) to participate in vocational training if eligible, or (c) to initiate and agree to a resolution of their claim with a structured settlement.

(2)(a) As provided in this section, the parties to an allowed claim may initiate and agree to resolve a claim with a structured settlement for all benefits other than medical. Parties as defined in (b) of this subsection may only initiate claim resolution structured settlements if at least one hundred eighty days have passed since the claim was received by the department or self-insurer and the order allowing the claim is final and binding. All requirements of this title regarding entitlement to and payment of benefits will apply during this period. All claim resolution structured settlement agreements must be approved by the board of industrial insurance appeals.

(b) For purposes of this section, "parties" means:

(i) For a state fund claim, the worker, the employer, and the department. The employer will not be a party if the costs of the claim or claims are no longer included in the calculation of the employer's experience factor used to determine premiums, if they cannot be located, are no longer in business, or they fail to respond or decline to participate after timely notice of the claim resolution settlement process provided by the board and the department.

(ii) For a self-insured claim, the worker and the employer.

(c) The claim resolution structured settlement agreements shall:

(i) Bind the parties with regard to all aspects of a claim except medical benefits unless revoked by one of the parties as provided in subsection (6) of this section;

(ii) Provide a periodic payment schedule to the worker equal to at least twenty-five percent but not more than one hundred fifty

percent of the average monthly wage in the state pursuant to RCW 51.08.018, except for the initial payment which may be up to six times the average monthly wage in the state pursuant to RCW 51.08.018;

(iii) Not set aside or reverse an allowance order;

(iv) Not subject any employer who is not a signatory to the agreement to any responsibility or burden under any claim; and

(v) Not subject any funds covered under this title to any responsibility or burden without prior approval from the director or designee.

(d) For state fund claims, the department shall negotiate the claim resolution structured settlement agreement with the worker or their representative and with the employer or employers and their representative or representatives.

(e) For self-insured claims, the self-insured employer shall negotiate the agreement with the worker or their representative. Workers of self-insured employers who are unrepresented may request that the office of the ombudsman for self-insured injured workers provide assistance or be present during negotiations.

(f) Terms of the agreement may include the parties' agreement that the claim shall remain open for future necessary medical or surgical treatment related to the injury where there is a reasonable expectation such treatment is necessary. The parties may also agree that specific future treatment shall be provided without the application required in RCW 51.32.160.

(g) Any claim resolution structured settlement agreement entered into under this section must be in writing and signed by the parties or their representatives and must clearly state that the parties understand and agree to the terms of the agreement.

(h) If a worker is not represented by an attorney at the time of signing a claim resolution structured settlement agreement, the parties must forward a copy of the signed agreement to the board with a request for a conference with an industrial appeals judge. The industrial appeals judge must schedule a conference with all parties within fourteen days for the purpose of (i) reviewing the terms of the proposed settlement agreement by the parties; and (ii) ensuring the worker has an understanding of the benefits generally available under this title and that a claim resolution structured settlement agreement may alter the benefits payable on the claim or claims. The judge may schedule the initial conference for a later date with the consent of the parties.

(i) Before approving the agreement, the industrial appeals judge shall ensure the worker has an adequate understanding of the agreement and its consequences to the worker.

(j) The industrial appeals judge may approve a claim resolution structured settlement agreement only if the judge finds that the agreement is in the best interest of the worker. When determining whether the agreement is in the best interest of the worker, the industrial appeals judge shall consider the following factors, taken as a whole, with no individual factor being determinative:

(i) The nature and extent of the injuries and disabilities of the worker;

(ii) The age and life expectancy of the injured worker;

(iii) Other benefits the injured worker is receiving or is entitled to receive and the effect a claim resolution structured settlement agreement might have on those benefits; and

(iv) The marital or domestic partnership status of the injured worker.

(k) Within seven days after the conference, the industrial appeals judge shall issue an order allowing or rejecting the claim resolution structured settlement agreement. There is no appeal from the industrial appeals judge's decision.

(l) If the industrial appeals judge issues an order allowing the claim resolution structured settlement agreement, the order must be submitted to the board.

(3) Upon receiving the agreement, the board shall approve it within thirty working days of receipt unless it finds that:

(a) The parties have not entered into the agreement knowingly and willingly;

(b) The agreement does not meet the requirements of a claim resolution structured settlement agreement;

(c) The agreement is the result of a material misrepresentation of law or fact;

(d) The agreement is the result of harassment or coercion; or

(e) The agreement is unreasonable as a matter of law.

(4) If a worker is represented by an attorney at the time of signing a claim resolution structured settlement agreement, the parties shall submit the agreement directly to the board without the conference described in this section. The requirements of a claim resolution structured settlement agreement for the purposes of subsection (3) of this section do not include the determination under subsection (2)(j) of this section if a worker is represented by an attorney at the time of signing a claim resolution structured settlement agreement.

(5) If the board approves the agreement, it shall provide notice to all parties. The department shall place the agreement in the applicable claim file or files.

(6) A party may revoke consent to the claim resolution structured settlement agreement by providing written notice to the other parties and the board within thirty days after the date the agreement is approved by the board.

(7) To the extent the worker is entitled to any benefits while a claim resolution structured settlement agreement is being negotiated or during the revocation period of an agreement, the benefits must be paid pursuant to the requirements of this title until the agreement becomes final.

(8) A claim resolution structured settlement agreement that meets the conditions in this section and that has become final and binding as provided in this section is binding on all parties to the agreement as to its terms and the injuries and occupational diseases to which the agreement applies. A claim resolution structured settlement agreement that has become final and binding is not subject to appeal.

(9) All payments made to a worker pursuant to a final claim resolution structured settlement agreement must be reported to the department as claims costs pursuant to this title. If a self-insured employer contracts with a third-party administrator for claim services and the payment of benefits under this title, the third-party administrator shall also disburse the structured settlement payments pursuant to the agreement.

(10) Claims closed pursuant to a claim resolution structured settlement agreement can be reopened pursuant to RCW 51.32.160 for medical treatment only. Further temporary total, temporary partial, permanent partial, or permanent total benefits are not payable under the same claim or claims for which a claim resolution structured settlement agreement has been approved by the board and has become final.

(11) Parties aggrieved by the failure of any other party to comply with the terms of a claim resolution structured settlement agreement have one year from the date of failure to comply to petition to the board. If the board determines that a party has failed to comply with an agreement, they will order compliance and will impose a penalty payable to the aggrieved party of up to twenty-five percent of the monetary amount unpaid at the time the petition for noncompliance was filed. The board will also decide on any disputes as to attorneys' fees for services related to claim resolution structured settlement agreements.

(12) Parties and their representatives may not use settlement offers or the claim resolution structured settlement agreement process to harass or coerce any party. If the department determines that an employer has engaged in a pattern of harassment or coercion,

the employer may be subject to penalty or corrective action, and may be removed from the retrospective rating program or be decertified from self-insurance under RCW 51.14.030."

Senators Hobbs, Nelson and Rolfes spoke in favor of adoption of the amendment.

Senators Sheldon, Holmquist Newbry, Becker, Baumgartner and Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hobbs and others on page 1, line 5 to Substitute Senate Bill No. 5127.

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

MOTION

Senator Holmquist Newbry moved that the rules be suspended, Substitute Senate Bill No. 5127 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Frockt objected to the motion by Senator Holmquist Newbry to suspend the rules to expedite the readings of Substitute Senate Bill No. 5127.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5127 was deferred and the bill held its place on the days calendar.

SECOND READING

SENATE BILL NO. 5112, by Senators Holmquist Newbry, Sheldon, Braun and Hewitt

Granting scheduling authority for qualified retrospective rating plan employers and groups.

The measure was read the second time.

MOTION

Senator Hewitt moved that the rules be suspended, Substitute Senate Bill No. 5112 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Frockt objected to the motion by Senator Holmquist Newbry to suspend the rules to expedite the readings of Senate Bill No. 5112.

MOTION

Senator Fain moved that further consideration of Substitute Senate Bill No. 5112 be deferred and that the measure hold its place on the day's calendar.

PARLIAMENTARY INQUIRY

Senator Benton: "“Point of clarification, Mr. President: We are not moving to third reading and voting on the bill for what reason?"

REPLY BY THE PRESIDENT

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President Owen: "It is not the President's place to tell you what reason."

PARLIAMENTARY INQUIRY

Senator Benton: "I don't know. Was there an objection to going to the third reading?"

REPLY BY THE PRESIDENT

President Owen: "There was an objection."

There being no objection, the President declared further consideration of Senate Bill No. 5112 deferred and the measure held its place on the day's calendar.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. David Longnecker, Ph.D., President of the Western Interstate Commission for Higher Education in Boulder, Colorado, guest of Senator Kohl-Welles, who was present in the gallery and recognized by the Senate.

PERSONAL PRIVILEGE

Senator Kohl-Welles: "I'd like to remind the members of the Senate that we do have a meeting at noon with David Longnecker to discuss higher education issues and funding. Lunch is provided and I hope that many of you can come to that following greeting some of our former members or retiring members in the Republican Caucus Room. Thank you."

MOTION

At 11:33 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, February 4, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 4, 2013

The Senate was called to order at 12:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Curtis Haley and Jacob Hopkins, presented the Colors. Senator Dammeier offered the prayer.

MOTION

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

LETTER OF RESIGNATION

January 25, 2013

Governor Jay Inslee
PO Box 40002
Olympia, WA 98504

Re: Resignation from the Washington State Senate as of
February 3, 2013

Dear Governor Inslee:

It has been my honor to serve the 8th Legislative District since my election to the House of Representatives in November of 1994 and my later appointment to the State Senate in May of 2004. It is with a humble heart and great anticipation that I am giving notification of my resignation as a member of the Washington State Legislature. I pray that I was able to serve my district and this great state by giving back as much as I have received.

I decided that I could better fight for the priorities of the Tri-Cities on a local level and was elected Benton County Commission in November of 2012. I was sworn in on December 27, 2012. Therefore, pursuant to RCW 42.12.020, please accept my resignation from the Washington State Senate effective Sunday, February 3, 2013.

I wish you God's speed and much success in your new role as Governor.

Cordially yours,
JEROME DELVIN, State Senator
8th Legislative District

Cc:
Secretary of the Senate, Hunter Goodman
Senator Rodney Tom, Coalition Majority Leader
Senator Mark Schoesler, Republican Leader
Senator Ed Murray, Democratic Leader

BOARD OF COUNTY COMMISSIONERS
BENTON COUNTY WASHINGTON

Resolution No. 2013 060

BEFORE THE BOARD OF COMMISSIONERS OF
BENTON COUNTY, WASHINGTON

IN THE MATTER OF APPOINTMENT OF SHARON
BROWN AS STATE SENATOR FOR DISTRICT 8.

WHEREAS, Senator Jerome Delvin resigned his position as State Senator for District 8; and

WHEREAS, the Board of Benton County Commissioners are required by law to make an appointment to fill the vacated position; and

WHEREAS, the Board has reviewed all candidates and feels Sharon Brown would be the best candidate to fill the vacated position; NOW, THEREFORE,

BE IT RESOLVED by the Board of Benton County Commissioners that Sharon Brown is hereby appointed in accordance with the Washington State Constitution, Article 2, Section 15, to serve until the next general election as State Senator for District 8.

Dated this 28th Day of January 2013

Shon Small, Chairman of the Board
Jerome Delvin, Chairman Pro Tem
James Beaver, Member

BOARD OF COUNTY COMMISSIONERS
BENTON COUNTY

February 5, 2013

Hunter Goodman
Secretary of the Senate
PO Box 40482
Olympia, WA 98504

Dear Secretary Goodman:

The three Benton County Commissioners from the 8th Legislative District met in Kennewick, Washington at 2:30 p.m. on January 28, 2013 to interview candidates for Senator Jerome Delvin's open Senate seat.

Commissioners present: Chairman Shon Small, Commissioner James Beaver, and Commissioner Jerome Delvin.

Two candidates (Larry Haler and Sharon Brown) selected by the Republican Precinct Committee Officers of the 8th Legislative District and presented to Benton County by the Washington State Republican Party were present at the meeting and one candidate (Brad Klippert) was present by teleconference. Following interviews, Sharon Brown was selected as Senator Jerome Delvin's successor by the following vote:

AYE: 3
NAY: 0
ABSTAIN: 0
ABSENT: 0

A copy of Ms. Brown's resume is enclosed, along with a copy of Benton County Resolution No. 2013—6- appointing Sharon Brown as State Senator for District 8.

Please let us know if you need anything further.

Sincerely,

TWENTY SECOND DAY, FEBRUARY 4, 2013
 BOARD OF BENTON COUNTY COMMISSIONERS
 Shon Small, Chairman

2013 REGULAR SESSION

AN ACT Relating to redemption of real property; and amending RCW 6.23.010.

MOTION

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

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5542 by Senators Keiser, Becker and Honeyford

REPORTS OF STANDING COMMITTEES

February 1, 2013

SB 5048 Prime Sponsor, Senator Sheldon: Concerning notice against trespass. Reported by Committee on Law & Justice

AN ACT Relating to public employee benefits; amending RCW 41.05.009, 41.05.011, 41.05.065, 41.05.066, 41.05.095, and 41.05.195; and reenacting and amending RCW 41.05.080.

Referred to Committee on Health Care.

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Pearson and Roach.

SB 5543 by Senators Hatfield and Shin

AN ACT Relating to state and private partnerships for managing salmonid hatcheries; and amending RCW 77.95.320.

Referred to Committee on Natural Resources & Parks.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kohl-Welles.

SB 5544 by Senators Ranker, Litzow, Fain, Hasegawa, Schlicher, Kline, Kohl-Welles, McAuliffe and Shin

AN ACT Relating to an online higher education transfer and student advising system; and adding a new section to chapter 28B.77 RCW.

Referred to Committee on Higher Education.

Passed to Committee on Rules for second reading.

February 1, 2013

SB 5102 Prime Sponsor, Senator Pearson: Concerning veterinarian immunity from liability when reporting suspected animal cruelty. Reported by Committee on Law & Justice

SB 5545 by Senators Ranker, Ericksen, Fain, Litzow and Shin

AN ACT Relating to the working waterfront redevelopment jobs act; amending RCW 77.55.021 and 90.58.147; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 79.105 RCW; adding a new chapter to Title 77 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Energy, Environment & Telecommunications.

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 1, 2013

SB 5136 Prime Sponsor, Senator Padden: Concerning electronic presentment of claims against the state arising out of tortious conduct. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

SB 5546 by Senators Ranker, Litzow, Fraser, Nelson, Billig, Cleveland, Kohl-Welles and Shin

AN ACT Relating to floatation devices on state-owned aquatic lands and in state waters; amending RCW 90.48.020; adding a new section to chapter 90.48 RCW; adding a new section to chapter 79.105 RCW; adding a new section to chapter 77.55 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

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

SB 5547 by Senators Ranker, Litzow, Shin and Kline

AN ACT Relating to addressing ocean acidification by taking action on the recommendations of the governor's blue ribbon panel on ocean acidification; amending RCW 36.70A.110; adding a new chapter to Title 43 RCW; and recodifying RCW 43.143.005, 43.143.010, 43.143.020, 43.143.030, 43.143.900, 43.143.901, and 43.143.902.

INTRODUCTION AND FIRST READING

SB 5541 by Senators Hobbs, Fain, Hatfield and Harper

Referred to Committee on Energy, Environment & Telecommunications.

SB 5548 by Senators Ranker, Nelson, Billig, Hasegawa, Keiser, Schlicher, Kline, Kohl-Welles, Shin and Rolfes

AN ACT Relating to limiting differential tuition; and reenacting and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

SB 5549 by Senators Becker, Chase, Keiser and Darneille

AN ACT Relating to the education of surgical technologists; amending RCW 18.215.005, 18.215.010, and 18.215.020; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

SB 5550 by Senators Padden, Kline and Carrell

AN ACT Relating to privileging and professional conduct reviews by health care professional review bodies; amending RCW 7.71.030; and reenacting and amending RCW 70.41.200.

Referred to Committee on Law & Justice.

SB 5551 by Senators Conway, Carrell and Shin

AN ACT Relating to competency to stand trial evaluations; and amending RCW 10.77.060 and 10.77.068.

Referred to Committee on Law & Justice.

SB 5552 by Senators Darneille, Kline, Chase, Nelson, Hasegawa, Kohl-Welles, Keiser, McAuliffe and Shin

AN ACT Relating to improving child support collections by requiring reporting of compensation and establishing an intercept program; adding new sections to chapter 26.23 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5553 by Senators Schlicher, Becker, Keiser, Parlette and Shin

AN ACT Relating to studying the potential to divert ambulances to urgent care; adding a new section to chapter 18.73 RCW; and providing an expiration date.

Referred to Committee on Health Care.

SB 5554 by Senators Schlicher, Becker, Parlette, Keiser, Frockt, Ranker, Hasegawa, Shin and Kline

AN ACT Relating to requiring a study of the prescription monitoring program and its role in increasing coordination of care; creating new sections; and providing an expiration date.

Referred to Committee on Health Care.

SB 5555 by Senator Ericksen

AN ACT Relating to the Washington state renewable energy space heating act; reenacting and amending RCW 43.325.010; creating new sections; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5556 by Senators Darneille, Dammeier, Schlicher, Conway, Roach, McAuliffe, Becker, Carrell, Delvin and Shin

AN ACT Relating to missing endangered persons; and amending RCW 13.60.010 and 13.60.020.

Referred to Committee on Law & Justice.

SB 5557 by Senators Chase, Hasegawa, Nelson, Fraser, McAuliffe, Shin, Kline and Murray

AN ACT Relating to instruction on the Universal Declaration of Human Rights in Washington state schools; adding a new section to chapter 28A.230 RCW; and creating a new section.

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

SB 5558 by Senators Fain, Hobbs, Keiser, Shin and Kline

AN ACT Relating to down payment assistance for single-family homeownership; amending RCW 43.180.050; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5559 by Senators Bailey, Kohl-Welles, Tom and McAuliffe

AN ACT Relating to educational specialist degrees at regional universities; and amending RCW 28B.35.202.

Referred to Committee on Higher Education.

SB 5560 by Senators Bailey, Kohl-Welles and Tom

AN ACT Relating to the job skills program; amending RCW 28C.04.420; reenacting and amending RCW 28C.04.410; and adding a new section to chapter 28C.04 RCW.

Referred to Committee on Higher Education.

SB 5561 by Senators Hatfield, Schoesler, Harper, Honeyford and Shin

AN ACT Relating to the business and occupation taxation of dairy products; amending RCW 82.04.260 and 82.04.4268; and providing an effective date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5562 by Senators Becker, Cleveland, Schlicher, Bailey and Keiser

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AN ACT Relating to encouraging patient self-determination and health care planning by promoting the use of a form developed pursuant to RCW 43.70.480; and amending RCW 43.70.480.

Referred to Committee on Health Care.

SB 5563 by Senators Kohl-Welles, Litzow, Rolfes, Keiser, McAuliffe and Kline

AN ACT Relating to training school employees in the prevention of sexual abuse; amending RCW 28A.300.145 and 28A.400.317; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

SB 5564 by Senators Smith, Billig, Baumgartner, Rolfes, Schlicher, Braun and Harper

AN ACT Relating to vehicles overtaking and passing pedestrians or bicyclists; and amending RCW 46.61.100.

Referred to Committee on Transportation.

SB 5565 by Senators Hargrove, Carrell, Keiser, Harper, Nelson, Kohl-Welles, McAuliffe and Kline

AN ACT Relating to background checks; amending RCW 74.13.020; reenacting and amending RCW 74.13.020; adding new sections to chapter 74.13 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5566 by Senators Pearson, Carrell and Harper

AN ACT Relating to interviewing children in child protective services investigations; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5567 by Senators Chase, Hasegawa, Nelson, Schlicher, Darneille, Kline, Billig, Harper, Conway, Shin, McAuliffe, Keiser, Rolfes and Cleveland

AN ACT Relating to membership on community and technical college boards of trustees; and reenacting and amending RCW 28B.50.100.

Referred to Committee on Higher Education.

SB 5568 by Senators Hobbs, Kohl-Welles, Billig, Frockt, Chase, Harper, Hasegawa, Keiser, Shin, Kline and Nelson

AN ACT Relating to the disclosure of certain information when screening tenants; and amending RCW 59.18.580.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5569 by Senators McAuliffe, Litzow, Rolfes, Rivers, Billig, Dammeier, Mullet, Keiser and Kline

AN ACT Relating to reporting of incidents of student restraint and isolation in public schools; adding a new section to chapter 28A.600 RCW; and creating a new section.

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

SB 5570 by Senators McAuliffe, Rolfes, Keiser and Kline

AN ACT Relating to school funding; amending RCW 28A.150.260; and creating a new section.

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

SB 5571 by Senators McAuliffe, Litzow, Keiser, Dammeier, Rolfes, Rivers, Mullet, Kohl-Welles, Parlette, Shin, Ranker, Kline and Murray

AN ACT Relating to increasing public awareness of mental illness and its consequences; and adding a new chapter to Title 71 RCW.

Referred to Committee on Human Services & Corrections.

SB 5572 by Senators Rolfes and Pearson

AN ACT Relating to the sea cucumber dive fishery; and amending RCW 77.70.190, 82.27.020, and 82.27.070.

Referred to Committee on Natural Resources & Parks.

SB 5573 by Senators Rolfes, Billig, McAuliffe, Frockt, Cleveland, Kohl-Welles, Keiser and Murray

AN ACT Relating to implementing the first biennium spending plan recommendations of the joint task force on education funding; amending RCW 28A.150.220, 28A.150.260, 28A.150.315, 28A.160.192, 28A.405.106, and 28A.657.020; adding a new section to chapter 28A.310 RCW; creating new sections; making appropriations; and providing an expiration date.

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

SB 5574 by Senators King and Shin

AN ACT Relating to admissibility in a civil action of failing to wear safety belt assemblies and failing to use child restraint systems; amending RCW 46.61.687; and reenacting and amending RCW 46.61.688.

Referred to Committee on Law & Justice.

SB 5575 by Senators Pearson, Bailey, Becker, Sheldon, Carrell, Hill, Holmquist Newbry, Tom, Parlette, Smith and Braun

AN ACT Relating to state parks funding; amending RCW 82.19.040, 70.93.180, 79A.15.050, and 79A.05.215; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

SB 5576 by Senators Hobbs, Litzow, Keiser, Kohl-Welles, Ranker, Harper, Chase, Nelson, Conway, Eide,

Hasegawa, Schlicher, Rolfes, Kline, Mullet, McAuliffe, Darneille, Cleveland, Frockt, Fraser, Murray, Billig and Hatfield

AN ACT Relating to preserving health insurance coverage for the voluntary termination of a pregnancy by requiring health plans issued or renewed on or after January 1, 2014, that provide coverage for maternity care or services to provide a covered person with substantially equivalent coverage to permit the voluntary termination of a pregnancy, by prohibiting a health plan from limiting in any way a woman's access to services related to the voluntary termination of a pregnancy other than terms and conditions generally applicable to the health plan's coverage of maternity care or services including applicable cost sharing, by not limiting in any way a woman's constitutionally or statutorily protected right to voluntarily terminate a pregnancy, by clarifying that health plans are not required to cover abortions that would be unlawful under RCW 9.02.120, by providing an exemption for a multistate plan that does not cover the voluntary termination of pregnancies under federal law, by making the provisions of this act inapplicable to the minimum extent necessary to avoid noncompliance with federal requirements that are a prescribed condition to the allocation of federal funds to the state, and by clarifying that nothing in this act affects the statutory right of objection based on conscience or religion as set forth in RCW 48.43.065 or 70.47.160; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Law & Justice.

SB 5577 by Senator Carrell

AN ACT Relating to protecting public employees who act ethically and legally; amending RCW 42.52.050, 42.52.120, 42.52.360, 42.52.410, 42.52.420, and 42.52.460; reenacting and amending RCW 42.52.010; adding new sections to chapter 42.52 RCW; adding new sections to chapter 42.40 RCW; adding a new section to chapter 42.56 RCW; creating a new section; repealing RCW 42.52.500; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5578 by Senators Fraser, Carrell, Padden, Darneille, Harper, Pearson, Hargrove and Kline

AN ACT Relating to education requirements for family day care providers; and adding a new section to chapter 43.215 RCW.

Referred to Committee on Human Services & Corrections.

SB 5579 by Senators Benton, Rivers and Braun

AN ACT Relating to land use decisions; and amending RCW 64.40.010, 64.40.020, and 64.40.030.

Referred to Committee on Governmental Operations.

SB 5580 by Senator Roach

AN ACT Relating to processing ballots; and amending RCW 29A.60.160.

Referred to Committee on Governmental Operations.

SB 5581 by Senators Delvin and McAuliffe

AN ACT Relating to the allocation of one-half of one percent of original public school construction for equipment and technology purposes; amending RCW 28A.335.210; and declaring an emergency.

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

SB 5582 by Senator Delvin

AN ACT Relating to metropolitan park district property tax levies; amending RCW 84.52.010 and 84.52.120; creating a new section; and repealing 2011 1st sp.s. c 28 s 7 (uncodified).

Referred to Committee on Governmental Operations.

SB 5583 by Senators Benton, Billig and Kohl-Welles

AN ACT Relating to an annual permit fee on studded tire use; amending RCW 46.17.400, 46.37.420, 46.17.240, and 46.17.040; adding a new section to chapter 46.16A RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5584 by Senator Benton

AN ACT Relating to naming or renaming state transportation facilities; amending RCW 47.01.420; and creating a new section.

Referred to Committee on Transportation.

SB 5585 by Senator Benton

AN ACT Relating to requiring drug testing for recipients of benefits under the temporary assistance for needy families program; amending RCW 74.08.025 and 74.08A.260; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Human Services & Corrections.

SB 5586 by Senators Ranker, Litzow, Keiser, Harper, Tom, Darneille, Chase, Nelson, Hasegawa, McAuliffe, Kohl-Welles and Shin

AN ACT Relating to requiring the certificate of need review to include a determination of whether hospitals are able to provide a full range of legal medical services; and amending RCW 70.38.115.

Referred to Committee on Health Care.

SB 5587 by Senators Litzow, Dammeier, Rivers, Fain and Tom

AN ACT Relating to student assessments; amending RCW 28A.655.061, 28A.655.066, 28A.655.070, 28A.655.071, 28B.105.010, 28B.105.030, and 28B.105.060; and creating a new section.

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

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SB 5588 by Senators Litzow, Dammeier, Sheldon, Rivers, Fain and Tom

AN ACT Relating to the definition of school day; amending RCW 28A.150.203, 28A.305.140, 28A.305.140, 28A.655.180, and 28A.655.180; creating a new section; providing effective dates; and providing an expiration date.

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

MOTION

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

MOTION

At 12:09 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:42 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5128, by Senate Committee on Commerce & Labor (originally sponsored by Senators Holmquist Newbry, Braun, King, Baumgartner, Sheldon, Rivers, Ericksen, Benton, Litzow, Becker, Dammeier, Smith, Hill, Bailey, Honeyford, Tom, Schoesler, Parlette, Padden and Hewitt).

Addressing compensation for injured workers.

The bill was read on Third Reading.

Senators Holmquist Newbry, King, Becker, Sheldon, Parlette and Honeyford spoke in favor of passage of the bill.

Senators Conway, Frockt, Hobbs, Kohl-Welles, Keiser, Rolfes, Hasegawa and Nelson spoke against passage of the bill.

Senator Holmquist-Newbry again spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5128 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa,

Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "The President would like to take this opportunity to welcome two new senators to the Senate: Senator Schlicher and Senator Brown."

The President announced the appointment of Senator Brown to the following committees: the Committee on Agriculture, Water & Rural Economic Development; the Committee on Early Learning & K-12 Education; the Committee on Energy, Environment & Telecommunications; and the Committee on Transportation.

The President announced the appointment of Senator Schlicher to the following committees: the Committee on Health Care; the Committee on Trade & Economic Development; and the Committee on Transportation.

MOTION

On motion of Senator Fain, the appointments were confirmed.

THIRD READING

SENATE BILL NO. 5112, by Senators Holmquist Newbry, Sheldon, Braun and Hewitt.

Granting scheduling authority for qualified retrospective rating plan employers and groups.

The bill was read on Third Reading.

Senators Hewitt and Holmquist Newbry spoke in favor of passage of the bill.

Senators Keiser, Conway, Hasegawa and Frockt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5112.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5112 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SENATE BILL NO. 5112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on Commerce & Labor (originally sponsored by Senators Holmquist Newbry, Tom, King, Sheldon, Baumgartner, Ericksen, Rivers, Litzow, Benton, Dammeier, Carrell, Braun, Bailey, Honeyford, Becker, Hill, Roach, Schoesler, Parlette, Padden and Hewitt).

Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent.

The bill was read on Third Reading.

MOTION

On motion of Senator Hobbs, the rules were suspended and Substitute Senate Bill No. 5127 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on Commerce & Labor (originally sponsored by Senators Holmquist Newbry, Tom, King, Sheldon, Baumgartner, Ericksen, Rivers, Litzow, Benton, Dammeier, Carrell, Braun, Bailey, Honeyford, Becker, Hill, Roach, Schoesler, Parlette, Padden and Hewitt)

Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following amendment by Senator Hobbs and others be adopted:

On page 1, line 8, after "injured worker" insert "who is at least forty years of age on or after the effective date of this act"

Senators Hobbs, Holmquist Newbry, Honeyford and Sheldon spoke in favor of adoption of the amendment.

Senators Frockt and Keiser spoke against adoption of the amendment.

Senator Conway spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hobbs and others on page 1, line 8 to Substitute Senate Bill No. 5127.

The motion by Senator Hobbs carried and the amendment was adopted by a rising vote.

MOTION

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

On page 1, line 2 of the title, strike "removing" and insert "lowering"

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Substitute Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry, Padden, Braun and Rivers spoke in favor of passage of the bill.

Senators Conway, Rolfes, Murray and Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5127.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Benton, having voted on the prevailing side, gave notice of reconsideration of the vote by which Engrossed Substitute Senate Bill No. 5127 passed the senate.

REMARKS BY THE PRESIDENT

President Owen: "Since we have most of the members here and the new members particularly, the President would do a clarification: It's quite often said that you may not mention the other house. You can mention the other house. They are going to have a party, great group of people what you cannot do in debate is mention the actions on a measure so that it would affect how you vote or how the outcome of that measure would be in this body. So mentioning the other house is allowed, mentioning the actions of the other house and how it would affect your legislation is not allowed."

PERSONAL PRIVILEGE

Senator Fain: "Just want to remind members, as we move through this week and into the next, that our new members will be doing their maiden speeches and so I want to remind those members to contact my office to have those scheduled. Also to remind members that the niceness of your gift is proportional to the number of times that you speak prior to giving us a gift so I'm very looking forward to Senator Hasegawa's gift."

MOTION

At 2:09 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon Tuesday, February 5, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 5, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 2013

SB 5104 Prime Sponsor, Senator Mullet: Placing epinephrine autoinjectors in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 4, 2013

SB 5159 Prime Sponsor, Senator Braun: Repealing the family and medical leave insurance act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 4, 2013

SB 5177 Prime Sponsor, Senator Carrell: Creating an office of corrections ombuds. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Harper and Padden.

Passed to Committee on Ways & Means.

February 4, 2013

SB 5197 Prime Sponsor, Senator Dammeier: Requiring additional safety features in school construction and remodeling. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5197 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Rivers Rolfes, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Passed to Committee on Ways & Means.

February 4, 2013

SB 5221 Prime Sponsor, Senator Kohl-Welles: Requiring notification of release of a person following dismissal of charges based on incompetence to stand trial. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Harper and Padden.

Passed to Committee on Rules for second reading.

February 4, 2013

SB 5235 Prime Sponsor, Senator Hargrove: Modifying the requirements for purchase of care for Indian children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Harper and Padden.

Passed to Committee on Rules for second reading.

February 4, 2013

SB 5275 Prime Sponsor, Senator Holmquist Newbry: Allowing employers to pay a training wage for a specified period of time. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 4, 2013

SB 5377 Prime Sponsor, Senator Rivers: Extending the program establishing Christmas tree grower licensure. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 19, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBBIE J. AHL, appointed March 30, 2011, for the term ending September 30, 2013, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK D. ALBERTSON, appointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 10 (Green River Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 12, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK ASMUNDSON, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

June 22, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHILLIP L. BARRETT, appointed March 8, 2010, for the term ending September 30, 2014, as Member, Board of Trustees, Community College District No. 7 (Shoreline Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GREGORY D. BEVER, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 23, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ARTHUR A. BLAUVELT, appointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 2, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BOB BOLERJACK, appointed October 22, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 5 (Everett Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 10, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WAYNE E. BROWN, appointed October 3, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 23 (Edmonds Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

TWENTY THIRD DAY, FEBRUARY 5, 2013

2013 REGULAR SESSION

Ladies and Gentlemen:

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

REBECCA CHAFFEE, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BEVERLY J. CHENEY, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 3 (Olympic Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 14, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LISA CHIN, appointed October 3, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, College District No. 8 (Bellevue College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 13, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DIANA CLAY, appointed October 3, 2011, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 23 (Edmonds Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 20, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN COLE, reappointed October 1, 2009, for the term ending September 30, 2014, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 28, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES CUNNINGHAM, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 12, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOSEPH DOLEZAL, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 12 (Centralia College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 30, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LINDSAY FIKER, appointed March 30, 2011, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 4 (Skagit Valley College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANNA C. FRANZ, appointed March 15, 2012, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 18 (Big Bend Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

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

DARCEY FUGMAN-SMALL, appointed November 21, 2011, for the term ending September 30, 2014, as Member, Board of Trustees, Community College District No. 20 (Walla Walla Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 28, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAWRENCE M. GLENN, appointed October 6, 2009, for the term ending September 30, 2014, as Member, Board of Trustees, Peninsula Community College District No. 1.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 26, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

COURTNEY GREGOIRE, appointed October 29, 2012, for the term ending September 30, 2014, as Member, Board of Trustees, Community College District No. 6 (Seattle, So. Seattle, and No. Seattle Community Colleges).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 13, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES GROVES, appointed November 5, 2009, for the term ending September 30, 2014, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 16, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JUDITH L. HARTMANN, appointed January 16, 2013, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 24 (South Puget Sound Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 2, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KEDRICH JACKSON, appointed October 22, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 19 (Columbia Basin College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 19, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TAMRA JACKSON, appointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 15 (Wenatchee Valley College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 10, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DWAYNE JOHNSON, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 1 (Peninsula College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANGELA G. ROARTY, appointed June 6, 2011, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 11 (Pierce College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 22, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TWENTY THIRD DAY, FEBRUARY 5, 2013

2013 REGULAR SESSION

CHARLES ROBINSON, reappointed October 4, 2010, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Referred to Committee on Higher Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BARBARA ROFKAR, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT ROWE, appointed September 18, 2012, for the term ending June 30, 2013, as Member, Board of Trustees, College District No. 8 (Bellevue College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT M. RYAN, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 22 (Tacoma Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIGUEL SANCHEZ, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 20 (Walla Walla Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

September 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAREN SEINFELD, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Technical College District #28, (Bates).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 27, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHRISTON C. SKINNER, appointed October 22, 2012, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 4 (Skagit Valley College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEPHEN L. SMITH, appointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 11 (Pierce College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN STEPHENS, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 4 (Skagit Valley College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

AMADEO TIAM, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 11 (Pierce College).

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

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN UNTI, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Technical College District #27 (Renton).

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

December 3, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIGUEL A. VILLARREAL, appointed November 16, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 18 (Big Bend Community College).

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

October 6, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEPHEN W. VINCENT, appointed September 16, 2011, for the term ending September 30, 2014, as Member, Board of Trustees, Community College District No. 13 (Lower Columbia College).

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

October 25, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

THUY VO, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 13 (Lower Columbia College).

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

October 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LISA K. WOO, appointed May 11, 2011, for the term ending September 30, 2015, as Member, Board of Trustees, Technical College District #25 (Bellingham).

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

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EMILY YIM, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 23 (Edmonds Community College).

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

November 27, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NEIL JOHNSON, appointed October 25, 2012, for the term ending September 30, 2016, as Member, Board of Trustees, Technical College District #26 (Lake Washington Institute of Technology).

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

November 2, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LYNETTE D. JONES, reappointed October 25, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Technical College District #26 (Lake Washington Institute of Technology).

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

October 25, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TWENTY THIRD DAY, FEBRUARY 5, 2013

JANET M. KUSLER, appointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 5 (Everett Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK P. MARTINEZ, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Technical College District #29 (Clover Park).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL S. MAXWELL, appointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 1 (Peninsula College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 13, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JULIE MCCULLOCH, reappointed October 4, 2010, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 1 (Peninsula College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANET M. MCDANIEL, appointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 30 (Cascadia Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 22, 2012

2013 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONALD R. MCQUARY, appointed March 22, 2012, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 20 (Walla Walla Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 12, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LOUIS A. MENDOZA, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 30 (Cascadia Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 28, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DARRELL S. MITSUNAGA, appointed October 15, 2010, for the term ending September 30, 2015, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EDWIN W. MORGAN, appointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 5, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROGER OLSTAD, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 7 (Shoreline Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VICKI ORRICO, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, College District No. 8 (Bellevue College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JIM PAGE, appointed June 15, 2011, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 3 (Olympic Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

April 11, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN PALMER, appointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Technical College District #27 (Renton).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 9, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

THERESA PAN HOSLEY, reappointed October 4, 2010, for the term ending September 30, 2015, as Member, Board of Trustees, Technical College District #28, (Bates).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CALVIN PEARSON, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Technical College District #28, (Bates).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 5, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DARLENE PETERS, reappointed October 1, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 3 (Olympic Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 13, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN PHILBROOK, appointed October 22, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 13 (Lower Columbia College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

May 23, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENISE PORTMANN, appointed April 20, 2011, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 3, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FAALUAINA PRITCHARD, appointed October 3, 2011, for the term ending September 30, 2016, as Member, Board of Trustees, Technical College District #29 (Clover Park).

Sincerely,

TWENTY THIRD DAY, FEBRUARY 5, 2013

2013 REGULAR SESSION

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 11, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRUCE REID, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5589 by Senators Mullet, Kline, Eide, McAuliffe, Kohl-Welles, Frockt, Keiser, Shin and Chase

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, and 28A.530.020; and providing a contingent effective date.

Referred to Committee on Governmental Operations.

SB 5590 by Senators Eide, King and Shin

AN ACT Relating to requirements for the operation of commercial motor vehicles in compliance with federal regulations; amending RCW 46.01.130, 46.25.010, 46.25.010, 46.25.050, 46.25.060, 46.25.070, 46.25.075, 46.25.080, 46.25.100, 46.25.130, 46.25.160, 46.61.667, and 46.61.668; adding new sections to chapter 46.25 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5591 by Senators Eide, King and Shin

AN ACT Relating to confidential license plates, drivers' licenses, identicards, and vessel registrations; amending RCW 46.01.130 and 46.08.066; and reenacting and amending RCW 42.56.230.

Referred to Committee on Transportation.

SB 5592 by Senators Schlicher, King, Rolfes, Hobbs and Eide

AN ACT Relating to use of toll bridge revenue; and amending RCW 47.56.165 and 47.46.100.

Referred to Committee on Transportation.

SB 5593 by Senators Smith and Parlette

AN ACT Relating to filing requirements for property tax exemption claims for certain improvements to benefit fish and wildlife habitat, water quality, or water quantity; and amending RCW 84.36.255.

Referred to Committee on Natural Resources & Parks.

SB 5594 by Senators Harper, Conway, Keiser, Nelson, Kohl-Welles, Hasegawa, Kline, Frockt, Shin and Chase

AN ACT Relating to establishing minimum standards for sick and safe leave from employment; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SB 5595 by Senators Billig, Litzow, Darneille, Fain, Hargrove, McAuliffe, Harper, Nelson, Hobbs, Mullet, Frockt, Cleveland, Rolfes, Kohl-Welles, Shin, Kline and Conway

AN ACT Relating to child care reform; reenacting and amending RCW 43.215.010 and 43.215.135; adding new sections to chapter 43.215 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5596 by Senator Carrell

AN ACT Relating to certain lake management activities on lands owned by the state of Washington; adding a new section to chapter 35A.21 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

SB 5597 by Senators Conway, Hasegawa, King and Holmquist Newbry

AN ACT Relating to locksmith services; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

SB 5598 by Senators Mullet, Litzow, McAuliffe, Fain, Kohl-Welles, Shin, Nelson, Chase and Frockt

AN ACT Relating to the disposition of surplus property for the development of affordable housing; amending RCW 43.63A.510, 43.20A.037, 72.09.055, 43.19.19201, 79A.05.170, 79A.05.175, 79.11.005, 47.12.064, 53.08.090, 53.08.091, and 81.112.080; adding a new section to chapter 36.34 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5599 by Senators Fain, Baumgartner, Billig, Harper, Fraser and Cleveland

AN ACT Relating to the taxing authority of public facilities districts; and amending RCW 82.14.390.

Referred to Committee on Ways & Means.

SB 5600 by Senators Hargrove, Darneille, Kohl-Welles, Hasegawa, Kline, McAuliffe, Frockt, Harper, Billig and Shin

AN ACT Relating to the definition of work activity for the purposes of the WorkFirst program; and amending RCW 74.08A.250.

Referred to Committee on Human Services & Corrections.

SB 5601 by Senators Becker, Cleveland, Dammeier and Schlicher

AN ACT Relating to ensuring chapter 19.68 RCW is interpreted in a manner consistent with the federal antikickback statute; adding new sections to chapter 19.68 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

SB 5602 by Senators Bailey, Keiser, Kohl-Welles, Schlicher and Kline

AN ACT Relating to creating a silver alert system; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

SB 5603 by Senators Hatfield, Kohl-Welles, Shin and Ranker

AN ACT Relating to establishing the Washington coastal marine advisory council; amending RCW 43.372.070; and adding new sections to chapter 43.143 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5604 by Senators Hatfield, Roach and Benton

AN ACT Relating to "National Rifle Association" special license plates; amending RCW 46.18.200, 46.17.220, 46.68.425, 77.15.425, and 46.18.060; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5605 by Senators Becker, Sheldon, Hatfield and Parlette

AN ACT Relating to health plans provided through associations or member-governed groups; amending RCW 48.21.047, 48.44.024, and 48.46.068; and creating a new section.

Referred to Committee on Health Care.

SB 5606 by Senators Roach, Hasegawa, Litzow, Nelson, Mullet, Harper and Rivers

AN ACT Relating to fire suppression water facilities and services provided by municipal and other water purveyors; and adding a new chapter to Title 70 RCW.

Referred to Committee on Governmental Operations.

SB 5607 by Senators Harper, Hewitt, Kohl-Welles and Kline

AN ACT Relating to beer, wine, and spirits theater licenses; amending RCW 66.20.300 and 66.20.310; adding a new section to chapter 66.24 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SB 5608 by Senators Holmquist Newbry and Benton

AN ACT Relating to not disqualifying certain corporate officers from receiving unemployment benefits; amending RCW 50.04.310; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

SB 5609 by Senators Rivers and Benton

AN ACT Relating to requirements governing and associated with plat approvals; and amending RCW 58.17.140 and 58.17.170.

Referred to Committee on Governmental Operations.

SB 5610 by Senator Benton

AN ACT Relating to local government selection of the appropriate sewer systems as part of growth management; amending RCW 36.70A.110; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5611 by Senators Benton and Rivers

AN ACT Relating to representation on the transportation commission for regions impacted by tolling; and amending RCW 47.01.051.

Referred to Committee on Transportation.

SB 5612 by Senators Schoesler and Becker

AN ACT Relating to designating facilities and infrastructure of water purveyors as essential public facilities under growth management planning requirements; and amending RCW 36.70A.030 and 36.70A.200.

Referred to Committee on Governmental Operations.

SB 5613 by Senators Murray, Fain, Kohl-Welles and Keiser

AN ACT Relating to providing that certain cover charges for the opportunity to dance are not considered retail sales; and amending RCW 82.04.050.

Referred to Committee on Ways & Means.

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SB 5614 by Senators Benton, Carrell, Hargrove, Padden, Delvin, Dammeier, Shin, Harper and Hewitt

committees as designated with the exception of Senate Bill No. 5603 which was referred to the Committee on Energy, Environment & Telecommunications.

AN ACT Relating to family second chances; amending RCW 2.56.180 and 26.09.030; adding a new section to chapter 26.09 RCW; and creating new sections.

MOTION

Referred to Committee on Law & Justice.

At 12:02 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, February 6, 2013.

SB 5615 by Senators Frockt, Becker, Cleveland, Keiser, Kohl-Welles, Schlicher, Kline, Conway and Chase

BRAD OWEN, President of the Senate

AN ACT Relating to the health professional loan repayment and scholarship program; amending RCW 28B.115.050 and 28B.115.080; and creating a new section.

HUNTER GOODMAN, Secretary of the Senate

Referred to Committee on Health Care.

SB 5616 by Senators Sheldon, Smith, Schoesler, Hargrove, Hatfield, Hewitt and Shin

AN ACT Relating to the use of farm vehicles on public highways; amending RCW 46.16A.080 and 46.04.181; and reenacting and amending RCW 46.16A.420.

Referred to Committee on Transportation.

SB 5617 by Senators Carrell, Darneille and Pearson

AN ACT Relating to service of petitions for release by persons committed as criminally insane; and amending RCW 10.77.200.

Referred to Committee on Human Services & Corrections.

SB 5618 by Senators Carrell, Padden, Pearson, Harper and Darneille

AN ACT Relating to the school warrantless search exception; amending RCW 28A.600.230 and 28A.600.240; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5619 by Senator Holmquist Newbry

AN ACT Relating to exempting from prevailing wage requirements public works projects undertaken to repair fire damage; adding a new section to chapter 39.12 RCW; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SJR 8208 by Senators Mullet, Kline, Eide, McAuliffe, Kohl-Welles, Frockt, Keiser and Shin

Amending the Constitution to allow a simple majority of voters voting to authorize school district bonds.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the

TWENTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 6, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Chance Mattox and Makenzie May, presented the Colors. The Very Reverend Igumen Tryphon, Abbot of the All-Merciful Savior Monastery of Vashon Island offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 2013

SB 5076 Prime Sponsor, Senator Dammeier: Requiring information on home energy efficiency to be included in residential home inspection reports. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5076 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Litzow Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5079 Prime Sponsor, Senator Roach: Providing compensation for damage to livestock caused by wolves. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette Rolfes, Ranking Member.

Passed to Committee on Ways & Means.

February 5, 2013

SB 5092 Prime Sponsor, Senator Benton: Providing an exemption from continuing competency requirements for registered nurses who seek advanced nursing degrees. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5098 Prime Sponsor, Senator Ericksen: Regarding wireless communications structures. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Litzow Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5137 Prime Sponsor, Senator Hargrove: Concerning department of fish and wildlife license suspensions. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5148 Prime Sponsor, Senator Keiser: Allowing for redistribution of medications under certain conditions. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5148 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5154 Prime Sponsor, Senator Becker: Exempting from business and occupation tax certain amounts received by cooperative finance organizations. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase; Cleveland; Honeyford; Litzow Ranker, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Billig.

Passed to Committee on Ways & Means.

February 5, 2013

SB 5207 Prime Sponsor, Senator Fain: Addressing the consumer loan act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Nelson.

Passed to Committee on Rules for second reading.

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SB 5212 Prime Sponsor, Senator Holmquist Newbry: Expanding membership of the Washington state horse park authority. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5344 Prime Sponsor, Senator Mullet: Revising state statutes concerning trusts. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Nelson.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5346 Prime Sponsor, Senator Keiser: Restoring funding to in-home care services. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5620 by Senators King and McAuliffe

AN ACT Relating to school safety; and amending RCW 28A.320.125.

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

SB 5621 by Senators Chase, Roach, Hobbs, Conway, Harper, Keiser, Hasegawa, Kohl-Welles, Kline and Murray

AN ACT Relating to certified payroll records on public works projects; and amending RCW 39.12.040.

Referred to Committee on Commerce & Labor.

SB 5622 by Senators Hewitt, Hobbs, Eide, Fain, Holmquist Newbry and Harper

AN ACT Relating to the taxation of large airplanes; amending RCW 47.68.250, 82.48.100, and 82.48.100; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Transportation.

SB 5623 by Senator Hargrove

AN ACT Relating to shoreline master program provisions for marine aquaculture net pen facilities; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5624 by Senators McAuliffe, Litzow, Shin, Kohl-Welles, Hasegawa, Rolfes, Hobbs, Becker, Frockt, Chase, Eide and Conway

AN ACT Relating to aligning high-demand secondary STEM or career and technical education programs with applied baccalaureate programs; amending RCW 28A.300.515 and 28B.50.810; and making an appropriation.

Referred to Committee on Higher Education.

SB 5625 by Senators Kline, Tom, Darneille, Litzow, Kohl-Welles, Chase, Frockt and Mullet

AN ACT Relating to requiring universal background checks for firearms transfers; amending RCW 9.41.080; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5626 by Senators Kline, Becker, Darneille, Keiser, Parlette and Chase

AN ACT Relating to the practice of midwifery; and amending RCW 18.50.010, 18.50.065, and 18.50.102.

Referred to Committee on Health Care.

SB 5627 by Senators Eide, Parlette, Ranker, Shin and Litzow

AN ACT Relating to the taxation of commuter air carriers; amending RCW 84.12.200, 82.48.010, and 82.48.030; adding a new section to chapter 84.36 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5628 by Senator Kline

AN ACT Relating to allowing multiple liquor licenses at the same physical premises; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

SB 5629 by Senators Schlicher and Frockt

AN ACT Relating to emergency department overcrowding; adding a new section to chapter 70.41 RCW; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Health Care.

SB 5630 by Senators Bailey, Keiser, Becker, Conway and Frockt

AN ACT Relating to the enactment of the Engrossed Substitute House Bill No. 1277 adult family home quality assurance panel; amending RCW 70.128.060 and 70.128.160; and adding new sections to chapter 70.128 RCW.

Referred to Committee on Health Care.

SB 5631 by Senator Becker

AN ACT Relating to modifying the expiration dates that limit payments for health care services provided to low-income enrollees in state purchased health care programs by aligning them with the start of medicaid expansion; amending RCW 70.47.230; reenacting and amending RCW 74.09.522 and 70.47.100; and providing expiration dates.

Referred to Committee on Health Care.

SB 5632 by Senators Murray, Dammeier, Kohl-Welles, Nelson, Tom, Chase and Mullet

AN ACT Relating to physical therapy; amending RCW 18.74.010 and 18.74.035; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

SB 5633 by Senators Conway and Schoesler

AN ACT Relating to restrictions on collecting a pension in the public employees' retirement system for retirees returning to work in an ineligible position or a position covered by another state retirement system; and amending RCW 41.40.037.

Referred to Committee on Ways & Means.

SB 5634 by Senators Rolfes, Hargrove, Nelson, Kline, Fain, Hobbs, Fraser, Parlette and Pearson

AN ACT Relating to clarifying the department of natural resources' authority to enter into cooperative agreements; and amending RCW 79.10.130.

Referred to Committee on Natural Resources & Parks.

SB 5635 by Senators Darneille, Kline, Harper, Keiser, Kohl-Welles, Murray, Chase and Frockt

AN ACT Relating to granting courts discretion to deny restoration of firearm rights to a person who has been involuntarily committed for mental health treatment when it appears the person is likely to engage in violent or unsafe behaviors; and amending RCW 9.41.047.

Referred to Committee on Law & Justice.

SB 5636 by Senators Smith, Hatfield, Braun, King, Holmquist Newbry, Brown, Honeyford, Schoesler and Hewitt

AN ACT Relating to providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act; and amending RCW 36.70A.040 and 36.70A.060.

Referred to Committee on Governmental Operations.

SB 5637 by Senators Hasegawa, Fain, Mullet and Chase

AN ACT Relating to primary election voters' pamphlets; amending RCW 29A.32.010; and repealing RCW 29A.32.036.

Referred to Committee on Governmental Operations.

SB 5638 by Senators Harper, Litzow, Ranker, Carrell, Darneille, Frockt, Kohl-Welles, Murray, Billig, Hargrove, Keiser, Rolfes, Hatfield, Nelson, Schlicher, Eide, Conway, Kline and Hasegawa

AN ACT Relating to the fiscal impacts of bills and budgets; amending RCW 43.88A.020; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5639 by Senators Bailey, Dammeier and Padden

AN ACT Relating to the identification and review of new programs; amending RCW 43.88.090; and adding new sections to chapter 43.09 RCW.

Referred to Committee on Ways & Means.

SB 5640 by Senators Bailey, Dammeier and Padden

AN ACT Relating to fiscal notes; amending RCW 43.88A.010, 43.88A.030, and 43.132.060; adding a new section to chapter 43.88A RCW; adding a new section to chapter 43.132 RCW; and repealing RCW 43.88A.900.

Referred to Committee on Ways & Means.

SB 5641 by Senators Bailey, Carrell and Pearson

AN ACT Relating to the governor's signature on significant legislative rules; and amending RCW 34.05.360.

Referred to Committee on Governmental Operations.

SB 5642 by Senators Frockt, Murray, Nelson, Kohl-Welles, Hasegawa, Chase and Kline

AN ACT Relating to raising the minimum state funding assistance percentage for the school construction assistance program; and amending RCW 28A.525.166.

Referred to Committee on Ways & Means.

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SB 5643 by Senators Darneille, Carrell, Harper, Frockt, Kohl-Welles, Kline, Chase and Hasegawa

AN ACT Relating to exemptions from the five-year time limit for recipients of the temporary assistance for needy families program; and amending RCW 74.08A.010.

Referred to Committee on Human Services & Corrections.

SB 5644 by Senators Schoesler and Murray

AN ACT Relating to sales for resale by retail licensees of liquor; adding a new section to chapter 66.24 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 5645 by Senators Kohl-Welles and Kline

AN ACT Relating to service animals; amending RCW 49.60.222, 49.60.223, 49.60.224, and 49.60.225; reenacting and amending RCW 49.60.040; and creating a new section.

Referred to Committee on Law & Justice.

SB 5646 by Senators Kohl-Welles, Frockt, Bailey, Shin, Hasegawa and Chase

AN ACT Relating to high school equivalency certificates; amending RCW 18.55.040, 28A.150.305, 28A.175.105, 28A.205.040, 28A.305.190, 28B.50.536, 28B.116.010, 28B.117.005, 28B.119.010, 28B.145.010, 28B.145.060, 28C.10.050, 35.21.333, 36.110.140, 41.04.015, 43.215.510, 70.128.120, 72.09.410, 72.09.460, 72.09.670, 74.04.535, 74.08A.250, 74.08A.380, 74.12.035, 74.13.540, and 74.15.230; amending 2011 c 330 s 1 (uncodified); amending 2010 c 20 s 1 (uncodified); and reenacting and amending RCW 28A.205.030, 28C.18.010, and 72.09.015.

Referred to Committee on Higher Education.

SB 5647 by Senators Braun, Kline, Carrell, Keiser, Dammeier, Rivers, Ericksen, Hobbs and Frockt

AN ACT Relating to requiring the department of revenue to publish their determinations; and amending RCW 82.32.410.

Referred to Committee on Trade & Economic Development.

SB 5648 by Senators Brown, Hatfield, Rivers, Hobbs, Sheldon, Smith, Honeyford, Schoesler and Hewitt

AN ACT Relating to making energy conservation a top priority by adding new incentives and aligning the timing of the acquisitions of eligible renewable resources, electricity, or equivalent renewable energy credits, with the need for additional electric generating resources to serve consumers' loads, without changing the eligible renewable targets; amending RCW 19.285.040; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5649 by Senators Rolfes, McAuliffe, Billig, Mullet, Frockt and Murray

AN ACT Relating to using the collaborative schools process for required action districts that continue to struggle to improve student academic achievement; amending RCW 28A.630.101, 28A.630.103, 28A.630.104, 28A.630.105, 28A.630.107, 28A.657.020, 28A.657.090, 28A.657.100, and 28A.657.125; adding a new section to chapter 28A.657 RCW; and providing an expiration date.

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

SB 5650 by Senators Keiser, Rivers, Conway, McAuliffe, Hatfield, Hasegawa and Chase

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; amending RCW 41.05.011; and providing an effective date.

Referred to Committee on Health Care.

SB 5651 by Senators McAuliffe, Conway, Keiser, Hatfield, Hobbs, Hasegawa and Chase

AN ACT Relating to postretirement employment; and amending RCW 41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.40.630, and 41.40.820.

Referred to Committee on Ways & Means.

SB 5652 by Senators Roach, Conway, Keiser, Schlicher, McAuliffe, Hasegawa and Chase

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Ways & Means.

SJM 8005 by Senators Hargrove, King, Sheldon, Eide, Hobbs, Hatfield, Benton, Padden, Shin and Chase

Requesting that state route number 117 be designated as the POW/MIA Memorial Highway.

Referred to Committee on Transportation.

MOTION

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

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

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

MOTION

Senator Benton withdrew the notice of reconsideration of the vote by which Engrossed Substitute Senate Bill No. 5127 passed the senate, given the previous day.

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION
8614

By Senator Benton

WHEREAS, One hundred two years ago on this day, February 6, Ronald Wilson Reagan was born in Tampico, Illinois; and

WHEREAS, Ronald Reagan understood the engine of the private sector, having worked as an actor, radio broadcaster, and television host; and

WHEREAS, Ronald Reagan believed in the value of self-deprecating humor in political life, once remarking, "The best minds are not in government. If any were, business would hire them away"; and

WHEREAS, Ronald Reagan realized his Presidential duty to communicate openly with the American people and spoke with honesty, grace, and humility; and

WHEREAS, Ronald Reagan boldly invoked the theme of American greatness in his speeches, and referred to America as a "shining city on the hill"; and

WHEREAS, Ronald Reagan was a loving and devoted husband, taking time out of his busy schedule as President to write love notes to his wife, Nancy; and

WHEREAS, Ronald Reagan's top policy issue was defeating communism, as he bravely challenged the Soviet Premier in Berlin by saying, "Mr. Gorbachev, tear down this wall"; and

WHEREAS, Ronald Reagan was mindful of every threat to America and brought about the downfall of the Soviet Union, ending the Cold War; and

WHEREAS, Ronald Reagan determined that one key to a prosperous economy was a low tax rate and implemented the biggest tax cut in United States history at the time; and

WHEREAS, Ronald Reagan was an advocate for freedom and a true believer in the American dream, once observing that, "We have every right to dream historic dreams and after all why shouldn't we believe that? We are Americans"; and

WHEREAS, In these troubling economic times, it is imperative to remember Ronald Reagan, as Margaret Thatcher reminds us, ". . . we have one beacon to guide us that Ronald Reagan never had, we have his example";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and cherish the life and work of President Ronald Wilson Reagan.

Senators Benton, Schoesler, King, Honeyford, Padden, Shin, Rolfes and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8614.

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

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8615

By Senators Kohl-Welles, Fraser, Eide, Ranker, Parlette, Becker, Baumgartner, Roach, Bailey, Hewitt, Honeyford, Litzow, Darneille, Dammeier, Tom, Fain, Harper, McAuliffe, Frockt, Nelson, Hargrove, Hasegawa, Conway, Keiser, Murray, Hill, and Hatfield

WHEREAS, The 2012 sport season represented the fortieth anniversary of Title IX, the 1972 federal law requiring nondiscrimination by gender in educational programs and activities, including school sports across the nation; and

WHEREAS, We recognize the struggle of generations of women athletes for equality that blazed the trail for those mentioned here; and

WHEREAS, Washington state honors and renews its commitment to female athletes and the promise and drive they exhibit both on and off the field; and

WHEREAS, Participation in athletics is one of the most effective ways for girls and women in the United States to develop leadership skills, discipline, initiative, and self-confidence; and

WHEREAS, The communication, competition, and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, workplace, and society; and

WHEREAS, Washington encourages media outlets to give equal representation to the accomplishments of women in sports, noting that greater visibility lends toward greater inspiration for young girls; and

WHEREAS, Washington high schools foster outstanding achievements in women's sports, such as volleyball, soccer, softball, and basketball. These include state volleyball champions: Tekoa-Oaksdale, Reardan, Castle Rock, West Valley, Prairie, and Bellarmine Prep; state soccer champions: Bear Creek, University Prep, Sumner Spartans, Columbia River, and Skyline; state softball champions: Coltan, Pe Ell, Connell, W.F. West, Kamiakin, and Woodinville; state basketball champions: Coltan, Reardan, Okanogan, Clarkston, Prairie, and Skyview; state wrestling champion Sedro-Woolley; and state golf champions: St. John-Endicott, Elma, Bellingham, Hanford, and Bellarmine Prep; and

WHEREAS, Institutions of higher education continue to produce elite athletes competing with pride, commitment, and passion; and

WHEREAS, Pacific Lutheran University's softball team swept across the nation to win the NCAA Division III championship and the Northwest Conference title, and starts the 2013 season ranked No. 1 by the National Fastpitch Coaches Association; and

WHEREAS, Pacific Lutheran University's volleyball team won the 2012 Northwest Conference title; and

WHEREAS, University of Puget Sound's women's soccer team claimed its eleventh consecutive Northwest Conference title win, extending the longest active title streak in Division III women's soccer history; and

WHEREAS, Seattle University's women's soccer team finished its first year in the Western Athletic Conference by making it all the way to the semi-finals and receiving the NSCAA All-Academic Award; Joan Bonvicini, the coach of its women's basketball team, was named Independent Coach of the Year for the team's first

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20-win season playing as a full NCAA Division I team; women's basketball player Kacie Sowell was named Independent Player of the year; swim team member Kevlyn Richards qualified for the U.S. Olympic Swim Trials; and golfer Caitlin McCleary tied for first in the West Coast Conference Championships for golf, and along with Clare Sorenson, qualifies for the U.S. Women's Amateur in golf; and

WHEREAS, University of Washington's women's rowing team won its sixth consecutive Windermere Cup; alumni rower Mary Whipple won gold at the 2012 Olympics; its women's soccer team was honored by the NSCAA with the Team Academic Award and was the only Top 40 team in the PAC-12 to receive the award; and its softball team won the NCAA Regional Championship; and

WHEREAS, University of Washington's Katie Flood won the NCAA National Championship for the 1,500 meter; and

WHEREAS, Lynda Goodrich, Director of Athletics at Western Washington University for 26 years, has shown dedication and passion for the development of female athletes and women's sports overall; and

WHEREAS, Western Washington University's women's golf team swung its way to victory as first in the Great Northwest Athletic Conference's 2012 championship; its women's volleyball team won its sixth championship at the Great Northwest Athletic Conference Championship; its women's soccer team was the regional and tournament champion for the Great Northwest Athletic Conference and set the school record with a 19-4-0 season finish; and its women's varsity eight and junior varsity eight rowing teams each won a gold medal at the Western Intercollegiate Rowing Association Championship Regatta; and

WHEREAS, Western Washington University senior and rowing team captain Megan Northely was awarded the Elite 89 from the NCAA Division II for outstanding commitment on and off the field, maintaining a grade point average of 3.92, and bringing the team to three consecutive national titles; and

WHEREAS, Seattle Pacific University's softball team won the NCAA Division II National Championships; and

WHEREAS, Eastern Washington University's Keisa Monterola won the Big Sky Conference Outdoor Title in Track and Field, and Brianne Ryan of its women's basketball team was named the league's 2012 Most Valuable Player; and

WHEREAS, Washington state is proud to be the home of the Seattle Storm and celebrates the accomplishment of players Sue Bird, who competed with the 2012 U.S. Olympic team as it achieved its unprecedented fifth straight gold-medal win; Lauren Jackson, who competed with the 2012 Australian Olympic team and is the fourth player in the WNBA to attain 6,000 points in her career; and Tina Thompson who made WNBA history by being the first player to score 7,000 points in her career; and

WHEREAS, Washington is proud to be the home of the Oly Rollers, who won the inaugural 2012 USA Roller Sports National Championship; and

WHEREAS, Washington celebrates the inaugural 2013 season of the Seattle Reign FC, our newest professional women's soccer team which includes Olympic athlete Hope Solo from Richland; and

WHEREAS, Washington recognizes the beginning of the 2013 seasons of our professional women's tackle football teams the Seattle Majestics, Everett Reign, and Tacoma Trauma; and

WHEREAS, Washington state continues to foster star Olympic athletes with 10 female athletes representing the U.S. and Washington at the Summer 2012 Olympics. These athletes and the events they participated in include: Track and field with Kara Patterson from Vancouver and Aretha Thurmond from Seattle; boxing with Queen Underwood from Seattle; cycling with Jennie Reed from Seattle; judo with Marti Malloy from Oak Harbor; rowing with Adrienne Martelli from University Place and Mary

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Whipple and Megan Kalmoe from Seattle; shooting with Amanda Furrer from Spokane; soccer with Hope Solo from Richland; swimming with Ariana Kukors from Auburn; and volleyball with Courtney Thompson from Kent; and

WHEREAS, Not all women and girls win championships or trophies, but still compete to the best of their abilities and give their all, sometimes suffering career-ending injury or even death in competition, the state recognizes the valiant efforts of all women and girl athletes in this state, especially athletes such as young Jacoby Miles who was paralyzed during gymnastics practice in November; and

WHEREAS, The National Girls and Women In Sport Coalition, established in 1987, declared February 6, 2013, to be National Girls and Women in Sports Day; and

WHEREAS, These women and many more not mentioned here are sterling examples of what is possible through hard work, focus, and determination;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Washington girls and women in sports on February 6, 2013, and encourage others to observe the day with appropriate ceremonies and activities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to all of the aforementioned athletes and their respective institutions.

Senators Kohl-Welles and Dammeier spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8615.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced: Miss Kevelyn Richards, Seattle University swim team member; Craig Nisgor, Seattle University Head Women's swim coach; Roxanne Levenson, Seattle University Associate Athletic Director/Senior Woman Administrator; and Kyle Scholzen, Seattle University Assistant Sports Information Director who were present in the gallery and recognized by the Senate.

The President welcomed and introduced Oly Rollers roller derby team members: Sassy, Tannibal Lector; Lil' Tonka; Dainty Disaster; Misty Miyagi; Snickerbrutal; Blasian Invasion; AnaConda; and Whamsday Addams who were present in the gallery and recognized by the Senate.

The President welcomed and introduced former Senator Ken Jacobsen, lifetime advocate for women's equality in sports, who was present in the gallery and recognized by the Senate.

The President welcomed and introduced the reigning Miss Auburn 2013, Miss Victoria Knight, guest of Senator Fain. Miss Knight is a graduate of Governor John R. Rogers High School in Puyallup, former Miss Daffodil Princess and Miss Washington's Outstanding Teen 2008. Miss Knight is a junior at the University of Washington-Tacoma and co-founded the charitable organization Queens for A Cure in 2009 a benefit pageant for the Susan G. Komen for the Cure organization, raising awareness of breast cancer and funds for breast cancer research.

PERSONAL PRIVILEGE

Senator Fain: "Yes, I rise because I gave a little bit of issue with some of our incoming freshman that many of them had a lot to say prior to their first speech and I wanted to compliment the good member from the Twenty-Fifth District because I believe

that his honoring of women in sports today actually qualifies as his first speech. I have a feeling we may be hearing from him again in a moment and so I just wanted to thank him for heeding my advice to get on with it and share the better part of your district with all of us and we look forward to hearing that. So, I for one, would like to welcome Senator Dammeier to the State Senate.”

PERSONAL PRIVILEGE

Senator Tom: “Well, living on the east side I always here these radio commercials and one of the traditions in the senate after your first speech you give a gift to the senate members here on the floor. When I’m listening to the radio I always here Puyallup is where you get cars so I’m really looking forward to the incredible gifts from our generous member from the Twenty-Fifth District. Senator Dammeier is going to make a great senator. He is replacing an incredible friend of mine, a team mate I would say in Senator Kastama. You have a great tradition to hold in that district and we look forward to working with you, in, one, your strong support of education and, secondly, the strong family values that you bring with your passion not only for your family but the families in your community. Welcome to the Senate.”

PERSONAL PRIVILEGE

Senator Schoesler: “Well thank you Mr. President. Regarding the previous speaker and the new senator’s gift I don’t ask for a set of keys to a car like the previous speaker but knowing that the new member served on the Goodwill Board of Directors I hope that he didn’t take that role literally in shopping for our gifts. While I realized that he supplements his own wardrobe by cutting to the front of the line at the Goodwill store, I hope that we don’t get that and I also hope that he rises above the agricultural commodity of rhubarb in the gift. We learned long ago that Pierce County were the top producers of rhubarb. It’s out of season and not really here for us and it’s a little early for daffodils from Pierce County so I hope somewhere between rhubarb and daffodils and the keys to cars in Puyallup we will find an appropriate gift for this body.”

PERSONAL PRIVILEGE

Senator Dammeier: “Thank you Mr. President. I think that the good gentleman from the forty-eighth may have mistaken me for Oprah Winfrey there for a second. Having gone to the Naval Academy I must admit the hazing here is far less than that which I experienced there and since it is we are honoring women in sports I feel compelled to point out that Senator Braun’s daughter is a track athlete at the United States Naval Academy as we speak. So, Mr. President, I was a little bit torn as to what would be an appropriate gift to provide the Senate in celebration of my inaugural speech here but I thought I’d been hearing a lot recently about how senators are extremely hungry and don’t have time to satisfy their hunger. So what I thought I would do would share with this body one of the favorite food groups from my home town and that is some fresh hot fair scones today. I realize I am walking a fine line here with the President because it is food on the floor and I want the President to know that I am respectful of his rule of no food on the floor but I’m hoping that the members can restrain from eating the food on the floor and being subject to your wrath Mr. President but that will be on them. Thank you very much Mr. President.”

REPLY BY THE PRESIDENT

President Owen: “Senator Dammeier, the President is a great fan of Puyallup fair scones and as long as one makes it up this way he is willing to suspend his own rule of decorum for this moment in time and allow the members if they so desire to eat their scones on the floor.”

PERSONAL PRIVILEGE

Senator Hewitt: “Thank you Mr. President. This is my thirteenth year in the legislature and I’m just now starting to understand the reason we don’t get along in this state. The good senator from the forty-eighth said he’s from the east side. He is definitely not from the east side. He does not resemble anyone from the east side. He doesn’t think like anyone from the east side, He is not from the east side Mr. President. I could name the senators in this body that are from east side. He is not from the east side and I just wanted to make that point clear. Senator Tom, you are not from the east side.”

PERSONAL PRIVILEGE

Senator Benton: “Mr. President, I want to point out to the good senator from the twenty-fifth is well prepared today, obviously. We are receiving his wonderful gift here on the very same day he’s made his maiden speech. I just wanted to point out his timeliness is very much appreciated and I’m hoping that Senator Hasegawa will take note of Senator Dammeier’s punctuality in terms of the gift. It’s been, I think, three weeks now since were subjected to the screeching of the good senator and as a result of listening to that we are supposed to be receiving a gift and we have yet to receive that gift and I think that gift needs to have compounding interest added to it the longer we wait to receive it. So, I see that he’s conveniently not in his seat to hear this talk but I’m sure that his colleagues will pass our concerns along to him. Thank you Mr. President.”

REPLY BY THE PRESIDENT

President Owen: “The President has located him in the back couch there. That’s Senator Hasegawa right back there.”

MOTION

At 10:45 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:23 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5002, by Senators Honeyford, Fraser and Ericksen

Concerning mosquito control districts.

MOTIONS

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On motion of Senator Honeyford, Substitute Senate Bill No. 5002 was substituted for Senate Bill No. 5002 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Fraser and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5002.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5136, by Senators Padden and Kline

Concerning electronic presentment of claims against the state arising out of tortious conduct.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5136 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5136.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5136 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8001, by Senators Sheldon, Bailey, Holmquist Newbry, Becker, Cleveland, Carrell, Frockt, Delvin, Padden, Ericksen, Dammeier, Rivers, Benton, Honeyford, Braun, Hill, Parlette, Roach, Tom, Schoesler, King, Hewitt and Conway

Requesting that Interstate 5 be named the "Purple Heart Trail."

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Joint Memorial No. 8001 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Sheldon and Eide spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8001.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8001 and the memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE JOINT MEMORIAL NO. 8001, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5056, by Senators Honeyford, Keiser, Shin and Hewitt

Allowing a person to apply for a work permit for the employment of minors without completing a new master application under certain circumstances.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5056.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5056 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5139, by Senators Hatfield, Schoesler, Hobbs, Honeyford and Shin

Concerning milk and milk products.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 5139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Darneille: "Mr. President, with your indulgence, I'd just like to tell you that I'm very moved by the previous speaker and so this being the occasion of my first floor speech I wonder if I might also talk a little about the Twenty-seventh district while I'm standing?"

REPLY BY THE PRESIDENT

President Owen: "No. Senator, I'm just kidding. If it's pertinent to the bill, we'd love to hear your comments."

REMARKS BY SENATOR DARNEILLE

Senator Darneille: "It's actually pertinent to the action here today on the floor Mr. President. Thank you for your indulgence."

REPLY BY THE PRESIDENT

President Owen: "Very good."

PERSONAL PRIVILEGE

Senator Darneille: "We had a resolution earlier on the floor regarding President Reagan's legacy and I too wanted to speak but that resolution got passed me before I could because now I have with me my gift from my district that I wanted to give to all of you, it is, it starts with jelly beans and it is an homage, if you

will, to bi-partisanship and to President Reagan's well-published love for jelly beans. The jelly beans themselves are jelly bellies. There are, indeed, forty-nine flavors of jelly bellies. So I thought it also very symbolic of our gathering here today that there are, in fact, forty-nine of us so there forty-nine flavors of us I guess. I have also attached to each of my packets of jelly beans a playing card. Now, I don't think that there are gamblers here. It's not that kind of a card but it's actually a unique card to my district. These are cards that are done by artists in my district. They have self-published all of these. These are called the Tacoma Washington playing cards. Each of the cards is different and depicts artistic or photographic renderings of sights in my district. So, they're all unique; Java Jive; Pt. Defiance Park; The Art Museum; Bridge of Glass; many, many reasons for all of you, as you're driving by on the freeway through Tacoma and thinking that that is what Tacoma is, need to pull off at exit 133 and really see my district. So, as these come around, they'll each have a different card of course and two of you, completely random-Senator Tom, I know you won't get one of these-but there are two jokers in the deck and so I hope that those of you that do receive the jokers know that you will receive a full deck of the cards. So, these are actually great artistic works. They show great diversity of my district and I hope that you will enjoy them very much. I will need some help handing them out so I don't know what the procedure is for doing that but hope you'll all come to the Twenty-seventh district. Thank you very much."

REMARKS BY THE PRESIDENT

President Owen: "Senator Darneille, the President is just working really hard to figure out how we've stretched this into a discussion about milk?"

REMARKS BY SENATOR DARNEILLE

Senator Darneille: "I said I was very mooved."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5139.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5139 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5152, by Senators Eide, King, Hobbs, Fain, Hatfield, Delvin, Murray, Frockt, Conway, Kohl-Welles and Shin

Creating Seattle Sounders FC and Seattle Seahawks special license plates.

TWENTY FOURTH DAY, FEBRUARY 6, 2013

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MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5152 was substituted for Senate Bill No. 5152 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Holmquist Newbry was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5152.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Holmquist Newbry
 SUBSTITUTE SENATE BILL NO. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fain: "Again, I want to thank our exemplary freshman legislators in the State Senate for contacting my office and scheduling your first speeches and then speaking to appropriate pieces legislation at the correct time. This type of ability to communicate is very important so I really complement each and every one of you, sans the good Senator Darneille, for timely consideration of first speeches. With that being said, we will have some good first speeches, that are planned first speeches, on Friday and we will look forward to those, which will be our next time working floor action."

MOTION

At 12:02 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, February 7, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 7, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 2013

SB 5008 Prime Sponsor, Senator Hobbs: Addressing portable electronics insurance. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5008 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Nelson.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5050 Prime Sponsor, Senator Sheldon: Authorizing registered tow truck operators to carry passengers in a vehicle attached to a flatbed tow truck under certain situations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Hobbs; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5066 Prime Sponsor, Senator Billig: Authorizing certain local authorities to establish maximum speed limits on certain nonarterial highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Hobbs; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5141 Prime Sponsor, Senator King: Allowing motorcycles to stop and proceed through traffic control signals

under certain conditions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Hobbs; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5142 Prime Sponsor, Senator Rolfes: Incorporating motorcycles into certain transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Brown; Carrell; Ericksen; Harper; Hobbs; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5157 Prime Sponsor, Senator Carrell: Regulating provision of child care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5161 Prime Sponsor, Senator Braun: Authorizing certain eligible family members of United States armed forces members who died while in service or as a result of service to apply for gold star license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Hobbs; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 5, 2013

SB 5208 Prime Sponsor, Senator Benton: Addressing fees and semiannual assessments, powers, lending limits, and technical amendments related to state-chartered banks, savings banks, savings associations, and trust companies. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5208 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Nelson.

pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Hobbs; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 6, 2013

SB 5237 Prime Sponsor, Senator Dammeier: Establishing accountability for student performance in third grade. Reported by Committee on Early Learning & K-12 Education

February 5, 2013

SB 5279 Prime Sponsor, Senator Carrell: Limiting use of public assistance benefits. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5237 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown; Fain; Hill and Rivers.

MAJORITY recommendation: That Substitute Senate Bill No. 5279 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Cleveland; McAuliffe, Ranking Member Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

February 6, 2013

SB 5328 Prime Sponsor, Senator Litzow: Creating a school-grading program that relies on the accountability index. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 5328 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown; Fain; Hill and Rivers.

February 6, 2013
SB 5244 Prime Sponsor, Senator Litzow: Regarding school suspensions and expulsions. Reported by Committee on Early Learning & K-12 Education

MINORITY recommendation: Do not pass. Signed by Senators Billig; Cleveland; McAuliffe, Ranking Member; Mullet Rolfes, Assistant Ranking Member.

MAJORITY recommendation: That Substitute Senate Bill No. 5244 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; Rivers Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator McAuliffe, Ranking Member.

MOTION

Senator Fain moved that all the measures listed on the Standing Committee report be referred to the committees as designated.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

POINT OF ORDER

Passed to Committee on Ways & Means.

Senator Frockt: "We are not going object to the referral of Senate Bill No. 5328. We just do want to make a note that we believe that the bill's fiscal note is over fifty thousand and normally would go to Ways & Means so we wanted to make that noted for the body's reference. Thanks."

February 5, 2013
SB 5263 Prime Sponsor, Senator Benton: Concerning motorcycles overtaking and passing pedestrians and bicyclists. Reported by Committee on Transportation

On motion of Senator Fain the measures listed on the Standing Committee report were referred to the committees as designated.

MAJORITY recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Fain, Budget Leadership Cabinet; Harper; Hobbs; Mullet; Rolfes; Schlicher; Sheldon and Smith.

MOTION

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

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

February 5, 2013
SB 5274 Prime Sponsor, Senator Carrell: Concerning private motorcycle skills education programs. Reported by Committee on Transportation

SB 5653 by Senators Pearson, Rolfes, Honeyford, Fraser, Smith, Hewitt, Kohl-Welles and Parlette

MAJORITY recommendation: That Substitute Senate Bill No. 5274 be substituted therefor, and the substitute bill do

AN ACT Relating to promoting a balanced financing system for state parks programs and services in order to facilitate

resource stewardship, interpretative activities, cultural events, and works of art in state parks; amending RCW 79A.05.065, 79A.05.335, 79A.05.340, 79A.05.345, 79A.70.005, 79A.70.010, 79A.70.020, 79A.70.030, and 79A.70.040; adding a new section to chapter 79A.05 RCW; and repealing RCW 79A.70.050.

Referred to Committee on Natural Resources & Parks.

SB 5654 by Senators Fraser and Keiser

AN ACT Relating to allowing certain retirees to participate in the insurance programs under chapter 41.05 RCW; and amending RCW 41.04.205.

Referred to Committee on Health Care.

SB 5655 by Senators Murray, Keiser, Kohl-Welles, Hasegawa, Shin, Kline, Nelson, Billig, Mullet, Conway, Darneille, Ranker, Chase, McAuliffe, Frockt, Fraser, Harper, Cleveland and Eide

AN ACT Relating to expanding existing higher education financial aid programs to state residents; amending RCW 28B.92.010; reenacting and amending RCW 28B.118.010; and creating a new section.

Referred to Committee on Higher Education.

SB 5656 by Senators Braun, Carrell, Rivers, Sheldon, Hobbs and Fain

AN ACT Relating to revising business licensing systems; and adding a new section to chapter 35.102 RCW.

Referred to Committee on Trade & Economic Development.

SB 5657 by Senators Pearson, Parlette, Rolfes and Schlicher

AN ACT Relating to state parks and recreation; amending RCW 79A.05.015, 79A.05.065, 79A.05.215, 79A.80.010, 79A.80.020, 79A.80.050, 79A.80.090, and 79A.05.351; adding a new section to chapter 79A.05 RCW; adding new sections to chapter 79A.80 RCW; and creating new sections.

Referred to Committee on Natural Resources & Parks.

SB 5658 by Senators Ericksen, McAuliffe and Hobbs

AN ACT Relating to mercury-containing lights; amending RCW 70.275.060, 70.275.070, 70.275.090, 70.275.100, 70.275.110, and 70.275.140; reenacting and amending RCW 70.275.020; adding a new section to chapter 70.275 RCW; and repealing RCW 70.275.030, 70.275.040, 70.275.050, 70.275.120, and 70.275.130.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5659 by Senators Hargrove and Carrell

AN ACT Relating to assault in the third degree; reenacting and amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5660 by Senators Chase, McAuliffe, Nelson, Kohl-Welles and Conway

AN ACT Relating to firearms safety education programs; and adding a new section to chapter 28A.230 RCW.

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

SB 5661 by Senator Roach

AN ACT Relating to property assessments and the appeal of those assessments; and adding a new section to chapter 36.21 RCW.

Referred to Committee on Governmental Operations.

SB 5662 by Senator Roach

AN ACT Relating to code enforcement of storage facilities; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Governmental Operations.

SB 5663 by Senators Pearson, Ranker, Tom, Rolfes, Hewitt, Sheldon, Hatfield, Bailey, Parlette, Kline and Roach

AN ACT Relating to derelict and abandoned vessels in state waters; amending RCW 88.02.640, 79.100.100, 79A.65.020, 79.100.130, 43.19.1919, 28B.10.029, 88.02.380, 88.02.340, 88.02.550, 79.100.120, 90.56.410, 79.100.040, 79.100.060, 88.26.020, 53.08.320, 53.08.310, 79A.65.030, 79.100.030, and 43.21B.305; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 43.19 RCW; adding new sections to chapter 43.30 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 79A.05 RCW; adding new sections to chapter 47.01 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; adding new sections to chapter 36.32 RCW; adding new sections to chapter 53.08 RCW; adding new sections to chapter 43.21A RCW; adding new sections to chapter 28B.10 RCW; adding new sections to chapter 79.100 RCW; creating new sections; prescribing penalties; providing an effective date; and providing expiration dates.

Held at the desk.

SB 5664 by Senators Rivers, Hobbs, Benton, Roach, Hatfield, Chase, Hewitt, Schoesler, Ericksen and Dammeier

AN ACT Relating to establishing a process for the payment of impact fees through provisions stipulated in recorded covenants; and amending RCW 82.02.050 and 36.70A.070.

Referred to Committee on Governmental Operations.

SB 5665 by Senators Pearson and Rolfes

AN ACT Relating to geoduck diver licenses; amending RCW 77.65.410; adding a new section to chapter 77.65 RCW; adding a new section to chapter 43.30 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

TWENTY FIFTH DAY, FEBRUARY 7, 2013

2013 REGULAR SESSION

SB 5666 by Senators Dammeier and Schlicher

AN ACT Relating to clarifying the law regarding disclosing health care quality improvement, quality assurance, peer review, and credentialing information; amending RCW 18.20.390, 43.70.510, 70.41.230, 70.44.062, 70.56.050, 70.230.080, 70.230.140, and 74.42.640; reenacting and amending RCW 4.24.250, 70.41.200, and 42.56.360; and creating a new section.

Referred to Committee on Health Care.

SB 5667 by Senators Litzow, Rolfes, Fain, McAuliffe, Harper, Rivers, Tom, Eide, Sheldon and Hill

AN ACT Relating to online learning; amending RCW 28A.150.325, 28A.150.262, 28A.250.010, 28A.250.070, 28A.225.225, 28A.150.100, 28A.520.020, 28A.525.162, and 28A.525.166; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28A.250 RCW; creating a new section; and recodifying RCW 28A.150.262 and 28A.150.325.

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

SB 5668 by Senators Padden and Baumgartner

AN ACT Relating to the removal and discharge of peace officers; amending RCW 41.12.080, 41.14.110, and 43.43.070; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Law & Justice.

SB 5669 by Senators Padden, Kohl-Welles, Smith, Hargrove, Pearson, Darneille, Bailey, Nelson, Becker, Benton, Brown, Baumgartner, Conway, Roach and Holmquist Newbry

AN ACT Relating to trafficking; amending RCW 9.68A.090, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, 9A.44.020, 9A.44.100, 9A.44.128, 9A.44.150, 9A.82.010, 9A.88.110, and 13.34.132; reenacting and amending RCW 9A.40.100; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5670 by Senators Ranker, Kohl-Welles, Hasegawa and Keiser

AN ACT Relating to extending state need grant eligibility under certain circumstances; amending RCW 28B.92.060; and creating a new section.

Referred to Committee on Higher Education.

SB 5671 by Senators McAuliffe, Litzow, Fraser, Fain, Nelson, King, Chase, Rivers, Conway, Holmquist Newbry, Shin, Braun, Keiser, Brown, Becker, Hewitt, Kohl-Welles, Rolfes and Billig

AN ACT Relating to holding state agencies accountable for providing opportunities for certain students to participate in transition services; and adding a new section to chapter 28A.155 RCW.

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

SB 5672 by Senators Hewitt, Honeyford, Becker, Holmquist Newbry, Brown, Schoesler, Dammeier, King and Roach

AN ACT Relating to supporting youth programs through agricultural fairs and the horse racing commission; and amending RCW 15.76.100, 67.70.240, 15.76.115, and 67.16.280.

Referred to Committee on Commerce & Labor.

SB 5673 by Senators Kohl-Welles, Frockt, Murray, Hasegawa, Chase, Conway, Shin, Fraser, Ranker, Harper, McAuliffe and Rolfes

AN ACT Relating to creating a two-year freeze on tuition rates at community and technical colleges; reenacting and amending RCW 28B.15.067; and creating a new section.

Referred to Committee on Higher Education.

SB 5674 by Senators Kohl-Welles, Smith, Hatfield, Conway, Schoesler, King, Hobbs, Murray, Keiser, Ranker, Harper, Hewitt and Rolfes

AN ACT Relating to wine and beer sampling at farmers markets; amending RCW 66.24.170 and 66.24.244; adding a new section to chapter 66.24 RCW; and repealing 2011 c 62 s 1 (uncodified).

Referred to Committee on Commerce & Labor.

SB 5675 by Senators Braun, Becker, Benton, Erickson, Baumgartner, Bailey, Delvin, Hill, Sheldon, Dammeier, Carrell, Honeyford, Schoesler, Parlette, Rivers, Smith and Hewitt

AN ACT Relating to introducing private competition in industrial insurance coverage; amending RCW 51.16.140, 51.32.073, 51.44.010, 51.44.020, and 51.44.030; adding new sections to chapter 51.08 RCW; adding a new section to chapter 48.19 RCW; adding new sections to chapter 51.44 RCW; adding a new section to chapter 51.16 RCW; adding a new chapter to Title 51 RCW; creating new sections; and providing an effective date.

Referred to Committee on Commerce & Labor.

SB 5676 by Senators Braun, Benton, Holmquist Newbry, Padden, Becker, Honeyford, Rivers and Roach

AN ACT Relating to protecting personal voter signatures; and adding a new section to chapter 29A.72 RCW.

Referred to Committee on Governmental Operations.

SB 5677 by Senators Parlette, Hatfield, Honeyford, Chase, Brown, Bailey, Smith and Hewitt

AN ACT Relating to authorizing the establishment of a water management board in the Methow watershed; amending RCW 90.14.140, 90.03.380, and 90.44.100; adding a new chapter to Title 90 RCW; and providing an expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SJM 8006 by Senators Chase, McAuliffe, Nelson, Kohl-Welles, Conway and Parlette

Promoting the use of the Eddie Eagle GunSafe Program in preschools, early learning programs, and schools.

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

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5659 which was referred to the Committee on Law & Justice and Senate Bill No. 5663 which was held at the desk.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, February 8, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY SIXTH DAY, FEBRUARY 8, 2013

2013 REGULAR SESSION

TWENTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 8, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The President announced the arrival of Major General Bret D. Daughtery, Adjutant General of the State of Washington and Commander of the Washington State National Guard at the doors of the Senate. The Sergeant At Arms escorted Major General Daughtery to a seat at the rostrum of the Senate.

The Washington Army National Guard Honor Guard, consisting of First Lieutenant Julie Fison, Specialist Karl Baker, Specialist Jennifer Prewitt and Specialist Brian Klotz presented the Colors.

The 133rd Washington Army National Guard Band, consisting of musicians Sergeant First Class Alton Huckaby, Staff Sergeant Richard Little and Specialist Dawn Rauch, performed the National Anthem.

Colonel Carl Steele, Chaplain of the Washington State National Guard at Camp Murray offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 2013

SB 5037 Prime Sponsor, Senator Ranker: Concerning the labeling of seafood. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5037 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5072 Prime Sponsor, Senator Delvin: Concerning a sales and use tax exemption for disabled veterans and members of the armed forces for certain equipment and services that assist physically challenged persons to safely operate a motor vehicle. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5072 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles;

Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5122 Prime Sponsor, Senator Carrell: Concerning patient and staff safety at state hospitals. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5122 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 7, 2013

SB 5131 Prime Sponsor, Senator Honeyford: Providing tax incentives for donations of modern laboratory equipment to higher education institutions and vocational skills centers. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Frockt Kohl-Welles, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2013

SB 5132 Prime Sponsor, Senator Honeyford: Concerning the disclosure of estimated debt service costs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5153 Prime Sponsor, Senator Kohl-Welles: Concerning transfers of clients between regional support networks. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5153 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5175 Prime Sponsor, Senator Hargrove: Concerning sexual assault protection orders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5197 Prime Sponsor, Senator Dammeier: Requiring additional safety features in school construction and remodeling. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5197 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5198 Prime Sponsor, Senator Darneille: Exempting personal information relating to children from public inspection and copying. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5206 Prime Sponsor, Senator Becker: Authorizing occupational therapists, occupational therapy assistants, dieticians, and nutritionists to participate in online access to the University of Washington health sciences library. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5283 Prime Sponsor, Senator Hill: Concerning a business and occupation tax exemption for the Washington health benefit exchange established under chapter 43.71 RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5283 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt;

Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner, Vice Chair and Padden.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5287 Prime Sponsor, Senator Hill: Eliminating accounts and funds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5287 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5318 Prime Sponsor, Senator Bailey: Removing the one-year waiting period for veterans or active members of the military for purposes of eligibility for resident tuition. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 7, 2013

SB 5337 Prime Sponsor, Senator Pearson: Modifying expiration dates affecting the department of natural resources' timber sale program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5342 Prime Sponsor, Senator Dammeier: Concerning a sales and use tax exemption for restaurants in respect to certain items that impart flavor to food during the cooking process. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2013

TWENTY SIXTH DAY, FEBRUARY 8, 2013

2013 REGULAR SESSION

SB 5343 Prime Sponsor, Senator Bailey: Concerning the rights of higher education students involved in military service. Reported by Committee on Higher Education

SJM 8000 Prime Sponsor, Senator Kohl-Welles: Requesting that the Drug Enforcement Administration reclassify medical marijuana as a Schedule II drug. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8000 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5402 Prime Sponsor, Senator Carrell: Allowing residents of total confinement facilities and secure community transition facilities to engage in therapeutic occupational assignments within the confines of McNeil Island. Reported by Committee on Human Services & Corrections

February 7, 2013

SJM 8003 Prime Sponsor, Senator Kohl-Welles: Requesting Congress to amend the Communications Decency Act. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5402 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

MOTION

February 7, 2013

SB 5445 Prime Sponsor, Senator Honeyford: Funding capital projects. Reported by Committee on Ways & Means

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MAJORITY recommendation: That Substitute Senate Bill No. 5445 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MOTION

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

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

February 7, 2013

SB 5466 Prime Sponsor, Senator Carrell: Modifying criminal history record information compliance audit provisions. Reported by Committee on Human Services & Corrections

SB 5663 by Senators Pearson, Ranker, Tom, Rolfes, Hewitt, Sheldon, Hatfield, Bailey, Parlette, Kline and Roach

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

AN ACT Relating to derelict and abandoned vessels in state waters; amending RCW 88.02.640, 79.100.100, 79A.65.020, 79.100.130, 43.19.1919, 28B.10.029, 88.02.380, 88.02.340, 88.02.550, 79.100.120, 90.56.410, 79.100.040, 79.100.060, 88.26.020, 53.08.320, 53.08.310, 79A.65.030, 79.100.030, and 43.21B.305; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 43.19 RCW; adding new sections to chapter 43.30 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 79A.05 RCW; adding new sections to chapter 47.01 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; adding new sections to chapter 36.32 RCW; adding new sections to chapter 53.08 RCW; adding new sections to chapter 43.21A RCW; adding new sections to chapter 28B.10 RCW; adding new sections to chapter 79.100 RCW; creating new sections; prescribing penalties; providing an effective date; and providing expiration dates.

Passed to Committee on Rules for second reading.

Referred to Committee on Natural Resources & Parks.

February 7, 2013

SB 5472 Prime Sponsor, Senator Bailey: Authorizing applied doctorate level degrees in audiology at Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

SB 5678 by Senators Frockt and Darneille

Passed to Committee on Rules for second reading.

AN ACT Relating to clarifying the use of automated traffic safety cameras at intersections with two or more arterial highways; and reenacting and amending RCW 46.63.170.

February 7, 2013

Referred to Committee on Transportation.

SB 5679 by Senators Brown, Chase, King, Litzow, Dammeier, Schoesler, Rivers, Smith, Braun, Hewitt, Sheldon and Tom

AN ACT Relating to improving the business climate and stimulating job creation by requiring certain agencies to establish a formal review process of existing rules; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

SB 5680 by Senators Brown, Chase, King, Litzow, Dammeier, Rivers, Schlicher, Smith, Braun, Parlette, Hewitt and Tom

AN ACT Relating to promoting economic development by providing information to businesses; and amending RCW 19.02.050.

Referred to Committee on Trade & Economic Development.

SB 5681 by Senators Rolfes and Keiser

AN ACT Relating to facilitating treatment for persons with co-occurring disorders by requiring development of an integrated rule; adding a new section to chapter 70.96A RCW; adding a new section to chapter 71.05 RCW; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

SB 5682 by Senators Braun and Ericksen

AN ACT Relating to replacement of like-in-kind household appliances; amending RCW 18.27.090, 18.106.150, and 19.28.006; and reenacting and amending RCW 19.28.091.

Referred to Committee on Commerce & Labor.

SB 5683 by Senators Becker, Hargrove and Padden

AN ACT Relating to information under the death with dignity act; and amending RCW 70.245.010, 70.245.040, and 70.245.180.

Referred to Committee on Health Care.

SB 5684 by Senator King

AN ACT Relating to the prevailing rate of wage paid on public works; and amending RCW 39.12.020, 39.12.021, and 39.12.030.

Referred to Committee on Commerce & Labor.

SB 5685 by Senator King

AN ACT Relating to ensuring transparency with prevailing wage rate determinations; adding a new section to chapter 39.12 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 5686 by Senator King

AN ACT Relating to surveys used in prevailing wage determinations; amending RCW 39.12.015 and 39.04.350; adding new sections to chapter 39.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

SB 5687 by Senator Nelson

AN ACT Relating to extending physician-patient privilege to other health care providers; and amending RCW 5.60.060 and 18.73.270.

Referred to Committee on Law & Justice.

SB 5688 by Senators Braun, Carrell, Dammeier, Rivers, Sheldon and Hobbs

AN ACT Relating to simplifying definitions and classifications concerning state and local tax systems; amending RCW 35.102.030, 35.102.040, 35.102.140, 35.102.160, 82.04.060, 82.04.230, 82.04.255, 82.04.260, 82.04.280, 82.04.285, 82.04.290, 35.102.150, 48.14.080, 82.04.051, 82.04.257, 82.04.261, 82.04.270, 82.04.29001, 82.04.29002, 82.04.293, 82.04.297, 82.04.298, 82.04.334, 82.04.360, 82.04.440, 82.04.4451, 82.04.44525, 82.04.4463, 82.04.4483, 82.04.460, 82.04.540, 82.04.620, 82.08.806, 82.16.100, 82.32.045, 82.32.533, and 82.45.195; reenacting and amending RCW 82.04.250 and 82.04.260; adding new sections to chapter 35.102 RCW; adding a new section to chapter 82.04 RCW; creating new sections; repealing RCW 82.04.272, 82.04.2905, 82.04.2906, 82.04.2907, 82.04.2908, 82.04.2909, 82.04.294, and 35.102.120; repealing 2010 c 114 s 104; repealing 2003 c 149 s 3; repealing 2010 c 106 s 206; repealing 2009 c 461 s 3; repealing 2006 c 300 s 7; repealing 2003 c 149 s 4; providing effective dates; and providing expiration dates.

Referred to Committee on Trade & Economic Development.

SB 5689 by Senator Darneille

AN ACT Relating to access to juvenile records; amending RCW 13.50.050 and 10.97.050; creating new sections; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5690 by Senators Hatfield, Fraser, Ericksen and Honeyford

AN ACT Relating to the fiscal conditions of local government; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways & Means.

SB 5691 by Senators Hewitt, Conway and Rolfes

AN ACT Relating to veterans' homes; amending RCW 72.36.020, 72.36.030, 72.36.035, 72.36.055, 72.36.070, 72.36.075, and 43.60A.075; and adding a new section to chapter 72.36 RCW.

Referred to Committee on Governmental Operations.

SB 5692 by Senators King, Harper, Conway, Eide and Tom

AN ACT Relating to standby guardians and limited guardians; amending RCW 11.88.125; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5693 by Senators Baumgartner, Frockt and Kohl-Welles

AN ACT Relating to making ample provisions to support higher education; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Higher Education.

SB 5694 by Senators Conway, Schlicher, Dammeier, Hargrove, Carrell, Chase, Mullet, Harper, McAuliffe and Kohl-Welles

AN ACT Relating to improving protections for incapacitated adults; amending RCW 11.88.020, 11.88.030, 11.88.040, 11.88.120, 11.88.090, 11.92.043, and 43.190.060; and adding a new section to chapter 2.56 RCW.

Referred to Committee on Law & Justice.

SB 5695 by Senators Becker, Dammeier, Cleveland, Keiser, Schlicher, Frockt, Mullet and McAuliffe

AN ACT Relating to wellness programs offered by a health carrier; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.30 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5696 by Senators Litzow and Mullet

AN ACT Relating to apiarists; and adding a new section to chapter 15.60 RCW.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5697 by Senators Braun, Carrell, Dammeier, Rivers and Sheldon

AN ACT Relating to reducing the frequency of local sales and use tax changes; and amending RCW 82.14.055.

Referred to Committee on Trade & Economic Development.

SJM 8007 by Senators Shin, Conway, Harper, Nelson, Kline, Becker, Hobbs, King, Eide, McAuliffe, Bailey, Hasegawa, Honeyford, Chase and Kohl-Welles

Requesting Congress pass legislation imposing a fee on United States bound cargo when it crosses the Canadian border.

Referred to Committee on Trade & Economic Development.

SJR 8209 by Senators Baumgartner and Kohl-Welles

Amending the Constitution to make higher education the state's second highest priority.

Referred to Committee on Higher Education.

MOTION

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

MOTION

On motion of Senator Fain, Senate Bill No. 5663 had been held at the desk on Thursday, February 7, 2013, was referred to the Committee on Natural Resources & Parks.

MOTION

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

MOTION

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION
8613

By Senators Hobbs, Kline, Schlicher, Shin, Harper, Rolfes, Fraser, Murray, Frockt, Ranker, Hasegawa, Dammeier, Hatfield, Holmquist Newbry, Honeyford, Billig, Conway, Padden, King, Baumgartner, Becker, Tom, Nelson, Chase, Cleveland, Darneille, Mullet, Fain, Bailey, Rivers, Litzow, Carrell, Ericksen, Sheldon, and Schoesler

WHEREAS, Nearly eighty-six hundred men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in nearly every legislative district throughout Washington, volunteer their time and put personal lives aside when the needs of the people of Washington state arise; and

WHEREAS, The Guard always answers the state's call in response to all emergency efforts and to protect lives and property; and

WHEREAS, The Washington Army and Air National Guard continue to provide critical mission support to Operation Enduring Freedom around the world to include Afghanistan, Kuwait, the Philippines, and the Horn of Africa, as well as supporting Federal mission requirements throughout the continental United States; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Guard continues to promote positive lifestyles and activities for Washington's youth through involvement in and support of highly effective drug prevention programs with school-aged children and community-based organizations and the continued success and ongoing work of the invaluable Washington Youth Academy; and

WHEREAS, The Guard continues to actively participate in the state's counterdrug efforts by providing soldiers, airmen, and

specialized equipment to over thirty-four local, state, and federal law enforcement agencies and community-based and other organizations; and

WHEREAS, The Guard adds value to communities by opening its Readiness Centers for public and other community and youth activities use. The Guard continues to build upon these Readiness Centers and Armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Senators Hobbs, King, Shin and Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8613.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Colonel Robin Blanchard, President of the National Guard Association of Washington Board of Directors and members of the Washington Army and Air National Guard who were present in the gallery and recognized by the senate.

MOTION

At 10:22 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:03 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5102, by Senators Pearson, Darneille, Padden, Kohl-Welles and Conway

Concerning veterinarian immunity from liability when reporting suspected animal cruelty.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Senate Bill No. 5102 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5102.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5102 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fraser: "I would just like to say welcome to Senator Pearson to the Washington State Senate."

PERSONAL PRIVILEGE

Senator Pearson: "Thank you Mr. President and thank you all. I would like to acknowledge what's on your table. This was put together by, if you look at the items, they're items throughout the state of Washington. Carolyn Eslick from my district in Sultan has a company called Grow Washington and these are products and actually, when I, went to her some of the people that make these products were very excited that they're coming before all of you here and I hope that you know these are all locally grown products. I have no, I heard that there is soap and I'm not trying to insult anybody saying they smell or anything like that but all kinds of things in here. I hope you enjoy and if there are businesses in your district, please visit them because they are very excited. Thank you Mr. President."

REMARKS BY THE PRESIDENT

President Owen: "Senator Pearson, I don't see anything."

PERSONAL PRIVILEGE

Senator Hargrove: "Well, I'd like to welcome Senator Pearson to the Senate. It's nice to finally have somebody here that has a bigger neck than I have. I've gotten lots of comments from your caucus saying how they're glad you're here to protect them from me so that it even things out. I wanted to know, however, are there some of those dog bones in here that you were talking about? I'm looking forward to that. Anyway, welcome."

PERSONAL PRIVILEGE

Senator Ranker: "I want to welcome the good Senator from the Thirty-ninth whose taken over a past jurisdiction that is mine that is very near and dear to me, Natural Resources. I think your

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tenure in the last few weeks as chair of that very important jurisdiction has been fascinating from hearing bills about killing wolves, to stealing bills that should be in other jurisdictions, to just a wonderful, wonderful plethora of brand new remarkable ideas. I am very pleased to see you in that jurisdiction but most of all I'm pleased because the shininess coming off the top of your head makes the President a little less visible sometimes, so, thank you for that. I know that will cost me something Mr. President. In all seriousness Mr. Chair, welcome to the Senate. It's great to have you hear and I really appreciate your thoughtfulness with the issues and your willingness to hear all sides of points of views and I think that's going to carry you a long way. Thank you."

PERSONAL PRIVILEGE

Senator Baumgartner: "I would also like to welcome the good Senator to this august body. He's a true gentleman. I think he's going to be a superstar talent here and we're just very, very pleased that he is here. I'm also very happy for a couple of other reasons which, as the good Senator Hargrove having a bigger neck, I'm sure that his head is still smaller. Also when I first showed up in this body Senator Hargrove grabbed my arm and said something about my scrawny biceps and I'm just glad our team has somebody that can power lift Senator Hargrove should we need to. Welcome."

PERSONAL PRIVILEGE

Senator Shin: "I've known Senator Kirk for many, many years. Tuesday morning devotionals. I've learned to love him and respect him and all the things too but you know what? His wife is much, much prettier than he is. You're a very lucky man."

PERSONAL PRIVILEGE

Senator Roach: "Thank you. Well, I wanted to tell the good Senator from actually Aberdeen, Hoquiam area. Where did he go? There two reasons that a man may have a big neck. Senator Pearson is a weight lifter. So he can bench press over three hundred pounds, we just talked about it today and for those of you that have big necks for other reasons we all have to work about that. We should join him in the gym. But when you go by his office at the end of the day he's got a pair of shorts on, he's going out to work out and I appreciate the good example that you are. It didn't help that my daughter-in-law does this. I didn't follow the example, but you're going out every day may help. Thanks so much and great to have you here."

PERSONAL PRIVILEGE

Senator Kline: "You know the members may not know this but Senator Pearson and I share constituents. It's not because of re-districting but in the correctional institution in Monroe we have a number of constituents who are common, you might say. Unfortunately, due to antiquated laws of our own, they can't vote. But with that I know that given his committee assignments and mine we are going to continue to work for those mutual constituents and do a very good job across the aisle. Thank you."

PERSONAL PRIVILEGE

Senator Hobbs: "I'd like to thank and welcome Senator Pearson coming to this body. I know that Senator Hargrove is pleased too because now, finally, he can start his troll caucus so he's really happy about that. I do question his fiscal conservatism.

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I was talking to the Senate Cafeteria and they told me since he's been here they've had to increase their food orders by twenty percent so they may have to charge us more. Thank you for coming here."

SECOND READING

SENATE BILL NO. 5077, by Senators Kohl-Welles, Holmquist Newbry and Keiser

Making technical corrections to certain gender-based terms.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5077 was substituted for Senate Bill No. 5077 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

POINT OF INQUIRY

Senator Padden: "Would the lady from the Thirty-sixth district yield to a question? Senator, I just wondered, did you read all four hundred seventy four pages of this bill?"

Senator Kohl-Welles: "I did not have to read all four hundred seventy some pages of this bill because I have great faith in the Code Reviser's Office but what I did read was the two and a half page list of the actual terms that are being amended, being changed. For example; dairy man is changed to dairy farmer."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5077 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5113, by Senators Bailey, Padden, Carrell, Roach, Benton and Hobbs

Concerning the enforcement of speed limits on roads within condominium associations.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5113.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5113 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schoesler: "Would the kind lady from the Tenth district yield to a question or two? Senator Bailey, been very busy lately with affairs of the majority caucus and I haven't had time to study legislation as closely as I should have. Having worked with you on the other side of the rotunda, I came up with several questions I should have asked before I voted on this bill. First, does it have an emergency clause? Second, is there anything to do with gain sharing? Third, was there anything in this bill related to retire-rehire policies?"

PERSONAL PRIVILEGE

Senator Conway: "I want to welcome Senator Bailey. Senator Bailey and I worked for years on the pension policy together and Senator Schoesler brought that up. We called her 'EC Bailey' for Emergency Clause Bailey, alright. You know it's great to have her with us to continue our work. She's been a great partner on pension policy issues on the select committee and also, incidentally, a great participant on the Select Committee on Veterans and Military Affairs. Welcome. Thank you."

PERSONAL PRIVILEGE

Senator Chase: "Well, I would like to extend my welcome also to Senator Bailey and second some of the comments that Senator Schoesler made. You know, I used to sit across the floor from Senator Bailey and she was up on every single bill that ever went through there asking those very same questions and I, Mr. President, had intended to ask her some questions about this homeowner bill and I, against my better judgment, decided to join in with you passing this bill and welcome you. I look forward in working with you again."

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, I have to tell you I think each and every person out here has a different style of communication and a different speed. When I met Barbara, Senator Bailey, I heard this woman that talks slow and here I am la la la and Barbara, Senator Bailey, is just this slow talking, southern lady. It is so much fun to sit and listen to you, number one, but listen to the thinking that goes behind that slow speech. I totally appreciate you. I have totally enjoyed you and I welcome you."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Well, there's been a lot going on in the senate over the last four weeks and I have changed committees from chairing the Senate Labor and Commerce Committee and now I'm ranking member on the Higher Education Committee and regardless of all the issues that have come up, where there's been some disagreement in our Senate I'd like to say it's been a real pleasure working with Senator Bailey. She is now Chair of the Higher Education Committee and I'm the Ranking Minority Member and I don't believe there could be anybody better with whom to work. She's been so gracious and has been working in a bipartisan way, collaboratively, and I think it's just wonderful she's in the position."

PERSONAL PRIVILEGE

Senator King: "Well, I would like to welcome the good Senator Bailey to this floor and I would like to say to you that if we could find more bills that we could get Senator Bailey and Senator Kohl-Welles to talk on, we would only pass half the bills out of here that we normally would."

PERSONAL PRIVILEGE

Senator Parlette: "Well, I know there is a good Senator, on the opposite side of the aisle, that does like everything to be gender-neutral, but I have to tell you it's wonderful to have another women in our caucus."

PERSONAL PRIVILEGE

Senator Ericksen: "Well, thank you Mr. President. I would like to welcome the good Senator here to join us in this body. Served many years with her in the house and a wonderful person and every chamber needs a little bit of southern charm and southern spirit in their midst. If you haven't had a chance yet, you need to call up Senator Bailey's cell phone and listen all the way to the end of the message. You get there and you hear that that's been there the entire time I've have known you, in that great voice, saying 'Go out there and make it a great day.' It's a great message so I really hope you'll listen all the way through it the next time you call Senator Bailey and hear her message. The other thing that I want to stress, I know that this chamber is all about gender equity and neutrality, I'd like to say the way that we treated the gentleman from the Thirty-ninth, compared to the way the good gentle lady from the tenth shows a very big difference in how we treat our members here on the floor so I'm not sure how Kirk should feel about that with the treatment of him today."

PERSONAL PRIVILEGE

Senator Darneille: "Both the previous new freshman in our body, came into the house the same year I did so I've known

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Senator Bailey for twelve years and I just want to warn everyone here as you're doing your bill drafts there's just one small little thing Senator Bailey requests of you and that is to resist the temptation to place an emergency clause on any bill. I'm very happy that we're here together and we worked well. We worked dates many times for the across-the-aisle dinners in the house and since she's half my size I could peer over her at every chance but I'm, very much am happy that you're here with me. Thank you."

PERSONAL PRIVILEGE

Senator Bailey: "Well, first of all let me say thank you to the comments that were made. I do speak a little slower at times but if you get me riled up you'll find out that I can also speak very fast and some of you have actually have heard that before. I want to talk though, today about the gift that I am giving each of you from the Tenth district and, if you will indulge me Mr. President, I want to take this body on a bit of a journey. In the tenth district. If you notice it on your gift there is a small ferry boat, Mr. Chairman of the transportation system, which is very important to our district. So when you first arrive on south Whidbey Island, you've just gotten off the ferry, you make your way up the Island, you're going to come past other places like Langley and Coupeville and on then to Oak Harbor where you'll also find a little goodie in this bag from Oak Harbor from a place called Seabolts Restaurant. Seabolts is one of the larger groups, restaurant and actually producer of smoked salmon. They, without giving too much commercial, they also ship all over the country and outside of the country. Very well known. I would invite you to enjoy that piece of salmon that's in this. You would also note in your card the ferry boat actually I bought from Oak Harbor and with the help of one our merchants there in Oak Harbor. Then you travel on across Deception Pass bridge which is, Mr. President there's a picture of Deception Pass bridge on your little note that you will find tucked in your goodie bag, and take a view there and then work your way on Highway 20 over to Skagit Valley where Deception Pass Bridge, the picture there in your mind is only surpassed by the picture you'll see in Skagit Valley where the tulips grow. It's a wonderful, wonderful beautiful place. As you come down then Highway I-5 towards, back toward your destination, wherever that might be, you'll also come upon a little sign that says Stanwood, Camano Island. I would invite you to go to Camano Island and you will find in your goodie bad a little bag of coffee from Camano Island Roasters, who have been very good to us here at the legislature in some of our international trade trips that we've made by supplying some items for us to take with us. It's a wonderful district, full of lots of things to see and I am absolutely thrilled and very humbled and privileged to be able to represent them here in the State Senate. If that's not enough, when you leave my district right at the edge of the district there's a little place called Angle of the Wind's Casino so you can stop there, some of you, fill your cup that they gave you and if it's raining outside you can still use the umbrella to get back to your car and on your way home. Please come see my district. I thank you so much. This is really such a privilege to be able to serve in this body. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Carrell: "Well, looking at the gifts we've received and the comments by Senator Tom the other day about Senator Dammeier, 'Where's the car?' We're progressively getting better and better gifts. So I'm really looking forward to the next couple senators that will be introducing themselves on the floor of the Senate."

PERSONAL PRIVILEGE

Senator Benton: "Just a reminder, Mr. President, we are still waiting for one Senator's gift and I have to point out to him the stakes are rising. He better hurry up or he might find himself in great debt to try to keep up. So, the early bird catches the worm, Senator Hasegawa."

SECOND READING

SENATE BILL NO. 5110, by Senators Tom, Murray, Hill and McAuliffe

Regarding local government purchasing. Revised for 1st Substitute: Concerning local government purchasing of supplies, materials, or equipment.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 5110 was substituted for Senate Bill No. 5110 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Tom moved that the following amendment by Senator Tom and others be adopted:

On page 2, beginning on line 17, strike all of subsection (3)(a) and insert the following:

"(a) "Tax revenue" means sales taxes that units of local government impose upon the sale of supplies, materials, or equipment from the supplier to units of local government, and business and occupation taxes that units of local government impose upon the supplier that are measured by the gross receipts of the supplier from the sale."

Senators Tom and Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tom and others on page 2, line 17 to Substitute Senate Bill No. 5110.

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

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute Senate Bill No. 5110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

MOTION

On motion of Senator Hatfield, Senator Hobbs was excused.

PERSONAL PRIVILEGE

Senator Hasegawa: "Since everybody seems to be keeping track of the number of times I'm standing here, I thought I would roll my congratulations into Senators Pearson, Bailey and Mullet into this minority response on 5110 so it doesn't run up my tally count. Thank you for the point of personal privilege Mr. President. This is really a great little bill, it's going to do a lot to help our small businesses in our communities or medium size or

whose ever contracting to the...Was I out of order? He doesn't, gavel yet me so...

REMARKS BY THE PRESIDENT

President Owen: "I'm not sure that's allowed. Go ahead."

Senator Hasegawa: "Thank you for the latitude Mr. President. No this really is a good bill that's going to help local government stimulate the economies within their jurisdictions and I'm surprised we haven't been doing this all along. So, we concur with this. Thanks."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5110.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5110 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Hobbs

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5104, by Senators Mullet, Frockt, Hatfield, Litzow, Ericksen, Fain and Kohl-Welles

Placing epinephrine autoinjectors in schools.

The measure was read the second time.

MOTION

Senator Mullet moved that the following amendment by Senator Mullet be adopted:

On page 3, line 17, after "(c)" insert "School employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to the use of epinephrine autoinjectors as a specific part of their job description, may file with the school district a written letter of refusal to use epinephrine autoinjectors. This written letter of refusal may not serve as grounds for discharge, nonrenewal of an employment contract, or other action adversely affecting the employee's contract status.

(d)"

The President declared the question before the Senate to be the adoption of the amendment by Senator Mullet on page 3, line 17 to Senate Bill No. 5104.

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

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Senate Bill No. 5104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

REMARKS BY THE PRESIDENT

President Owen: "Senator Mullet, the President would respectfully point out Rule 29 to you that says, 'When any Senator is about to speak and debate or submit any matter to the Senate, the Senator shall rise, and standing in place, respectfully address the President.' I did notice that I was staring mostly at your back."

Senator Litzow spoke in favor of passage of the bill.

REMARKS BY SENATOR FAIN

Senator Fain: "Thank you Mr. President, I'd like to suspend whatever rule that is required so that Senator Hasegawa may not speak more than once for the remainder of the legislative session."

REMARKS BY THE PRESIDENT

President Owen: "I think that is the new Hasegawa rule."

Senators Hasegawa and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Hobbs

ENGROSSED SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Mullet: "So the Fifth district is, they're helping me out, I like it. So the fifth district, I'm from Issaquah it's famous for a lot of things, Snoqualmie Falls is one of the top five tourist attractions in the state and when we have paragliding off of Tiger Mountain and we also have the best pizza restaurant in the State of Washington along with the best ice cream store in the State of Washington. Many people travel from across the state to visit these locations. So as the gift for this body, pizza doesn't travel very well, ice cream does. I did some research. Ben & Jerry's Ice Cream has some flavors based on famous celebrities so I wanted to find a flavor that would reflect my Republican colleagues in

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the Senate Chamber so I did some research and I found a show that's called the Colbert Report, I guess, and its hosted by Steven Colbert who seems to have ideology that match a lot of the Republican Party and he has his ice cream flavor, 'AmeriCone Dream' and so at the conclusion of this I will be scooping 'AmeriCone Dream' for everyone in the Republican Caucus. For my Democratic counterparts, the flavor I found is actually a flavor that kind of connects with I-502, that recently passed and it was Jimmy Fallon's flavor 'Late Night Snack' which is officially the cone that he invented while he was high in college. The 'AmeriCone Dream' is vanilla-based, fudged covered waffle cones. 'Late Night Snack' is also vanilla-based, chocolate covered potato chips. Some of you may be wondering why you're not able to eat ice cream as your listening to me right now. Our office did contact the President and we were informed that this body is rich in history and tradition and the rules are not to be broken. Food is not allowed on the floor and as we did our staff research he is correct that this is very unusual. We had to go all the way back to the time, there was a legendary Senator from the Twenty-fifth, I think he's name was Dammeier, who was allowed to break those rules and that was, it was February 6, 2013. Very long ago. So I did respect that this doesn't get broken but at the conclusion of this, outside the senate floor, I will be happy to scoop your ice cream."

REMARKS BY THE PRESIDENT

President Owen: "Senator Mullet, the reason the President had denied your request to have ice cream on the floor was the members have a habit of leaving their gifts on their desks and I was afraid how that might turn out."

PERSONAL PRIVILEGE

Senator Sheldon: "Well thank you Mr. President. I had to rise quickly after I heard our new senator's speech. I certainly want to welcome him to the senate but I can tell you right now he has broken many rules right away. Now, first of all, he's unabashedly plugging his own business on the floor which is just isn't done. And for an individual who has the Olympic Mountain Ice Cream Company in their district is most famous in Washington state. I really think he should have checked with some other members before he made that personal plug. Of course, when you are elected to the senate and that's a great thing for you and come into this body, and of course, you make your first speech and there's two things that you first learn. Now, first of all, you have not got the secret hand shake yet I can tell you that. You probably will not after that opening speech. And the second thing that we do is, of course, the background check. You know that's always done and I've gotten some results back here. Of course, you have quite a business background and some other things but I do have an email here from the King County Health Department. They've some inspections in your district and they said that you might want to give them a call very, very quickly. Welcome to the State Senate."

PERSONAL PRIVILEGE

Senator Hewitt: "Well, we've heard about the new senator breaking the rules. I actually have one that goes a little bit further than that. As you all know my wife runs the fairgrounds in Walla Walla and she has fifty amp plugs everywhere out there. She does not get her electricity free. She has to actually buy that from the power companies. A couple of years ago there was a red Tesla parked in one of the spots, one of these fifty amp spots, taking the

electricity out of the fairgrounds without permission and it disturbed me, actually, because I thought that was like stealing gasoline. Most of us get to steal gasoline, others get to steal electricity. So I wrote the number, the license of this red Tesla down and I think I've run down who this Tesla belongs too. And I'm just wondering if the good Senator from the Fifth and the color of your face be the reaction here Senator. Do you live at 3129 NE Harining Street, Issaquah, Washington? My wife actually has something for you. It's called a receipt and now that we know who it belongs too we'll make sure it gets delivered to the right place. Welcome Senator."

POINT OF INQUIRY

Senator Dammeier: "Would the gentleman from the Fifth district yield to a question? Senator Mullet, I just want to make sure, did you check for food allergies of the members before you decided to provide us ice cream?"

Senator Mullet: "And I have no epi-pens, obviously. It's not allowed yet. That's why I announced the contents."

PERSONAL PRIVILEGE

Senator Frockt: "Well, I too want to welcome our friend, my friend Mark Mullet to the senate. I have couple points of advice, first of all Mark, when you offer an amendment, you have to speak to the amendment. We just adjourned sine die. I don't know if you guys noticed that. Second thing I want to say, Mark is known as, well-known as a good moderate. Just to show you how moderate he was, I have child with a peanut allergy and I was very excited about this bill. When he came to me my first reaction was, 'Well why don't we just ban peanuts?' Mark said, 'No, no, no, that goes too far David.' So, we've done a good piece of public policy here. We are very excited to have Mark. He's a great guy. All of you are going to have a great time working with him and I just want to say welcome to the senate and look forward to it."

PERSONAL PRIVILEGE

Senator Tom: "Well, I just want to welcome the good member to the true, east-side coalition. Now I do have to admit, on his last bill, I had several members from the other east side coalition come up to me, maybe this is just because he's a Telsa kind of guy, wondering what a yuppie-pen was."

MOTION

At 12:09 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, February 11, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY NINTH DAY

 NOON SESSION

Senate Chamber, Olympia, Monday, February 11, 2013

The Senate was called to order at 12:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hewitt and Ranker.

The Sergeant at Arms Color Guard consisting of Pages Sydney Briggs and Will White, presented the Colors. Senator Shin offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 8, 2013

SB 5053 Prime Sponsor, Senator Harper: Modifying vehicle prowling provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Kohl-Welles; Pearson and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille Kline, Ranking Member.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5054 Prime Sponsor, Senator Honeyford: Establishing a process for the acquisition of habitat and recreation lands by the state. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove and Hewitt.

MINORITY recommendation: Do not pass. Signed by Senators Kline Rolfes, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Ways & Means.

February 7, 2013

SB 5057 Prime Sponsor, Senator Ericksen: Regarding outdoor recreation on lands purchased by a private, not-for-profit organization acquired in whole or part with public funds. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5057 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hewitt and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Kline Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 8, 2013

SB 5059 Prime Sponsor, Senator Carrell: Concerning the crime of rendering criminal assistance. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Kohl-Welles; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senator Kline, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille.

Passed to Committee on Rules for second reading.

February 8, 2013

SB 5100 Prime Sponsor, Senator Hargrove: Addressing the statute of limitations for sexual abuse against a child. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5100 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5101 Prime Sponsor, Senator Mullet: Concerning a sales and use tax exemption for certain financial information provided to qualifying businesses providing international investment management services. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Ways & Means.

February 8, 2013

SB 5149 Prime Sponsor, Senator Carrell: Concerning crimes against pharmacies. Reported by Committee on Law & Justice

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MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 8, 2013

SB 5183 Prime Sponsor, Senator Padden: Concerning financing statements to perfect security interests. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5239 Prime Sponsor, Senator Eide: Addressing project selection by the freight mobility strategic investment board. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5239 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Mullet; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 8, 2013

SB 5243 Prime Sponsor, Senator Litzow: Establishing policies to support academic acceleration for high school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5243 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; Mullet and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator McAuliffe, Ranking Member.

Passed to Committee on Ways & Means.

February 8, 2013

SB 5256 Prime Sponsor, Senator Padden: Concerning the confidentiality of certain autopsy and postmortem reports and records. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

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SB 5269 Prime Sponsor, Senator Benton: Addressing title insurance rate filings. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5312 Prime Sponsor, Senator Hobbs: Authorizing small consumer installment loans. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5312 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Benton, Ranking Member; Fain; Hatfield and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Mullet, Vice Chair and Nelson.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5335 Prime Sponsor, Senator Dammeier: Modifying the boundaries of certain heavy haul corridors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Mullet; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5439 Prime Sponsor, Senator Benton: Concerning the administrative costs for the allocation, management, and oversight of housing trust fund investments. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5439 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Roach.

Passed to Committee on Rules for second reading.

February 7, 2013

SB 5523 Prime Sponsor, Senator Benton: Concerning the property taxation of mobile homes and park model trailers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5523 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 8, 2013

SB 5551 Prime Sponsor, Senator Conway: Concerning competency to stand trial evaluations. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Human Services & Corrections.

February 7, 2013

SB 5559 Prime Sponsor, Senator Bailey: Authorizing educational specialist degrees at Central Washington University and Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5559 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 8, 2013

SB 5624 Prime Sponsor, Senator McAuliffe: Aligning high-demand secondary STEM or career and technical education programs with applied baccalaureate programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet and Rivers.

Passed to Committee on Higher Education.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5149 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5698 by Senators Eide, Conway, Roach, Hasegawa, Keiser, McAuliffe and Brown

AN ACT Relating to providing access to health insurance for certain law enforcement officers' and firefighters' plan 2 members catastrophically disabled in the line of duty; and amending RCW 41.26.470.

Referred to Committee on Ways & Means.

SB 5699 by Senators Billig, Ericksen and Kline

AN ACT Relating to electronic product recycling; and amending RCW 70.95N.020 and 70.95N.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5700 by Senators Conway, Keiser, Parlette and Pearson

AN ACT Relating to regulating pharmacy benefit manager audit procedures; reenacting and amending RCW 18.64.011; adding a new section to chapter 18.64 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5701 by Senators Brown, Fain, Rivers, Dammeier and Cleveland

AN ACT Relating to authorizing the suspension or revocation of certificates or permits to teach based on the fraudulent submission of tests for educators; and amending RCW 28A.410.090.

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

SB 5702 by Senators Honeyford, Pearson and Ranker

AN ACT Relating to aquatic invasive species; amending RCW 77.15.160; reenacting and amending RCW 77.12.879; repealing RCW 77.60.130; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 5703 by Senators Hobbs, Honeyford, Ericksen, Kohl-Welles, Fraser, Brown, Mullet and Kline

AN ACT Relating to the distribution of state liquor revenues to cities and counties; amending RCW 82.08.160, 82.08.170, 66.08.190, and 66.08.210; and creating new sections.

Referred to Committee on Ways & Means.

SB 5704 by Senators Hatfield, King and Brown

AN ACT Relating to tax collection by the county treasurer; and amending RCW 84.56.020 and 84.56.070.

Referred to Committee on Governmental Operations.

SB 5705 by Senators Brown, King and Hatfield

AN ACT Relating to amounts received by taxing districts from property tax refunds and abatements; and amending RCW 84.69.180.

Referred to Committee on Governmental Operations.

SB 5706 by Senators McAuliffe, Litzow, Fraser, Shin, Kohl-Welles, Conway, Keiser, Chase, Rivers, Bailey, Braun, Holmquist Newbry, Rolfes, King, Nelson, Billig, Cleveland, Brown, Fain, Becker and Hewitt

AN ACT Relating to holding state agencies accountable for providing opportunities for certain students to participate in transition services; and adding a new section to chapter 28A.155 RCW.

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

SB 5707 by Senators Ranker, Litzow, Frockt, Mullet, Harper, McAuliffe, Shin, Kline, Rolfes and Keiser

AN ACT Relating to net metering of electricity; and amending RCW 80.60.010, 80.60.020, and 80.60.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5708 by Senators Kline, Hargrove, Darneille, Nelson, Kohl-Welles and Keiser

AN ACT Relating to persistent offenders; amending RCW 9.94A.501, 9.94A.570, and 9.95.435; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9.95 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5709 by Senators Smith, Ericksen, Sheldon, Holmquist Newbry, Dammeier, Brown and Roach

AN ACT Relating to a pilot program to demonstrate the feasibility of using densified biomass to heat public schools; and creating new sections.

Referred to Committee on Ways & Means.

SB 5710 by Senators Kohl-Welles, Tom, Murray, Harper, Litzow, Nelson, Chase, Fraser, Ranker, Billig, Kline, Darneille, Frockt, Hill, Eide, Cleveland, Mullet, Schlicher, Hasegawa, Shin, Rolfes, Keiser, McAuliffe and Conway

AN ACT Relating to reckless endangerment resulting from unsafe storage of firearms; amending RCW 9A.36.050; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5711 by Senators Kline, Tom, Kohl-Welles, Litzow, Darneille, Keiser, Harper, Frockt, Nelson, Conway, Mullet, Hill, Cleveland, Rolfes, Shin, Hasegawa, Ranker, Eide, Chase, Billig, Fraser, Murray and McAuliffe

AN ACT Relating to requiring universal background checks for firearms transfers; amending RCW 9.41.080; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5712 by Senators Kohl-Welles, Bailey, McAuliffe, Frockt, Murray, Baumgartner and Keiser

AN ACT Relating to precollege placement measures; and amending RCW 28B.50.090.

Referred to Committee on Higher Education.

SB 5713 by Senators Kohl-Welles, Bailey, Ranker, Hasegawa, Frockt and Murray

AN ACT Relating to self-supporting, fee-based programs at four-year institutions of higher education; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 5714 by Senators Kohl-Welles, Murray, Fraser, Keiser, Frockt, Harper, Ranker, Kline, Billig, Chase, McAuliffe, Eide, Darneille, Cleveland, Mullet and Schlicher

AN ACT Relating to establishing a task force on improving public health and safety regarding firearms; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5715 by Senators Hill, Carrell and Hargrove

AN ACT Relating to addressing the evasion of taxes by the use of certain electronic means; amending RCW 82.32.215 and 82.32.290; adding new sections to chapter 82.32 RCW; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 5716 by Senators Baumgartner, Honeyford, Benton, Ericksen, Delvin, Padden, Holmquist Newbry, Braun, Smith, Brown, Bailey and Roach

AN ACT Relating to capital budget appropriation transparency; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

SB 5717 by Senators Baumgartner, Tom, Smith, Bailey, Braun, Schoesler, Holmquist Newbry and Brown

AN ACT Relating to competitive contracting; and amending RCW 41.06.142, 43.41A.075, and 43.19.008.

Referred to Committee on Governmental Operations.

MOTION

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

MOTION

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

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8603

By Senators Shin, Chase, Hobbs, McAuliffe, Pearson, and Harper

WHEREAS, Homelessness is a painful reality for over twenty-three thousand people in Washington state; and

WHEREAS, The causes for homelessness range from poverty, mental illness, domestic violence, aging out of the foster care system, and substance abuse; and

WHEREAS, On any given night there are an estimated two thousand three hundred individuals who are homeless in Snohomish county alone; and

WHEREAS, February 11th marks the date of housing and homelessness advocacy day for organizations in Snohomish county and across the state of Washington; and

WHEREAS, In 2009 the Snohomish county homeless policy task force organized the first Project Homeless Connect as part of the ongoing effort to help the homeless; and

WHEREAS, Project Homeless Connect is a one-day event that provides a central location for those in need to access goods and services; and

WHEREAS, In 2012, fifty-seven nonprofit, for-profit, and governmental organizations participated in Project Homeless Connect with the help of over five hundred staff and volunteers; and

WHEREAS, This event served over one thousand two hundred people in 2012 by providing goods and services including housing, dental, medical, vision, haircuts, pet care, clothing, backpacks, hot lunches, bus tickets, veterans, hearing, mental health, legal, employment, and education goods and services; and

WHEREAS, This event leveraged its six thousand dollar budget into more than two hundred twenty-five thousand dollars of staff and volunteer time and donated goods and services;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and commend the hard work and contributions made by the people and organizations that make Project Homeless Connect a continued success; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Housing Consortium of Everett and Snohomish County.

Senators Shin, McAuliffe, Schlicher and Pearson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8603.

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

REMARKS BY THE PRESIDENT

President Owen: "Senator Schlicher just for your information, since you did ask, Rule 29 as I stated earlier does suggest, not only suggest but tells you that you will address your remarks to the President. However, I will tell the members here that the very distinguished and highly-regarded and respected Senator, Senator Bob Morton of the Seventh district, who sat where you sit would stand up and he would address the President and ask my permission or he would say, 'Pardon me Mr. President,' or he would say, 'if I may.' The President recognizes that, although I do love to listen to your big speeches and have you address me, that your remarks are better spent given to the members of the senate and so any of those approaches would be respected and honored by the President-which you didn't do."

PERSONAL PRIVILEGE

Senator Darneille: "Thank you. You know, this is the first floor speech of our most junior member as recognized and I have just a couple of concerns. He's a fellow Pierce County senator and so I have to give him all due respect for joining our delegation. But I do have one complaint and it has to do, Mr. President, with the fact that I think all of us now suffer from great inferiority complexes. The good Senator is both a doctor and a lawyer and he has 2.5 children which is exactly the national

average. I just can't imagine what could be more perfect than that but I want to quickly move on so that the forty-seven other people don't actually say that they are more perfect than that but I do have one other concern, it has to do with the name itself that we call this good senator. Schlicher, Senator Schlicher Senator Schlicher, Senator Schlichler, Senator Snickers I heard. You know when a word has the letters 'ich' and there pronounced 'ick' there's a great deal of confusion Mr. Speaker, Mr. President. Twelve years of bad training, but I have to say that my name is Darneille and it has an 'eille' at the end and it is quite confusing to people how to pronounce my name. So, now I am very happy that I have the second-most difficult name to pronounce in Washington State Senate this year and I just wanted to comment that Senators Tom and Chase and Brown and Shin, they just have no idea what life is like having a very difficult to pronounce name. So, I'm sure we're all delighted in having the good senator with us and he responds to virtually to any pronunciation to his name so I think we're all good. I am very happy that he's here."

PERSONAL PRIVILEGE

Senator Becker: "Thank you. Well, senator Delly, manelli, Namelli and Senator Schlicher, it's been quite interesting trying to say your name but I grew up with the name of Randi and you may be able to say the name but most of you may spell it wrong. So, it's those things, when we come to names, it's really interesting how we all think about that it may be easier, it may be hard but it's just something that I thought I would share. It's Randi with an 'i.'"

PERSONAL PRIVILEGE

Senator Schlicher: "Thank you Mr. President. If I may address the august body behind me. Thank you Mr. President. Well, that was meek and tame. I expected worse from you all. Such good material. I want to distribute to you my gifts from the district and a little kind a plethora. Well done Mr. President. [Music begins] I expected that at some point. Well, to the beat of the music here you know."

REMARKS BY THE PRESIDENT

President Owen: "It's the 'Doogie Houser' theme song, in case you didn't know."

PERSONAL PRIVILEGE

Senator Schlicher: "Thank you Mr. President. I may not be old enough to remember the show but I hear it's got re-runs. Maybe you can tell me sometime how it was."

REPLY BY THE PRESIDENT

President Owen: "Maybe not."

PERSONAL PRIVILEGE

Senator Schlicher: Maybe not. Well, anyways included in your gift bag is a little tour of the Twenty-sixth district. What the cup is, is from the city of Gig Harbor, a picturesque little town on the other side of that green bridge that has a toll attached to it. So, we want to invite you to Gig Harbor to see our picturesque town that has been called one of the most livable cities and to offset your tolls and encourage you to visit one of our local proprietors is one of our gift cards to Cutters Point, a local artist and coffee roaster and shop. We encourage you to come out to the district,

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there is one in Lacey as well so, should you choose not to come all the way to the good city of Gig Harbor. Additionally, there's some salt water taffy that represents the shore lines of our district from Key Peninsula to Port Orchard to Bremerton, this is from a local Port Orchard business and I hope you enjoy it. Additionally, you'll see the lone sailor pen which represents the military service of our district. As you know we have Kitsap Base Bangor in our city in Bremerton, Naval Base Kitsap. I remember it as PSN as always, growing up in Bremerton. The lone sailor pen is reflection of a copy of the statute that is in downtown Bremerton. It's marker, significance is representing the service and the lives of those that have committed to defend our freedom and our opportunity to gather in this place to make the laws of the land. So, from me to you, a little gift and I appreciate the gentle-natured ribbing. My rib back to all of you; I knew this place needed a doctor, I just didn't realize it was a psychiatrist that you all needed. And with that Mr. President, I rest."

REMARKS BY THE PRESIDENT

President Owen: "Senator Schlicher."

PERSONAL PRIVILEGE

Senator Schlicher: "I know that we got you one and I hope that the Pages will be soon bringing one up to the good President for his enjoyment. Having noticed the failure of prior presenters to appropriately do so, we made sure that we had you covered Mr. President."

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President, as the former youngest member of this body I congratulate you. I'm happy to be an old timer now so... That whole year and a half that separates us."

MOTION

At 12:28 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:05 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5445, by Senators Honeyford, Schoesler, Dammeier, Braun, Parlette, Litzow, Baumgartner, Carrell, Sheldon, Ericksen, Becker, King, Fain, Bailey and Tom

Funding capital projects. Revised for 1st Substitute: Funding public school capital projects.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5445 was substituted for Senate Bill No. 5445 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Rivers, Senator Hewitt was excused.

MOTION

On motion of Senator Billig, Senator Ranker was excused.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Nelson, Ericksen, Frockt and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5445.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Hewitt and Ranker

SUBSTITUTE SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5197, by Senators Dammeier, Rolfes, Litzow, Billig, Mullet, Becker, Hill, Hargrove, Braun, Honeyford, Roach and Hewitt

Requiring additional safety features in school construction and remodeling. Revised for 2nd Substitute: Taking measures to promote safe school buildings.

MOTIONS

On motion of Senator Dammeier, Second Substitute Senate Bill No. 5197 was substituted for Senate Bill No. 5197 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Second Substitute Senate Bill No. 5197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5197.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Hewitt and Ranker

SECOND SUBSTITUTE SENATE BILL NO. 5197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:27 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, February 12, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 12, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 11, 2013

SB 5069 Prime Sponsor, Senator Schoesler: Increasing the number of superior court judges in Benton and Franklin counties jointly. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5106 Prime Sponsor, Senator Delvin: Concerning the operation of county budgets. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5116 Prime Sponsor, Senator Benton: Exempting transfers of real property by operation of law or court order from the requirement to file a real estate excise tax affidavit. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5118 Prime Sponsor, Senator Carrell: Addressing access to original birth certificates after adoption finalization. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member and Harper.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove and Padden.

Passed to Committee on Ways & Means.

February 11, 2013

SB 5119 Prime Sponsor, Senator Carrell: Creating a sentence enhancement for body armor. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5119 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5133 Prime Sponsor, Senator Honeyford: Ensuring growth management hearings board members meet qualifications relating to land use experience. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5169 Prime Sponsor, Senator Roach: Implementing the recommendations of the sunshine committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5169 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5186 Prime Sponsor, Senator Roach: Concerning contractor's bond. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5218 Prime Sponsor, Senator Dammeier: Revising the lien for collection of sewer charges by counties. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway and Rivers.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5220 Prime Sponsor, Senator Conway: Addressing membership on city disability boards. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5272 Prime Sponsor, Senator Padden: Modifying provisions in the forms for traffic infraction notices. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5308 Prime Sponsor, Senator Kohl-Welles: Establishing the commercially sexually exploited children statewide coordinating committee. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5308 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5320 Prime Sponsor, Senator Becker: Requiring the county auditor to establish a minimum number of ballot drop boxes for counties and cities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun Hasegawa, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5323 Prime Sponsor, Senator Roach: Authorizing assessments for nuisance abatement in cities and towns. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5333 Prime Sponsor, Senator Keiser: Providing mental health first-aid training to teachers and educational staff. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5333 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 11, 2013

SB 5336 Prime Sponsor, Senator Roach: Concerning the standard of evidence for appeals of valuation of property for purposes of taxation. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Ways & Means.

February 11, 2013

SB 5349 Prime Sponsor, Senator Dammeier: Revising alternative public works contracting procedures. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 11, 2013

SB 5365 Prime Sponsor, Senator Rolfes: Increasing the capacity of school districts to recognize and respond to troubled youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5365 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 11, 2013

SB 5381 Prime Sponsor, Senator Benton: Concerning cellular telephone use by state employees. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5381 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Hasegawa, Ranking Member and Rivers.

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Passed to Committee on Rules for second reading.

SB 5718 by Senators Brown, Chase, Smith, Braun, Carrell, Schlicher and Frockt

February 11, 2013

SB 5446 Prime Sponsor, Senator Hobbs: Providing a process for the state auditor's office to apply for investigative subpoenas. Reported by Committee on Law & Justice

AN ACT Relating to monitoring the development of a one-stop portal for Washington businesses; adding a new section to chapter 43.41A RCW; creating new sections; and providing a contingent expiration date.

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Referred to Committee on Trade & Economic Development.

Passed to Committee on Rules for second reading.

SB 5719 by Senators Becker and Keiser

February 11, 2013

SB 5535 Prime Sponsor, Senator Rolfes: Concerning the recording of real property encumbrance transfers and assignments. Reported by Committee on Governmental Operations

AN ACT Relating to stand-alone dental coverage; and amending RCW 48.43.715.

Referred to Committee on Health Care.

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser and Rivers.

SB 5720 by Senators Rivers, Eide, Litzow, Fain, Brown, Dammeier, Hobbs, Roach, Hasegawa and Billig

AN ACT Relating to passenger-carrying vehicles for railroad employees; and amending RCW 81.61.010 and 81.61.020.

Referred to Committee on Commerce & Labor.

Passed to Committee on Financial Institutions, Housing & Insurance.

SB 5721 by Senators Fain, Rivers, Roach, Hasegawa, Dammeier, Hobbs and Billig

February 11, 2013

SB 5615 Prime Sponsor, Senator Frockt: Concerning the health professional loan repayment and scholarship program. Reported by Committee on Health Care

AN ACT Relating to hours of service for certain railroad employees; adding a new chapter to Title 49 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Cleveland; Keiser, Ranking Member and Schlicher.

SB 5722 by Senators Hasegawa, Rivers, Litzow, Sheldon, Hobbs and Billig

AN ACT Relating to the utilities and transportation commission's regulatory authority over railroads and the transfer and consolidation of all state railroad matters within the commission; adding new sections to chapter 81.48 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

Passed to Committee on Higher Education.

February 11, 2013

SB 5679 Prime Sponsor, Senator Brown: Improving the business climate and stimulating job creation by requiring certain agencies to establish a formal review process of existing rules. Reported by Committee on Governmental Operations

SB 5723 by Senators Hewitt, Conway, Brown and Kline

AN ACT Relating to enhanced raffles; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser and Rivers.

Passed to Committee on Trade & Economic Development.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5118 which was referred to the Committee on Rules and Senate Bill No. 5381 which was referred to the Committee on Ways & Means.

SB 5724 by Senators Honeyford, Fraser and Fain

AN ACT Relating to modifying school district bidding requirements for improvement and repair projects; and amending RCW 28A.335.190.

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

MOTION

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

SB 5725 by Senators Cleveland, Keiser, Frockt and Schlicher

INTRODUCTION AND FIRST READING

AN ACT Relating to social worker licensing; amending RCW 18.225.010, 18.225.090, 18.225.145, and 43.70.442; and adding new sections to chapter 18.225 RCW.

Referred to Committee on Human Services & Corrections.

SB 5726 by Senators Braun, Tom, Bailey, Schoesler, Padden and Benton

AN ACT Relating to geographic limitations on local paid sick leave and paid safe leave programs; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Commerce & Labor.

SB 5727 by Senators Braun and Hewitt

AN ACT Relating to prevailing wages in distressed counties; and amending RCW 39.12.020.

Referred to Committee on Commerce & Labor.

SB 5728 by Senators Braun, Padden, Tom, Schoesler, Bailey and Benton

AN ACT Relating to state preemption of local paid sick and paid safe leave regulation; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

SB 5729 by Senators Braun and Harper

AN ACT Relating to clarifying that real estate brokers licensed under chapter 18.85 RCW are independent contractors; and amending RCW 49.46.130.

Referred to Committee on Commerce & Labor.

SB 5730 by Senators Ranker, Kohl-Welles, Hasegawa, Frockt and Kline

AN ACT Relating to funding higher education child care grants; and amending RCW 67.70.190, 28B.135.010, and 28B.135.040.

Referred to Committee on Higher Education.

SB 5731 by Senators Keiser, Conway, Fain and Kline

AN ACT Relating to allowing beer and/or wine specialty shop licensees to sell craft distillery products; reenacting and amending RCW 66.24.371; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

SB 5732 by Senators Carrell, Darneille, Keiser and Pearson

AN ACT Relating to improving behavioral health services provided to adults in Washington state; amending RCW

71.24.025; adding a new section to chapter 43.20A RCW; adding a new section to chapter 70.97 RCW; adding a new section to chapter 71.05 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5733 by Senators King and Holmquist Newbry

AN ACT Relating to interest arbitration panels; and amending RCW 41.56.465.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5720 and Senate Bill No. 5721 which were referred to the Committee on Commerce & Labor.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, February 13, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 13, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Carrell.

MOTION

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

PERSONAL PRIVILEGE

Senator Padden: "Mr. President, my vote on Substitute Senate Bill No. 5381 in the Ways & Means Committee yesterday was a yes vote, 'do pass.' The majority of the committee cast a vote to advance the bill without recommendation. This bill deals with cell phone usage for state employees and I am a co-sponsor of the bill and wanted to go on record as casting a yes vote. Our rules and procedures make that difficult to do electronically, in fact almost impossible, so I'm doing this via point of personal privilege which will also be in the journal. Hopefully we will look at perhaps changing our rules or at least examining it in the future. Thank you very much Mr. President."

REPLY BY THE PRESIDENT

President Owen: "Message received."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 12, 2013

SB 5006 Prime Sponsor, Senator Rolfes: Concerning uncontested rate modifications for utilities and transportation commission regulated water companies. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5006 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford and Litzow.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5028 Prime Sponsor, Senator Hasegawa: Changing state need grant eligibility provisions. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5028 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair;

Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 12, 2013

SB 5171 Prime Sponsor, Senator Roach: Implementing the recommendations of the sunshine committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5200 Prime Sponsor, Senator Hatfield: Concerning consolidating a new exempt withdrawal of groundwater into an existing public water system. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5200 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5205 Prime Sponsor, Senator Becker: Removing the expiration for the additional surcharge imposed on registered nurses and licensed practical nurses. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5205 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Bailey.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5302 Prime Sponsor, Senator Benton: Addressing credit unions' corporate governance and investments. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Nelson.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5367 Prime Sponsor, Senator Honeyford: Concerning Yakima river basin water resource management. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5367 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Ways & Means.

February 12, 2013

SB 5368 Prime Sponsor, Senator Honeyford: Determining the proportion of supplemental income to be paid by component cities, towns, and counties. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5368 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase; Cleveland; Honeyford and Litzow.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5378 Prime Sponsor, Senator Benton: Creating a six-year time frame for substantial building code amendments. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5381 Prime Sponsor, Senator Benton: Concerning cellular telephone use by state employees. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Murray; Nelson, Assistant Ranking Member; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do pass. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5408 Prime Sponsor, Senator Ericksen: Modifying the definition of nonpower attributes in the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford and Litzow.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5494 Prime Sponsor, Senator Hobbs: Concerning carbon monoxide alarms. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5494 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain and Hatfield.

MINORITY recommendation: Do not pass. Signed by Senator Nelson.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5561 Prime Sponsor, Senator Hatfield: Concerning the business and occupation taxation of dairy products. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Ways & Means.

February 12, 2013

SB 5572 Prime Sponsor, Senator Rolfs: Regarding the sea cucumber dive fishery. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette Rolfs, Ranking Member.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5593 Prime Sponsor, Senator Smith: Concerning filing requirements for property tax exemption claims for certain improvements to benefit fish and wildlife habitat, water quality, or water quantity. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette Rolfs, Ranking Member.

Passed to Committee on Rules for second reading.

February 12, 2013

SB 5693 Prime Sponsor, Senator Baumgartner: Making ample provisions to support higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 12, 2013

SJR 8209 Prime Sponsor, Senator Baumgartner: Amending the Constitution to make higher education the state's

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second highest priority. Reported by Committee on Higher Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5734 by Senators Kohl-Welles, Parlette and Schlicher

AN ACT Relating to continuing the use of the legislature's sunset review process; amending RCW 43.131.900; creating a new section; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 5735 by Senators Hargrove, Carrell and Darneille

AN ACT Relating to registered sex or kidnapping offenders; amending RCW 4.24.550, 9A.44.128, 9A.44.130, 9A.44.132, 9A.44.140, 9A.44.142, 9A.44.143, 43.43.754, 9.94A.030, 28A.300.147, and 72.09.345; reenacting and amending RCW 9.94A.515; adding new sections to chapter 28A.320 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5736 by Senators Bailey, Kohl-Welles and Baumgartner

AN ACT Relating to higher education operating efficiencies; amending RCW 28B.85.020; adding a new section to chapter 28B.10 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5737 by Senators Murray, Kohl-Welles and Kline

AN ACT Relating to banning the sale of assault weapons; reenacting and amending RCW 9.41.010 and 9.94A.515; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5738 by Senators Murray, Kohl-Welles, Kline and McAuliffe

AN ACT Relating to providing a funding source to improve education; amending RCW 82.45.090, 82.45.150, 83.100.230, 66.24.290, and 82.04.29002; adding a new section to chapter 28A.300 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; making appropriations; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 5739 by Senators Murray, Kohl-Welles and Kline

AN ACT Relating to promoting public safety by expanding local authority to enact ordinances restricting firearms in parks and recreational facilities; and amending RCW 9.41.300.

Referred to Committee on Law & Justice.

SB 5740 by Senators Cleveland, Harper, Bailey, Chase, Ericksen, Sheldon and Rivers

AN ACT Relating to the exemption for property owned by nonprofit religious organizations; amending RCW 84.36.020 and 84.36.020; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5741 by Senators Fain, Nelson, Kohl-Welles, Brown and Kline

AN ACT Relating to allowing the use of lodging taxes for financing workforce housing and tourism promotion activities or facilities; and amending RCW 67.28.150, 67.28.160, and 67.28.180.

Referred to Committee on Trade & Economic Development.

SB 5742 by Senators Hasegawa, Conway, Kohl-Welles, Nelson, Kline, Chase, Keiser, Harper and Darneille

AN ACT Relating to drayage truck operators at certain ports; amending RCW 53.08.005; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Commerce & Labor.

SB 5743 by Senators Hobbs, King and Eide

AN ACT Relating to the use of revenue from automated school bus safety camera infractions; and amending RCW 46.63.180.

Referred to Committee on Transportation.

SB 5744 by Senators Hargrove, Hatfield and Conway

AN ACT Relating to creating an industrial insurance high risk premium subsidy program; and adding a new section to chapter 51.16 RCW.

Referred to Committee on Commerce & Labor.

SB 5745 by Senators Rivers, Honeyford and Benton

AN ACT Relating to the authority and duties of county treasurers; amending RCW 36.29.010; and adding a new section to chapter 36.29 RCW.

Referred to Committee on Governmental Operations.

SB 5746 by Senator Roach

AN ACT Relating to dissolution of public hospital districts; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Governmental Operations.

SB 5747 by Senator Roach

AN ACT Relating to election of public hospital district boards of commissioners; amending RCW 70.44.040 and 70.44.054; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Governmental Operations.

SB 5748 by Senator Roach

AN ACT Relating to extending contribution limits to candidates for public hospital district boards of commissioners; and amending RCW 42.17A.405.

Referred to Committee on Governmental Operations.

SB 5749 by Senators Schoesler and Tom

AN ACT Relating to repealing the unfunded state remittance for persons eligible for the federal earned income tax credit; and repealing RCW 82.08.0206 and 82.08.02061.

Referred to Committee on Ways & Means.

SB 5750 by Senator Schoesler

AN ACT Relating to expiring an underutilized deferral program in the department of revenue under chapter 84.37 RCW; and amending RCW 84.37.030.

Referred to Committee on Ways & Means.

SB 5751 by Senators Schoesler, Rivers, Smith, Braun, Baumgartner, Hasegawa, Parlette, Hewitt, Brown and Holmquist Newbry

AN ACT Relating to requiring an inventory of state fees; amending RCW 44.48.150; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

SB 5752 by Senators Holmquist Newbry, Chase, Parlette, Hobbs and Kline

AN ACT Relating to extending the expiration date of the existing business and occupation tax rate for the manufacture and wholesale of certain solar energy systems; amending RCW 82.04.294; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5753 by Senators Hobbs, Tom, Hewitt, King and McAuliffe

AN ACT Relating to flexibility in the education system; amending RCW 28A.150.520, 28A.210.080, 28A.300.118, 28A.300.150, 28A.300.160, 28A.300.270, 28A.300.405, 28A.300.410, 28A.300.520, 28A.320.080, 28A.320.160, 28A.345.020, 28A.345.050, 28A.640.020, 28A.655.061, and 39.35D.040; repealing RCW 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, 28A.230.150, 28A.300.280, and 28A.320.185; providing an expiration date; and declaring an emergency.

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

SB 5754 by Senators Litzow, McAuliffe, Kohl-Welles, Conway and Kline

AN ACT Relating to integrated career learning opportunities and employment training for at-risk youth; adding a new section to chapter 28C.18 RCW; and adding a new section to chapter 28A.700 RCW.

Referred to Committee on Ways & Means.

SB 5755 by Senators Litzow, McAuliffe, Kohl-Welles, Conway and Kline

AN ACT Relating to establishing a comprehensive initiative to increase learning opportunities and improve educational outcomes in science, technology, engineering, and mathematics through multiple strategies and statewide partnerships; amending RCW 28B.77.020 and 28A.290.010; adding a new chapter to Title 28A RCW; and recodifying RCW 28A.300.515, 28A.630.065, 28A.630.066, 28A.700.120, 28A.625.200, 28A.625.210, 28A.625.220, 28A.625.230, and 28A.625.240.

Referred to Committee on Ways & Means.

SB 5756 by Senators Hasegawa, Conway, Kline, Nelson, Keiser and Kohl-Welles

AN ACT Relating to community reinvestment of oil windfall profits; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5757 by Senators Smith, Schlicher, Braun, Chase and Shin

AN ACT Relating to standards and policies governing information technology; and amending RCW 43.41A.025.

Referred to Committee on Ways & Means.

SB 5758 by Senators Holmquist Newbry, Braun and King

AN ACT Relating to making coverage of certain maritime service elective for purposes of unemployment compensation; amending RCW 50.24.160 and 50.04.170; and creating a new section.

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Referred to Committee on Commerce & Labor.

SB 5759 by Senators Braun, Chase, Shin, Smith, Schlicher, Holmquist Newbry and Brown

AN ACT Relating to data collection and operational cost funding for the Washington state economic development commission; amending RCW 43.330.250; and adding a new section to chapter 43.162 RCW.

Referred to Committee on Ways & Means.

SB 5760 by Senator Parlette

AN ACT Relating to providing compensation for commercial crop damage caused by bighorn sheep; and amending RCW 77.36.070, 77.36.080, and 77.36.100.

Referred to Committee on Natural Resources & Parks.

SB 5761 by Senators King and Hobbs

AN ACT Relating to outdoor advertising sign fees, labels, and prohibitions; amending RCW 47.42.120 and 47.42.130; and repealing RCW 47.42.048.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5741 which was referred to the Committee on Trade & Economic Development; and Senate Bill No. 5760 which was referred to the Committee on Natural Resources & Parks.

MOTION

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

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION
8616

By Senators Fraser, Parlette, Kohl-Welles, Keiser, Bailey, Rivers, Becker, Frockt, Hargrove, Hill, Fain, Sheldon, Hewitt, Hobbs, Hasegawa, Honeyford, Harper, Holmquist Newbry, Dammeier, Murray, Chase, Shin, Darneille, Carrell, Mullet, Nelson, Cleveland, Hatfield, Kline, McAuliffe, Schlicher, Eide, Pearson, Billig, Brown, Smith, Braun, Padden, Ericksen, Conway, and King

WHEREAS, 2013 marks the 100th year since women began serving in the Washington State Legislature, the next major historic step in equality after Washington women won the vote in 1910; and

WHEREAS, Frances Axtell Cleveland from Whatcom County and Nena Jolidan Croake from Pierce County were the first women to be elected to the Washington House of Representatives in 1913; and

WHEREAS, Reba Hurn from Spokane County was the first woman to be elected to the Washington State Senate in 1923; and

WHEREAS, A total of 253 women have been elected to the Washington State Legislature over the past 100 years, about 8.5% of the total individuals who have served; and

WHEREAS, Women from both caucuses have held important leadership roles as Vice President Pro Tempore, majority and minority leaders, chairs of virtually all committees, and caucus chairs; and

WHEREAS, Washington state has long been a national leader in the percentage of women serving in the legislature and in advancing women's rights in many other ways; and

WHEREAS, Many women legislators have moved from the Legislature to be elected to the United States House and Senate, including Representative Catherine May Bedell, Representative Julia Butler Hansen, Representative Maria Cantwell, Senator Linda Smith, Representative Jolene Unsoeld, Representative Cathy McMorris Rogers, and Senator Patty Murray; and to be elected to state-wide offices including Senator Pearl Wanamaker, Superintendent of Public Instruction; Representative Belle Reeves, Secretary of State; and Representative Jennifer Belcher, Commissioner of Public Lands; and

WHEREAS, Over the past 100 years, women have made significant marks on the history of the state and the legislative process through their hard work, effective leadership, broad influence, and valuable perspectives;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the legacy of women legislators in service to the State of Washington and applaud their role in our democratic process over the past 100 years.

Senators Fraser and Parlette spoke in favor of adoption of the resolution.

REMARKS BY THE PRESIDENT

President Owen: "The President may have given the wrong directive recently because a couple of people have done the same thing. It is not necessary to ask for a point of personal privilege on a resolution."

Senators Eide, King, Billig, Kohl-Welles, Ericksen, Chase, Padden and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8616.

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

REMARKS BY THE PRESIDENT

President Owen: "The President would like to note that the rule about eating on the floor, of course, is suspended today even though it is not Valentine's Day. I nearly was thrown out of the house when I suggested that cookies may not have to be made since we would not be on the floor tomorrow. So, just for your enjoyment and just to give you a little idea what you're dealing with: ten pounds of flour, two dozen eggs, six pounds of butter, four pounds of brown sugar, four pounds of white sugar, six twenty-four ounce bags of chocolate chips, three whatever pound bags of walnuts and ten hours in the kitchen. So, enjoy."

PERSONAL PRIVILEGE

Senator Billig: "Thank you Mr. President and thank you for the cookies and thank you for having the Spokane Indians hat up on your podium. I thought I should explain why everybody has

those on their desks. As is the tradition in the Senate, when a senator gives their first speech we give a gift to our colleagues and to the President. We're a citizen legislature and we all have other jobs or other parts of our life. And the other part of my life is that I'm the co-owner of the Spokane Indians Professional Baseball team and have served as the (general) Manager and President of that team over the last twenty years. So, a gift from my district and it's actually right on the border of my district and Senator Padden's district. And actually Senator Padden's been a great supporter of youth baseball in our community and certainly appreciate his service. So, there's two parts to the gift. The first is a Spokane Indians baseball and then the other part is the Spokane Indians cap. We were the first professional sports team, first Indian-named sports teams to work with our local tribes to create a logo and identity, we actually have two logos. One is in English and one is in Salish, the Spokane Tribe of Indians language. We have the English version on the desks but I have the Salish version here if anybody's interested. I hope you enjoy. The one last thing, in case there's anybody that wants to throw baseballs at me, I also have a hard hat version that I'll be wearing for the rest of the day. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "The President is not suspending the no throwing baseballs in the chamber, however."

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. First of all thank you for the dispensation to eat the cookies. They're very good. Give thanks to your wife. Secondly, for Senator Billig with his gifts I'm a little concerned about the out-sourcing. I noticed that the cap 'Made in China, baseball made in China.' I think we could have some improvement there Mr. President."

PERSONAL PRIVILEGE

Senator Frockt: "Thank you Mr. President, and we all know that we are the most trade-dependent state in the country. I wanted to just welcome Senator Billig to the Senate. I had the pleasure of coming in, two years ago, to the House with him and I think our paths had been different but both led us here to the senate and I am really excited to work with him. I think a great legislator. Really going to do amazing things here. We have a personal connection. Andy's first cousin was one of my wife's closest friends in college and we didn't know each twenty years ago when our wives, well, my wife and his first cousin were close friends. Our paths have led here today and we have become great friends since then. I think all of you who don't have not had a chance to work yet with Senator Billig will find him to be someone open, thoughtful, wanting to reach out and find common ground. Also you know, someone who when necessary will also make his point, as I think we've seen. But we need to welcome him and I know he's going to make a great member of this body. So, welcome Andy."

PERSONAL PRIVILEGE

Senator King: "Well, I too would like to welcome the good gentleman. He's been a great addition to the Transportation Committee. I just think that's there's only one piece of advice that I would give him. Find something else to talk about between or besides north/south, we'll probably do alright."

PERSONAL PRIVILEGE

Senator Keiser: "Thank you Mr. President. Please thank Linda for the wonderful cookies as well. I want to congratulate the good senator from Spokane for hitting a home run and to know that it's important not to get three strikes here or to, What's it called? Whiffle ball, but most important is the strategy of good baseball. Strategy and baseball go hand in hand and that's what happens on the floor in this august body as well and I know we're going to get to that ninth inning eventually."

PERSONAL PRIVILEGE

Senator Padden: "I also want to thank you for those delicious cookies. I wanted to welcome Senator Billig as a fellow Spokane County Legislator and I know I speak for the other members of the delegation, want to welcome you to the senate. I feel a little funny welcoming you because I haven't been here all that long myself but one thing that I've noticed so far with Senator Billig is how cautious he is on signing on bills or even sponsoring bills. So, that's probably a good quality that many of us could emulate. Sometimes there's probably too many bills here. But Senator Billig is a very hard worker obviously we share a great love for the game of baseball and the Spokane Indians franchise has been voted time and time again for one of the best franchises in all of minor league baseball, so, we want to make sure he continues to work hard doing that job. Thank you very much. Welcome to the Senate."

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. I too want to welcome the good senator from the Third district here. Appreciate his unique words here on the floor of the senate. Clearly he came up with those all by himself which is important as he's reminded us before in committee."

MOTION

At 10:33 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:23 a.m. by President Owen.

At 10:33 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the Call of the President for the purpose of caucuses to be followed by a joint session with the House of Representatives.

The Senate was called to order at 11:23 a.m. by President Owen.

The Sergeant at Arms of the Senate announced the arrival of the members of the House of Representatives at the Senate Chamber doors. The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Speaker Pro Tempore of the House, the Honorable Jim Moeller to a seat at the rostrum. The members of the House of Representatives were invited to seats within the Chamber.

JOINT SESSION

Pursuant to Senate Concurrent Resolution No. 8400, the President called the Joint Session to order. The Secretary called the roll of the members of the Senate. The Secretary called the roll of the members of the House of Representatives. The President declared that a quorum of the Legislature was present.

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The President welcomed and introduced the statewide elected officials who were present at the rostrum: The Honorable Jay Inslee, Governor; The Honorable Jim McIntire, State Treasurer; Justice Mary Fairhurst, Justice Debra Stephens and Justice Sheryl Gordon McCloud of the Washington State Supreme Court.

The Washington State Patrol Honor Guard consisting of Sergeant Jason Greer; Lieutenant Johnny Alexander; Trooper Pete Stock; Trooper Greg Marek; and Trooper Makala Morgan presented the Colors.

Lieutenant Tim Coley of the Washington State Patrol performed the National Anthem.

The President welcomed and introduced the statewide elected officials who were present at the rostrum: The Honorable Jay Inslee, Governor; The Honorable Jim McIntire, State Treasurer; Justice Mary Fairhurst, Justice Debra Stephens and Justice Sheryl Gordon McCloud of the Washington State Supreme Court.

REMARKS BY THE PRESIDENT

President Owen: “Honored members of the Legislature, Ladies and Gentlemen, the purpose of this Joint Session is to conduct a memorial service in memory of departed former members of the legislature. This has been our longstanding custom. For more than a century the Senate and House have met as we meet today, to pay special and fitting tribute to the lives and service of these valued public servants, and to express our sympathies to their families and friends.

On behalf of the Senate and the House of Representatives, I would like to extend a warm welcome to the family members, friends and colleagues who are with us today.”

The President called upon the Speaker Pro Tempore Moeller to preside over the Joint Session.

Rabbi Bogomilsky: “Almighty God, we gather here today to pay respectful tribute to dear friends, family members and colleagues who have served as legislators for this great state of Washington and who have passed to your sheltering presence. May their families and friends know no more harm or sorrow. May they receive their rich reward for their days, months and years of dedicated service towards assuring and promoting the well-being, peace and tranquility of all the citizens of our great state. Almighty God, in the book of Genesis you have legislated human kind, since the times of Adam and Eve and Noah and his family, to establish a just and fear government. A government dedicated to the protecting the weak, champion the rights of the down trodden and uplifting the lives of all and, as citizens of our great country, we proudly proclaim our commitment to this system of justice in the ‘Pledge of Alliance.’ One nation under God, with liberty and justice for all. The bible teaches us that when we establish just and moral laws we are doing God’s work. As we read in Psalms 111, ‘The work of his hands or truth and justice. All his precepts are sure. They are established for ever and ever. They are done in truth and uprightness.’ Indeed, the job of our dedicated legislators demands both humility and strength. The willingness to compromise while simultaneously maintaining the highest of moral standards. In the words of the Prophet Isaiah, ‘Learn to do well; Seek justice; Relieve the preset, judge the fatherless, plead for the widow.’ We beseech you dear God, Master of the universe, send your divine inspiration and blessings to their noble colleagues, our elected officials, who selflessly serve the public. May these great men and women be

blessed with the wisdom to know the path that will find favor in your eyes and to have the compassion and courage and conviction to follow that course, regardless of any pressure or difficulties that may arise. Merciful God, grant each member of this august body, good health and compassionate wisdom. May they and their families be blessed with kindness, graciousness and peace and let us all say, ‘Amen.’”

REMARKS BY THE SPEAKER PRO TEMPORE

Mr. Speaker (Representative Moeller presiding): “We gather today to pay tribute to the contributions of the distinguished former members of the Washington State Senate and House of Representatives who have passed from among us. The people of our state are grateful for their service.

The Sixty-Third Legislature conveys its respects for these deceased legislators. They once sat in these chambers, answered roll calls on critical bills, attended committee meetings and through it sought always to make our state a better place to live. While their journey in this life is complete, their achievements, public record and valued service are recorded in the journals of the Senate and House and are forever a permanent part of our state’s history.

We express our sympathies to the families, friends and colleagues of these public servants. We also share with them on this memorial occasion, the fond and happy memories of these legislators. They leave a legacy of dedicated service that remains always in our hearts, our memories and the history of our state.”

Speaker Pro Tempore Moeller and the President called the roll of the deceased former members of the Senate and the House of Representatives. The deceased former members were memorialized by the Governor, the senators and representatives and assisted by candle lighters: Miss Emily Grubbs, Senate Page and Mr. Zach Barker, House Page.

<u>Member</u>	<u>District</u>
Frank Atwood	42 nd District Senate
	Memorialized by Sen. Ericksen
Dr. Peter T. Brooks	16 th District House
	Memorialized by Rep. Walsh, Sen. Hewitt
Vito Chiechi	Chief Clerk House
	Memorialized by Rep. Kretz
Harold Clayton	15 th District House
	Memorialized by Rep. Chandler
Alex Deccio	14 th District House & Senate
	Memorialized by Reprs. Johnson & Ross
Jeanne Edwards	1 st District House
	Memorialized by Rep. Mososco
Jack Grier	4 th District

	Senate
Memorialized by Rep. Shea	
Peggy Johnson	35 th District House
Memorialized by Sen. Sheldon	
Edward Luders	8 th District House
Memorialized by Rep. Magendanz	
Curt Ludwig	8 th District House & Senate
Memorialized by Sen. Dammeier	
Mary Stuart Lux	22 nd District House
Memorialized by Sen. Fraser and Rep. Hunt	
Richard Marquardt	45 th District Senate, Insurance Commissioner
Memorialized by Sen. Hill	
Bob McCaslin	4 th District Senate
Memorialized by Sen. Padden	
Robert McDougall	12 th District House & Senate
Memorialized by Sen. Parlette	
James B. Mitchell	39 th District House
Memorialized by Sen. Pearson	
A.J. "Bud" Pardini	6 th District House
Memorialized by Sen. Rep. Parker	
Al Rosellini	33rd District Senate, Governor
Memorialized by Governor Inslee	
Sid Snyder	19 th District Senate
Memorialized by Sen. Hatfield, Sen. Shin	
Frank Warnke	31 st District House & Senate
Memorialized by Sen. Eide	
Scott White	46 th District House & Senate
Memorialized by Sen. Rolfes, Sen. Frockt, Sen. Ranker Rep. Orwall, Rep. Carlyle, Rep. Maxwell	
Lorraine Wojahn	27 th District House & Senate
Memorialized by Sen. Darneille	
Hal Zimmerman	17 th District House & Senate
Memorialized by Rep. Orcutt	

The Speaker (Representative Moeller presiding) welcomed and introduced Reverend Aaron Williams, Mount Zion Baptist Church of Seattle who offered the Memorial Prayer.

Reverend Williams, "God of our weary years, God of our silent tears, Thou who has brought us thus far on the way, Thou who has by Thy I might, led us into the light, keep us forever in the path that we pray. Father, as we pause to remember the lives of those who have gone before us, we know that whenever You want to accomplish something in the world. You take an idea and wrap it in human flesh. We want to thank for the men and women whom You have sent our way to accomplish great things in the State of Washington and these United States of America. We thank You for the investment of their time and talents and their tireless commitment to make a difference for the betterment of all people. Our lives have been enriched and blessed beyond measure as a result of their work and diligence. For their work has not gone unnoticed nor has it been done in vain. We thank You for the many lives that they have touched and the polices and bills they have fought for, to get passed through these chambers. Their voices will be missed but not forgotten. We thank You for their families who are still here with us. We ask that You will continue to comfort and strengthen them as they continue to live out their lives and continue the legacy of their loved ones. As we ponder over the lives of these great men and women who have transitioned into eternity where there is neither Democrat nor Republican, where there is neither rich nor poor, that place where there is no debt ceiling or fiscal cliff, that place where we will study politics and study war no more. That place where Job declared that, 'The wicked shall cease from troubling, and the weary shall be at rest.' As we await that day when the final roll call will be made, may we live out the rest of our days in the spirit and conviction of those sacred words of Micah 6:8, 'He has told you O man, what is good; and what does the Lord require of you but to do justice, to love kindness and to walk humbly with your God?' Lord, may we strive as public servants to do the work of justice and loving kindness and walk humbly with You oh God. We ask all of these things of you Father in the mighty matchless and marvelous name of Jesus. Amen."

The Speaker (Representative Moeller presiding) introduced the North Thurston High School Jazz Choir, directed by Mrs. Rachel Landowski, who performed "Carpenters of God" by Vijay Singh.

The Speaker (Representative Moeller presiding) welcomed and introduced Reverend Kojo Kakhira of the Buddhist Temple, Tacoma who offered the Closing Prayer.

Reverend Kakhira: "Every life is interconnected and resonates to each other. This moment we share is a precious gift, given by those whom we remember and honor today. We share this moment and we share their life.

Buddha said, 'The action of benefitting others brings true happiness.' Those whom we honor today contributed much by dedicating themselves in serving for the betterment of our lives and communities.

Let us keep their legacies and continue forward in the same spirit.

As the sun shines upon the earth awakening into the growth the seeds that lie dormant in the soil, may the Light of Truth cast its splendor upon the minds and hearts that they may continue to guide this State of Washington, Nation, and the world with great wisdom and deep compassion.

May the same Light shine upon us all, giving us the insight to realize that all in One, All is one.

In Oneness of all forms of life, let us continue to strive for the wellbeing, not only for ourselves, but also, for all people and forms.

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Please join me and let us have a moment of meditation as we extend gratitude to the past, dedication the present and aspiration for the future.

You are welcome to express words in your own respective religious traditions.

Namoamidabutsu (I take refuge in the Guddha of Immeasurable Light and Life).”

Representative Hans Dunshee performed “The Skye Boat Song” on the Scottish pipes from rear of the Chamber

The Speaker (Representative Moeller presiding) returned the gavel to the President Owen to preside over the Joint Session.

REMARKS BY THE PRESIDENT

President Owen: “Thank you Mr. Speaker and thank you to member of our memorial committee. Our deepest gratitude to all who have participated in this service today. Special thanks, of course, to the members of the Washington State Patrol who always do a magnificent job for us. We are very proud of them. Our participating clergy, thank you for being with us and making this special today. As well as, of course, the North Thurston High School Jazz Choir which did a magnificent job with ‘Carpenters of God.’ The President does hope that the loved ones of those we honor today will draw comfort from today’s observance and recognize that we will not forget our fellow colleagues that have served before us to make this state the great state that it is.”

MOTION

On motion of Senator Fain, the Joint Session was dissolved.

The President called upon the Sergeant at Arms of the Senate and the Sergeant at Arms of the House to escort the Speaker Pro Tempore of the House, the Honorable Jim Moeller, and the members of the House of Representatives from the Senate Chamber.

MOTION

At 12:06 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, February 14, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRTY SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 14, 2013

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Fain, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 13, 2013

SB 5165 Prime Sponsor, Senator Hargrove: Increasing the authority of superior court commissioners to hear and determine certain matters. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 13, 2013

SB 5201 Prime Sponsor, Senator Ranker: Accelerating cleanup of hazardous waste sites. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5201 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford Ranker, Ranking Member.

Passed to Committee on Ways & Means.

February 13, 2013

SB 5290 Prime Sponsor, Senator Delvin: Allowing hydroelectric energy generation on irrigation district facilities to qualify for renewable energy credit. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 13, 2013

SB 5296 Prime Sponsor, Senator Ericksen: Concerning the model toxics control act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5296 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Ranker, Ranking Member.

Passed to Committee on Ways & Means.

February 13, 2013

SB 5329 Prime Sponsor, Senator Litzow: Creating the state superintendent school district. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Fain; Hill; Mullet and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 12, 2013

SB 5560 Prime Sponsor, Senator Bailey: Modifying job skills program provisions. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5560 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 13, 2013

SB 5588 Prime Sponsor, Senator Litzow: Changing the definition of "school day." Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5588 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

THIRTY SECOND DAY, FEBRUARY 14, 2013

2013 REGULAR SESSION

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

INTRODUCTION AND FIRST READING

SB 5762 by Senator Roach

AN ACT Relating to relatives in dependency proceedings; amending RCW 13.34.060; reenacting and amending RCW 13.34.130; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5763 by Senator Roach

AN ACT Relating to the placement of children with relatives; amending RCW 13.34.060; and reenacting and amending RCW 13.34.130.

Referred to Committee on Human Services & Corrections.

SB 5764 by Senator Roach

AN ACT Relating to the right to jury trial in termination actions; and amending RCW 13.04.021 and 13.34.090.

Referred to Committee on Human Services & Corrections.

SB 5765 by Senators Brown, Chase, Braun, Smith and Cleveland

AN ACT Relating to promoting economic development through business and government streamlining projects; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5766 by Senators Hobbs, Hatfield, Honeyford, Schoesler and Brown

AN ACT Relating to improving relationships between agricultural producers and state regulatory staff; adding a new section to chapter 89.08 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5767 by Senators Hatfield and Hobbs

AN ACT Relating to inspection of dairy cattle; amending RCW 16.57.160; and repealing RCW 16.57.303.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5768 by Senators Keiser and Darneille

AN ACT Relating to outpatient commitment; reenacting and amending RCW 71.05.020; and adding new sections to chapter 71.05 RCW.

Referred to Committee on Human Services & Corrections.

SB 5769 by Senators Chase, Ericksen and Brown

AN ACT Relating to adding electricity from hydroelectric generation projects with a generating capacity of thirty megawatts or less that do not impede migrating fish to the definition of an eligible renewable resource for the purposes of chapter 19.285 RCW; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5770 by Senators Honeyford, Hatfield and Hobbs

AN ACT Relating to conservation district electronic deposit of employee pay and compensation; and amending RCW 41.04.240 and 89.08.215.

Referred to Committee on Agriculture & Natural Resources.

SB 5771 by Senators Darneille and Pearson

AN ACT Relating to development of an evidence-based risk assessment for patients committed for involuntary treatment in Washington state; and creating new sections.

Referred to Committee on Ways & Means.

SB 5772 by Senators Darneille, Keiser and Kline

AN ACT Relating to providing access to the prescription drug monitoring database for clinical laboratories; amending RCW 70.225.040; and adding a new section to chapter 70.225 RCW.

Referred to Committee on Health Care.

SB 5773 by Senators Harper, Eide, Shin, McAuliffe, Nelson, Frockt and Kline

AN ACT Relating to local option transportation revenue; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Transportation.

SB 5774 by Senators Hewitt, Holmquist Newbry, McAuliffe, Bailey, Keiser, Conway, Schoesler, Kohl-Welles, Mullet and Kline

AN ACT Relating to authorizing applications for a special permit to allow alcohol tasting by persons nineteen and twenty years of age under certain circumstances; and amending RCW 66.20.010.

Referred to Committee on Commerce & Labor.

SB 5775 by Senators Benton, Hobbs, Brown, Ericksen, Conway and Rivers

AN ACT Relating to allowing for a veteran designation on drivers' licenses and identicards; amending RCW 46.20.161 and 46.20.117; and providing an effective date.

Referred to Committee on Transportation.

SB 5776 by Senator Parlette

AN ACT Relating to interest rate and penalty provisions in the current use program; amending RCW 84.34.070; reenacting and amending RCW 84.34.108; and creating a new section.

Referred to Committee on Ways & Means.

SB 5777 by Senators Hasegawa and Chase

AN ACT Relating to the audit of the state universities; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

SB 5778 by Senators Kohl-Welles, Keiser, Kline, Nelson, Murray and Frockt

AN ACT Relating to allowing certain county legislative authorities to impose a sales and use tax by ordinance; and amending RCW 82.14.450.

Referred to Committee on Governmental Operations.

SB 5779 by Senators McAuliffe, Fain and Keiser

AN ACT Relating to requiring the department of licensing to adopt rules to allow online learning for training in the areas of cosmetology, manicuring, barbering, esthetics, and instructor-training; amending RCW 18.16.020; adding a new section to chapter 18.16 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 5780 by Senators Baumgartner, Kohl-Welles, McAuliffe and Schoesler

AN ACT Relating to creating efficiencies for institutions of higher education; amending RCW 43.88.110 and 28B.10.022; and reenacting and amending RCW 39.94.040.

Referred to Committee on Ways & Means.

SB 5781 by Senators Hobbs, Conway, King, Chase, Hasegawa and Pearson

AN ACT Relating to membership in the Washington public safety employees' retirement system for employees at city and county corrections departments, public corrections entities, the department of corrections, and the department of social and health services who provide direct care to, or ensure the custody and safety of, offender and patient populations; amending RCW 41.37.010; and adding a new section to chapter 41.37 RCW.

Referred to Committee on Ways & Means.

SB 5782 by Senators Chase, Rivers, Kline, Benton, Nelson, Baumgartner, Darneille, Cleveland, Shin, Kohl-Welles, Keiser, Hasegawa, McAuliffe, Schlicher, Harper and Rolfes

AN ACT Relating to protecting Washington citizens from warrantless surveillance, reducing liability, and establishing clear standards under which agencies may utilize unmanned

aerial vehicles; adding a new chapter to Title 10 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5783 by Senators Shin, Harper, Keiser, Nelson, Conway, King, Sheldon, Holmquist Newbry, Hasegawa, Hobbs and Eide

AN ACT Relating to modifying the Washington customized employment training program to include industry cluster associations; amending RCW 28B.67.010, 28B.67.020, and 28B.67.030; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

SB 5784 by Senators Holmquist Newbry, Hewitt, Harper, Eide, Hobbs, Keiser, Becker, Hasegawa, Shin, Kline, Braun, Fain and Conway

AN ACT Relating to the joint center for aerospace technology innovation; amending RCW 43.330.250; and repealing RCW 43.131.417 and 43.131.418.

Referred to Committee on Technology & Economic Development.

SB 5785 by Senators Ericksen, Rolfes, King, Ranker and Eide

AN ACT Relating to the display and replacement of license plates; amending RCW 46.16A.200, 46.16A.020, 46.17.200, and 46.18.130; reenacting and amending RCW 46.16A.110 and 46.18.140; and creating a new section.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5783 which was referred to the Committee on Trade & Economic Development.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, February 15, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 15, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Harper and Shin.

The Nisei Veterans Committee, Seattle Honor Guard consisting of Mr. Allen Nakamoto, Mr. Dale Kaku, Mr. Don Maekawa, Mr. Joe Sasaki, Mr. Frank Shinoda, Mr. Frank Muramatsu and Mr. Tom Ohtani presented the Colors. Mr. Sam Mitsui, Chaplain of the Nisei Veterans Committee, Seattle offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 2013

SB 5097 Prime Sponsor, Senator Becker: Allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5188 Prime Sponsor, Senator Smith: Addressing imminent threats to commercial livestock caused by wolves. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove and Parlette.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5195 Prime Sponsor, Senator Rolfes: Allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Kohl-Welles, Ranking Member and McAuliffe.

Passed to Committee on Ways & Means.

February 14, 2013

SB 5209 Prime Sponsor, Senator Hobbs: Addressing licensing and enforcement provisions applicable to money transmitters. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5209 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5281 Prime Sponsor, Senator Carrell: Requiring an empirical study of the validity and reliability of the current child welfare safety assessment tool. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5281 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 14, 2013

SB 5358 Prime Sponsor, Senator Becker: Concerning people with disabilities who receive no paid services from the department of social and health services' division of developmental disabilities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

February 14, 2013

SB 5404 Prime Sponsor, Senator Carrell: Concerning the introduction of contraband into or possession of contraband in a secure facility. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5415 Prime Sponsor, Senator Schlicher: Updating and aligning with federal requirements hospital health care-associated infection rate reporting. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeyer, Vice Chair; Bailey; Cleveland; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5420 Prime Sponsor, Senator Kohl-Welles: Creating a two-year freeze on tuition rates at four-year institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 14, 2013

SB 5430 Prime Sponsor, Senator Hobbs: Modifying the distribution and use of aircraft excise taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Mullet; Rolfes; Schlicher; Sheldon and Smith.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton, Vice Co-Chair.

Passed to Committee on Ways & Means.

February 14, 2013

SB 5471 Prime Sponsor, Senator Nelson: Addressing insurance, generally. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5471 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5489 Prime Sponsor, Senator Mullet: Adopting the insurer state of entry model act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5509 Prime Sponsor, Senator Becker: Concerning electronic timekeeping for in-home personal care or respite services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeyer, Vice Chair; Bailey; Cleveland; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5558 Prime Sponsor, Senator Fain: Creating loan-making authority for down payment assistance for single-family homeownership. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5622 Prime Sponsor, Senator Hewitt: Concerning the taxation of large airplanes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Mullet; Schlicher; Sheldon and Smith.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes.

Passed to Committee on Ways & Means.

February 14, 2013

SB 5627 Prime Sponsor, Senator Eide: Concerning the taxation of commuter air carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Mullet; Schlicher; Sheldon and Smith.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes.

Passed to Committee on Ways & Means.

February 14, 2013

SB 5646 Prime Sponsor, Senator Kohl-Welles: Concerning high school equivalency certificates. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

THIRTY THIRD DAY, FEBRUARY 15, 2013

2013 REGULAR SESSION

February 14, 2013

SB 5673 Prime Sponsor, Senator Kohl-Welles: Creating a two-year freeze on tuition rates at community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 14, 2013

SB 5709 Prime Sponsor, Senator Smith: Concerning a pilot program to demonstrate the feasibility of using densified biomass to heat public schools. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Ranker, Ranking Member.

Passed to Committee on Ways & Means.

February 14, 2013

SB 5736 Prime Sponsor, Senator Bailey: Concerning higher education operating efficiencies. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 6, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALFIE ALVARADO-RAMOS, appointed January 16, 2013, for the term ending at the governor's pleasure, as a Director of the Department of Veterans Affairs.

Very truly yours,

JAY INSLEE, Governor

Referred to Committee on Governmental Operations.

January 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN R. BATISTE, reappointed January 16, 2013, for the term ending at the governor's pleasure, as Chief of the Washington State Patrol.

Very truly yours,

JAY INSLEE, Governor

Referred to Committee on Law & Justice.

February 7, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL COCKRILL, appointed January 23, 2013, for the term ending at the governor's pleasure, as Chief of the Information Officer of the state of Washington.

Very truly yours,

JAY INSLEE, Governor

Referred to Committee on Ways & Means.

February 7, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRET DAUGHERTY, reappointed January 29, 2013, for the term ending at the governor's pleasure, as Adjutant General of the state of Washington.

Very truly yours,

JAY INSLEE, Governor

Referred to Committee on Governmental Operations.

January 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DALE R. PEINECKE, appointed January 16, 2013, for the term ending at the governor's pleasure, as Commissioner of the Employment Security Department.

Very truly yours,

JAY INSLEE, Governor

Referred to Committee on Commerce & Labor.

February 6, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KEVIN QUIGLEY, appointed January 16, 2013, for the term ending at the governor's pleasure, as Secretary of the Department of Social and Health Services.

Very truly yours,
JAY INSLEE, Governor
Referred to Committee on Human Services & Corrections.

January 31, 2013
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:
I have the honor to submit the following appointment, subject to your confirmation.
JOEL SACKS, appointed January 16, 2013, for the term ending at the governor's pleasure, as a Director of the Department of Labor and Industries.

Very truly yours,
JAY INSLEE, Governor
Referred to Committee on Commerce & Labor.

February 6, 2013
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:
I have the honor to submit the following appointment, subject to your confirmation.
DAVID SCHUMACHER, appointed January 16, 2013, for the term ending at the governor's pleasure, as a Director of the Office of Financial Management.

Very truly yours,
JAY INSLEE, Governor
Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all appointees listed on the gubernatorial appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5786 by Senator Hargrove

AN ACT Relating to requiring certain information in commercial fishing guide license applications; and amending RCW 77.65.050.

Referred to Committee on Natural Resources & Parks.

SB 5787 by Senators Bailey, Kohl-Welles and Cleveland

AN ACT Relating to the Washington higher education facilities authority; and amending RCW 28B.07.030.

Referred to Committee on Higher Education.

SB 5788 by Senators Nelson, Fraser and Ranker

AN ACT Relating to domestic wastewater facilities permit discharge fees; and reenacting and amending RCW 90.48.465.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5789 by Senators Sheldon and Schoesler

AN ACT Relating to contractor liability for industrial insurance premiums; and amending RCW 51.12.070.

Referred to Committee on Commerce & Labor.

SB 5790 by Senator Litzow

AN ACT Relating to expanding participation in innovation academy cooperatives; and amending RCW 28A.340.080 and 28A.225.225.

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

SB 5791 by Senators Fain, Hobbs, Litzow, Eide, Hill, King, Keiser, Murray, Dammeier, Hatfield, Becker, Kohl-Welles, Honeyford and McAuliffe

AN ACT Relating to supporting youth programs through agricultural fairs and the horse racing industry; and amending RCW 15.76.100, 67.70.240, 15.76.115, 67.16.280, 67.16.105, 67.16.050, and 67.16.170.

Referred to Committee on Ways & Means.

SB 5792 by Senators Honeyford, Keiser and Becker

AN ACT Relating to health care services for inmates in city, county, and regional jails; amending RCW 70.48.130; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Ways & Means.

SB 5793 by Senators Darneille and Conway

AN ACT Relating to the funding of enhanced public transportation zones for public transportation systems; amending RCW 82.14.045; and providing an effective date.

Referred to Committee on Transportation.

SB 5794 by Senators Dammeier, Ranker, McAuliffe, Honeyford, Eide and Litzow

AN ACT Relating to alternative learning experience courses; amending RCW 28A.150.100, 28A.150.325, 28A.250.010, 28A.250.020, 28A.250.050, 28A.525.162, and 28A.525.166; amending 2011 1st sp.s. c 34 s 1 (uncodified); adding a new chapter to Title 28A RCW; creating a new section; and recodifying RCW 28A.150.262 and 28A.150.325.

Referred to Committee on Ways & Means.

SB 5795 by Senators Hewitt and Murray

AN ACT Relating to the redistricting commission; and amending RCW 44.05.100 and 44.05.110.

THIRTY THIRD DAY, FEBRUARY 15, 2013

2013 REGULAR SESSION

Referred to Committee on Governmental Operations.

SB 5796 by Senators Schoesler and Ericksen

AN ACT Relating to emissions from certain emergency power sources; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5797 by Senators Hobbs and Padden

AN ACT Relating to specialty courts; adding a new section to chapter 2.28 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

SB 5798 by Senators Hobbs, Litzow, Kohl-Welles, Harper, Ranker, Nelson, Hasegawa, Hatfield, Rolfes, Keiser, Schlicher, McAuliffe, Chase, Frockt, Conway, Billig, Darneille, Kline, Fraser, Cleveland, Eide, Mullet and Murray

AN ACT Relating to preserving health insurance coverage for the voluntary termination of a pregnancy by requiring health plans issued or renewed on or after January 1, 2014, that provide coverage for maternity care or services to provide a covered person with substantially equivalent coverage to permit the voluntary termination of a pregnancy, by prohibiting a health plan from limiting in any way a woman's access to services related to the voluntary termination of a pregnancy other than terms and conditions generally applicable to the health plan's coverage of maternity care or services including applicable cost sharing, by not limiting in any way a woman's constitutionally or statutorily protected right to voluntarily terminate a pregnancy, by clarifying that health plans are not required to cover abortions that would be unlawful under RCW 9.02.120, by providing an exemption for a multistate plan that does not cover the voluntary termination of pregnancies under federal law, by making the provisions of this act inapplicable to the minimum extent necessary to avoid noncompliance with federal requirements that are a prescribed condition to the allocation of federal funds to the state, and by clarifying that nothing in this act affects the statutory right of objection based on conscience or religion as set forth in RCW 48.43.065 or 70.47.160; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 5799 by Senators Schlicher, Kohl-Welles, Murray and McAuliffe

AN ACT Relating to establishing a tourism stakeholder task force for the purpose of increasing trade and economic development in Washington state; creating new sections; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

SB 5800 by Senators Schlicher, Eide and Rolfes

AN ACT Relating to limiting the scope of the department of transportation's administration of the state's ferry system; adding a new section to chapter 47.60 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 5801 by Senators Schlicher, Eide and Rolfes

AN ACT Relating to ferry fares; amending RCW 47.60.315; adding new sections to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5802 by Senators Ranker, Litzow, Frockt, Cleveland, Billig, Kohl-Welles, Murray and McAuliffe

AN ACT Relating to developing recommendations to achieve the state's greenhouse gas emission limits; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5803 by Senators Schoesler and Hargrove

AN ACT Relating to claims against public entities; amending RCW 4.22.070, 4.56.115, 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5804 by Senators Baumgartner and Hill

AN ACT Relating to federal receipts reporting requirements; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

SB 5805 by Senators Hobbs, Sheldon, Holmquist Newbry, Rivers, Dammeier and King

AN ACT Relating to projects of statewide significance for economic development and transportation; amending RCW 43.157.005, 43.157.020, and 43.157.030; and reenacting and amending RCW 43.157.010.

Referred to Committee on Trade & Economic Development.

SJM 8008 by Senators Schlicher, Smith, Rolfes and Kohl-Welles

Requesting that congress pass and the president sign legislation implementing certain visa reforms.

Referred to Committee on Trade & Economic Development.

SJR 8210 by Senators Hewitt and Murray

Amending the Constitution to advance the date for completion of the redistricting plan.

Referred to Committee on Governmental Operations.

MOTION

Senator Fain moved that all measures listed on the Introduction and First Reading report be referred to the committees as designated.

REMARKS BY SENATOR FROCKT

Senator Frockt: "Thank you Mr. President. We have concerns that Senate Bill No. 5798 is now the third version of this bill has been introduced has not yet been scheduled for a hearing. We think this is a very important health care related bill. Other similar bills have been heard in other committees. We are not going to object today to the referral to this committee. It is our understanding that there will be, has been assurances made, that if the version of this bill comes to the senate from the other body that it will get a hearing. We, of course, have no guarantee that that will happen from the other body. So we have concerns. We would continue to request that this bill be given a hearing and, therefore, I just wanted to put that on the record Mr. President, based on the assurances that we have been given."

REMARKS BY SENATOR FAIN

Senator Fain: Thank you Mr. President. In responding to the gentleman's statement, the bill in question were to come from the other body will receive a hearing in the Senate Health Care Committee. I appreciate the comments by the good Senator."

The motion by Senator Fain carried by voice vote and the measures listed were referred to the committees as designated.

MOTION

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

MOTION

Senator Hasegawa moved adoption of the following resolution:

SENATE RESOLUTION
8618

By Senators Hasegawa, Conway, Ranker, Hobbs, Kohl-Welles, Dammeier, Fraser, Braun, Roach, Hill, Rolfes, Harper, Murray, Nelson, Shin, Kline, and Schlicher

WHEREAS, Seventy one years ago, on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced assembly, evacuation, and internment of approximately 13,000 Japanese-Americans residing in the state of Washington; and

WHEREAS, The order for assembly and detention at Camp Harmony on the Puyallup Fairgrounds in Puyallup, Washington, prior to evacuation and subsequent internment caused Japanese-Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese-Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and

sabotage against the United States during the period of its involvement in World War II; and

WHEREAS, In 1943, an overwhelming number of Japanese-Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps to serve in the United States Army, amassing a battle record that is unmatched in United States military history with seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, 9,486 Purple Hearts, and a total of 16 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese-Americans, like Minoru Yasui, Fred Korematsu, and University of Washington student Gordon Hirabayashi who passed away on January 2, 2012, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Through the fact-finding work of the Commission on Wartime Relocation and Internment of Civilians, the United States Congress later found "there was no military or security reason for the internment" of individuals of Japanese ancestry, it "was caused by racial prejudice, war hysteria, and a failure of political leadership;" and

WHEREAS, In 1976 President Gerald Ford formally rescinded Executive Order 9066 saying, "I call upon the American people to affirm with me this American Promise--that we have learned from the tragedy of that long-ago experience forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated;" and

WHEREAS, In 1988 President Ronald Reagan signed the Civil Liberties Act apologizing to the survivors of internment camps saying, "what is most important in this bill has less to do with property than with honor. For here we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law.;" and

WHEREAS, In 2010, the United States Congress recognized the unparalleled record of Nisei soldiers by authorizing the creation of "a single gold medal of appropriate design to the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army" and, in November 2011, President Barack Obama bestowed this highest civilian honor on these units collectively; and

WHEREAS, Throughout Washington state, survivors of the European and Asian battlefields of World War II and of American internment camps continue to live their golden years quietly, in unassuming contrast to their extraordinary acts of patriotism and valor;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, along with the people of Washington, pause to acknowledge the seventy-first anniversary of the signing of Executive Order 9066, the seventieth anniversary of the establishment of the 442nd Regimental Combat Team, the twenty-fifth anniversary of the signing of the Civil Liberties Act, and to recognize the Japanese-American internees and World War II veterans from the state of Washington, to honor their patience, heroism, sacrifice, and loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Nisei Veterans Committee, the Military Intelligence Service - Northwest Association, the Japanese-American Citizens League, the Japanese Cultural & Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

THIRTY THIRD DAY, FEBRUARY 15, 2013

2013 REGULAR SESSION

Senators Hasegawa, King, Hobbs, Brown, Murray, Rolfes, Conway, Fraser, Pearson, Kohl-Welles, Honeyford and Schlicher spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8618.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members and representatives of the Nisei Veterans Committee, Seattle including, Vice-Commander Allen Nakamoto and Chaplain Sam Mitsui who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed representatives of the Seattle Chapter of the Japanese American Citizens League, the nation's oldest and largest Asian American civil rights organization, and representatives of Nikkei Concerns, an organization which provides health and related services in a traditional atmosphere to primarily elderly Nikkei (Japanese) in the Pacific Northwest, who were all present in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced participants in the Japanese Queen Scholarship Organization of Washington, 2012: Queen Yuna Marie Nishimoto; First Princess and Miss Tomodachi Taryn Lee Imanishi; and Princess Nicole Ruriko Lee who were present in the gallery.

REMARKS BY THE PRESIDENT

President Owen: "The President welcomed and introduced former Senator George Fleming who served south Seattle from 1971 through 1990 and sponsored Senate Bill 3163, an act relating to war reparations, during his tenure and was present in the gallery. The President noted that Senator Fleming set several records during his days as a University of Washington football player – one lasting for decades before it too, finally, fell."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Toshiko Hasegawa, the youngest daughter of Senator Hasegawa, who was present in the gallery.

PERSONAL PRIVILEGE

Senator Hasegawa: "Thank you Mr. President, as you know my first speech has been going on for about a month and a day now. I finally have the occasion to offer my appreciation to you all for having suffered through my lengthy first speeches that's lasted over a month and a day. So, you know, Renton which is the heart of my district, started off as a coal mining town and so, as a token of my appreciation to you all, I have lumps of coal. These are diamonds in the rough. All you have to do is, which we all know how to put pressure on things to get it done. I'm sure we can put enough pressure on these to create fine jewels. But, do not despair, the Eleventh district is probably the most strategically important transportation district in the Pacific Northwest because the district stretches from the cranes of the Port of Seattle all the way through the intermodal rail hubs. It's the intersection of major interstate, commerce. It's where the warehousing and

manufacturing and industrial centers are in south Seattle and south central King County. So, as everybody's been keeping tally and you expected my seat mate back here to present you with a car from Puyallup, I imagine you were probably expecting maybe a 737 Max or something from Renton. Well I can't afford that but in your gift bags that are being distributed there's a little airplane eraser. I don't know if that counts. So, add that to the mix. There is a, in recognition of the internationalism of the Eleventh district, there's a little red envelope. In Chinese tradition, they offer red envelopes for good fortune and it's, you just put a little token of money in it so that's to wish you all good fortune for the coming year. There are also a few chocolates from Seattle Chocolate company which is located in Tukwila, Washington. And you will find a bag of Starbucks coffee which is enough to brew you one little pot at least. I didn't want to go broke on, but you were expecting much so hopefully much will be given. There's also, maybe I should of given this to you before you had to suffer through my speech, but a bottle of fine imported Sake handpicked by the owner of Uwajimaya which is within my, an Asian grocery store, which is in my district. Along with some of Japanese milk candy. Then to top it off, Boeing Field is in my district. It used to heart of the district now it's on the periphery of it but you know every 737, formally 757, that were built out of the Renton plant had to go through Boeing Field before it was, they were shipped off to their customers. Well, you know you all did a fantastic job of helping us build the Museum of Flight at the sound end of Boeing Field and, through the graciousness of the Museum of Flight, you'll also find two passes to the Museum of Flight in the district which is actually pretty valuable but I would like to thank Bonnie Dunbar, who is the former Executive Director there. She is a local astronaut from Sunnyside, actually, who has been on five space shuttle missions and helped me get those for you. But, what I wanted to say about that was you all funded, you passed a resolution a few years ago that was a Joint Memorial to Congress, normally we just call them Christmas letters, letters to Santa but this one actually returned a benefit because we actually did get a space shuttle training unit and you all also voted to provide funding to help build the enclosure there. It's a beautiful facility. I really hope you, it's amazing to see even when you're driving past in front, the space shuttle behind this glass wall inside the building that you all help build. So, in recognition of this, I'm getting the cut signal, so when I spoke to the bill on the House floor I got to say, 'Kapla', 'live long and prosper,' and 'make it so,' and I would like to repeat that in the Senate because I want to be the first to speak Klingon on the Senate floor. Thank you very much."

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you. First to the members of the body, our side has a new Floor Leader. If I was the Floor Leader, already I would of revoked Rule 29, long ago today. Seeing the new gentleman here and finally getting the gifts, Mr. President, I thought he was part of Senator Padden's class last year he gave so many speeches. I was going over and thinking about the good Senator and I saw the coal and I was so happy to see he's endorsed more coal trains coming to our ports. The enlightened attitude of new freshman senators is always very welcome. And going through the gifts it reminded me of when new banks used to open. They always had many small gifts for their new depositor's. Well, knowing his interest in banking, I think he's already found ideas for the gifts for his bank he wants to create. So, in closing Mr. President. I would offer this to the gentleman from the Eleventh district, the key to my twenty-one years of political success is brevity. Please use it."

PERSONAL PRIVILEGE

Senator Hargrove: “Well thank you Mr. President. Well, first of all one of the Senate Rules says that the number of gifts needs to be in proportion to the number of speeches and so, even though we got a whole lot of gifts here, by my calculation. You’re still short by the length of the speech so we need a few more. The next thing is we are very concerned about accuracy and this is not Klingon. Its Vulcan. You must not be a Trekkie. That’s all I can say there. The last thing is, we really appreciate the coal and looking for the diamond in it. I’m sure we’ll be looking for the diamond in you for some time. But you know we know it’s in there some place and we really appreciate coming to the senate and looking forward to working with you. Welcome.”

PERSONAL PRIVILEGE

Senator Sheldon: “Thank you Mr. President. I too want to rise and welcome Senator Hasegawa to the floor of the Senate. I enjoyed your resolution and, like every organization, we have a budget. And the senate has a very tight budget and I just wanted to warn any member, if you ever make a motion to have any remarks by Senator Hasegawa spread upon the journal we are going to create several new jobs and bust the budget here in the senate.”

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Governor Mike Lowry who was seated in the gallery.

MOTION

At 11:05 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:38 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Billig, Senators Harper and Shin were excused.

SECOND READING

SENATE BILL NO. 5082, by Senators Benton and Smith

Concerning exchange facilitator requirements.

MOTION

On motion of Senator Benton, Substitute Senate Bill No. 5082 was substituted for Senate Bill No. 5082 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Hobbs be adopted:

On page 1, line 16, after "means" strike "any crime" and insert "crimes"

On page 7, line 32, after "through" strike "(8)" and insert "((8)) (9)"

Senators Benton, Hobbs and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Hobbs on page 1, line 16 to Substitute Senate Bill No. 5082.

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

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute Senate Bill No. 5082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Smith spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5082.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Harper and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5161, by Senators Braun, Carrell, Padden, Bailey, Becker, Fain, Roach, Sheldon, Dammeier, Honeyford, Schoesler, Conway, Rolfes and Kohl-Welles

Authorizing certain eligible family members of United States armed forces members who died while in service or as a result of service to apply for gold star license plates.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5161.

THIRTY THIRD DAY, FEBRUARY 15, 2013

2013 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5161 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Harper and Shin

SENATE BILL NO. 5161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. With your permission I would like to turn and address my fellow senators? Thank you for the warm welcome to the State Senate. I'm pleased to be here and I'm pleased to present gifts to each of you and in doing so to introduce you to the Twentieth legislative district. My first gift is being delivered as we speak and it's a small sampler of genuine Chehalis flood water and mud. So, just to alleviate any concerns that the President might have, it's not for consumption. It is, however, very powerful. In fact, used in the appropriate quantities, it will completely shut down I-5. I present this to you as a means of thanking you for the support the legislature has provided as we work towards a long term solution to the flooding in the Chehalis River basin. This is a problem we've struggle with for over a hundred years and thanks to your support and the work of elected officials and tribal officials and citizens throughout the basin, we're on a path to solving this problem permanently. I ask you for your continued support as we work through this next phase. There's also a gift bag coming around and it contains three gifts from three great family companies in my district and I'd like to talk about each of them briefly. The first one is small company and from them, the company is Chehalis Mints and I present a small box of their world famous mints. Chehalis Mints is a very small company. It started in 1994 by Mike and Sue Schofield and it's run almost entirely by three people; Jennifer, Sue and Jeff Schofield. The mint is grown in Eastern Washington and it is converted to essential oil by I. P. Callison & Sons, another great company started in Chehalis. The mint is then mixed with gourmet chocolate to make butter mints, milk chocolate mints and dark chocolate mints. Each candy is hand poured, hand wrapped and hand packaged and I commend them to you. The next company is a medium sized company and I present a ball cap and a key chain. This is my own family's company, established in Chehalis in 1986. We build specialty emergency vehicles such as ambulances, rescue vehicles and command vehicles. Over the last twenty six years, we've grown from four employees to one hundred fifty employees. The best employees in the Northwest I might add. We proudly serve over a hundred public and private customers throughout the western United States, Alaska and Hawaii and nearly two hundred customers right here in our great state of Washington. If you look carefully, you'll see our vehicles in your own communities reliably serving your friends, families and neighbors when they need it most. A and finally, the large company, I don't think the goods have shown up yet, I'd like to present a certificate for a box of frozen vegetables from National

Frozen Foods. I would have presented the actual box but I understand that, from the earlier ruling, that, Mr. President, you have a particular opposition to frozen foods on the floor. Instead the box will be delivered to your individual offices. National Frozen Foods has been bringing the highest quality Northwest foods and vegetables or fruits and vegetables to the nation since 1912. They originally started in Chehalis. They are now headquartered in Seattle and have operations throughout the state, including Chehalis. They offer repackaging of retail and food service poly bags, bulk food service cases and bulk industrial totes. They produce about one hundred ten million pounds annually and, at their Chehalis facility, they have four freezing tunnels, forty five tons per hour capacity, they have organic certification, ninety million pounds of cold storage capacity and packaging operations of two hundred million pounds of annual capacity. Again, I thank you for the warm welcome. I look forward to working with each of you. Thank you."

PERSONAL PRIVILEGE

Senator Chase: "Thank you Mr. President. I would like to point out that my colleague, Senator Braun, delivered your package first. I believe he is attempting to curry some special favor with giving you that sack which I still haven't received. Thank you for coming for eventually for this gift and welcome to the Senate."

REMARKS BY THE PRESIDENT

President Owen: "The President would note an irony today or whatever the word is, I'm not sure. Normally I get it last but today I received a lump of coal first and I did receive dirty muddy flood water first. I don't know if there is a message there but..."

PERSONAL PRIVILEGE

Senator Holmquist Newbry: "Thank you Mr. President. I just wanted to welcome the new Senator from the Twentieth district, Senator John Braun. I think he's not a typical freshman, to the point here that he was such a pro here with his maiden bill and maiden speech that many of us were unaware that he is a freshman. Sitting with him on the committee that he chairs the Economic Development Committee as well as Vice Chairs with me, the Commerce and Labor Committee, I can just say is a breath of fresh air. You have a savvy common sense, business sense as well as a demeanor that is going to bring a lot to this body and we welcome you whole-heartedly."

PERSONAL PRIVILEGE

Senator Carrell: "Thank you Mr. President. Well, I'm looking at this bottle and there's always a question. I'm looking at the level of the liquid in there and some people ask, 'Is it half empty or is it half full?' The question I always ask myself, 'Is it drinkable and after shaking this, I know the answer.'"

PERSONAL PRIVILEGE

Senator Schoesler: "I've heard the young gentleman's remarks today and I heard and I heard them and I heard them. After his election I went and visited him at his company and I've had him in leadership meetings, committee meetings, caucus meetings and every other meeting. He's said more in one floor speech than he had since I met him. And as the gentle lady from the Thirteenth district spoke and I thought about it. And the part about the three hundred Spartans in his floor speech, doesn't it

remind you of Harold Hochstatter? I really didn't know that Harold Hochstatter had come back to us in a new form because only Harold could of recited that so eloquently. So, now that we know you can speak, eloquently, and please, feel free to do so again."

PERSONAL PRIVILEGE

Senator Honeyford: "I'm trying to figure out the significance of this. We've been in committee. We heard of the millions of dollars they want in the Chehalis Basin for flood control and I've had a visit from the good senator. So, I don't know if it's a gift or non-gift but I didn't receive any of that dirty flood water, so, I'm trying to figure out what the importance of that is. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, I really welcome Senator Braun to this body. You know if you drive down the freeway going through Chehalis you will notice Braun Enterprises, I believe it is, on the left hand side going south. It's pretty impressive but I have to tell you I'm really glad. I've been around that district a lot and I have traveled from one end to the other and I'm glad you gave us the dirty water because there is a another big thing that is in his district and it's the Centralia Cattle Auction and it could have been something else. Thank you."

PERSONAL PRIVILEGE

Senator Dammeier: "I hope to rise in support of my good colleague from the Twentieth being a fellow Naval Officer and served in the Submarine Navy. However, I have a question of rule interpretation for the President. I realize that the good senator is new to the legislative body but he may not be aware of the rule about impugning others. And Mr. President, when he got up and said that his employees are the absolute best in the Northwest, the employees that work for a company that I am part of felt impugned and I personally was insulted. Mr. President so I would appreciate your admonishing the good senator from the Twentieth about such in bold statements."

REPLY BY THE PRESIDENT

President Owen: "I'll take it under consideration. I think the rule is insulting you, not the employees, and then I'll still take it under consideration."

PERSONAL PRIVILEGE

Senator Fain: "I was just thinking back with all of these great new freshman that have joined, excuse me, first-year legislators, my apology Senator Kohl-Welles, that have joined this body and then I thought back to when Senator Litzow and Senator Hill, Baumgartner and myself were new and came in. We probably spoke of a grand total of about between four and five minutes collectively between the three of us on the floor the entire first year we were here and it worked out really well for us. So, that's just a piece of advice that I might pass on our very precocious new members."

PERSONAL PRIVILEGE

Senator Parlette: "Thank you Mr. President. I would like to welcome all of you to join the Majority Caucus room, if you would like. Today is my assistant's Shiloh's last day after serving

ten years with me after serving as an intern in the year 2003. Please join me. Thank you."

MOTION

At 12:08 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, February 18, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRTY SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 18, 2013

The Senate was called to order at 12:00 p.m. by President Owen. No roll was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 2013

SB 5084 Prime Sponsor, Senator Benton: Concerning discounted discovery passes for disabled veterans. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5084 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Parlette; Rolfes, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kline.

Passed to Committee on Ways & Means.

February 15, 2013

SB 5123 Prime Sponsor, Senator Ranker: Establishing a farm internship program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Ways & Means.

February 15, 2013

SB 5146 Prime Sponsor, Senator Frockt: Creating a competitive grant program for informal science, technology, engineering, and mathematics education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5146 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 15, 2013

SB 5158 Prime Sponsor, Senator Braun: Creating a good faith defense for certain minimum wage and overtime compensation complaints. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 15, 2013

SB 5160 Prime Sponsor, Senator Holmquist Newbry: Creating a process for administrative reassignment of public employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5160 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5180 Prime Sponsor, Senator Shin: Improving access to higher education for students with disabilities. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5187 Prime Sponsor, Senator Smith: Protecting livestock against predator attacks. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5187 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Parlette; Rolfes, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 15, 2013

SB 5189 Prime Sponsor, Senator Smith: Concerning photovoltaic electrical systems. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5193 Prime Sponsor, Senator Smith: Concerning large wild carnivore conflict management. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5193 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Parlette; Rolfes, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Ways & Means.

February 15, 2013

SB 5227 Prime Sponsor, Senator Schoesler: Changing the corporate officer provisions of the employment security act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

February 15, 2013

SB 5242 Prime Sponsor, Senator Litzow: Requiring policies regarding assignment of certificated instructional staff. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5242 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown; Fain; Hill and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Cleveland; McAuliffe, Ranking Member; Mullet; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 15, 2013

SB 5273 Prime Sponsor, Senator Conway: Concerning the veterans innovation program and the use of moneys in the state lottery account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Ways & Means.

February 14, 2013

SB 5289 Prime Sponsor, Senator Hargrove: Concerning the discover pass. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 15, 2013

SB 5352 Prime Sponsor, Senator Holmquist Newbry: Clarifying the terminology and duties of the real estate agency relationship law to be consistent with other existing laws. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5352 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 15, 2013

SB 5353 Prime Sponsor, Senator Roach: Providing information to assist in unemployment insurance overpayment recovery. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 15, 2013

SB 5362 Prime Sponsor, Senator Conway: Addressing the recommendations of the vocational rehabilitation subcommittee for workers' compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5362 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 14, 2013

SB 5391 Prime Sponsor, Senator Bailey: Concerning an exemption from discover pass requirements for off-road vehicles. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5391 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Parlette; Rolfes, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

THIRTY SIXTH DAY, FEBRUARY 18, 2013

2013 REGULAR SESSION

Passed to Committee on Ways & Means.

AN ACT Relating to repealing an obsolete provision for a credit against property taxes paid on timber on public land; creating a new section; and repealing RCW 84.33.077.

February 14, 2013

Referred to Committee on Finance.

SB 5634 Prime Sponsor, Senator Rolfes: Clarifying the department of natural resources' authority to enter into cooperative agreements. Reported by Committee on Natural Resources & Parks

SB 5807 by Senators Litzow, Billig and Kline

MAJORITY recommendation: That Substitute Senate Bill No. 5634 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

AN ACT Relating to encouraging qualifying utilities to invest in and own distributed solar energy systems; amending RCW 19.285.040, 82.16.110, 82.16.120, and 82.16.130; reenacting and amending RCW 19.285.030; adding a new section to chapter 80.28 RCW; creating a new section; and providing an expiration date.

Passed to Committee on Rules for second reading.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

SB 5808 by Senators Schoesler, Tom, Honeyford, Hobbs, Baumgartner, Brown and Shin

MOTION

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

AN ACT Relating to affirming centralized payroll services as nontaxable between affiliated companies; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

MESSAGE FROM THE HOUSE

SB 5809 by Senator Litzow

February 15, 2013

AN ACT Relating to the home visiting services account; and amending RCW 43.215.130.

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5147,
and the same is herewith transmitted.

Referred to Committee on Appropriations Subcommittee on Education.

BARBARA BAKER, Chief Clerk

SB 5810 by Senators Darneille, Carrell and Shin

MESSAGE FROM THE HOUSE

AN ACT Relating to exemption of information contained in the department of corrections' security threat group database; and adding a new section to chapter 72.09 RCW.

February 15, 2013

Referred to Committee on Government Operations & Elections.

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1043,
and the same is herewith transmitted.

SB 5811 by Senators Tom, Fain, Hill, Rivers, Baumgartner and Shin

BARBARA BAKER, Chief Clerk

AN ACT Relating to employee wellness programs; reenacting and amending RCW 41.80.020; and adding a new section to chapter 41.05 RCW.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5147.

Referred to Committee on Ways & Means.

MOTION

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

SB 5812 by Senators Hill, Hobbs, Hargrove and Shin

AN ACT Relating to providing a business and occupation tax credit for businesses that hire veterans; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

INTRODUCTION AND FIRST READING

Referred to Committee on Ways & Means.

SB 5806 by Senators Smith, Rolfes, Pearson and Hargrove

SB 5813 by Senators Hewitt, Holmquist Newbry, Honeyford, Becker, Rivers, Schoesler, Hatfield, Ericksen,

Hobbs, Sheldon, Hargrove, Eide, Dammeier, King, Brown and Shin

AN ACT Relating to supporting youth programs through agricultural fairs; and amending RCW 15.76.100, 67.70.240, and 15.76.115.

Referred to Committee on Ways & Means.

SB 5814 by Senators Chase, Hasegawa, Rolfes and Kline

AN ACT Relating to for hire vehicles, limousines, and taxicabs; amending RCW 51.12.183; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 5815 by Senators Keiser, Holmquist Newbry, Hobbs, Hatfield, Becker, Tom, Brown and Shin

AN ACT Relating to prohibiting a person from selling or giving a vapor product designed solely for smoking or ingesting tobacco or shisha to a minor; and amending RCW 26.28.080.

Referred to Committee on Law & Justice.

HB 1043 by Representatives Seaquist, Haler, Zeiger, Fagan, Fitzgibbon, Pedersen, Pollet, Magendanz and Stanford

AN ACT Relating to limiting differential tuition; and reenacting and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

MOTION

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

MOTION

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

MOTION

Senator Chase moved adoption of the following resolution:

SENATE RESOLUTION 8619

By Senators Chase, McAuliffe, Keiser, Fraser, Kohl-Welles, Hobbs, and Mullet

WHEREAS, Civic education is the foundation for an educated citizenry and a representative democracy; and

WHEREAS, In order to adequately prepare our state's youth for meaningful participation in our democratic institutions and processes, it is important to have strong educational resources aimed at teaching students and the public about the fragile nature of our Constitution; and

WHEREAS, Civic education is part of the fabric of our country and is important for students in our public schools; and

WHEREAS, Civic education is a vital tool to promote greater understanding of the legislative process and the role of legislators in a representative democracy; and

WHEREAS, By gathering educators in the state capitol, we recognize the value of civic education in Washington State and establish a forum for civic educators across the state to collaborate with legislators and other supporters; and

WHEREAS, Many organizations such as the Legislative Youth Advisory Council, We the People Foundation, Washington Media Association, Washington State Council of Social Studies, 4-H Know Your Government, YMCA Youth & Government, Office of the Superintendent of Public Instruction, Office of the Secretary of State, Washington State Historical Society, Legislative Scholars Program, and Service Learning of Washington are dedicated to making civic education a priority for Washington State and its citizens; and

WHEREAS, The contributions of committed teachers, principals, community leaders, parents, state employees, and volunteers help accomplish the goal of these laudable organizations to create an engaged citizenry; and

WHEREAS, The Washington State Senate recognize Donetta Elsasser of Touche, Washington; Brandon Bouge of Spokane, Washington; Kelly Clark of Seattle, Washington; Karin Ashabraner of Gig Harbor, Washington; Lisa Browitt of Cle Elum, Washington; Stephen Cowdrey of Asotin, Washington; Scott Darby of Graham, Washington; Steven Cross of Marysville, Washington as nominees for Washington State Legislature's 2013 Civic Educator of the Year Award; and

WHEREAS, The Washington State Senate recognize Web Hutchins of Seattle, Washington; and Tuck Gionet of Snohomish, Washington as Winners of the 2013 Civic Educator of the Year Award;

NOW, THEREFORE, BE IT RESOLVED, That on February 18, 2013, the Washington State Senate honor civic education and recognize the responsibility of civic educators across the state to serve and inform all Washingtonians; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor, thank, and celebrate the civic educators of the state.

Senator Chase spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8619.

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

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION 8605

By Senators Hatfield and Schoesler

WHEREAS, The 4-H Youth Development Program of Washington State University Extension has helped the young people in Washington develop essential life skills since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering citizenship, science, math and technology literacy, health and wellness, communication, and decision-making skills; and

WHEREAS, Over ninety thousand young people and eight thousand adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2012; and

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WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences; and

WHEREAS, More than three hundred 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide educational program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government Program focused this year on the United States judicial system and how it works interactively with the executive and legislative branches of government; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat BoyEs, the State 4-H Director for the Washington State University Extension 4-H Youth Development Program.

Senators Schoesler and Becker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8605.

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

MOTION

At 12:12 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, February 19, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRTY SEVENTH DAY**NOON SESSION**

Senate Chamber, Olympia, Tuesday, February 19, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 18, 2013

SB 5014 Prime Sponsor, Senator Benton: Limiting the power of eminent domain. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; Carrell, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5045 Prime Sponsor, Senator Keiser: Allowing day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5045 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5107 Prime Sponsor, Senator Padden: Concerning prevailing wages for workers employed in residential construction. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5114 Prime Sponsor, Senator Bailey: Regarding access to K-12 campuses for occupational or educational information. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5135 Prime Sponsor, Senator Pearson: Concerning judicial proceedings and forms. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5135 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5282 Prime Sponsor, Senator Carrell: Creating a statewide database of mental health commitment information. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5282 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5288 Prime Sponsor, Senator Hill: Concerning contracts for health care services for incarcerated offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5305 Prime Sponsor, Senator Becker: Requiring hospitals to report when providing treatment for bullet wounds, gunshot wounds, and stab wounds to all patients. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Ericksen; Parlette and Schlicher.

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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland; Keiser, Ranking Member.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5310 Prime Sponsor, Senator Nelson: Creating a senior center license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5359 Prime Sponsor, Senator Carrell: Concerning mandatory reporting of child abuse or neglect by supervised persons. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5389 Prime Sponsor, Senator Billig: Concerning sibling visitation for children in foster care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5389 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 18, 2013

SB 5416 Prime Sponsor, Senator Bailey: Concerning prescription information. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5416 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen and Schlicher.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5456 Prime Sponsor, Senator Schlicher: Concerning detentions under the involuntary treatment act. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5456 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Harper.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5480 Prime Sponsor, Senator Keiser: Accelerating changes to mental health involuntary commitment laws. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5480 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 18, 2013

SB 5488 Prime Sponsor, Senator Kohl-Welles: Establishing an enhanced penalty for the use of an internet advertisement to facilitate the commission of a sex-trafficking crime. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5492 Prime Sponsor, Senator Becker: Requiring transparency for patients regarding training and qualifications of health care professionals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5517 Prime Sponsor, Senator Hobbs: Changing the criteria for the beer and wine tasting endorsement for grocery stores. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5517 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5587 Prime Sponsor, Senator Litzow: Concerning student assessments. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5587 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown; Fain; Hill and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Cleveland; McAuliffe, Ranking Member; Mullet; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 18, 2013

SB 5597 Prime Sponsor, Senator Conway: Concerning locksmith services. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member and Hewitt.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5607 Prime Sponsor, Senator Harper: Concerning beer, wine, and spirits theater licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Hewitt; Keiser and King.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5618 Prime Sponsor, Senator Carrell: Including searches by school resource officers and local police school liaison officers within the warrantless school search exception. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5619 Prime Sponsor, Senator Holmquist Newbry: Exempting from prevailing wage requirements public works projects undertaken to repair fire damage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5669 Prime Sponsor, Senator Padden: Concerning trafficking. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5669 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5674 Prime Sponsor, Senator Kohl-Welles: Allowing wine and beer sampling at farmers markets. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5727 Prime Sponsor, Senator Braun: Addressing prevailing wages in distressed counties. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5727 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5732 Prime Sponsor, Senator Carrell: Concerning the adult behavioral health system in Washington state. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5732 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 18, 2013

SB 5770 Prime Sponsor, Senator Honeyford: Permitting conservation districts to use electronic deposits for employee pay and compensation. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

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Passed to Committee on Rules for second reading.

AN ACT Relating to providing for property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas; and adding a new chapter to Title 84 RCW.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5587 which was referred to the Committee on Rules.

Referred to Committee on Trade & Economic Development.

MOTION

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

SB 5817 by Senators Fraser, Dammeier, Ranker and Shin

AN ACT Relating to the taxation and permitting of vessels in Washington; amending RCW 82.08.700 and 82.12.700; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; creating a new section; providing an effective date; and providing an expiration date.

MESSAGE FROM THE HOUSE

February 18, 2013

Referred to Committee on Ways & Means.

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1006,
- SUBSTITUTE HOUSE BILL NO. 1010,
- SUBSTITUTE HOUSE BILL NO. 1016,
- HOUSE BILL NO. 1036,
- HOUSE BILL NO. 1045,
- HOUSE BILL NO. 1186,
- SUBSTITUTE HOUSE BILL NO. 1200,
- HOUSE BILL NO. 1203,
- HOUSE BILL NO. 1213,

and the same are herewith transmitted.

SB 5818 by Senators Rivers, Rolfes, Cleveland, McAuliffe, Dammeier, Hasegawa and Shin

AN ACT Relating to supporting K-12 career education, exploration, and planning; amending RCW 28A.150.220, 28A.230.090, 28A.600.045, 28A.230.097, 28A.700.070, 28A.700.030, and 28A.700.040; adding new sections to chapter 28A.230 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 28A.410 RCW; and creating a new section.

BARBARA BAKER, Chief Clerk

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

MESSAGE FROM THE HOUSE

February 18, 2013

SB 5819 by Senator Benton

AN ACT Relating to suspension of rule making; amending RCW 34.05.310, 34.05.313, and 34.05.320; reenacting and amending RCW 34.05.328; adding new sections to chapter 34.05 RCW; and declaring an emergency.

MR. PRESIDENT:

The House has passed:

- ENGROSSED HOUSE BILL NO. 1470,

and the same is herewith transmitted.

Referred to Committee on Governmental Operations.

BARBARA BAKER, Chief Clerk

SB 5820 by Senators Benton and Brown

MESSAGE FROM THE HOUSE

February 19, 2013

AN ACT Relating to providing for a suspension of the growth management act during certain periods of high unemployment within a county; and adding a new section to chapter 36.70A RCW.

MR. PRESIDENT:

The Speaker has signed:

- SENATE BILL NO. 5147,
- SENATE CONCURRENT RESOLUTION NO. 8400,

and the same are herewith transmitted.

Referred to Committee on Governmental Operations.

BARBARA BAKER, Chief Clerk

SB 5821 by Senator Benton

MOTION

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

AN ACT Relating to establishing consistent standards for agency decision making; amending RCW 70.94.181, 76.09.060, 77.55.021, 78.44.081, 86.16.025, 70.95.205, 15.54.820, 43.21C.033, 77.115.040, 16.65.030, 70.119A.110, 90.03.350, 90.03.370, 90.58.140, and 70.118B.030; adding a new section to chapter 70.94 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.76 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 69.30 RCW; adding a new section to chapter 90.64 RCW; adding a new section to chapter 15.58 RCW; adding a new section to chapter 17.21 RCW; adding a new section to chapter 70.95J RCW; and adding a new section to chapter 90.66 RCW.

INTRODUCTION AND FIRST READING

SB 5816 by Senators Hobbs, Harper, Pearson and McAuliffe

Referred to Committee on Governmental Operations.

SB 5822 by Senators Pearson and Shin

AN ACT Relating to notifying school districts of substantiated concerns of child abuse or neglect; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Human Services & Corrections.

SB 5823 by Senators Chase, Hasegawa, Shin and Kline

AN ACT Relating to creating a pilot program for the collection of payroll records on public works projects; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

SB 5824 by Senators Honeyford, Hatfield, Schoesler and Shin

AN ACT Relating to the financing of irrigation district improvements; amending RCW 84.34.310, 87.03.480, 87.03.485, 87.03.490, 87.03.495, 87.03.510, 87.03.515, 87.03.527, 87.06.020, 87.28.103, and 87.28.200; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Local Government.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1006 by Representatives Schmick and Cody

AN ACT Relating to removing the requirement that earnings from the Washington horse racing commission operating account be credited to the Washington horse racing commission class C purse fund account; amending RCW 67.16.280; and reenacting and amending RCW 43.79A.040.

Referred to Committee on Ways & Means.

SHB 1010 by House Committee on Business & Financial Services (originally sponsored by Representatives Appleton, Hunt and Haigh)

AN ACT Relating to antifreeze products; and amending RCW 19.94.544.

Referred to Committee on Commerce & Labor.

SHB 1016 by House Committee on Local Government (originally sponsored by Representatives Angel, Takko, Zeiger, Johnson, Haigh and Magendanz)

AN ACT Relating to designating facilities and infrastructure of water purveyors as essential public facilities under growth management planning requirements; and amending RCW 36.70A.030 and 36.70A.200.

Referred to Committee on Governmental Operations.

HB 1036 by Representatives Kirby, Ryu and Schmick

AN ACT Relating to service contracts; amending RCW 48.110.020; and adding a new section to chapter 48.110 RCW.

Referred to Committee on Commerce & Labor.

HB 1045 by Representatives Ryu, Angel, Moscoso, Clibborn, Upthegrove, Fitzgibbon, Lias, Pedersen, Stanford, Farrell, Morrell, Pollet, Bergquist and Fey

AN ACT Relating to local authorities altering maximum speed limits; and amending RCW 46.61.415.

Referred to Committee on Transportation.

HB 1186 by Representatives Haigh, Nealey, Jinkins, Rodne, Shea, Ryu, Morrell and Tharinger

AN ACT Relating to veterinarian immunity from liability when reporting suspected animal cruelty; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Law & Justice.

SHB 1200 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Wilcox, Takko, Lytton, Klippert, Van De Wege, Nealey, Stanford, Short and Smith)

AN ACT Relating to labeling of seafood; amending RCW 69.04.060, 69.04.928, 69.04.932, 69.04.933, 69.04.934, and 69.04.935; reenacting and amending RCW 9.94A.515; adding a new section to chapter 69.04 RCW; repealing RCW 69.04.315; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

HB 1203 by Representatives Farrell, Lytton, Kagi, Freeman, Walsh, Ryu, Reykdal, Morrell, Jinkins, Bergquist and Ormsby

AN ACT Relating to exempting from public inspection and copying personal information relating to children; and reenacting and amending RCW 42.56.230.

Referred to Committee on Human Services & Corrections.

HB 1213 by Representatives Orwall, Pettigrew, Kagi, Morrell and Ryu

AN ACT Relating to social worker licensing; amending RCW 18.225.010, 18.225.090, 18.225.145, and 43.70.442; and adding new sections to chapter 18.225 RCW.

Referred to Committee on Human Services & Corrections.

EHB 1470 by Representatives Ormsby, Manweller, Sells, Reykdal, Fagan, Green, Van De Wege and Condotta

AN ACT Relating to recommendations of the vocational rehabilitation subcommittee for workers' compensation; amending RCW 51.32.095 and 51.32.099; amending 2011 c 291 s 3 (uncodified); amending 2009 c 353 s 7 (uncodified); amending 2007 c 72 s 6 (uncodified); providing expiration dates; and declaring an emergency.

THIRTY SEVENTH DAY, FEBRUARY 19, 2013

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Referred to Committee on Commerce & Labor.

MOTION

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

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, February 20, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 20, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Ranker.

The Sergeant at Arms Color Guard consisting of Pages Annika Steele and Michelle Steele, presented the Colors. Pastor Jim Ladd of Evergreen Christian Community Church of Olympia offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 18, 2013

SI 1517 Prime Sponsor, People of the State of Washington: Initiative and referendum. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5065 Prime Sponsor, Senator Mullet: Regulating the settling of certain insurer transactions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Roach.

MINORITY recommendation: Do not pass. Signed by Senator Nelson.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5182 Prime Sponsor, Senator Carrell: Addressing the disclosure of vehicle owner information. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5184 Prime Sponsor, Senator Benton: Expanding the membership of the capital projects advisory review board. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5210 Prime Sponsor, Senator Nelson: Regulating mortgage brokers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5210 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5213 Prime Sponsor, Senator Becker: Concerning prescription review for medicaid managed care enrollees. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5213 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5219 Prime Sponsor, Senator Honeyford: Retaining water resources to assure the vitality of local economies. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5249 Prime Sponsor, Senator Chase: Creating a business and occupation tax credit for hiring certain persons in manufacturing. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

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SB 5251 Prime Sponsor, Senator Chase: Exempting certain manufacturing research and development activities from business and occupation taxation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5251 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5315 Prime Sponsor, Senator Becker: Implementing the recommendations made by the Powell fatality team. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5315 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5316 Prime Sponsor, Senator Becker: Adopting a model policy to require a third person to be present during interviews. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5316 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5332 Prime Sponsor, Senator Roach: Modifying the percentage of votes required to approve benefit charges for fire protection districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5332 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5338 Prime Sponsor, Senator Hobbs: Addressing nonprofit debt adjusters. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5338 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Roach.

MINORITY recommendation: Do not pass. Signed by Senator Nelson.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5347 Prime Sponsor, Senator Rivers: Assuring the people's right to vote on initiatives that submit sufficient valid voter signatures. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5399 Prime Sponsor, Senator Dammeier: Addressing the timing of penalties under the growth management act. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5399 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5411 Prime Sponsor, Senator Rolfes: Requiring the ballot proposition to reduce the terms of office of port commissioners to be submitted at the next general election. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5417 Prime Sponsor, Senator Mullet: Concerning the annexation of unincorporated territory within a code city. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5444 Prime Sponsor, Senator Hasegawa: Creating greater efficiency in the offices of county assessor by eliminating the requirement to annually appraise tax-exempt government properties. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5444 be substituted therefor, and the substitute bill do

pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5450 Prime Sponsor, Senator Parlette: Concerning public hospital districts insurance coverage for commissioners. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5459 Prime Sponsor, Senator Becker: Requiring ninety-day supply limits on certain drugs dispensed by a pharmacist. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5460 Prime Sponsor, Senator Darneille: Concerning the rights of parents who are incarcerated or in residential substance abuse treatment. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5460 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Harper.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5461 Prime Sponsor, Senator Darneille: Modifying provisions regarding the representation of children in dependency matters. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5461 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Harper.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5475 Prime Sponsor, Senator Harper: Creating a licensing category for receiving care centers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5475 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5495 Prime Sponsor, Senator Holmquist Newbry: Expanding the membership of the state building code council. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Conway.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5499 Prime Sponsor, Senator Benton: Changing the time for filing initiative measures. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5500 Prime Sponsor, Senator Benton: Providing a replacement ballot by telephone, mail, or in person to a voter who is not a voter that is overseas or in the military. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5505 Prime Sponsor, Senator Roach: Encouraging valid voter signatures on petitions count and timely validation of signatures. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5505 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

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SB 5507 Prime Sponsor, Senator Billig: Increasing transparency of donors to candidates and ballot measures. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5507 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5508 Prime Sponsor, Senator Hatfield: Restricting prevailing wages on certain rural school district projects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5508 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5510 Prime Sponsor, Senator Becker: Concerning the abuse of vulnerable adults. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5514 Prime Sponsor, Senator Roach: Concerning utility rates and charges for vacant mobile home lots in manufactured housing communities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5518 Prime Sponsor, Senator Roach: Making nonsubstantive changes to election laws. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5518 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser and Rivers.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5541 Prime Sponsor, Senator Hobbs: Concerning the redemption of real property. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5577 Prime Sponsor, Senator Carrell: Protecting public employees who act ethically and legally. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5577 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5598 Prime Sponsor, Senator Mullet: Concerning the disposition of surplus property for the development of affordable housing. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5598 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Fain and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Benton, Ranking Member.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5606 Prime Sponsor, Senator Roach: Concerning fire suppression water facilities and services provided by municipal and other water purveyors. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5624 Prime Sponsor, Senator McAuliffe: Aligning high-demand secondary STEM or career and technical education programs with applied baccalaureate programs. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5624 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Frockt; Kohl-Welles, Ranking Member and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair and Tom.

Passed to Committee on Ways & Means.

February 18, 2013

SB 5636 Prime Sponsor, Senator Smith: Providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5637 Prime Sponsor, Senator Hasegawa: Concerning primary election voters' pamphlets. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5641 Prime Sponsor, Senator Bailey: Requiring the governor's signature on significant legislative rules. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5661 Prime Sponsor, Senator Roach: Addressing property assessments and the appeal of those assessments. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5661 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway and Rivers.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5676 Prime Sponsor, Senator Braun: Protecting personal voter signatures. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5676 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair;

Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5691 Prime Sponsor, Senator Hewitt: Concerning veterans' homes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5696 Prime Sponsor, Senator Litzow: Providing limited civil immunity from liability for apiarists. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5696 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5717 Prime Sponsor, Senator Baumgartner: Addressing competitive contracting. Reported by Committee on Governmental Operations

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Ways & Means.

February 18, 2013

SB 5746 Prime Sponsor, Senator Roach: Providing a method for dissolution of a public hospital district. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

February 18, 2013

SB 5747 Prime Sponsor, Senator Roach: Concerning the election of public hospital district boards of commissioners. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

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SB 5748 Prime Sponsor, Senator Roach: Extending contribution limits to candidates for public hospital district boards of commissioners. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5792 Prime Sponsor, Senator Honeyford: Concerning health care services for inmates in city, county, and regional jails. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5810 Prime Sponsor, Senator Darneille: Allowing the department of corrections to exempt information contained in the internal database on security threat group data from dissemination under the public records act. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 18, 2013

SJM 8004 Prime Sponsor, Senator Roach: Requesting Congress and the Postmaster General to establish a special accommodation for official election mail. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 18, 2013

SJR 8204 Prime Sponsor, Senator Roach: Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8204 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

SJR 8205 Prime Sponsor, Senator Roach: Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5598; Senate Bill No. 5637; Senate Bill No. 5691; Senate Joint Resolution No. 8204 and Senate Joint Resolution No. 8205; which were referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5825 by Senators Brown, Schlicher, Dammeier, Frockt, Braun, Cleveland, Keiser, Smith, Kohl-Welles and Kline

AN ACT Relating to alternative methods of satisfying continuing education credits for health care providers; and amending RCW 18.79.210 and 18.71.080.

Referred to Committee on Health Care.

SB 5826 by Senators Conway, Hobbs, Litzow, Rolfes, Dammeier, Eide, Kohl-Welles and Kline

AN ACT Relating to the shared leave pool; and amending RCW 41.04.685.

Referred to Committee on Governmental Operations.

SB 5827 by Senators Chase, Conway, Hasegawa and Kline

AN ACT Relating to service credit for certain school employee service workers; and amending RCW 41.35.010, 41.35.400, and 41.35.620.

Referred to Committee on Ways & Means.

SB 5828 by Senators Chase and Roach

AN ACT Relating to community housing; and adding a new section to chapter 71A.20 RCW.

Referred to Committee on Health Care.

SB 5829 by Senators Braun, Hargrove, Holmquist Newbry and Hatfield

AN ACT Relating to providing enhanced payment to small rural hospitals that meet the criteria of a sole community hospital; amending RCW 74.09.5225; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

SB 5830 by Senators Chase, Conway, Hasegawa and Kline

AN ACT Relating to alternate early retirement for certain school employee service workers; and amending RCW 41.35.010, 41.35.420, and 41.35.680.

Referred to Committee on Ways & Means.

SB 5831 by Senators Rivers, Roach, Benton and Brown

AN ACT Relating to providing a sales and use tax exemption for clay targets purchased by nonprofit gun clubs; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5832 by Senators Brown, Conway and Schoesler

AN ACT Relating to agreements between the Washington state patrol, the Washington state department of transportation, and other government entities for police services for projects involving state highway routes and public safety services; and amending RCW 43.43.120.

Referred to Committee on Transportation.

MOTION

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

MOTION

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

SECOND READING

SENATE BILL NO. 5145, by Senators Keiser, Conway, Eide, Kohl-Welles, Shin and Schlicher

Allowing fire departments to develop a community assistance referral and education services program.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senators Ranker, Rolfes and Shin were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5145.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Ranker

SENATE BILL NO. 5145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5095, by Senators Roach, Tom, Rivers, Becker, Holmquist Newbry, Schoesler, Ericksen, Padden, Bailey, Hill and Honeyford

Providing proof of financial responsibility for motor vehicle operation.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5095 was substituted for Senate Bill No. 5095 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5095.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5095 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 5095, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR IMMEDIATE RECONSIDERATION

Senator Fain moved to immediately reconsider the vote by which Substitute Senate Bill No. 5095 passed the Senate today.

The Senate resumed consideration of Substitute Senate Bill No. 5095 which had been deferred earlier in the day.

The President declared the question before the Senate to be the motion by Senator Fain that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 5095 passed the Senate.

Senator Roach moved that the following amendment by Senators Roach and Fraser be adopted:

On page 3, after line 28, insert

"Sec. 3. RCW 46.16A.180 and 2010 c 161 s 432 are each amended to read as follows:

(1) A registration certificate must be:

(a) Signed by the registered owner, or if a firm or corporation, the signature of one of its officers or other authorized agent, to be valid;

(b) Carried in the vehicle for which it is issued; and

(c) Provided to law enforcement and the department by the operator of the vehicle upon demand.

(d) The registration certificate required by this section may be provided in either paper or electronic format. Acceptable electronic formats include the display of electronic images on a cellular phone or any other type of portable electronic device.

(2) It is unlawful for any person to operate or be in possession of a vehicle without carrying a registration certificate for the vehicle. Any person in charge of a vehicle shall, upon demand of any of the local authorities or of any police officer or of any representative of the department, permit an inspection of the vehicle registration certificate. This section does not apply to a vehicle for which registration is not required to be renewed annually and is a publicly owned vehicle marked as required under RCW 46.08.065."

Senators Roach and Fraser spoke in favor of adoption of the amendment.

The motion by Senator Fain that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 5095 passed carried by voice vote.

MOTION

On motion of Senator Fain, the rules were suspended and Substitute Senate Bill No. 5095 was returned to second reading for the purpose of amendment.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5095 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5008, by Senators Hobbs, Benton and Hatfield

Addressing portable electronics insurance.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5008 was substituted for Senate Bill No. 5008 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5008.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5008 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 5008, having received the constitutional majority, was declared passed. There being no

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach and Fraser on page 3, after line 28 to Substitute Senate Bill No. 5095.

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

MOTION

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

On page 1, line 1 of the title, after "proof", strike the remainder of the title and insert "required documents for motor vehicle operation electronically; and amending RCW 46.30.020, 46.30.030 and 46.16A.180."

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 5095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5095.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5095 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway,

Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:34 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:38 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5593, by Senators Smith and Parlette

Concerning filing requirements for property tax exemption claims for certain improvements to benefit fish and wildlife habitat, water quality, or water quantity.

The measure was read the second time.

MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Smith and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5593.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5593 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Ranker

SENATE BILL NO. 5593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Smith: "Thank you Sir. So, the Pages are passing out a token of my appreciation for your indulgence in allowing me to speak for the first time. These are items that do come from my home district but there a little bit unusual. There were some

recommendations that I had from a number of people in my district, one of which was that I bring each one of the senators one of our rare grey wolves. That could have accomplished addressing several different issues but I felt that might break the decorum rules of the chamber so I decided to pass on that. What we do have here are a number of items people might not associate with our district. First of all we do have some locally roasted coffee. We do not raise the beans but I do know these people. They're good friends of mine. The Crandalls work with a broker that only seeks to work directly with growers people who are engaged in moral and ethical behavior in their home countries. I like that. Also, we have a sampling from Spo-candy. Also that Spokane is a larger part of our district, I hope you enjoy that. I would not recommend eating the wood pellets unless you have a severe problem, well, we won't talk about that but what they do is give a nod to the fact, in my district, the timber industry is incredible. I do believe that in the future we will be looking more and more to the timber industry for energy instead of merely building homes. Finally the last part, is the paper bag itself. Which, in Pend Oreille County, we do have a strong pulp and paper industry working with the latest technology to have environmentally sound and efficient ways of producing that product. I would simply also, in this as one final point, I would like to say for me and my family the fact that I am sitting in this seat is an incredible step. My grandmother also served in the Idaho State Legislature and it was a long run for our family to be involved in this way again and I do appreciate the support and the encouragement that I have received from my colleagues up to this point. Thank you."

PERSONAL PRIVILEGE

Senator Ericksen: "Well, I just wanted to say, welcome to the senate to the good gentleman from Eastern Washington. It's a pleasure to have you here, to serve on the Transportation Committee with you and also help you get that first bill out of our committee, dealing with the very wood pellets that he's passing out today. It was a phenomenal story, but he was too humble in his opening speech. When he was actually talking about the wolf issue from over in his district because you'll notice that today the good gentleman from the Fortieth district is not here, not on the floor with us today. So, while he wasn't able to get the wolves on the floor with us I do believe you did relocate some to Orcas Island to keep the good senator happy. I think that's where he's at today is now dealing with his own wolf problem over on Orcas Island."

PERSONAL PRIVILEGE

Senator Kline: "Thank you Mr. President. I have the benefit of working on the Natural Resources and Parks Committee with our new member and I want to tell you he actually does get the bills rolling with a lot the help from the Chair which I noticed because I'm definitely kept awake and alert during these meetings. You never know what might happen. Those of you who have been here for years know that, as they say in the programs. 'My name is Adam and I am an addict.' The substance you see here is my substance and if any of you tea-drinking liberals or for that matter other friends decide you don't need this little eight ounces of heaven well then just send it over my way. Thank you."

SECOND READING

SENATE BILL NO. 5312, by Senators Hobbs, Harper, Eide, Benton, Hatfield, Schoesler, Roach, Keiser and Tom

THIRTY EIGHTH DAY, FEBRUARY 20, 2013

2013 REGULAR SESSION

Authorizing small consumer installment loans.

MOTION

MOTION

On motion of Senator Benton, Substitute Senate Bill No. 5312 was substituted for Senate Bill No. 5312 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Nelson moved that the following amendment by Senator Nelson be adopted:

On page 2, line 21, after "disclosure" insert "plus any monthly maintenance fee"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Nelson spoke in favor of adoption of the amendment.

Senators Benton and Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 2, line 21 to Substitute Senate Bill No. 5312.

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

MOTION

Senator Chase moved that the following amendment by Senators Chase, Nelson and Rolfes be adopted:

On page 5, line 34, after "annum," strike "exclusive of" and insert "including all"

On page 5, line 35, after "chapter" insert "including any loan in default"

On page 6, line 16, after "amount," strike "exclusive of" and insert "including all"

On page 6, line 17, after "chapter" insert "including any loan in default"

Senators Chase and Nelson spoke in favor of adoption of the amendment.

Senators Benton and Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Chase, Nelson and Rolfes on page 5, line 34 to Substitute Senate Bill No. 5312.

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

MOTION

Senator Nelson moved that the following amendment by Senator Nelson be adopted:

On page 5, line 36, after "amount of" strike "one thousand"

On page 10, line 28, after "exceed" strike "one thousand"

Senator Nelson spoke in favor of adoption of the amendment.

Senators Hobbs and Benton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 5, line 36 to Substitute Senate Bill No. 5312.

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

Senator Nelson moved that the following amendment by Senator Nelson be adopted:

On page 6, line 8, after "(7)" strike "The" through "property" on line 9 and insert "The licensee may not accept any property, title to property, or other evidence of ownership of property as collateral at the time of loan origination or if the loan is in default, including a dated instrument such as a check, preauthorized electronic fund transfer, or automatic clearing house transaction"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Nelson and Frockt spoke in favor of adoption of the amendment.

Senators Benton and Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 6, line 8 to Substitute Senate Bill No. 5312.

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

MOTION

Senator Nelson moved that the following amendment by Senator Nelson be adopted:

On page 6, line 30, after "delinquent" strike "ten" and insert "thirty"

On page 6, line 31, after "more" insert "and the licensee has notified the borrower at least ten days prior to the date of default that the borrower is in arrears and may be in default"

On page 7, line 27, after "that" insert "a thirty-day"

On page 7, line 29, after "loan" insert ", provided the borrower has been provided notice as required in section 8(5) of this act"

Senator Nelson spoke in favor of adoption of the amendment.

Senators Hobbs and Benton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 6, line 30 to Substitute Senate Bill No. 5312.

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

MOTION

Senator Nelson moved that the following amendment by Senator Nelson be adopted:

On page 7, line 29, after "loan;" strike "and"

On page 7, line 33, after "making" insert "; and (9) A notice to the borrower in at least ten-point type that states:

A SMALL CONSUMER INSTALLMENT LOAN IS NOT INTENDED TO MEET LONG-TERM FINANCIAL NEEDS.

A SMALL CONSUMER INSTALLMENT LOAN SHOULD BE USED ONLY TO MEET SHORT-TERM CASH NEEDS."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Nelson and Hobbs spoke in favor of adoption of the amendment.

Senator Benton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 7, line 29 to Substitute Senate Bill No. 5312.

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

HUNTER GOODMAN, Secretary of the Senate

MOTION

Senator Nelson moved that the following amendment by Senator Nelson be adopted:

On page 10, line 30 after "(2) insert "No licensee may extend to or have open with a borrower a small consumer installment loan if that borrower has a small loan, is in repayment of a small loan, or is in default of a small loan as defined in RCW 31.45.010. (3)"

On page 10, line 31, after "out" strike "subsection (1)" and insert "subsections (1) and (2) of this section"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Nelson spoke in favor of adoption of the amendment.

Senators Benton and Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 10, line 30 to Substitute Senate Bill No. 5312.

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

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, Benton, Keiser and Hatfield spoke in favor of passage of the bill.

Senators Nelson, Chase, Schlicher and Rolfes spoke against passage of the bill.

Senator Harper spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5312.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Eide, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Frockt, Harper, Hasegawa, Holmquist Newbry, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Rolfes, Schlicher and Shin

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:29 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, February 21, 2013.

BRAD OWEN, President of the Senate

THIRTY NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 21, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 2013

SB 5031 Prime Sponsor, Senator Padden: Requiring actions for damage to real property resulting from construction, alteration, or repair on adjacent property to be commenced within two years after the property owner first discovered or reasonably should have discovered the damage. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5031 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5105 Prime Sponsor, Senator Dammeier: Asserting conditions under which the department of corrections provides rental vouchers to a registered sex offender. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5105 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5109 Prime Sponsor, Senator Padden: Creating a business and occupation tax exemption for new businesses. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5109 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 20, 2013

SB 5176 Prime Sponsor, Senator Hargrove: Addressing criminal incompetency and civil commitment. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5176 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5325 Prime Sponsor, Senator Rivers: Concerning the definition of a rural county for public facilities' sales and use tax purposes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5325 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 20, 2013

SB 5376 Prime Sponsor, Senator Kline: Concerning juvenile firearms and weapons crimes. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5376 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Hargrove and Padden.

MINORITY recommendation: Do not pass. Signed by Senator Darneille, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Harper.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5382 Prime Sponsor, Senator Benton: Promoting economic development through tax relief for start-up firms. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5382 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 20, 2013

SB 5396 Prime Sponsor, Senator Hewitt: Concerning limited on-premise spirits sampling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5396 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5400 Prime Sponsor, Senator Honeyford: Allowing utilities serving customers in Washington and in other states to use eligible renewable resources located within the western electricity coordinating council area to comply with chapter 19.285 RCW, the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Litzow.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Ranker, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Chase and Cleveland.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5403 Prime Sponsor, Senator Carrell: Concerning the enforcement powers of the office of financial recovery. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Harper.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5405 Prime Sponsor, Senator Murray: Concerning extended foster care services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5407 Prime Sponsor, Senator Ericksen: Concerning electronic filing of pollutant discharge elimination permit system applications. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig;

Brown; Chase; Cleveland; Honeyford; Litzow; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5438 Prime Sponsor, Senator Ericksen: Using conservation achieved by a qualifying utility in excess of its biennial acquisition target under the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5438 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase; Honeyford and Litzow.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Cleveland; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5452 Prime Sponsor, Senator Conway: Modifying stalking and harassment protection order provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5452 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5454 Prime Sponsor, Senator Rolfes: Concerning the testing of infants placed in out-of-home care whose human immunodeficiency virus is unknown. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Baumgartner and Padden.

MINORITY recommendation: Do not pass. Signed by Senator Darneille, Ranking Member.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5458 Prime Sponsor, Senator Billig: Concerning the labeling of certain asbestos-containing building materials. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5458 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Billig; Chase; Cleveland; Litzow; Ranker, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

THIRTY NINTH DAY, FEBRUARY 21, 2013

2013 REGULAR SESSION

February 20, 2013

SB 5476 Prime Sponsor, Senator Hewitt: Clarifying the employment status of independent contractors in the news business. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5496 Prime Sponsor, Senator Braun: Authorizing approval of online school programs in private schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5504 Prime Sponsor, Senator Roach: Requiring state employees to be truthful when providing employment-related information. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5531 Prime Sponsor, Senator Darneille: Measuring performance of the child welfare system. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5531 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 20, 2013

SB 5551 Prime Sponsor, Senator Conway: Concerning competency to stand trial evaluations. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Harper.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Ways & Means.

February 20, 2013

SB 5552 Prime Sponsor, Senator Darneille: Improving child support collections by requiring reporting of compensation and establishing an intercept program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5552 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Harper.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Passed to Committee on Ways & Means.

February 20, 2013

SB 5565 Prime Sponsor, Senator Hargrove: Concerning background checks for individuals seeking a license under chapter 74.13 RCW or unsupervised access to children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5565 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5566 Prime Sponsor, Senator Pearson: Concerning interviewing children in child protective services investigations at children's advocacy centers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5566 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5578 Prime Sponsor, Senator Fraser: Exempting certain family day care providers who have been operating for at least five years from any requirement to have a high school diploma or equivalent education. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5590 Prime Sponsor, Senator Eide: Modifying requirements for the operation of commercial motor vehicles in compliance with federal regulations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5590 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice

Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5595 Prime Sponsor, Senator Billig: Concerning child care reform. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5595 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Harper.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5603 Prime Sponsor, Senator Hatfield: Establishing the Washington coastal marine advisory council. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase; Cleveland; Honeyford; Ranker, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Billig.

Passed to Committee on Ways & Means.

February 20, 2013

SB 5620 Prime Sponsor, Senator King: Changing school safety-related drills. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5647 Prime Sponsor, Senator Braun: Requiring the department of revenue to publish their determinations. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 20, 2013

SB 5648 Prime Sponsor, Senator Brown: Making energy conservation a top priority by adding new incentives and aligning the timing of the acquisitions of eligible renewable resources, electricity, or equivalent renewable energy credits, with the need for additional electric generating resources to serve consumers' loads, without changing the eligible renewable targets. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5648 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Cleveland; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 19, 2013

SB 5656 Prime Sponsor, Senator Braun: Revising business licensing systems. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5656 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schlicher.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5679 Prime Sponsor, Senator Brown: Improving the business climate and stimulating job creation by requiring certain agencies to establish a formal review process of existing rules. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5680 Prime Sponsor, Senator Brown: Promoting economic development by providing information to businesses. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5680 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 20, 2013

SB 5681 Prime Sponsor, Senator Rolfes: Facilitating treatment for persons with co-occurring disorders by requiring development of an integrated rule. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5681 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

February 20, 2013

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SB 5684 Prime Sponsor, Senator King: Addressing the prevailing rate of wage paid on public works. Reported by Committee on Commerce & Labor

Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

MAJORITY recommendation: That Substitute Senate Bill No. 5684 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5685 Prime Sponsor, Senator King: Concerning transparency with prevailing wage rate determinations. Reported by Committee on Commerce & Labor

February 19, 2013
SB 5699 Prime Sponsor, Senator Billig: Concerning electronic product recycling. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Litzow; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5686 Prime Sponsor, Senator King: Requiring surveys to develop data for prevailing wage determinations. Reported by Committee on Commerce & Labor

February 20, 2013
SB 5701 Prime Sponsor, Senator Brown: Authorizing the suspension or revocation of certificates or permits to teach based on the fraudulent submission of tests for educators. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5686 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5689 Prime Sponsor, Senator Darneille: Concerning access to juvenile records. Reported by Committee on Human Services & Corrections

February 19, 2013
SB 5718 Prime Sponsor, Senator Brown: Providing monitoring of the development of a one-stop portal for Washington businesses. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5718 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5689 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5697 Prime Sponsor, Senator Braun: Reducing the frequency of local sales and use tax changes. Reported by Committee on Trade & Economic Development

February 20, 2013
SB 5723 Prime Sponsor, Senator Hewitt: Authorizing enhanced raffles conducted by bona fide charitable or nonprofit organizations serving individuals with intellectual disabilities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5723 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5697 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Smith, Vice Chair;

February 20, 2013
SB 5735 Prime Sponsor, Senator Hargrove: Concerning registered sex or kidnapping offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5735 be substituted therefor, and the substitute bill do pass. Signed by Senators Carrell, Chair; Pearson, Vice

Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5757 Prime Sponsor, Senator Smith: Concerning standards and policies governing information technology. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5759 Prime Sponsor, Senator Braun: Concerning data collection and operational cost funding for the Washington state economic development commission. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 19, 2013

SB 5765 Prime Sponsor, Senator Brown: Promoting economic development through business and government streamlining projects. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 20, 2013

SB 5771 Prime Sponsor, Senator Darneille: Developing a risk assessment instrument for patients committed for involuntary treatment in Washington state. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

February 20, 2013

SJM 8005 Prime Sponsor, Senator Hargrove: Requesting that state route number 117 be designated as the POW/MIA Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5595 which was referred to the Committee on Ways & Means and Senate Bill No. 5735 which was referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE HOUSE

February 20, 2013

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1014,

HOUSE BILL NO. 1277,

HOUSE BILL NO. 1319,

SUBSTITUTE HOUSE BILL NO. 1331,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5833 by Senators Murray, Keiser, Hasegawa, Harper, Conway, Shin, Hobbs, Nelson, Kohl-Welles, Kline, Fraser, McAuliffe and Frockt

AN ACT Relating to interpreter services; amending RCW 39.26.100, 39.26.090, 41.56.030, and 41.56.510; adding new sections to chapter 39.26 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

SB 5834 by Senators Roach, Holmquist Newbry, Conway and McAuliffe

AN ACT Relating to veteran-owned businesses; amending RCW 43.60A.190, 43.60A.195, and 43.60A.200; and reenacting and amending RCW 43.60A.010.

Referred to Committee on Governmental Operations.

SB 5835 by Senators Tom and Bailey

AN ACT Relating to differential tuition; reenacting and amending RCW 28B.15.067; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5836 by Senators Honeyford, Bailey and Hatfield

AN ACT Relating to providing certainty for local governments on water resource decisions; and amending RCW 58.17.110.

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Referred to Committee on Agriculture, Water & Rural Economic Development.

new section to chapter 43.135 RCW; adding a new section to chapter 82.02 RCW; and creating a new section.

SB 5837 by Senators Frockt and McAuliffe

Referred to Committee on Finance.

AN ACT Relating to implementing career and college ready graduation requirements; amending RCW 28A.150.220, 28A.150.260, 28A.180.030, 28A.180.040, 28A.230.090, 28A.165.015, 28A.165.055, and 28A.165.065; adding a new section to chapter 28A.165 RCW; creating a new section; repealing RCW 28A.165.025 and 28A.165.045; and providing an effective date.

SB 5844 by Senators Sheldon and Roach

AN ACT Relating to modifying collective bargaining law to authorize the right of state workers employed in the community and technical college system as nontenured part-time academic employees to form a collective bargaining unit for the protection of their common interests; amending RCW 28B.52.010, 28B.52.020, 28B.52.025, 28B.52.045, and 28B.52.070; and creating a new section.

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

Referred to Committee on Commerce & Labor.

SB 5838 by Senators Hewitt, Keiser, Becker and Bailey

AN ACT Relating to restoring some of the nursing facility payment methodology changes made during 2011; amending RCW 74.46.431, 74.46.435, 74.46.437, 74.46.485, 74.46.501, 74.46.506, 74.46.515, and 74.46.521; adding a new section to chapter 74.46 RCW; providing an effective date; and declaring an emergency.

SB 5845 by Senators Becker, Dammeier, Bailey, Litzow, Braun, Schoesler, Holmquist Newbry, Smith, Erickson, Rivers, Hill, Carrell, Honeyford, Benton, Pearson, Sheldon and King

AN ACT Relating to attorney compensation; adding a new chapter to Title 2 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

Referred to Committee on Law & Justice.

SB 5839 by Senators Kline, Chase, Darneille, Conway, Keiser, Hasegawa and Kohl-Welles

AN ACT Relating to the protection of workers acting in furtherance of public policy; adding a new section to chapter 49.60 RCW; and creating a new section.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1014 by Representatives McCoy, Appleton, Hunt, Hurst, Moscoso, Ryu, Sells, Dahlquist, Johnson, Zeiger, Fitzgibbon, Wilcox, Stanford, Hudgins, Haigh, Tharinger, Van De Wege, Morrell, Ormsby, Upthegrove, Pollet, Bergquist, Reykdal, Kochmar, Jinkins, O'Ban and Santos

Referred to Committee on Law & Justice.

AN ACT Relating to recognizing "Native American Heritage Day"; amending RCW 1.16.050; and creating a new section.

SB 5840 by Senators Kline and Chase

AN ACT Relating to foreclosure; amending RCW 61.24.010, 61.24.030, 61.24.110, and 61.24.130; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1277 by Representatives Sawyer, Zeiger, McCoy, Angel, Appleton, Morris, Kirby, Maxwell, Santos, Liias, Tarleton, Freeman, Morrell, Riccelli, Wilcox, Lytton, Jinkins, Ryu, Dahlquist, Fey, Pollet and Ormsby

SB 5841 by Senators Rivers and Benton

AN ACT Relating to the distribution of initial and renewal vehicle license fees; and amending RCW 46.68.030.

AN ACT Relating to tribes holding conservation easements; and amending RCW 64.04.130 and 84.34.210.

Referred to Committee on Transportation.

Referred to Committee on Natural Resources & Parks.

SB 5842 by Senators Tom, Fain, Sheldon and Litzow

AN ACT Relating to redistricting; amending RCW 44.05.090; and creating a new section.

HB 1319 by Representatives Johnson, McCoy, Ross, Hunt, Rodne, Orwall, Green, Jinkins, Upthegrove, Chandler, Orcutt, Pedersen, Vick, Roberts, Alexander, Klippert, Holy, Short, Morrell, Smith, Buys, Kochmar, Liias, Moeller, Appleton, Angel, Zeiger, O'Ban, Wilcox, Hurst, Van De Wege, Shea, Fagan, Bergquist, Moscoso, Tarleton, Freeman and Fey

Referred to Committee on Governmental Operations.

AN ACT Relating to recognizing a welcome home Vietnam veterans day; and amending RCW 1.16.050 and 1.20.017.

ESB 5843 by Senators Tom, Billig, Hill, Hobbs, Murray, Darneille, Kohl-Welles, Conway and Frockt

AN ACT Relating to strengthening the review of the legislature's goals for tax preferences by requiring that every new tax preference provide a statement of legislative intent and include an expiration date where applicable; adding a

Referred to Committee on Governmental Operations.

SB 1331 by House Committee on Higher Education (originally sponsored by Representatives Riccelli, Zeiger,

Tarleton, Seaquist, Buys, Sawyer, Tharinger, Stonier, Bergquist, Liias, Upthegrove, Freeman, Farrell, Springer, Roberts, Jinkins, Maxwell, Fagan, Magendanz, Santos, Pollet, Fitzgibbon, Moscoso, Morrell, Fey and Dahlquist)

AN ACT Relating to formation of student advisory committees at four-year institutions of higher education; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

MOTION

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

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, February 22, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 22, 2013

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senator Hargrove.

The Sergeant at Arms Color Guard consisting of Pages Gabrielle Pennella and Isaac Kleisle-Murphy, presented the Colors. Pastor Jeff Adams of Paramount Christian Church of Lacey offered the prayer.

MOTION

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

MOTION

Pursuant to Rule 46, on motion of Senator Fain, and without objection, the Committee on Commerce & Labor was granted special leave to meet during the day's floor session.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 2013

SB 5015 Prime Sponsor, Senator Benton: Including a child fourteen or younger in the aggravated first degree murder provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senator Kohl-Welles.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5058 Prime Sponsor, Senator Carrell: Concerning assault of a corrections officer, law enforcement officer, or other employee of a law enforcement agency. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5058 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5064 Prime Sponsor, Senator Hargrove: Concerning persons sentenced for offenses committed prior to reaching eighteen years of age. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5064 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5078 Prime Sponsor, Senator Ericksen: Modifying the property tax exemption for nonprofit fairs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5078 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5081 Prime Sponsor, Senator Ranker: Regarding unlawful trade in shark fins. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5149 Prime Sponsor, Senator Carrell: Concerning crimes against pharmacies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5178 Prime Sponsor, Senator Carrell: Modifying organized retail theft provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5178 be substituted therefor, and the substitute bill do

pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kohl-Welles; Pearson and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kline, Ranking Member.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5199 Prime Sponsor, Senator Ericksen: Concerning de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5199 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5202 Prime Sponsor, Senator Chase: Creating the companion animal safety, population control, and spay/neuter assistance program. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5202 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Eide; Hobbs; Schoesler and Shin.

MINORITY recommendation: Do not pass. Signed by Senators Brown; Honeyford, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5215 Prime Sponsor, Senator Becker: Providing that health care professional licensees may not be required to participate in any public or private third-party reimbursement program. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5215 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5216 Prime Sponsor, Senator Rolfes: Addressing long-term care insurance. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5231 Prime Sponsor, Senator Sheldon: Ensuring hunter safety. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5231 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5233 Prime Sponsor, Senator Hobbs: Establishing a training program for managers of manufactured housing communities. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5233 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5236 Prime Sponsor, Senator Kline: Creating the uniform correction or clarification of defamation act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5237 Prime Sponsor, Senator Dammeier: Establishing accountability for student performance in third grade. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5237 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5244 Prime Sponsor, Senator Litzow: Regarding school suspensions and expulsions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5244 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Murray; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Kohl-Welles; Nelson, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5262 Prime Sponsor, Senator Fraser: Concerning the lodging tax. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5267 Prime Sponsor, Senator Becker: Concerning prior authorization for health care services. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5267 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5276 Prime Sponsor, Senator Hobbs: Regarding the use of designated agricultural lands. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5280 Prime Sponsor, Senator Carrell: Addressing criminal activities occurring at rental properties. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5280 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Kline, Ranking Member and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5297 Prime Sponsor, Senator Braun: Concerning coal transition power. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Litzow.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Chase; Cleveland; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5298 Prime Sponsor, Senator Braun: Regarding coal transition power. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Litzow.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Chase; Cleveland; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5324 Prime Sponsor, Senator Honeyford: Concerning mosquito abatement in storm water control retention ponds. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5324 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Litzow; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5357 Prime Sponsor, Senator Honeyford: Directing state investments of existing litter tax revenues under chapter 82.19 RCW in material waste management efforts without increasing the tax rate. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5357 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Litzow; Ranker, Ranking Member.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5364 Prime Sponsor, Senator Kline: Concerning court reporters, communication access real-time translation, and real-time captioning services. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5364 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice

Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5369 Prime Sponsor, Senator Kline: Concerning the use of geothermal resources. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Litzow; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5418 Prime Sponsor, Senator Bailey: Concerning county property tax levies. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5418 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5424 Prime Sponsor, Senator Chase: Concerning paint stewardship. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Billig; Chase; Cleveland; Litzow; Ranker, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Brown.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5425 Prime Sponsor, Senator Benton: Concerning the entering of monetary judgments against defendants under the residential and manufactured/mobile home landlord-tenant acts. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Benton, Ranking Member; Fain and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Mullet, Vice Chair; Hatfield and Nelson.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5426 Prime Sponsor, Senator Roach: Concerning unlawful detainer. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5426 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Benton, Ranking Member; Fain; Hatfield and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Mullet, Vice Chair and Nelson.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5434 Prime Sponsor, Senator Becker: Addressing the filing and public disclosure of health care provider compensation. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5434 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5437 Prime Sponsor, Senator Padden: Regarding boating safety. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5437 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5442 Prime Sponsor, Senator Hill: Protecting the state's interest in collecting deferred property taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5442 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5443 Prime Sponsor, Senator Roach: Creating greater efficiency in the offices of county assessors by allowing notification via electronic means. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 21, 2013

FORTIETH DAY, FEBRUARY 22, 2013

2013 REGULAR SESSION

SB 5449 Prime Sponsor, Senator Parlette: Addressing the Washington state health insurance pool. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5449 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Ericksen; Parlette and Schlicher.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland; Frockt; Keiser, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5465 Prime Sponsor, Senator Dammeier: Concerning exemptions from licensure as a physical therapist. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5474 Prime Sponsor, Senator Mullet: Promoting state employee wellness and productivity. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5484 Prime Sponsor, Senator Kline: Concerning assault in the third degree occurring in areas used in connection with court proceedings. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5503 Prime Sponsor, Senator Roach: Concerning payment of delinquent property taxes. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5503 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5516 Prime Sponsor, Senator Keiser: Establishing the criminal justice training commission firing range maintenance account. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5519 Prime Sponsor, Senator Bailey: Concerning planning measures to provide long-term care services and supports needs of the aging population. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5519 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5524 Prime Sponsor, Senator Cleveland: Authorizing Washington pharmacies to fill prescriptions written by physician assistants in other states. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5524 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5528 Prime Sponsor, Senator Kohl-Welles: Concerning the medical use of cannabis. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5529 Prime Sponsor, Senator Rivers: Creating a sales tax holiday for back-to-school clothing and supplies. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner; Chase, Ranking Member; Holmquist Newbry and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schlicher.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5532 Prime Sponsor, Senator Rolfes: Requiring crisis intervention training for peace officers. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5532 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5540 Prime Sponsor, Senator Parlette: Expanding opportunities to purchase health care coverage from out-of-state carriers. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5540 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5543 Prime Sponsor, Senator Hatfield: Regarding state and private partnerships for managing salmonid hatcheries. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5543 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5544 Prime Sponsor, Senator Ranker: Requiring an online higher education transfer and student advising system. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5550 Prime Sponsor, Senator Padden: Concerning privileging and professional conduct reviews by health care professional review bodies. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5556 Prime Sponsor, Senator Darneille: Concerning missing endangered persons. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5556 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5562 Prime Sponsor, Senator Becker: Concerning providers and facilities' participation in the provision of medical care or in the withholding or withdrawal of life-sustaining treatment in accordance with a form developed by the department of health. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5562 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5568 Prime Sponsor, Senator Hobbs: Concerning the disclosure of certain information when screening tenants. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5568 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Nelson.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5596 Prime Sponsor, Senator Carrell: Regarding certain lake management activities on lands owned by the state of Washington. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5601 Prime Sponsor, Senator Becker: Concerning interpretation of state law regarding rebating practices by health care entities. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5601 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

February 21, 2013

FORTIETH DAY, FEBRUARY 22, 2013

2013 REGULAR SESSION

SB 5605 Prime Sponsor, Senator Becker: Addressing health plans provided through associations or member-governed groups. Reported by Committee on Health Care

activities, cultural events, and works of art in state parks. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5605 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Ericksen and Parlette.

MAJORITY recommendation: That Substitute Senate Bill No. 5653 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Keiser, Ranking Member.

Passed to Committee on Ways & Means.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland and Schlicher.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5615 Prime Sponsor, Senator Frockt: Concerning the health professional loan repayment and scholarship program. Reported by Committee on Higher Education

SB 5658 Prime Sponsor, Senator Ericksen: Concerning mercury-containing lights. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Litzow.

MAJORITY recommendation: That Substitute Senate Bill No. 5615 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Chase.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Cleveland; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

February 21, 2013

SB 5630 Prime Sponsor, Senator Bailey: Implementing recommendations of the adult family home quality assurance panel. Reported by Committee on Health Care

SB 5663 Prime Sponsor, Senator Pearson: Regarding derelict and abandoned vessels in state waters. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5630 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

MAJORITY recommendation: That Substitute Senate Bill No. 5663 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5633 Prime Sponsor, Senator Conway: Addressing the restrictions on collecting a pension in the public employees' retirement system for retirees returning to work in an ineligible position or a position covered by another state retirement system. Reported by Committee on Ways & Means

SB 5664 Prime Sponsor, Senator Rivers: Establishing a process for the payment of impact fees through provisions stipulated in recorded covenants. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MAJORITY recommendation: That Substitute Senate Bill No. 5664 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Hasegawa, Ranking Member and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway and Fraser.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5653 Prime Sponsor, Senator Pearson: Promoting a balanced financing system for state parks programs and services in order to facilitate resource stewardship, interpretative

SB 5666 Prime Sponsor, Senator Dammeier: Concerning disclosure of information by health care quality improvement programs, quality assurance programs, and peer review committees. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Ericksen and Parlette.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; Frockt; Keiser, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schlicher.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5688 Prime Sponsor, Senator Braun: Simplifying definitions and classifications concerning state and local tax systems. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5688 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner and Holmquist Newbry.

MINORITY recommendation: Do not pass. Signed by Senator Schlicher.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5692 Prime Sponsor, Senator King: Concerning standby guardians and limited guardians. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5702 Prime Sponsor, Senator Honeyford: Concerning aquatic invasive species. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5705 Prime Sponsor, Senator Brown: Concerning amounts received by taxing districts from property tax refunds and abatements. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5705 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5712 Prime Sponsor, Senator Kohl-Welles: Encouraging community colleges to use, and inform students of the use of, multiple measures to determine the need for precollege courses. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5713 Prime Sponsor, Senator Kohl-Welles: Concerning self-supporting, fee-based programs at four-year institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5713 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 20, 2013

SB 5736 Prime Sponsor, Senator Bailey: Concerning higher education operating efficiencies. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5760 Prime Sponsor, Senator Parlette: Providing compensation for commercial crop damage caused by bighorn sheep. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5766 Prime Sponsor, Senator Hobbs: Improving relationships between agricultural producers and state regulatory staff. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5766 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

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February 21, 2013

SB 5767 Prime Sponsor, Senator Hatfield: Concerning inspection of dairy cattle. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5767 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5784 Prime Sponsor, Senator Holmquist Newbry: Concerning the joint center for aerospace technology innovation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5786 Prime Sponsor, Senator Hargrove: Requiring certain information in commercial fishing guide license applications. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5786 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5787 Prime Sponsor, Senator Bailey: Adding the chair of the student achievement council to the Washington higher education facilities authority. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5795 Prime Sponsor, Senator Hewitt: Advancing the deadline for approval of the redistricting plan. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway and Fraser.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5796 Prime Sponsor, Senator Schoesler: Concerning emissions from certain emergency power sources. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5796 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Litzow.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Chase; Ranker, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Cleveland.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5797 Prime Sponsor, Senator Hobbs: Encouraging the establishment of effective specialty courts. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5802 Prime Sponsor, Senator Ranker: Developing recommendations to achieve the state's greenhouse gas emissions limits. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5802 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Billig; Chase; Cleveland; Litzow; Ranker, Ranking Member.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5805 Prime Sponsor, Senator Hobbs: Concerning projects of statewide significance for economic development and transportation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner and Holmquist Newbry.

MINORITY recommendation: Do not pass. Signed by Senator Chase, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schlicher and Shin.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5824 Prime Sponsor, Senator Honeyford: Regarding the financing of irrigation district improvements. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5835 Prime Sponsor, Senator Tom: Concerning differential tuition. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5835 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5836 Prime Sponsor, Senator Honeyford: Providing certainty for local governments on water resource decisions. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5836 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

February 21, 2013

SJM 8007 Prime Sponsor, Senator Shin: Requesting Congress pass legislation imposing a fee on United States bound cargo when it crosses the Canadian border. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8007 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

February 21, 2013

SJR 8210 Prime Sponsor, Senator Hewitt: Amending the Constitution to advance the date for completion of the redistricting plan. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway and Fraser.

Passed to Committee on Rules for second reading.

February 21, 2013

SCR 8401 Prime Sponsor, Senator Keiser: Creating a joint select committee on health care oversight. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8401 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 21, 2013

SGA 9000 DEBBIE J AHL, appointed on March 30, 2011, for the term ending September 30, 2013, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 21, 2013

SGA 9001 MARK D ALBERTSON, appointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 10 (Green River Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 21, 2013

SGA 9005 ARTHUR A BLAUVELT, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 21, 2013

SGA 9015 LINDSAY FIKER, appointed on March 30, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 4 (Skagit Valley College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 21, 2013

SGA 9032 CHRISTON C SKINNER, appointed on October 22, 2012, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 4 (Skagit Valley College). Reported by Committee on Higher Education

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MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Referred to Committee on Transportation.

Passed to Committee on Rules for second reading.

SB 5850 by Senator Mullet

AN ACT Relating to construction agreements; and adding a new section to chapter 19.36 RCW.

February 21, 2013

Referred to Committee on Commerce & Labor.

SGA 9061 DENISE PORTMANN, appointed on April 20, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Higher Education

SB 5851 by Senators Bailey, Hill and Baumgartner

AN ACT Relating to creating a defined contribution retirement plan option for public employees; amending RCW 41.04.440, 41.04.445, 41.04.450, 41.50.030, and 43.33A.190; reenacting and amending RCW 41.50.110; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.40 RCW; adding a new chapter to Title 41 RCW; creating new sections; and providing an effective date.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5846 by Senators Litzow and Tom

AN ACT Relating to a toll facility on Interstate 90 west of Interstate 405; adding a new section to chapter 47.56 RCW; and creating a new section.

The Senate was called to order at 11:35 a.m. by the President Pro Tempore.

Referred to Committee on Transportation.

MOTION

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

SB 5847 by Senator King

AN ACT Relating to the disclosure and use of information contained in collision reports; and amending RCW 46.52.060 and 46.52.080.

SECOND READING

SENATE BILL NO. 5099, by Senator Rivers

Referred to Committee on Transportation.

Concerning fuel usage of publicly owned vehicles, vessels, and construction equipment.

SB 5848 by Senators Becker, Cleveland and Rivers

AN ACT Relating to modifying the nonprofit tax exemption for qualifying blood, tissue, or blood and tissue banks; and amending RCW 82.04.324.

The measure was read the second time.

MOTION

Referred to Committee on Ways & Means.

Senator Hasegawa moved that the following striking amendment by Senators Hasegawa, Fraser and Rivers be adopted:

SB 5849 by Senators Tom, Frockt, Keiser, Hatfield and Kline

AN ACT Relating to electric vehicle charging stations; adding a new section to chapter 46.08 RCW; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.19.648 and 2012 c 171 s 1 are each amended to read as follows:

(1) Effective June 1, 2015, all state agencies, to the extent determined practicable by the rules adopted by the department of commerce pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel. Compressed natural gas, liquefied natural gas, or propane

may be substituted for electricity or biofuel if the department of commerce determines that electricity and biofuel are not reasonably available.

(2)(a) Effective June 1, 2018, all local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of commerce pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel. The department of commerce shall convene an advisory committee of representatives of local government subdivisions and representatives from organizations representing each local government subdivision to work with the department to develop the rules.

(b) The following are exempt from this requirement: (i) Transit agencies using compressed natural gas on June 1, 2018(~~are exempt from this requirement~~), and (ii) engine retrofits that would void warranties. Nothing in this section is intended to require the replacement of equipment before the end of its useful life. Compressed natural gas, liquefied natural gas, or propane may be substituted for electricity or biofuel if the department of commerce determines that electricity and biofuel are not reasonably available.

(c) Rules adopted pursuant to RCW 43.325.080 must provide the authority for local government subdivisions to elect to exempt police, fire, and other emergency response vehicles, including utility vehicles frequently used for emergency response, from the fuel usage requirement in (a) of this subsection.

(3) In order to phase in this transition for the state, all state agencies, to the extent determined practicable by the department of commerce by rules adopted pursuant to RCW 43.325.080, are required to achieve forty percent fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel by June 1, 2013. Compressed natural gas, liquefied natural gas, or propane may be substituted for electricity or biofuel if the department of commerce determines that electricity and biofuel are not reasonably available. The department of enterprise services, in consultation with the department of commerce, shall report to the governor and the legislature by December 1, 2013, on what percentage of the state's fuel usage is from electricity or biofuel.

(4) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

(5) By December 31, 2015, the state must, to the extent practicable, install electrical outlets capable of charging electric vehicles in each of the state's fleet parking and maintenance facilities.

(6) The department of transportation's obligations under subsection (3) of this section are subject to the availability of amounts appropriated for the specific purpose identified in subsection (3) of this section.

(7) The department of transportation's obligations under subsection (5) of this section are subject to the availability of amounts appropriated for the specific purpose identified in subsection (5) of this section unless the department receives federal or private funds for the specific purpose identified in subsection (5) of this section.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter

a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540."

Senators Hasegawa and Rivers spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Mullet, Senator Hargrove was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hasegawa, Fraser and Rivers to Senate Bill No. 5509.

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

MOTION

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

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "and amending RCW 43.19.648."

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Senate Bill No. 5099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Fraser and Mullet spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5099.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5099 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Frockt and Ranker

Excused: Senator Hargrove

ENGROSSED SENATE BILL NO. 5099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5121, by Senators Carrell, Benton, Becker, Bailey, Litzow, Roach and Honeyford

Concerning the effect of zoning ordinances on hobby vehicle restoration.

The measure was read the second time.

Senator Carrell moved that the following striking amendment by Senators Carrell and Fraser be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.55.010 and 2005 c 88 s 2 are each amended to read as follows:

The definitions (~~set forth~~) in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.

(2) "Immobilize" means the use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents the vehicle from moving without damage to the tire to which the locking wheel boot is attached.

(3) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(4) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(5) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

(6) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(7) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(8) "Residential property" means property that has no more than four living units located on it.

(9) "Suspended license impound" means an impound ordered under RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345.

(10) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(11) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(12) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(13) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(14) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

(a) Public locations:

(i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113 Immediately

(ii) On a highway and tagged as described in RCW 46.55.085 24 hours

(iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately

(b) Private locations:

(i) On residential property Immediately

(ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately

(iii) On private, nonresidential property, not posted 24 hours

(15) "Collector vehicle" has the same meaning as provided in RCW 46.04.126.

Sec. 2. RCW 46.55.240 and 2010 c 161 s 1122 and 2010 c 8 s 9064 are each reenacted and amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2)(a) A city, town, or county may adopt an ordinance, consistent with this subsection (2), establishing procedures for the abatement and removal as public nuisances of junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.650, or the costs may be assessed against the owner of the property on which the vehicle is stored. A city, town, or county may also provide for the payment to the tow truck operator or wrecker as a part of a neighborhood revitalization program.

(b) Prior to removing a junk vehicle, a city, town, or county must provide the property owner at least thirty days to produce evidence establishing that the vehicle:

(i) Is one of three or fewer collector vehicles that are being actively restored or are being used to supply parts for a collector vehicle that is being actively restored; and

(ii) Is not visible from the street or other public or private property.

(c) If the property owner establishes the elements in (b) of this subsection by a preponderance of the evidence, the vehicle may not be removed as a junk vehicle under this section. To establish the elements in (b) of this subsection, the property owner may, without limitation, present:

(i) Evidence of active, recent restoration work on the vehicle, including receipts or other pertinent evidence;

(ii) Evidence that the property owner has a valid current registration or certificate of title for the vehicle; or

(iii) Evidence that the vehicle has a collector vehicle license plate under RCW 46.18.220 or a horseless carriage license plate under RCW 46.18.255.

(d) This subsection (2) does not prohibit a city, town, or county from enacting, enforcing, or maintaining an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice to otherwise regulate restoration of collector vehicles.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to:

(i) A vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property ~~((~~☞~~))~~;

(ii) A collector vehicle that is one of three or fewer collector vehicles that are being actively restored or are being used to supply parts for a collector vehicle that is being actively restored, and is not visible from the street or other public or private property; or

(iii) A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and (i) deny responsibility for the presence of the vehicle on the land, with his or her reasons for the denial((-), or (ii) provide evidence that the vehicle is a collector vehicle that is one of three or fewer collector vehicles that are being actively restored or are being used to supply parts for a collector vehicle that is being actively restored, and is not visible from the street or other public or private property;

(e) A provision that if it is determined at the hearing under (d) of this subsection that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

~~((~~☞~~))~~ (f) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may

operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles."

Senators Carrell and Fraser spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Carrell and Fraser to Senate Bill No. 5121.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "restoration of collector vehicles; amending RCW 46.55.010; and reenacting and amending RCW 46.55.240."

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frock, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Darneille, Kohl-Welles, McAuliffe, Murray and Nelson

Excused: Senator Hargrove

ENGROSSED SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5141, by Senators King, Eide, Rivers, Sheldon, Hatfield, Delvin, Ericksen, Carrell, Padden, Harper, Keiser, Rolfes, Shin, Holmquist Newbry, Roach and Kline

Allowing motorcycles to stop and proceed through traffic control signals under certain conditions.

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The measure was read the second time.

Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Eide and Carrell spoke in favor of passage of the bill.

Voting nay: Senator Holmquist Newbry

Excused: Senator Hargrove

SENATE BILL NO. 5377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5141.

SENATE BILL NO. 5343, by Senators Bailey, Rivers, Hobbs, Kline, Mullet, Fain, Frockt, Billig, Shin, Tom, Conway and Roach

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Concerning the rights of higher education students involved in military service.

The measure was read the second time.

MOTION

Voting nay: Senator Nelson

Excused: Senator Hargrove

SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5343.

SECOND READING

ROLL CALL

SENATE BILL NO. 5377, by Senators Rivers, Hatfield, Bailey, Becker and Hargrove

The Secretary called the roll on the final passage of Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Extending the program establishing Christmas tree grower licensure.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

The measure was read the second time.

Excused: Senator Hargrove

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 5377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Rivers spoke in favor of passage of the bill.

PERSONAL PRIVILEGE

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5377.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5377 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers,

Senator Roach: "Thank you Mr. President, members of the senate. Well, I would like to compliment the good senator from the Thirty-Second District who today made front page lines for her very bipartisan effort to protect the safety of young children should they come across a fire arm and not know what to do. Senator Chase, to show you how grateful I am for the fact that you're out there on this issue helping to help children, I have provided each of you at your floor desks with two of the coloring books that the National Rifle Association does provide and take at them you'll see the safety that is encouraged. Just like we encourage kids if they are crossing the street to you know look both ways and if they somehow their clothing is on fire you drop and you roll. When you, if they should come across a fire arm, you stop. You don't touch it. You go tell an adult and that's the

content of these booklets and I just wanted to commend the good Senator for her efforts and her ability to put down partisanship in this to protect the children of the state of Washington, our grandchildren, our children and those yet to come. Thank you very much Senator.”

PERSONAL PRIVILEGE

Senator Chase: “I would like to thank the good Senator for acknowledging the importance of making sure that our children are safe around fire arms. I want you to know that I did use it with my grandson, it did work. He was in a home one time, he was like six years old and saw an unlock gun case and he came to his mother and said, ‘Mom, there is an unlocked gun case there.’ It works. Thank you very much.”

PERSONAL PRIVILEGE

Senator Padden: “Just an announcement. There will be a meeting of the Senate Law & Justice Committee at 1:30 in Hearing Room 2 in the Cherberg Building.”

PERSONAL PRIVILEGE

Senator Roach: “Yes, there is a Governmental Operations Committee that will be in Hearing Room 2 at 1:00 for very short. We’re going to do a couple of gubernatorial appointments and a gubernatorial request bill. Thank you.”

PERSONAL PRIVILEGE

Senator Holmquist Newbry: “Just wanted to say that there will not be a Commerce & Labor Committee meeting. Have a great weekend.”

PERSONAL PRIVILEGE

Senator Fain: “I just wanted to say that, on behalf of the body, we wanted to thank you for presiding in the first time over a day in which we were working bills. You did a fantastic job.”

REPLY BY THE PRESIDENT PRO TEMPORE

Senator Sheldon: “Senator Fain, I want to respond and let the body know that I’m only receiving a training wage for the day. So, thank you for your low expectations and high confidence.”

MOTION

At 12:14 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President for the purpose of reading in reports later in the day.

AFTERNOON SESSION

The Senate was called to order at 3:33 p.m. by the President Pro Tempore.

MOTION

There being no objection, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 21, 2013

SB 5162 Prime Sponsor, Senator Roach: Prohibiting a child custody award to a suspect in an active murder investigation. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5162 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille; Kohl-Welles; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senator Kline, Ranking Member.

Passed to Committee on Rules for second reading.

February 22, 2013

SB 5211 Prime Sponsor, Senator Hobbs: Concerning social networking accounts and profiles. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5211 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 22, 2013

SB 5238 Prime Sponsor, Senator Holmquist Newbry: Concerning recommendations for streamlining reporting requirements for taxes and fees on spirits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5330 Prime Sponsor, Senator Hargrove: Improving student achievement and student outcomes. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5330 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Brown.

Passed to Committee on Ways & Means.

February 22, 2013

SB 5355 Prime Sponsor, Senator Holmquist Newbry: Implementing the unemployment insurance integrity provisions of the federal trade adjustment assistance extension act of 2011. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair;

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Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5491 Prime Sponsor, Senator McAuliffe: Establishing statewide indicators of educational health. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5491 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5563 Prime Sponsor, Senator Kohl-Welles: Regarding training for school employees in the prevention of sexual abuse. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5563 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5570 Prime Sponsor, Senator McAuliffe: Concerning school funding. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5573 Prime Sponsor, Senator Rolfes: Implementing the first biennium spending plan recommendations of the joint task force on education funding. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 22, 2013

SB 5608 Prime Sponsor, Senator Holmquist Newbry: Authorizing certain corporate officers to receive unemployment benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 22, 2013

SB 5644 Prime Sponsor, Senator Schoesler: Concerning sales for resale by retail licensees of liquor. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5644 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 22, 2013

SB 5682 Prime Sponsor, Senator Braun: Concerning the replacement of like-in-kind household appliances. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5706 Prime Sponsor, Senator McAuliffe: Concerning accountability in providing opportunities for certain students to participate in transition services. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5706 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5724 Prime Sponsor, Senator Honeyford: Modifying school district bidding requirements for improvement and repair projects. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5724 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Billig; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Dammeier, Vice Chair and Brown.

Passed to Committee on Rules for second reading.

February 22, 2013

SB 5726 Prime Sponsor, Senator Braun: Placing geographic limitations on local paid sick leave and paid safe leave programs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 22, 2013

SB 5728 Prime Sponsor, Senator Braun: Declaring state preemption of local paid sick and paid safe leave regulation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

February 22, 2013

SB 5731 Prime Sponsor, Senator Keiser: Allowing beer and/or wine specialty shop licensees to sell craft distillery products. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5731 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 22, 2013

SB 5734 Prime Sponsor, Senator Kohl-Welles: Continuing the use of the legislature's sunset review process. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

February 22, 2013

SB 5744 Prime Sponsor, Senator Hargrove: Creating an industrial insurance high risk premium subsidy program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5744 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5753 Prime Sponsor, Senator Hobbs: Providing flexibility in the education system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5753 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown; Fain; Hill; McAuliffe, Ranking Member and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; Mullet; Rolfes, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Billig.

Passed to Committee on Rules for second reading.

February 21, 2013

SB 5754 Prime Sponsor, Senator Litzow: Concerning integrated career learning opportunities and employment training for at-risk youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Billig; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Dammeier, Vice Chair and Brown.

Passed to Committee on Ways & Means.

February 21, 2013

SB 5755 Prime Sponsor, Senator Litzow: Establishing a comprehensive initiative to increase learning opportunities and improve educational outcomes in science, technology, engineering, and mathematics through multiple strategies and statewide partnerships. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Billig; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet Rolfes, Assistant Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Dammeier, Vice Chair and Brown.

Passed to Committee on Ways & Means.

February 22, 2013

SB 5758 Prime Sponsor, Senator Holmquist Newbry: Making coverage of certain maritime service elective for purposes of unemployment compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt and King.

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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Keiser.

SB 5813 Prime Sponsor, Senator Hewitt: Supporting youth programs through agricultural fairs. Reported by Committee on Commerce & Labor

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt and King.

February 22, 2013

SB 5774 Prime Sponsor, Senator Hewitt: Authorizing applications for a special permit to allow alcohol tasting by persons nineteen and twenty years of age under certain circumstances. Reported by Committee on Commerce & Labor

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Keiser.

MAJORITY recommendation: That Substitute Senate Bill No. 5774 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

Passed to Committee on Ways & Means.

February 22, 2013

Passed to Committee on Rules for second reading.

SB 5834 Prime Sponsor, Senator Roach: Concerning veteran-owned businesses. Reported by Committee on Governmental Operations

February 22, 2013

SB 5791 Prime Sponsor, Senator Fain: Supporting youth programs through agricultural fairs and the horse racing industry. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5834 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

MAJORITY recommendation: That Substitute Senate Bill No. 5791 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

February 21, 2013

MINORITY recommendation: Do not pass. Signed by Senator Conway, Ranking Member.

SJM 8006 Prime Sponsor, Senator Chase: Promoting the use of the Eddie Eagle GunSafe Program in preschools, early learning programs, and schools. Reported by Committee on Early Learning & K-12 Education

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet and Rivers.

Passed to Committee on Ways & Means.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Rolfes, Assistant Ranking Member.

February 21, 2013

SB 5794 Prime Sponsor, Senator Dammeier: Concerning alternative learning experience courses. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5794 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 22, 2013

Passed to Committee on Rules for second reading.

SGA 9064 LOURDES E ALVARADO-RAMOS, appointed on January 16, 2013, for the term ending at the governors pleasure, as Director of the Department of Veterans Affairs. Reported by Committee on Governmental Operations

February 21, 2013

SB 5809 Prime Sponsor, Senator Litzow: Changing provisions relating to the home visiting services account. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 22, 2013

Passed to Committee on Rules for second reading.

SGA 9067 BRET DAUGHERTY, reappointed on January 29, 2013, for the term ending at the governors pleasure, as Director of the Military Department. Reported by Committee on Governmental Operations

February 22, 2013

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5644 and Senate Bill No. 5794 which were referred to the Committee on Ways & Means.

PARLIAMENTARY INQUIRY

Senator Fain: "Well, for many years now, I've served on this august body and now as the Floor leader I'm not actually allowed to leave the floor during the time because things go hay wire when I leave the floor so I'm stuck here. One of the very, very important rules of this body that the Lieutenant Governor in serving as President always makes sure that is followed. It is very important rule of decorum,-which is no food or beverages are allowed on the senate floor and I'm looking around and I'm seeing all your well hydrated smiling faces and it's really making me think that we need to have a rule change so I don't just, I guess that's just, that's just me. It's Friday."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "And I'm seeing cell phones out there too."

MOTION

At 3:36 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Monday, February 25, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FORTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 25, 2013

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Cleveland, Hobbs, Ranker and Shin.

The Sergeant at Arms Color Guard consisting of Pages Melinda Andrews and Patrick Cunningham, presented the Colors. Senator Fraser offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 22, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1044,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 22, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1047,

HOUSE BILL NO. 1056,

HOUSE BILL NO. 1059,

HOUSE BILL NO. 1113,

HOUSE BILL NO. 1209,

SUBSTITUTE HOUSE BILL NO. 1216,

HOUSE BILL NO. 1230,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5852 by Senators Litzow, Hill and Tom

AN ACT Relating to improved student achievement and student outcomes; amending RCW 28A.400.200, 28A.150.220, 28A.195.010, 28A.305.140, 28A.305.140,

28A.310.240, 28A.330.100, 28A.340.030, 28A.400.300, and 28A.630.083; adding new sections to chapter 28A.405 RCW; creating a new section; repealing RCW 28A.305.141; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5853 by Senators Conway, Schlicher, Braun, Keiser, Billig, Hatfield, Hasegawa and Kline

AN ACT Relating to membership in the Washington public safety employees' retirement system for employees at public utility districts who are qualified trades people who maintain electrical transmission lines; amending RCW 41.37.010; and adding a new section to chapter 41.37 RCW.

Referred to Committee on Ways & Means.

SB 5854 by Senators Dammeier, Carrell and Becker

AN ACT Relating to the Tacoma Narrows toll bridge account; and amending RCW 47.56.165.

Referred to Committee on Transportation.

SB 5855 by Senators Keiser, Hatfield and Litzow

AN ACT Relating to providing a business and occupation tax exemption for amounts received by hotel management companies for covered employee costs; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

SB 5856 by Senator Tom

AN ACT Relating to creating a defined contribution retirement plan for public employees; amending RCW 41.04.440, 41.04.445, 41.04.450, 41.50.030, and 43.33A.190; reenacting and amending RCW 41.50.110; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.40 RCW; adding a new chapter to Title 41 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1044 by Representatives Cody, Jinkins, Takko, Blake, Maxwell, Lytton, Moscoso, Fitzgibbon, Tharinger, Bergquist, Clibborn, Pollet, Goodman, Appleton, Reykdal, Kirby, Green, Van De Wege, Pettigrew, Sells, Springer, Hunt, Moeller, Carlyle, Ryu, Haigh, Liias, Kagi, Tarleton, Pedersen, McCoy, Stanford, Hunter, Hudgins, Farrell, Ormsby, Uptegrove, Riccelli, Stonier, Fey and Santos

AN ACT Relating to preserving health insurance coverage for the voluntary termination of a pregnancy by requiring health plans issued or renewed on or after January 1, 2014, that provide coverage for maternity care or services to

provide a covered person with substantially equivalent coverage to permit the voluntary termination of a pregnancy, by prohibiting a health plan from limiting in any way a woman's access to services related to the voluntary termination of a pregnancy other than terms and conditions generally applicable to the health plan's coverage of maternity care or services including applicable cost sharing, by not limiting in any way a woman's constitutionally or statutorily protected right to voluntarily terminate a pregnancy, by clarifying that health plans are not required to cover abortions that would be unlawful under RCW 9.02.120, by providing an exemption for a multistate plan that does not cover the voluntary termination of pregnancies under federal law, by making the provisions of this act inapplicable to the minimum extent necessary to avoid noncompliance with federal requirements that are a prescribed condition to the allocation of federal funds to the state, and by clarifying that nothing in this act affects the statutory right of objection based on conscience or religion as set forth in RCW 48.43.065 or 70.47.160; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SHB 1047 by House Committee on Public Safety (originally sponsored by Representatives Dahlquist, Hurst and Magendanz)

AN ACT Relating to photographs, microphotographs, and electronic images from traffic safety cameras and toll systems; amending RCW 46.63.160; and reenacting and amending RCW 46.63.170.

Referred to Committee on Law & Justice.

HB 1056 by Representatives Angel, Manweller and Sells

AN ACT Relating to not disqualifying certain corporate officers from receiving unemployment benefits; amending RCW 50.04.310; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1059 by Representative Goodman

AN ACT Relating to a proclamation of a state of emergency; and amending RCW 43.06.210.

Referred to Committee on Governmental Operations.

HB 1113 by Representatives Short, Upthegrove, Springer, Pollet, Taylor, Smith, Fagan, Dahlquist and Fey

AN ACT Relating to standards for the use of science to support public policy; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 1204 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Dahlquist, Kagi, Farrell, Walsh, Kochmar, Fey, Sequist, Johnson, Freeman, Jinkins, Morrell, McCoy, Tarleton,

Zeiger, Clibborn, Goodman, MacEwen, Appleton, Habib, Reykdal, Maxwell, Bergquist, Ormsby and Ryu)

AN ACT Relating to sibling visitation for children in foster care; amending RCW 13.34.136; and creating a new section.

Referred to Committee on Human Services & Corrections.

HB 1209 by Representatives MacEwen, Blake, Chandler, Stonier, Wilcox, Springer, Haigh, Morrell and Stanford

AN ACT Relating to extending the program establishing Christmas tree grower licensure; and amending 2007 c 335 s 19 (uncodified).

Referred to Committee on Agriculture, Water & Rural Economic Development.

SHB 1216 by House Committee on Health Care & Wellness (originally sponsored by Representatives Habib, Clibborn, Jinkins, McCoy, Springer, Morrell, Goodman, Appleton, Tarleton, Ryu, Tharinger and Fey)

AN ACT Relating to eosinophilia gastrointestinal associated disorders; and creating a new section.

Referred to Committee on Health Care.

HB 1230 by Representatives Green, Warnick, Jinkins, Harris, Cody, Moeller, Clibborn, Morrell and Tharinger

AN ACT Relating to persons who are pursuing a course of study leading to a degree as a physical therapist or physical therapist assistant; and amending RCW 18.74.150 and 18.74.180.

Referred to Committee on Health Care.

MOTION

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

MOTION

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

SECOND READING

SENATE BILL NO. 5097, by Senators Becker, Pearson, Bailey, Hatfield, Holmquist Newbry, Tom, Schoesler, Rivers, Honeyford, Padden, Roach and Parlette

Allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FORTY THIRD DAY, FEBRUARY 25, 2013

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Senators Becker and Rolfes spoke in favor of passage of the bill.

McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

MOTION

On motion of Senator Billig, Senators Cleveland, Hobbs, Ranker and Shin were excused.

Excused: Senators Cleveland, Hobbs and Shin

SENATE BILL NO. 5323, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Senator Hill was excused.

SECOND READING

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5097.

SENATE BILL NO. 5198, by Senators Darneille, Dammeier, Harper, Billig and Roach

Exempting personal information relating to children from public inspection and copying.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

The measure was read the second time.

MOTION

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 5198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Carrell spoke in favor of passage of the bill.

Excused: Senators Cleveland, Hobbs, Ranker and Shin
SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5198.

ROLL CALL

SECOND READING

SENATE BILL NO. 5323, by Senators Roach, Darneille, Conway and Carrell

The Secretary called the roll on the final passage of Senate Bill No. 5198 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Authorizing assessments for nuisance abatement in cities and towns.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5323 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senators Cleveland, Hobbs and Shin

SENATE BILL NO. 5198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Roach and Conway spoke in favor of passage of the bill.

SECOND READING

SENATE BILL NO. 5466, by Senators Carrell, Kohl-Welles and King

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5323.

Modifying criminal history record information compliance audit provisions.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5323 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

The measure was read the second time.

MOTION

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow,

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Darneille spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5466.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5466 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Cleveland, Hobbs and Shin

SENATE BILL NO. 5466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5212, by Senators Holmquist Newbry, Becker and Roach

Expanding membership of the Washington state horse park authority.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Senate Bill No. 5212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5212.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senator Shin

SENATE BILL NO. 5212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5098, by Senators Ericksen and Ranker

Regarding wireless communications structures.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Senate Bill No. 5098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Ranker and Carrell spoke in favor of passage of the bill.

Senators Rolfes and Nelson spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5098.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5098 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Dammeier, Eide, Ericksen, Fain, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Chase, Conway, Darneille, Fraser, Frockt, Keiser, Kline, Kohl-Welles, Murray, Nelson, Rolfes and Schlicher

Excused: Senator Shin

SENATE BILL NO. 5098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5142, by Senators Rolfes, Benton, Hargrove, Sheldon, Hatfield, Delvin, Ericksen, Keiser, Conway, Schlicher and Roach

Incorporating motorcycles into certain transportation planning.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5142.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

FORTY THIRD DAY, FEBRUARY 25, 2013

2013 REGULAR SESSION

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senator Shin

SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5263, by Senators Benton and King

Concerning motorcycles overtaking and passing pedestrians and bicyclists.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Eide spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senator Shin

SUBSTITUTE SENATE BILL NO. 5263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5053, by Senators Harper, Tom, Roach, Murray, Kohl-Welles, Eide, Carrell and Shin

Modifying vehicle prowling provisions.

The measure was read the second time.

MOTION

Senator Harper moved that the following striking amendment by Senators Harper and Padden be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.52.100 and 2011 c 336 s 376 are each amended to read as follows:

(1) A person is guilty of vehicle prowling in the second degree if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a vehicle other than a motor home, as defined in RCW 46.04.305, or a vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities.

(2) Except as provided in subsection (3) of this section, vehicle prowling in the second degree is a gross misdemeanor.

(3) Vehicle prowling in the second degree is a class C felony upon a third or subsequent conviction of vehicle prowling in the second degree. A third or subsequent conviction means that a person has been previously convicted at least two separate occasions of the crime of vehicle prowling in the second degree.

(4) Multiple counts of vehicle prowling (a) charged in the same charging document do not count as separate offenses for the purposes of charging as a felony based on previous convictions for vehicle prowling in the second degree and (b) based on the same date of occurrence do not count as separate offenses for the purposes of charging as a felony based on previous convictions for vehicle prowling in the second degree.

Sec. 2. RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are each reenacted and amended to read as follows:

TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)

- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- X Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))

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- Domestic Violence Court Order
Violation (RCW 10.99.040,
10.99.050, 26.09.300, 26.10.220,
26.26.138, 26.50.110, 26.52.070,
or 74.34.145)
- Driving While Under the Influence
(RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW
9A.82.020)
- Extortionate Means to Collect
Extensions of Credit (RCW
9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW
9.94.070)
- Physical Control of a Vehicle While
Under the Influence (RCW
46.61.504(6))
- Possession of a Stolen Firearm (RCW
9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1
(RCW 9A.76.070)
- Sending, Bringing into State Depictions
of Minor Engaged in Sexually
Explicit Conduct 2 (RCW
9.68A.060(2))
- Sexual Misconduct with a Minor 1
(RCW 9A.44.093)
- Sexually Violating Human Remains
(RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without
Permission 1 (RCW 9A.56.070)
- Vehicle Prowling 2 (third or
subsequent offense) (RCW
9A.52.100(3))
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a
Projectile Stun Gun) (RCW
9A.36.031(1)(h))
- Assault by Watercraft (RCW
79A.60.060)
- Bribing a Witness/Bribe Received by
Witness (RCW 9A.72.090,
9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled
Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW
46.52.020(4)(b))
- Hit and Run with Vessel--Injury
Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under
Age Fourteen (subsequent sex
offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event
(RCW 9A.82.070)
- Malicious Harassment (RCW
9A.36.080)
- Possession of Depictions of a Minor
Engaged in Sexually Explicit
Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW
9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW
9A.82.050)
- Unlawful factoring of a credit card or
payment card transaction (RCW
9A.56.290(4)(b))
- Unlawful transaction of health
coverage as a health care service
contractor (RCW 48.44.016(3))
- Unlawful transaction of health
coverage as a health maintenance
organization (RCW 48.46.033(3))
- Unlawful transaction of insurance
business (RCW 48.15.023(3))
- Unlicensed practice as an insurance
professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal
Profiteering (RCW 9A.82.080 (1)
and (2))
- Vehicular Assault, by being under the
influence of intoxicating liquor or
any drug, or by the operation or
driving of a vehicle in a reckless
manner (RCW 46.61.522)
- Viewing of Depictions of a Minor
Engaged in Sexually Explicit
Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from
Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or
Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace
Officer With a Projectile Stun
Gun) (RCW 9A.36.031 except
subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony
(RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)	Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)	Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
Criminal Gang Intimidation (RCW 9A.46.120)	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
Custodial Assault (RCW 9A.36.100)	Willful Failure to Return from Work Release (RCW 72.65.070)
Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))	II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
Escape 2 (RCW 9A.76.120)	Computer Trespass 1 (RCW 9A.52.110)
Extortion 2 (RCW 9A.56.130)	Counterfeiting (RCW 9.16.035(3))
Harassment (RCW 9A.46.020)	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
Intimidating a Public Servant (RCW 9A.76.180)	Escape from Community Custody (RCW 72.09.310)
Introducing Contraband 2 (RCW 9A.76.150)	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.132)
Malicious Injury to Railroad Property (RCW 81.60.070)	Health Care False Claims (RCW 48.80.030)
Mortgage Fraud (RCW 19.144.080)	Identity Theft 2 (RCW 9.35.020(3))
Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)	Improperly Obtaining Financial Information (RCW 9.35.010)
Organized Retail Theft 1 (RCW 9A.56.350(2))	Malicious Mischief 1 (RCW 9A.48.070)
Perjury 2 (RCW 9A.72.030)	Organized Retail Theft 2 (RCW 9A.56.350(3))
Possession of Incendiary Device (RCW 9.40.120)	Possession of Stolen Property 1 (RCW 9A.56.150)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)	Possession of a Stolen Vehicle (RCW 9A.56.068)
Promoting Prostitution 2 (RCW 9A.88.080)	Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))	Theft 1 (RCW 9A.56.030)
Securities Act violation (RCW 21.20.400)	Theft of a Motor Vehicle (RCW 9A.56.065)
Tampering with a Witness (RCW 9A.72.120)	Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
Theft of Livestock 2 (RCW 9A.56.083)	Trafficking in Insurance Claims (RCW 48.30A.015)
Theft with the Intent to Resell 1 (RCW 9A.56.340(2))	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
Trafficking in Stolen Property 2 (RCW 9A.82.055)	Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))	Unlawful Practice of Law (RCW 2.48.180)
Unlawful Imprisonment (RCW 9A.40.040)	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Unlawful possession of firearm in the second degree (RCW 9.41.040(2))	Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))	

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Unlawful Trafficking in Fish, Shellfish,
or Wildlife 2 (RCW
77.15.260(3)(a))
Voyeurism (RCW 9A.44.115)

77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or
Time 1 (RCW 77.15.550(3)(b))"

- I Attempting to Elude a Pursuing Police
Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW
74.08.055)
Forgery (RCW 9A.60.020)

Senators Harper and Padden spoke in favor of adoption of the
striking amendment.

The President Pro Tempore declared the question before the
Senate to be the adoption of the striking amendment by Senators
Harper and Padden to Senate Bill No. 5053.

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

MOTION

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

On page 1, line 1 of the title, after "prowling;" strike the
remainder of the title and insert "amending RCW 9A.52.100;
re-enacting and amending RCW 9.94A.515; and prescribing
penalties."

MOTION

On motion of Senator Harper, the rules were suspended,
Engrossed Senate Bill No. 5053 was advanced to third reading,
the second reading considered the third and the bill was placed on
final passage.

Senators Harper and Roach spoke in favor of passage of the
bill.

The President Pro Tempore declared the question before the
Senate to be the final passage of Engrossed Senate Bill No. 5053.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed
Senate Bill No. 5053 and the bill passed the Senate by the
following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton,
Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway,
Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt,
Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs,
Holmquist Newbry, Honeyford, Keiser, King, Kline,
Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson,
Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes,
Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senator Shin

ENGROSSED SENATE BILL NO. 5053, having received
the constitutional majority, was declared passed. There being no
objection, the title of the bill was ordered to stand as the title of
the act.

SECOND READING

SENATE BILL NO. 5408, by Senator Ericksen

Modifying the definition of nonpower attributes in the energy
independence act.

The measure was read the second time.

Fraudulent Creation or Revocation of a
Mental Health Advance Directive
(RCW 9A.60.060)

Malicious Mischief 2 (RCW
9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW
9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW
77.15.450(3)(b))

Suspension of Department Privileges 1
(RCW 77.15.670(3)(b))

Taking Motor Vehicle Without
Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased
Property (valued at two
hundred fifty dollars or more but
less than one thousand five
hundred dollars) (RCW
9A.56.096(5)(b))

Transaction of insurance business
beyond the scope of licensure
(RCW 48.17.063)

Unlawful Fish and Shellfish Catch
Accounting (RCW
77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts
(RCW 9A.56.060)

Unlawful Possession of Fictitious
Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of
Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment
Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal
Identification Device (RCW
9A.56.320)

Unlawful Production of Payment
Instruments (RCW 9A.56.320)

Unlawful Release of Deleterious Exotic
Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps
(RCW 9.91.142)

Unlawful Use of Food Stamps (RCW
9.91.144)

Unlawful Use of Net to Take Fish 1
(RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic
Animal Species (RCW

MOTION

On motion of Senator Ericksen, the rules were suspended, Senate Bill No. 5408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5408.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5408 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senator Shin

SENATE BILL NO. 5408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5206, by Senators Becker, Keiser, Schlicher, Parlette and Conway

Authorizing occupational therapists, occupational therapy assistants, dieticians, and nutritionists to participate in online access to the University of Washington health sciences library.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Becker be adopted:

On page 2, line 27, after "chapter 18.138 RCW," insert "licensed speech-language pathologists under chapter 18.35 RCW,"

Senators Keiser and Becker spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Becker on page 2, line 27 to Senate Bill No. 5206.

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

MOTION

Senator Becker moved that the following amendment by Senators Becker and Keiser be adopted:

On page 2, line 30, after "43.70.112." insert "All other health care professionals subject to regulation under chapter 18.130 RCW may pay an additional fee at point of licensure of no more than twenty-five dollars and as determined by the department if they wish to access the University of Washington's health sciences library under RCW 43.70.112."

Senators Becker and Keiser spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Becker and Keiser on page 2, line 10 to Senate Bill No. 5206.

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

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Senate Bill No. 5206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5206.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5206 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senator Shin

ENGROSSED SENATE BILL NO. 5206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:27 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Tuesday, February 26, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FORTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 26, 2013

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Litzow.

The Sergeant at Arms Color Guard consisting of Pages Taylor Main and John Thornton, presented the Colors. Senator Shin offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS

February 25, 2013

SGA 9002 MARK ASMUNDSON, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9004 GREGORY D BEVER, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9006 BOB BOLERJACK, appointed on October 22, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 5 (Everett Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice

Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9008 REBECCA CHAFFEE, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9009 BEVERLY J CHENEY, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 3 (Olympic Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9010 LISA CHIN, appointed on October 3, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, College District No. 8 (Bellevue College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9013 JAMES CUNNINGHAM, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9014 JOSEPH DOLEZAL, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 12 (Centralia College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9016 ANNA C FRANZ, appointed on March 15, 2012, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 18 (Big Bend Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9024 DWAYNE JOHNSON, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 1 (Peninsula College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9026 CHARLES ROBINSON, reappointed on October 4, 2010, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9027 BARBARA ROFKAR, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9029 ROBERT M RYAN, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 22 (Tacoma Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9030 MIGUEL SANCHEZ, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 20 (Walla Walla Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9031 KAREN SEINFELD, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Technical College District #28, (Bates). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9036 BRIAN UNTI, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Technical College District #27 (Renton). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9038 STEPHEN W VINCENT, appointed on September 16, 2011, for the term ending September 30, 2014, as Member of the Board of Trustees, Community College District No. 13 (Lower Columbia College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

FORTY FOURTH DAY, FEBRUARY 26, 2013

2013 REGULAR SESSION

February 25, 2013

SGA 9041 EMILY YIM, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9043 LYNETTE D JONES, appointed on October 25, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Technical College District #26 (Lake Washington Institute of Technology). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9045 MARK P MARTINEZ, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Technical College District #29 (Clover Park). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9051 DARRELL S MITSUNAGA, appointed on October 15, 2010, for the term ending September 30, 2015, as Member of the Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9053 ROGER OLSTAD, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 7 (Shoreline Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice

Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SGA 9058 CALVIN PEARSON, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Technical College District #28, (Bates). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

December 22, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CREIGH AGNEW, reappointed November 21, 2011, for the term ending June 30, 2015, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 22, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT C. ANDERSON, reappointed October 11, 2012, for the term ending October 1, 2016, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Trade & Economic Development.

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN BAIRD, appointed August 8, 2012, for the term ending June 30, 2016, as Member of the Washington State Student Achievement Council.

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

February 25, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHRISTOPHER P. BARRY, appointed February 10, 2009, for the term ending January 19, 2013, as Member of the Board of Pharmacy.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Health Care.

November 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH L. BAUM, appointed November 1, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Financial Institutions, Housing & Insurance.

November 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ARIELE BELO, reappointed October 11, 2011, for the term ending July 1, 2016, as Member, Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

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

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MONICA J. BENTON, appointed August 8, 2012, for the term ending August 2, 2013, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Law & Justice.

October 19, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KRISTIANNE BLAKE, reappointed October 1, 2012, for the term ending September 30, 2018, as Member, Board of Regents, University of Washington.

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

March 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID BOERNER, reappointed February 10, 2012, for the term ending August 2, 2013, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Law & Justice.

June 16, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK E. BRENNAN, appointed June 16, 2011, for the term ending June 30, 2013, as Member of the Marine Employees' Commission.

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

July 13, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J. A. BRICKER, reappointed June 28, 2012, for the term ending April 3, 2016, as Member of the State Board for Community and Technical Colleges.

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

May 6, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOSHUA BROWN, appointed April 28, 2011, for the term ending July 15, 2013, as Member of the Salmon Recovery Funding Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

FORTY FOURTH DAY, FEBRUARY 26, 2013

2013 REGULAR SESSION

Referred to Committee on Natural Resources & Parks.

CAROL DAHL, appointed January 24, 2012, for the term ending October 1, 2015, as Member of The Life Sciences Discovery Fund Authority Board of Trustees.

December 8, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Trade & Economic Development.

Ladies and Gentlemen:

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

DON C. BRUNELL, appointed November 21, 2011, for the term ending June 30, 2013, as Member of the Work Force Training and Education Coordinating Board.

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

July 328 2010
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

July 20, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARC DAUDON, appointed May 18, 2011, for the term ending June 30, 2014, as Member of the Energy Northwest.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Energy, Environment & Telecommunications.

Ladies and Gentlemen:

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

JUNE CANTY, reappointed July 19, 2010, for the term ending June 30, 2014, as Member of the Professional Educator Standards Board.

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

December 28, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

August 8, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GRANT DEGGINGER, appointed July 3, 2012, for the term ending December 31, 2016, as Member of the Public Disclosure Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Governmental Operations.

Ladies and Gentlemen:

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

LARRY CARPENTER, appointed December 6, 2011, for the term ending December 31, 2016, as Member of the Fish and Wildlife Commission.

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

January 4, 2010
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

January 19, 2010
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LYNNE DELANO, appointed January 1, 2009, for the term ending April 15, 2014, as a Chair of the Indeterminate Sentence Review Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Human Services & Corrections.

Ladies and Gentlemen:

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

JAMES COOK, reappointed November 30, 2009, for the term ending October 1, 2013, as Member of The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Trade & Economic Development.

February 14, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

February 3, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID DICKS, reappointed July 29, 2011, for the term ending June 25, 2015, as Member of the Puget Sound Partnership.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Energy, Environment & Telecommunications.

Ladies and Gentlemen:

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

September 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAN DIXON, reappointed October 1, 2012, for the term ending September 30, 2018, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 22, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVEN DRURY, reappointed March 22, 2011, for the term ending October 1, 2014, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Trade & Economic Development.

January 31, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LEWIS EDELHEIT, appointed January 24, 2012, for the term ending October 1, 2013, as Member of The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Trade & Economic Development.

November 2, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANICE E. ELLIS, appointed September 7, 2012, for the term ending August 2, 2015, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Law & Justice.

November 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JACK ENG, appointed October 17, 2011, for the term ending June 17, 2017, as Member of the Board of Industrial Insurance Appeals.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Commerce & Labor.

April 19, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONNA J. FEILD, appointed March 30, 2011, for the term ending January 19, 2015, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health Care.

January 26, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CONNIE L. FLETCHER, appointed January 23, 2012, for the term ending January 30, 2015, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

October 2, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BETTI FUJIKADO, reappointed October 1, 2012, for the term ending September 30, 2018, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 2, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOSE E. GAITAN, appointed August 8, 2012, for the term ending June 30, 2015, as Member of the Washington State Student Achievement Council.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

June 8, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FORTY FOURTH DAY, FEBRUARY 26, 2013

ANDREA GAMBOA, appointed May 13, 2011, for the term ending June 30, 2014, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

December 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARILYN GLENN SAYAN, reappointed November 21, 2011, for the term ending September 8, 2016, as a Chair of the Public Employment Relations Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Commerce & Labor.

August 25, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN GLENN, appointed August 17, 2011, for the term ending July 1, 2016, as Member of the State School for the Blind Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

March 22, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES GLOVER, appointed March 22, 2011, for the term ending October 1, 2014, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Trade & Economic Development.

February 7, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KELSEY GRAY, appointed January 23, 2012, for the term ending June 30, 2017, as Member of the Gambling Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Commerce & Labor.

June 15, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

2013 REGULAR SESSION

Ladies and Gentlemen:

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

ANNE E. HALEY, reappointed July 1, 2012, for the term ending June 30, 2018, as Member of the Transportation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 16, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALFRED HALLOWELL, reappointed February 3, 2011, for the term ending January 17, 2017, as Member of the Horse Racing Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Commerce & Labor.

September 8, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MOLLY E. HAMAKER-TEALS, appointed August 12, 2009, for the term ending June 30, 2013, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ERIN HARMS, appointed August 6, 2012, for the term ending June 30, 2013, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

June 21, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLARENCE M. HENDERSON, appointed June 11, 2012, for the term ending June 17, 2015, as Member of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Law & Justice.

August 17, 2012
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

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

LESTER T. HERNDON, appointed July 26, 2012, for the term ending June 30, 2015, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

January 4, 2010
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

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

TONY HEY, reappointed November 30, 2009, for the term ending October 1, 2013, as Member of The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Trade & Economic Development.

April 27, 2012
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

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

ROY HEYNDERICKX, appointed April 2, 2012, for the term ending March 26, 2016, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 15, 2012
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

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

NANCY J. HOLLAND YOUNG, appointed June 19, 2012, for the term ending January 4, 2017, as Member of the Personnel Resources Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Commerce & Labor.

August 4, 2011
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

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

DONALD HOVER, reappointed July 29, 2011, for the term ending July 15, 2015, as a Chair of the Salmon Recovery Funding Board.

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

October 20, 2009
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

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

MIKE HUDSON, reappointed October 15, 2009, for the term ending June 30, 2013, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 27, 2011
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

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

ELSIE HULSIZER, reappointed January 27, 2011, for the term ending December 26, 2014, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

March 12, 2012
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

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

STEPHEN J. HUNT, appointed March 6, 2012, for the term ending June 17, 2014, as Member of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Law & Justice.

November 2, 2012
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

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

TAKIYAH JACKSON, appointed October 11, 2012, for the term ending June 30, 2014, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

November 27, 2012
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

FORTY FOURTH DAY, FEBRUARY 26, 2013

2013 REGULAR SESSION

August 2, 2010

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

JEREMY JAECH, appointed October 1, 2012, for the term ending September 30, 2018, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 13, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LINDSEY JAHN, appointed August 8, 2012, for the term ending June 30, 2013, as Member of the Washington State Student Achievement Council.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

July 6, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID JENNINGS, appointed June 18, 2009, for the term ending December 31, 2014, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources & Parks.

April 13, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH K. JENSEN, appointed March 30, 2011, for the term ending January 19, 2015, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health Care.

March 8, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFF JOHNSON, reappointed April 4, 2010, for the term ending April 3, 2014, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MYRA JOHNSON, reappointed July 19, 2010, for the term ending June 30, 2014, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

September 5, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHRIS JORDAN, appointed August 2, 2012, for the term ending June 30, 2013, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 19, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAY T. KEHNE, appointed December 6, 2011, for the term ending December 31, 2016, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources & Parks.

April 18, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES L. KEMP, reappointed July 2, 2012, for the term ending July 1, 2017, as Member of the State School for the Blind Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

September 28, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENNIS KLOIDA, reappointed September 14, 2009, for the term ending June 30, 2013, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Financial Institutions, Housing &
Insurance.

January 3, 2013
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

KATHLEEN M. KYLE, appointed November 28, 2012, for
the term ending August 2, 2015, as Member of the Sentencing
Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Law & Justice.

January 10, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

M.A. LEONARD, reappointed July 11, 2011, for the term
ending June 30, 2015, as Member of the Housing Finance
Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Financial Institutions, Housing &
Insurance.

October 21, 2009
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JANET LEWIS, reappointed October 15, 2009, for the term
ending June 30, 2013, as Member of the Work Force Training and
Education Coordinating Board.

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

May 31, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JERALD (JERRY) R. LITT, appointed July 1, 2011, for the
term ending June 30, 2017, as Member of the Transportation
Commission.

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

November 13, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CHRIS LIU, reappointed October 1, 2012, for the term
ending September 30, 2018, as Member, Board of Trustees,
Central Washington University.

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

February 9, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

YVONNE LOPEZ MORTON, reappointed June 21, 2010,
for the term ending June 17, 2015, as Member of the Human
Rights Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Law & Justice.

June 27, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CONRAD MAHNKEN, reappointed June 7, 2011, for the
term ending December 31, 2016, as Member of the Fish and
Wildlife Commission.

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

April 11, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

DONALD MAYER, appointed December 27, 2011, for the
term ending December 26, 2015, as Member of the Board of
Pilotage Commissioners.

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

November 16, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

KRISTINA MAYER, reappointed November 8, 2011, for the
term ending January 30, 2015, as Member of the State Board of
Education.

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

FORTY FOURTH DAY, FEBRUARY 26, 2013

2013 REGULAR SESSION

February 28, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES MCDEVITT, appointed February 18, 2011, for the term ending September 25, 2014, as Member of the Clemency and Pardons Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

August 24, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOSEPH E. MEYER, appointed August 6, 2012, for the term ending June 30, 2013, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

July 12, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVE S. MILNER, appointed May 25, 2011, for the term ending December 31, 2016, as Member of the Parks and Recreation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources & Parks.

February 17, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRUCE MONTGOMERY, reappointed January 24, 2012, for the term ending October 1, 2015, as Member of The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Trade & Economic Development.

August 21, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARYANN J. MORENO, appointed August 8, 2012, for the term ending August 2, 2014, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Law & Justice.

February 10, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHILIP N. MORRELL, appointed January 25, 2012, for the term ending December 26, 2015, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

November 16, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVEN MOSS, appointed November 1, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

February 14, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RALPH MUNRO, appointed October 1, 2009, for the term ending September 30, 2015, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 5, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHAWN M. MURINKO, reappointed August 1, 2011, for the term ending June 17, 2016, as Member of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Law & Justice.

November 9, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES M. MURPHY, appointed October 10, 2012, for the term ending September 30, 2018, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOSHUA NEIL, appointed August 6, 2012, for the term ending June 30, 2013, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

April 13, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LEE NEWGENT, appointed April 13, 2011, for the term ending June 30, 2013, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 30, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID L. NICANDRI, appointed November 21, 2011, for the term ending September 30, 2014, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LENELL NUSSBAUM, reappointed February 10, 2012, for the term ending August 2, 2014, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Law & Justice.

October 25, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLOTTE PARSLEY, reappointed October 11, 2011, for the term ending July 1, 2016, as Member, Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

September 5, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL A. PASTOR, reappointed August 8, 2012, for the term ending August 2, 2015, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Law & Justice.

April 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARTA B. POWELL, reappointed March 27, 2012, for the term ending March 1, 2017, as Member of the Board of Tax Appeals.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

January 25, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NATASHA K. PRANGER, reappointed January 1, 2012, for the term ending December 31, 2014, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

August 8, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FORTY FOURTH DAY, FEBRUARY 26, 2013

MARGARITA L. PRENTICE, appointed August 1, 2012, for the term ending June 30, 2018, as Member of the Gambling Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Commerce & Labor.

September 28, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANNE PROFFITT, reappointed October 1, 2012, for the term ending September 30, 2018, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 3, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RAFAEL B. PRUNEDA, appointed August 2, 2012, for the term ending June 30, 2013, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 6, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIKE RAGAN, reappointed March 11, 2011, for the term ending at the governor's pleasure, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

November 2, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TIMOTHY RASMUSSEN, appointed October 11, 2012, for the term ending October 1, 2016, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Trade & Economic Development.

September 5, 2012

2013 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAY A. REICH, appointed August 8, 2012, for the term ending June 30, 2015, as Member of the Washington State Student Achievement Council.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

August 24, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CONSTANCE W. RICE, appointed August 8, 2012, for the term ending June 30, 2016, as Member of the Washington State Student Achievement Council.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

June 21, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHIL ROCKEFELLER, appointed July 1, 2011, for the term ending January 15, 2014, as Member of the Northwest Power and Conservation Council.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Energy, Environment & Telecommunications.

June 21, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KECIA RONGEN, appointed July 16, 2012, for the term ending April 15, 2017, as Member of the Indeterminate Sentence Review Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

December 2, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CATHERINE ROTH, appointed November 21, 2011, for the term ending June 15, 2013, as a Chair of the Marine Employees' Commission.

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

November 14, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CHARLES ROYER, appointed December 1, 2012, for the term ending June 30, 2013, as Member of the Transportation Commission.

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

March 6, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

DAN RUBIN, appointed March 1, 2012, for the term ending January 19, 2016, as Member of the Board of Pharmacy.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Health Care.

July 5, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

TOM SAHLBERG, reappointed June 11, 2012, for the term ending April 15, 2017, as Member of the Indeterminate Sentence Review Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Human Services & Corrections.

March 6, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

DANIEL T. SATTERBERG, reappointed February 10, 2012, for the term ending August 2, 2013, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Law & Justice.

November 9, 2009
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

FAOUZI SEFRIQUI, reappointed September 14, 2009, for the term ending June 30, 2013, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Financial Institutions, Housing & Insurance.

September 28, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CATHERINE SHAFFER, appointed September 7, 2012, for the term ending August 2, 2015, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Law & Justice.

September 28, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

SUSAN K. SHARPE, appointed October 1, 2012, for the term ending September 30, 2018, as Member, Board of Trustees, Western Washington University.

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

August 28, 2012
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

LINDSEY J. SIRE, appointed August 6, 2012, for the term ending June 30, 2013, as Member, Board of Trustees, Central Washington University.

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

August 4, 2011
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

NANCY SMITH, reappointed July 26, 2011, for the term ending June 30, 2015, as Member of the Professional Educator Standards Board.

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

March 12, 2012

FORTY FOURTH DAY, FEBRUARY 26, 2013
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

SEPI SOLEIMANPOUR, appointed March 1, 2012, for the term ending January 19, 2016, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health Care.

March 22, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

STANLEY M. SORSCHER, reappointed March 22, 2011, for the term ending October 1, 2014, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Trade & Economic Development.

April 11, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

GABE P. SPENCER, appointed March 31, 2011, for the term ending June 30, 2013, as Member of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

July 19, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CHARLENE D. STRONG, reappointed June 18, 2012, for the term ending June 17, 2017, as Member of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Law & Justice.

August 12, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JOHN SWANSON, reappointed August 12, 2008, for the term ending June 15, 2013, as a Chair of the Marine Employees' Commission.

2013 REGULAR SESSION

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

November 1, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

PAUL TANAKA, reappointed October 10, 2011, for the term ending September 30, 2017, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 29, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ELLEN TAUSSIG, reappointed March 27, 2011, for the term ending March 26, 2015, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 20, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

BARBARA A. TAYLOR, reappointed July 11, 2011, for the term ending June 30, 2015, as a Chair of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

February 15, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

STEPHEN THARINGER, reappointed February 15, 2010, for the term ending July 15, 2013, as Member of the Salmon Recovery Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources & Parks.

April 8, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

DENNIS THAUT, reappointed April 16, 2010, for the term ending April 15, 2015, as Member of the Indeterminate Sentence Review Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Human Services & Corrections.

July 19, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JODI N. THEW, appointed July 7, 2011, for the term ending June 30, 2014, as Member of the Professional Educator Standards Board.

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

September 25, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAMELA J. TIETZ, appointed October 1, 2009, for the term ending June 30, 2013, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Financial Institutions, Housing & Insurance.

March 22, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBYN J. TODD, reappointed March 22, 2011, for the term ending October 1, 2014, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Trade & Economic Development.

September 14, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOE M. TORTORELLI, appointed August 29, 2011, for the term ending June 30, 2014, as Member of the Transportation Commission.

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

January 3, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATHY R. TURNER, appointed November 20, 2012, for the term ending December 31, 2014, as Member of the Public Disclosure Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Governmental Operations.

January 26, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARIO M. VILLANUEVA, reappointed July 11, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Financial Institutions, Housing & Insurance.

July 19, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANET WAINWRIGHT, appointed July 2, 2012, for the term ending June 12, 2016, as Member of the Columbia River Gorge Commission.

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

January 12, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BERNARD WARNER, appointed July 1, 2011, for the term ending at the governor's pleasure, as Secretary of the Department of Corrections.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Human Services & Corrections.

November 30, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FORTY FOURTH DAY, FEBRUARY 26, 2013

ROBERT H. WHALEY, appointed October 10, 2011, for the term ending September 30, 2017, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 13, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES S. WIGFALL, appointed October 26, 2012, for the term ending September 30, 2015, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 19, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VICKI J. WILSON, appointed October 10, 2012, for the term ending September 30, 2018, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 13, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROGER D. WOODWORTH, appointed July 1, 2011, for the term ending at the governor's pleasure, as a Chair of the Economic Development Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Trade & Economic Development.

October 19, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL C. WORTHY, reappointed October 1, 2012, for the term ending September 30, 2018, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 8, 2012

2013 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EMMA ZAVALA-SUAREZ, appointed March 1, 2012, for the term ending January 19, 2014, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health Care.

July 27, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NOAH ZEICHNER, appointed July 7, 2011, for the term ending June 30, 2015, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 25, 2013

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1009,
- SUBSTITUTE HOUSE BILL NO. 1021,
- SUBSTITUTE HOUSE BILL NO. 1034,
- SUBSTITUTE HOUSE BILL NO. 1038,
- SUBSTITUTE HOUSE BILL NO. 1115,
- HOUSE BILL NO. 1119,
- SUBSTITUTE HOUSE BILL NO. 1183,
- SUBSTITUTE HOUSE BILL NO. 1292,
- SUBSTITUTE HOUSE BILL NO. 1307,
- SUBSTITUTE HOUSE BILL NO. 1334,
- HOUSE BILL NO. 1339,
- SUBSTITUTE HOUSE BILL NO. 1376,
- SUBSTITUTE HOUSE BILL NO. 1379,
- SUBSTITUTE HOUSE BILL NO. 1382,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 25, 2013

MR. PRESIDENT:

The House has passed:
 SUBSTITUTE HOUSE BILL NO. 1098,
 HOUSE BILL NO. 1469,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5857 by Senators King and Eide

AN ACT Relating to vehicle-related fees; amending RCW 46.25.060, 46.25.100, 46.20.202, 46.17.040, 46.17.050, 46.17.060, 46.17.400, 46.37.420, and 46.17.323; adding new sections to chapter 46.68 RCW; adding a new section to chapter 46.16A RCW; creating a new section; repealing 2012 c 74 ss 11 and 12 (uncodified); and providing an effective date.

Referred to Committee on Transportation.

SB 5858 by Senator King

AN ACT Relating to modifying certain requirements for ferry vessel construction; amending RCW 47.60.005, 47.60.010, 47.60.810, 47.60.814, 47.60.820, 47.56.030, and 39.04.320; and repealing RCW 47.56.780.

Referred to Committee on Transportation.

SB 5859 by Senators Braun, Hatfield, Holmquist Newby and Hargrove

AN ACT Relating to providing enhanced payment to small rural hospitals that meet the criteria of a sole community hospital; amending RCW 74.09.5225; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1009 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Hunt, Appleton, McCoy and Johnson)

AN ACT Relating to liquor self-checkout machines; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

SHB 1021 by House Committee on Judiciary (originally sponsored by Representative Haler)

AN ACT Relating to educating parents of the harmful effects of parental abduction; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Law & Justice.

SHB 1034 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Ryu)

AN ACT Relating to the licensing of escrow agents; and amending RCW 18.44.011, 31.04.025, 18.44.457, and 18.44.201.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1038 by House Committee on Business & Financial Services (originally sponsored by Representatives Ryu, Kagi, Bergquist, Reykdal and Jinkins)

AN ACT Relating to requiring the department of licensing to adopt rules to allow online learning for training in the areas of cosmetology, manicuring, barbering, esthetics, and instructor-training; amending RCW 18.16.020; adding a new section to chapter 18.16 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SHB 1098 by House Committee on Public Safety (originally sponsored by Representatives Hope and Hurst)

AN ACT Relating to adopting certain unanimous recommendations of the bail practices work group created in section 2, chapter 256, Laws of 2010; amending RCW 10.19.100, 10.19.160, 18.185.010, 18.185.020, 18.185.040, 18.185.070, and 18.185.110; and adding a new section to chapter 10.19 RCW.

Referred to Committee on Law & Justice.

SHB 1115 by House Committee on Judiciary (originally sponsored by Representatives Pedersen and Rodne)

AN ACT Relating to the Uniform Commercial code; amending RCW 62A.4A-108, 62A.4A-103, 62A.4A-104, 62A.4A105, 62A.4A106, 62A.4A-202, 62A.4A-203, 62A.4A204, 62A.4A-205, 62A.4A-206, 62A.4A-207, 62A.4A-208, 62A.4A-209, 62A.4A-210, 62A.4A-211, 62A.4A-212, 62A.4A-301, 62A.4A-302, 62A.4A-303, 62A.4A-304, 62A.4A-305, 62A.4A-402, 62A.4A-403, 62A.4A-404, 62A.4A-405, 62A.4A-406, 62A.4A-501, 62A.4A-502, 62A.4A-503, 62A.4A-504, 62A.4A-506, 62A.4A-507, 62A.9A-502, and 62A.9A-503; and creating a new section.

Referred to Committee on Law & Justice.

HB 1119 by Representatives Goodman, Ryu and Santos

AN ACT Relating to fees associated with service of writs of habeas corpus; and adding a new section to chapter 7.36 RCW.

Referred to Committee on Law & Justice.

SHB 1183 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Smith, Habib, Crouse, Morrell, Magendanz, Freeman, Kochmar, Walsh, Tarleton, Dahlquist, Vick, Zeiger, Maxwell, Hudgins, Upthegrove, Ryu and Bergquist)

AN ACT Relating to wireless communications structures; amending RCW 43.21C.0384; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1292 by House Committee on Public Safety (originally sponsored by Representatives Orwall, Goodman, Roberts, Appleton, Green, Hope, Kochmar, Moscoso, Jinkins, Upthegrove and Ryu)

AN ACT Relating to vacating prostitution convictions; and reenacting and amending RCW 9.96.060.

Referred to Committee on Law & Justice.

SHB 1307 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Lytton, Wylie, Jinkins, Cody, Roberts, Santos and Moscoso)

AN ACT Relating to sexual assault protection orders; amending RCW 7.90.040, 7.90.050, 7.90.120, 7.90.140, and 7.90.170; and adding new sections to chapter 7.90 RCW.

Referred to Committee on Human Services & Corrections.

SHB 1334 by House Committee on Transportation (originally sponsored by Representatives Shea, Taylor, MacEwen, Schmick, Holy, Short, Kagi, Orcutt, Overstreet, Rodne, Klippert, Hargrove, Condotta and Parker)

AN ACT Relating to conversion kits on motorcycles; amending RCW 46.04.330 and 46.20.500; reenacting and amending RCW 46.81A.010; and creating a new section.

Referred to Committee on Transportation.

HB 1339 by Representatives Tharinger, Angel, Cody, Harris, Jinkins, Green and Moscoso

AN ACT Relating to East Asian medicine practitioners; and amending RCW 18.06.010 and 18.06.140.

Referred to Committee on Health Care.

SHB 1376 by House Committee on Health Care & Wellness (originally sponsored by Representatives Orwall, Jinkins, Liias, Angel and Ormsby)

AN ACT Relating to clarifying the requirement that certain health professionals complete training in suicide assessment, treatment, and management; and amending RCW 43.70.442.

Referred to Committee on Health Care.

SHB 1379 by House Committee on Transportation (originally sponsored by Representatives Liias, Orcutt, Fitzgibbon, Johnson, Upthegrove, Kretz, Fey, Rodne, Hargrove, Zeiger, Dahlquist and Springer)

AN ACT Relating to private motorcycle skills education programs; amending RCW 46.81A.020; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1382 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Harris, Cody, Tharinger, Green, Morrell, Ryu, Riccelli, Bergquist, Reykdal, Lytton, Fitzgibbon, Van De Wege, Maxwell, Pollet and Santos)

AN ACT Relating to medication access for the uninsured; adding a new chapter to Title 69 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 1469 by Representatives Schmick, Sells, Reykdal, Fagan, Green, Condotta, Short, Ormsby and Van De Wege

AN ACT Relating to industrial insurance for horse racing employment; and amending RCW 51.16.210.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1034 which was referred to the Committee on Financial Institutions, Housing & Insurance.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fain moved that Mark Albertson, Gubernatorial Appointment No. 9001, be confirmed as a member of the Board of Trustees, Green River Community College District No. 10.

Senators Fain and Keiser spoke in favor of passage of the motion.

APPOINTMENT OF MARK ALBERTSON

The President declared the question before the Senate to be the confirmation of Mark Albertson, Gubernatorial Appointment No. 9001, as a member of the Board of Trustees, Green River Community College District No. 10.

The Secretary called the roll on the confirmation of Mark Albertson, Gubernatorial Appointment No. 9001, as a member of the Board of Trustees, Green River Community College District No. 10 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Padden,

Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Litzow

Mark Albertson, Gubernatorial Appointment No. 9001, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Green River Community College District No. 10.

MOTION

On motion of Senator Rivers, Senator Litzow was excused.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Roach moved that Bret Daugherty, Gubernatorial Appointment No. 9067, be confirmed as Director of the Military Department.

Sensors Roach and Hobbs spoke in favor of passage of the motion.

APPOINTMENT OF BRET DAUGHERTY

The President declared the question before the Senate to be the confirmation of Bret Daugherty, Gubernatorial Appointment No. 9067, as Director of the Military Department.

The Secretary called the roll on the confirmation of Bret Daugherty, Gubernatorial Appointment No. 9067, as Director of the Military Department and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Litzow

Bret Daugherty, Gubernatorial Appointment No. 9067, having received the constitutional majority was declared confirmed as Director of the Military Department.

MOTION

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

MOTION

Senator Rivers moved adoption of the following resolution:

SENATE RESOLUTION

8623

By Senators Rivers, Litzow, Hewitt, Darneille, Braun, Bailey, Baumgartner, Tom, Ericksen, Keiser, Kohl-Welles, Eide, Harper, Hargrove, Brown, King, Parlette, Schlicher, Ranker, Fraser, Cleveland, McAuliffe, Mullet, Hill, Fain, Holmquist Newbry, Hasegawa, Schoesler, Dammeier, Murray, Frockt, Becker, Nelson, Conway, Hobbs, Hatfield, Billig, Kline, Rolfes, and Chase

WHEREAS, Consul General Gao Zhansheng, of the People's Republic of China in San Francisco, is retiring; and

WHEREAS, The Consul General dedicated years of service to the People's Republic of China in San Francisco after being born in Beijing in July 1952 and graduating from a university; and

WHEREAS, Consul General Gao had a distinguished career with the People's Republic of China beginning in 1977 that brought a mutual understanding between the American and Chinese people and deepened the bond between the two great countries; and

WHEREAS, The state of Washington has an excellent relationship with the People's Republic of China, and the two are valuable trade partners; and

WHEREAS, Consul General Gao Zhansheng has made the decision to retire. He will leave behind the results of notable partnership efforts between American and Chinese people;

NOW, THEREFORE, BE IT RESOLVED, That the members and staff of the Washington State Senate offer their best wishes for a fulfilling retirement to Consul General Gao Zhansheng;

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Consul General Gao Zhansheng.

Sensors Rivers and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8623.

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

MOTION

At 9:30 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:48 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5050, by Senators Sheldon, King, Ericksen and Litzow

Authorizing registered tow truck operators to carry passengers in a vehicle attached to a flatbed tow truck under certain situations.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5050.

ROLL CALL

FORTY FOURTH DAY, FEBRUARY 26, 2013

2013 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 5050 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5344, by Senators Mullet, Hobbs, Kline, Fain and Benton

Revising state statutes concerning trusts.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 5344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5344.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5344 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner and Holmquist Newbry

SENATE BILL NO. 5344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5349, by Senators Dammeier, Hasegawa, Hewitt, Keiser, Rivers, Hobbs and Kline

Revising alternative public works contracting procedures.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, Senate Bill No. 5349 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Dammeier and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5349.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5349 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5302, by Senators Benton and Hobbs

Addressing credit unions' corporate governance and investments.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5302.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5302 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5220, by Senators Conway and Shin

Addressing membership on city disability boards.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5220.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5220 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5809, by Senator Litzow

Changing provisions relating to the home visiting services account.

The measure was read the second time.

MOTION

On motion of Senator Litzow, the rules were suspended, Senate Bill No. 5809 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5809.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5809 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline,

Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5809, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5148, by Senators Keiser, Becker, Cleveland, Conway, Frockt, Parlette, Rolfes, Kohl-Welles, Schlicher and Kline

Allowing for redistribution of medications under certain conditions.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5148 was substituted for Senate Bill No. 5148 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5148.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5186, by Senators Roach, Conway, Benton, Chase and Shin

Concerning contractor's bond.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senators Harper and Murray were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5186.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5186 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Hill

Excused: Senators Harper and Murray

SENATE BILL NO. 5186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Senator Hill was excused.

SECOND READING

SENATE BILL NO. 5078, by Senators Ericksen, Smith, Hatfield, Baumgartner, Chase and Shin

Modifying the property tax exemption for nonprofit fairs.

MOTION

On motion of Senator Ericksen, Second Substitute Senate Bill No. 5078 was substituted for Senate Bill No. 5078 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ericksen moved that the following striking amendment by Senator Ericksen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.36.480 and 1984 c 220 s 6 are each amended to read as follows:

~~((The following property shall be exempt from taxation:))~~ (1) Except as provided otherwise in subsection (3) of this section, the real and personal property of a nonprofit fair association that sponsors or conducts a fair or fairs ((which)) that is eligible to receive support from ((revenues collected pursuant to RCW 67.16.100)) the fair fund, as created in RCW 15.76.115 and allocated by the director of the department of agriculture, is exempt from taxation. To be exempt under this ((section)) subsection (1), the property must be used exclusively for fair purposes, except as provided in RCW 84.36.805. However, the loan or rental of property otherwise exempt under this section to a private

concessionaire or to any person for use as a concession in conjunction with activities permitted under this section shall not nullify the exemption if the concession charges are subject to agreement and the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

(2) Except as provided otherwise in subsection (3) of this section, the real and personal property purchased or acquired from a county by a nonprofit fair association and used for fair purposes is exempt from taxation. Such property must have been used previously by the county for fair purposes.

(3) A nonprofit fair association with real and personal property having an assessed value of more than fifteen million dollars is not eligible for the exemption under this section.

Sec. 2. RCW 84.36.805 and 2006 c 319 s 1 and 2006 c 226 s 3 are each reenacted and amended to read as follows:

(1) In order to qualify for an exemption under this chapter, the nonprofit organizations, associations, or corporations must satisfy the conditions in this section.

(2) The property must be used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4), 84.36.037, 84.36.050, and 84.36.060(1) (a) and (b), the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted.

(3) The facilities and services must be available to all regardless of race, color, national origin or ancestry.

(4) The organization, association, or corporation must be duly licensed or certified where such licensing or certification is required by law or regulation.

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller ~~((shall))~~ does not qualify for exempt status. This subsection does not apply to property sold to a nonprofit entity, as defined in RCW 84.36.560(7), by:

(a) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under ~~((section))~~ 26 U.S.C. Sec. 501(c) of the federal internal revenue code;

(b) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

(c) A housing authority created under RCW 35.82.030;

(d) A housing authority meeting the definition in RCW 35.82.210(2)(a); or

(e) A housing authority established under RCW 35.82.300.

(6) The department ~~((shall))~~ must have access to its books in order to determine whether the nonprofit organization, association, or corporation is exempt from taxes under this chapter.

(7) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, ~~((and))~~ 84.36.260, and 84.36.480(2)."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Ericksen to Second Substitute Senate Bill No. 5078.

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

MOTION

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

On page 1, line 2 of the title, after "fairs;" strike the remainder of the title and insert "amending RCW 84.36.480; and reenacting and amending RCW 84.36.805."

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5078.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5078 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Harper and Murray

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5615, by Senators Frockt, Becker, Cleveland, Keiser, Kohl-Welles, Schlicher, Kline, Conway and Chase

Concerning the health professional loan repayment and scholarship program.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 5615 was substituted for Senate Bill No. 5615 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 5615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5615.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5615 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Padden

Excused: Senators Harper and Murray

SUBSTITUTE SENATE BILL NO. 5615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5634, by Senators Rolfes, Hargrove, Nelson, Kline, Fain, Hobbs, Fraser, Parlette and Pearson

Clarifying the department of natural resources' authority to enter into cooperative agreements.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5634 was substituted for Senate Bill No. 5634 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Pearson spoke in favor of passage of the bill.

REMARKS BY SENATOR RANKER

Senator Ranker: "Is this when we get up to roast Senator Rolfes for her obvious first speech?"

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5634.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker,

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Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin,
Smith and Tom

Excused: Senators Harper and Murray

SUBSTITUTE SENATE BILL NO. 5634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:58 a.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, February 27, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FORTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 27, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Boy Scouts of America Honor Guard consisting of Eagle Scouts: Sean McGinnis, Spokane; McCaffrey Crandall, Spokane Valley; and Thomas Tangen, Vancouver presented the Colors. The Most Reverend Blasé Cupich, Bishop of the Catholic Diocese of Spokane, offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 25, 2013

SB 5088 Prime Sponsor, Senator Benton: Concerning the equal distribution of votes within certain taxing districts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5088 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; King, Co-Chair; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Litzow; Sheldon and Smith.

MINORITY recommendation: Do not pass. Signed by Senators Eide, Co-Chair; Billig; Harper; Mullet; Rolfes and Schlicher.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5178 Prime Sponsor, Senator Carrell: Modifying organized retail theft provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5262 Prime Sponsor, Senator Fraser: Concerning the logging tax. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair;

Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5444 Prime Sponsor, Senator Hasegawa: Creating greater efficiency in the offices of county assessor by eliminating the requirement to annually appraise tax-exempt government properties. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5454 Prime Sponsor, Senator Rolfes: Concerning the testing of infants placed in out-of-home care whose human immunodeficiency virus is unknown. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SB 5591 Prime Sponsor, Senator Eide: Concerning confidential license plates, drivers' licenses, identicards, and vessel registrations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5591 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 25, 2013

SB 5616 Prime Sponsor, Senator Sheldon: Concerning the use of farm vehicles on public highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Brown; Carrell; Ericksen;

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Fain, Budget Leadership Cabinet; Harper; Litzow; Rolfes; Schlicher; Sheldon and Smith.

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

MINORITY recommendation: Do not pass. Signed by Senator Mullet.

INTRODUCTION AND FIRST READING

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Billig.

ESB 5860 by Senators Padden and Kline

Passed to Committee on Rules for second reading.

AN ACT Relating to legal proceedings by the attorney general on behalf of superior court judges; amending RCW 43.10.030; and adding a new section to chapter 2.08 RCW.

February 25, 2013

Referred to Committee on Judiciary.

SB 5743 Prime Sponsor, Senator Hobbs: Modifying the use of revenue from automated school bus safety camera infractions. Reported by Committee on Transportation

SB 5861 by Senators Murray, Kohl-Welles, Nelson, Eide, Frockt and Kline

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

AN ACT Relating to local transportation revenue; amending RCW 36.73.065 and 82.80.140; adding a new section to chapter 82.80 RCW; and creating a new section.

MINORITY recommendation: Do not pass. Signed by Senator Benton, Vice Co-Chair.

Referred to Committee on Transportation.

Passed to Committee on Rules for second reading.

MOTION

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

February 25, 2013

SB 5761 Prime Sponsor, Senator King: Concerning outdoor advertising sign fees, labels, and prohibitions. Reported by Committee on Transportation

REMARKS BY THE PRESIDENT

MAJORITY recommendation: That Substitute Senate Bill No. 5761 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

President Owen: "Ladies and Gentleman, it has become a tradition for the Senate to hear a Report from the Boy Scouts who do great and very generous work around the state of Washington helping in communities throughout our state. This morning we are very honored to have Eagle Scout Nick Co of Troop 609 in Issaquah to deliver the annual report to the state. The President has learned this amazing young man, as many of the scouts that are with us today, are so outstanding, has been accepted by the Naval and the Coast Guard Academies. So it's a great privilege for the President to present to you Eagle Scout Nick Co to give the annual Report of the Boy Scouts."

MINORITY recommendation: Do not pass. Signed by Senators Benton, Vice Co-Chair; Brown and Carrell.

Passed to Committee on Rules for second reading.

REMARKS BY MR. NICK CO

February 25, 2013

SB 5775 Prime Sponsor, Senator Benton: Allowing for a veteran designation on drivers' licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Nick Co: "Thank you Mr. President. Good afternoon. My name is Nicholas Co and I am an Eagle Scout, Boy Scout Troops 609 in Issaquah Washington. I and twenty one Eagle Scouts are here today representing the six Boy Scout Councils in our state. Collectively we are here today to present the annual Report to the State of Washington. This past year nearly sixty seven thousand young people in Washington State participated in Scouting programs through the mentorship of more than twenty-thousand adult volunteers. Of these Scouts twenty four thousand four hundred and sixty nine attending camp and a record of one thousand three hundred forty achieved the pinnacle of Scouting by earning the rank of Eagle in our state last year. The Boy Scouts of America was founded on the premise, to be a good citizen you must do for others. Since its inception Scouts and volunteers have committed to serving others at all times with enthusiasm and conviction. Over the years Scouts have worked diligently to protect the environment and learn the value of 'leave no trace.' Through these and many other efforts the Boy Scouts of America has established a tradition of service. In 2012 Washington Scouts and volunteers donated more than three hundred thirty four thousand hours of community service to our state. This volunteer time is valued at nearly 7.3 billion dollars. By continuing to

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

recruit quality leadership, inviting youth from all backgrounds and circumstances to join and offering a fun and exciting program we seek to help ordinary young people to become extraordinary adults. On behalf of the six Boy Scout Councils from Washington State, I would like to present Lieutenant Governor Brad Owen with a copy of the 2013 Report to the State.”

REMARKS BY THE PRESIDENT

President Owen: “Thank you very much to Eagle Scout Co. He did a great job. The President would also like to recognize and have them stand all of the Scouts that are with us today and the Scout leaders. Please stand and be recognized by the Senate.”

MOTION

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

MOTION

Senator Mullet moved adoption of the following resolution:

SENATE RESOLUTION 8620

By Senators Mullet, Fain, Ranker, Billig, Frockt, Murray, Kohl-Welles, Roach, and Fraser

WHEREAS, The students of Tahoma High School who are enrolled in the program known as “*We The People: The Citizen and Constitution*” have exhibited exceptional knowledge of the Constitution of the United States and the lessons taught by our forefathers; and

WHEREAS, On Saturday, January 11, 2013, the state *We The People* competition was won by the team from Tahoma High School, making it the school's eighteenth state championship; and

WHEREAS, From April 26 to 29, 2013, these students will represent their state at the twenty-sixth anniversary *We The People* National Finals in Washington, D.C., where they will aspire to uphold the standards of excellence for which Tahoma High School is known; and

WHEREAS, These students have immersed themselves in the United States Constitution and Bill of Rights, and their extraordinary understanding of the country's founding documents and principles and formidable debate skills have inspired those who have watched them progress to the level of state champions; and

WHEREAS, The Tahoma team is coached by Gretchen Wulffing, who was named Washington's Civic Educator of the Year in 2011 and who continues to impress upon her students the importance of learning about American constitutional democracy and the contemporary relevance of the nation's founding documents and principles; and

WHEREAS, These students and their advisor were aided by countless hours of help from *We The People* alumni, former students who helped prepare this year's debaters by volunteering as guest judges; and

WHEREAS, Since the creation of *We The People* in 1987, nearly thirty million students and ninety thousand teachers from across the country have participated in enhancing civic education; and

WHEREAS, Studies have shown that eighty percent of high school seniors in this program are registered to vote, compared to an average of thirty-seven percent among other high school seniors,

proof that *We The People* promotes a greater interest in participating in government; and

WHEREAS, Tahoma High School has a distinguished record in competitions at the national level, having placed fourth in the nation in 2000, capturing the Western Regional Award in 2002 and 2008, taking the top Unit Two in the Nation Award in 2003, and placing in the top ten in 2012;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor these “warriors of the Constitution”: Noah Adam, Christina Adamson, Alissa Bates, Joel Christensen, Rachele Frets, Jessica Glassner, Mitchell Halbert, Tabitha Kim, Timothy Lamb, Molly Lathrop, Trenton Lawrence, Nicole Lindblom, Dessa Meehan, Matthew Milburn, Dakota-Storm Nichols, Erika Nist, Sorina Pitts, Angela Rocchi, Niribili Sarmah, Jacob Seely, Miranda Smith, Carter Stoddard, Ashley Taylor, Kendall von Michalofski, William Wheeler, Taylor White, and Bridget Wulffing; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of Tahoma High School's *We The People* team, team advisor Gretchen Wulffing, and the principal of Tahoma High School, Terry Duty, to convey the respect of this body for a job well done and to wish them success in their endeavors.

Senators Mullet, Fain, Brown and Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8620.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Tacoma High School “We The People” program who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Hewitt: “Thank you Mr. President, well, I do believe that that was Senator Brown’s, I think that was a floor speech, I’m not so sure. That’s got to be probably the shortest floor speech I’ve ever heard but maybe that matches her stature. I’m not sure about that either. Senator, it’s nice to have you here. I have to tell you, you are a couple of steps up from the last Senator we had from Eighth District and it’s very nice. I think most of us are very happy. You’re very scurryish’, if that’s a word. You’ve been very busy around here. You have more bills out of Rules already than I have and I have been here for a dozen years. I don’t know how this all happens but it does. It’s fun to watch you. You’ve hit the road running. You’re doing very, very well, but I got to tell you again, that’s the shortest floor speech I’ve ever heard for a first speech. That’s a nice sound coming out of very nice young-looking lady but I’m confused why you had to bring the Bishop here with you today. I don’t know if you have some things you want to confess and maybe there’s some other people on the floor want to confess with you but anyway it’s nice to see the Bishop here supporting you and part of your family. Thank and welcome to the Senate, I’m sure you’re going to do very, very well. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Fraser: “Thank you Mr. President. I too would like to welcome the new Senator and I’m pleased that she is fitting in to Senate culture so well, so early with a short speech. May you keep it up. Thank you.”

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The measure was read the second time.

Senator Schoesler: “Not only was I impressed by the brevity of the new member’s speech, I’m also impressed by the fact that she is vertically challenged like the gentleman from the Sixteenth District and myself.”

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PERSONAL PRIVILEGE

Senator Hargrove spoke in favor of passage of the bill.

Senator Brown: “I thank the good Senators that abut my district and I am going to be dispersing here, shortly, gifts from my district and in those bags you’re going to find, first and for most, you’ve heard a lot of media about the Hanford Nuclear site, so the number one item you’re going to find are some spent fuel rods from the nuclear site. I thought you guys would really enjoy that. And while we’re on the topic of glowing, like we do here in the Senate, you’re also going to have beer from the Ice Harbor Brewery. The Ice Harbor Brewery was started by two gentleman that used to work at the Hanford site. And also we have a bottle of Cabernet Franc from Kestrel Vintners. It’s a wonderful, wonderful vintage and it’s a wonderful wine and I thank the good ladies from Kestrel, Felicia and Cat for bringing those to us. Although the winery is no longer in my district the grapes were born when it was in my district. We also have Wine Away just in case you have any problems with that bottle of wine. So enjoy your gifts from the Eighth Legislative District and it is truly an honor to be here and serve with all of you. Thank you.”

The President declared the question before the Senate to be the final passage of Senate Bill No. 5235.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5235 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

PERSONAL PRIVILEGE

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Senator Honeyford: “Thank you Mr. President. I wonder if you could have the lights turned down to see if she truly glows in the dark.”

SENATE BILL NO. 5235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

MOTION

SENATE BILL NO. 5335, by Senators Dammeier, Eide, King, Hobbs and Fain

On motion of Senator Fain, the Senate reverted to the sixth order of business.

Modifying the boundaries of certain heavy haul corridors.

PERSONAL PRIVILEGE

The measure was read the second time.

Senator Sheldon: “Well, thank you Mr. President. While the gifts are being passed out, I had to make an observation about our newest Senator, Senator Brown from the Eighth District, Tri-Cities area particularly. I sit next to Senator Brown on the Energy, Environment & Telecommunication’s Committee and I had one observation that I’ve developed over the past couple of weeks. Senator Brown has absolutely the best posture of any Senator that I’ve ever served with. So, you, as the President, can observe everyone in the floor very easily and as you go through this session if you find anyone that has better posture that is sitting more erect, more ready to go, more attentive than Senator Brown please point that person out. Thank you Mr. President.”

MOTION

On motion of Senator Dammeier, the rules were suspended, Senate Bill No. 5335 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PERSONAL PRIVILEGE

Senators Dammeier and Eide spoke in favor of passage of the bill.

Senator Baumgartner: “I would like to know Senator Sheldon’s opinion on who has the worst posture.”

The President declared the question before the Senate to be the final passage of Senate Bill No. 5335.

SECOND READING

ROLL CALL

SENATE BILL NO. 5235, by Senators Hargrove and Carrell

The Secretary called the roll on the final passage of Senate Bill No. 5335 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Modifying the requirements for purchase of care for Indian children.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5308, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Carrell, Darneille, Padden, Kline, Hargrove, Fraser, Chase, Keiser, Conway, Cleveland and Tom)

Establishing the commercially sexually exploited children statewide coordinating committee.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5308 was substituted for Senate Bill No. 5308 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5308.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5308 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5449, by Senators Parlette, Keiser, Becker, Bailey, Dammeier, Frockt, Ericksen and Schlicher

Addressing the Washington state health insurance pool.

MOTION

On motion of Senator Parlette, Substitute Senate Bill No. 5449 was substituted for Senate Bill No. 5449 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following striking amendment by Senators Parlette and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The federal patient protection and affordable care act of 2010, P.L. 111-148, as amended, prohibits the imposition of any preexisting condition coverage exceptions in the individual market for insurance coverage beginning January 1, 2014. The affordable care act also extends opportunities for individuals to enroll in comprehensive coverage in a health benefit exchange beginning January 1, 2014. The legislature finds that some individuals may still be barred from enrolling in the new comprehensive coverage options and it is the intent of the legislature to continue some limited access to the Washington state health insurance pool for a transitional period, and to provide for modification to the pool to reflect changes in federal law and insurance availability.

Sec. 2. RCW 48.41.060 and 2011 c 314 s 13 are each amended to read as follows:

(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board shall:

(a) ((Designate or establish the standard health questionnaire to be used under RCW 48.41.100 and 48.43.018, including the form and content of the standard health questionnaire and the method of its application. The questionnaire must provide for an objective evaluation of an individual's health status by assigning a discreet measure, such as a system of point scoring to each individual. The questionnaire must not contain any questions related to pregnancy, and pregnancy shall not be a basis for coverage by the pool. The questionnaire shall be designed such that it is reasonably expected to identify the eight percent of persons who are the most costly to treat who are under individual coverage in health benefit plans, as defined in RCW 48.43.005, in Washington state or are covered by the pool, if applied to all such persons;

(b) Obtain from a member of the American academy of actuaries, who is independent of the board, a certification that the standard health questionnaire meets the requirements of (a) of this subsection;

(c) Approve the standard health questionnaire and any modifications needed to comply with this chapter. The standard health questionnaire shall be submitted to an actuary for certification, modified as necessary, and approved at least every thirty-six months unless at the time when certification is required the pool will be discontinued before the end of the succeeding thirty-six month period. The designation and approval of the standard health questionnaire by the board shall not be subject to review and approval by the commissioner. The standard health questionnaire or any modification thereto shall not be used until ninety days after public notice of the approval of the questionnaire or any modification thereto, except that the initial standard health questionnaire approved for use by the board after March 23, 2000, may be used immediately following public notice of such approval;

(d)) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state individual plan rating requirements under RCW 48.44.022 and 48.46.064;

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~~((e))~~ (b)(i) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year.

(ii) Self-funded multiple employer welfare arrangements are subject to assessment under this subsection only in the event that assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing assessments on these arrangements before imposing the assessment. Once the legality of the assessments has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these assessments.

(iii) If there has not been a final determination of the legality of these assessments, then beginning on the earlier of (A) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (B) April 1, 2006, the arrangement shall deposit the assessments imposed by this subsection into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the board;

~~((f))~~ (c) Issue policies of health coverage in accordance with the requirements of this chapter;

~~((g))~~ (d) Establish procedures for the administration of the premium discount provided under RCW 48.41.200(3)(a)(iii);

~~((h))~~ (e) Contract with the Washington state health care authority for the administration of the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii);

~~((i))~~ (f) Set a reasonable fee to be paid to an insurance producer licensed in Washington state for submitting an acceptable application for enrollment in the pool; and

~~((j))~~ (g) Provide certification to the commissioner when assessments will exceed the threshold level established in RCW 48.41.037.

(2) In addition thereto, the board may:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(c) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(d) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

(3) Nothing in this section shall be construed to require or authorize the adoption of rules under chapter 34.05 RCW.

Sec. 3. RCW 48.41.100 and 2011 c 315 s 5 and 2011 c 314 s 15 are each reenacted and amended to read as follows:

(1)(a) The following persons who are residents of this state are eligible for pool coverage:

(i) ~~((Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;~~

(ii) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(iii) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool)) Any resident of the state not eligible for medicare coverage or medicaid coverage, and residing in a county where an individual health plan other than a catastrophic health plan as defined in RCW 48.43.005 is not offered to the resident at the time of application to the pool, whether through the health benefit exchange operated pursuant to chapter 43.71 RCW or in the private insurance market, and who makes application to the pool for coverage prior to December 31, 2017;

(ii) Any resident of the state not eligible for medicare coverage, enrolled in the pool prior to December 31, 2013, shall remain eligible for pool coverage except as provided in subsections (2) and (3) of this section through December 31, 2017;

~~((iv))~~ (iii) Any person becoming eligible for medicare before August 1, 2009, who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application; and

~~((v))~~ (iv) Any person becoming eligible for medicare on or after August 1, 2009, who does not have access to a reasonable choice of comprehensive medicare part C plans, as defined in (b) of this subsection, and who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application;

~~((vi))~~ Any person under the age of nineteen who does not have access to individual plan open enrollment or special enrollment, as defined in RCW 48.43.005, or the federal preexisting condition insurance pool, at the time of application to the pool is eligible for the pool coverage).

(b) For purposes of (a)~~((iv))~~(iv) of this subsection (1), a person does not have access to a reasonable choice of plans unless the person has a choice of health maintenance organization or preferred provider organization medicare part C plans offered by at least three different carriers that have had provider networks in the person's county of residence for at least five years. The plan options must include coverage at least as comprehensive as a plan F medicare supplement plan combined with medicare parts A and B. The plan options must also provide access to adequate and stable provider networks that make up-to-date provider directories easily accessible on the carrier web site, and will provide them in hard copy, if requested. In addition, if no health maintenance organization or preferred provider organization plan includes the health care

provider with whom the person has an established care relationship and from whom he or she has received treatment within the past twelve months, the person does not have reasonable access.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Inmates of public institutions and those persons who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

~~(c) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(a)(iv) of this section).~~

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(a)(~~(iii)~~) (i) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(a)(~~(iii)~~) (i) of this section ~~(but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(a)(iii) of this section within thirty days of determining that he or she is no longer eligible;~~

~~(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a)(i), (ii), or (iv) of this section); and~~

~~((e))~~ (b) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; and (iii) describe the ~~((procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(a)(ii) of this section; and (iv) describe the))~~ enrollment process for the available options outside of the pool.

((4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.))

Sec. 4. RCW 48.41.160 and 2007 c 259 s 27 are each amended to read as follows:

(1) On or before December 31, 2007, the pool shall cancel all existing pool policies and replace them with policies that are identical to the existing policies except for the inclusion of a provision providing for a guarantee of the continuity of coverage

consistent with this section. As a means to minimize the number of policy changes for enrollees, replacement policies provided under this subsection also may include the plan modifications authorized in RCW 48.41.100, 48.41.110, and 48.41.120.

(2) A pool policy shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) ~~((and)), (5), (7), and (8))~~ of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

(a) Nonpayment of premium;

(b) Violation of published policies of the pool;

(c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;

(d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the pool;

(f) Covered persons materially breaching the pool policy; or

(g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, and must not significantly limit access to the kind of services covered under the replacement plan through unreasonable cost-sharing requirements or otherwise. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace or discontinue a plan under this subsection (4) until it has completed an evaluation of the impact of replacing the plan upon:

(i) The cost and quality of care to pool enrollees;

(ii) Pool financing and enrollment;

(iii) The board's ability to offer comprehensive and other plans to its enrollees;

(iv) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

(6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

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(7) All pool policies issued on or after January 1, 2014, must reflect the new eligibility requirements of RCW 48.41.100 and contain a statement of the intent to discontinue the pool coverage on December 31, 2017, under pool nonmedicare plans.

(8) Pool policies issued prior to January 1, 2014, shall be modified effective January 1, 2013, consistent with subsection (3)(g) of this section, and contain a statement of the intent to discontinue pool coverage on December 31, 2017, under pool nonmedicare plans.

(9) The pool shall discontinue all nonmedicare pool plans effective December 31, 2017.

Sec. 5. RCW 48.41.240 and 2012 c 87 s 17 are each amended to read as follows:

(1) The board shall review populations that may need ongoing access to coverage through the pool, with specific attention to those persons who may be excluded from or may receive inadequate coverage beginning January 1, 2014, such as persons with end-stage renal disease or HIV/AIDS, or persons not eligible for coverage in the exchange.

(2) If the review under subsection (1) of this section indicates a continued need for coverage through the pool after December 31, 2013, the board shall submit recommendations regarding any modifications to pool eligibility requirements for new and ongoing enrollment after December 31, 2013. The recommendations must address any needed modifications to the standard health questionnaire or other eligibility screening tool that could be used in a manner consistent with federal law to determine eligibility for enrollment in the pool.

(3) The board shall complete an analysis of current pool assessment requirements in relation to assessments that will fund the reinsurance program and recommend changes to pool assessments or any credits against assessments that may be considered for the reinsurance program. The analysis shall recommend whether the categories of members paying assessments should be adjusted to make the assessment fair and equitable among all payers.

(4) The board shall report its recommendations to the governor and the legislature by December 1, 2012.

(5) The board shall revisit the study of eligibility completed in 2012 with another review of the populations that may need ongoing access to coverage through the pool, to be submitted to the governor and legislature by November 1, 2015. The eligibility study shall include the nonmedicare populations scheduled to lose coverage and medicare populations, and consider whether the enrollees have access to comprehensive coverage alternatives that include appropriate pharmacy coverage. The study shall include recommendations to address any barriers in eligibility that remain in accessing other coverage such as medicare supplemental coverage or comprehensive pharmacy coverage, as well as suggestions for financing changes and recommendations on a future expiration of the pool.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act take effect January 1, 2014."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Parlette and Keiser to Substitute Senate Bill No. 5449.

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

MOTION

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

On page 1, line 2 of the title, after "pool;" strike the remainder of the title and insert "amending RCW 48.41.060, 48.41.160, and 48.41.240; reenacting and amending RCW 48.41.100; creating a new section; and providing an effective date."

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute Senate Bill No. 5449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette, Keiser and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5449.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5449 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5630, by Senators Bailey, Keiser, Becker, Conway and Frockt

Implementing recommendations of the adult family home quality assurance panel.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5630 was substituted for Senate Bill No. 5630 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5630 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5630.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5630 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5221, by Senators Kohl-Welles, Carrell and Darneille

Requiring notification of release of a person following dismissal of charges based on incompetence to stand trial.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Carrell be adopted:

On page 3, line 6, after "attorney" insert "and defense attorney"

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Carrell on page 3, line 6 to Senate Bill No. 5221.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5221.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5221 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5459, by Senators Becker, Keiser, Parlette, Dammeier and Kline

Requiring ninety-day supply limits on certain drugs dispensed by a pharmacist.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5459 was substituted for Senate Bill No. 5459 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5459.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5459 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5507, by Senators Billig, Benton, Rolfes, Rivers, Hatfield, Harper, Ranker, Hasegawa, Frockt, Schlicher, Smith, Fraser, Sheldon, Roach, Kohl-Welles, Keiser, Shin, Murray, McAuliffe, Kline and Conway

Increasing transparency of donors to candidates and ballot measures.

MOTIONS

On motion of Senator Billig, Substitute Senate Bill No. 5507 was substituted for Senate Bill No. 5507 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 5507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5507.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5507 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that Debbie Ahl, Gubernatorial Appointment No. 9000, be confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

Senator Ericksen spoke in favor of the motion.

APPOINTMENT OF DEBBIE AHL

The President declared the question before the Senate to be the confirmation of Debbie Ahl, Gubernatorial Appointment No. 9000, as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Debbie Ahl, Gubernatorial Appointment No. 9000, as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Debbie Ahl, Gubernatorial Appointment No. 9000, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

MOTION

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

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION
8624

By Senators Brown, Kohl-Welles, Roach, Schlicher, Hatfield, Becker, Holmquist Newbry, Eide, Conway, and Fraser

WHEREAS, The Washington State Senate recognize extraordinary merit and achievement in all forms of endeavors; and

WHEREAS, The Seattle Seahawks thrilled fans by finishing the 2012 season with an overall record of 11-5, including a perfect 8-0 record on their home field in 2012; and

WHEREAS, The Seahawks advanced to the playoffs winning the NFC wild card round and representing the city admirably in the NFC divisional round; and

WHEREAS, The Seahawks have inspired their fans with their commitment to community and tenacity of play, inspiring the spirit of the "12th Man" to reach every part of this great state and each Seahawks fan across the country, and leading the "12th Man" to be the loudest fans in the league producing more opponent false starts than any other fan base since 2005; and

WHEREAS, The Seahawks achieved amazing team and individual accomplishments in the 2012 season with six Pro Bowl selections and four All-Pro selections; and

WHEREAS, Though one of the youngest teams in the league, the Seahawks showed great poise throughout the season that was demonstrated by players that placed second in defensive Rookie of the Year honors, third in offensive Rookie of the Year honors, and by setting the rookie quarterback record for touchdown passes in a single season; and

WHEREAS, The Seahawks defense was the number one ranked scoring defense in the NFL, and the offense set single-season records during the regular season for total rushing yards, average rushing yards, and per-carry average; and

WHEREAS, The Seahawks inspired the "12th Man" on and off the field through its civic work with the Seattle Seahawks Charitable Foundation; and

WHEREAS, The Seahawks Charitable Foundation and Spirit of 12 Partners, including the Russell Okung's UP Foundation, the Trufant Family Foundation, the Marshawn Lynch Fam 1st Family Foundation, and the Michael Robinson's Excel 2 Excellence Foundation, embody the team's commitment to the Pacific Northwest community and its fans; and

WHEREAS, Coach Pete Carroll has been an incredible leader by guiding the Seahawks to an overall winning record since joining the team in 2010 and working with youth in our communities through the formation of A Better Seattle, a partnership to help create a culture of safety and peace while reducing violence in our communities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Seattle Seahawks on their outstanding success on the field and commend Seahawks players and management for their support of community activities and charitable causes; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Seattle Seahawks Football Team. Go Hawks.

Senators Brown and Hargrove spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8624.

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

REMARKS BY THE PRESIDENT

President Owen: "The President is greatly honored to be able to introduce this amazing man. Let me tell you a little bit about the coach. He's the eighth; he joined the Seattle Seahawks January 11 bringing eighteen years of NFL experience and nineteen years of college experience. He was head coach at University of Southern Cal between 2001-2009 and much to the dismay of the Huskies and the Cougars he led the Trojans to seven consecutive PAC 10 titles and two national championships. In 2003 he helped develop A Better LA, a non-profit group working to reduce gang violence by empowering change in individuals in communities and in 2009 received a Crystal Heart Award from the SC School of Social Work for those efforts. Based on a model of A better LA, Pete Carroll created A Better Seattle, a 2011 partnership with the YMCA of Greater Seattle and the Seattle Youth Violence Prevention Initiative. Coach Carroll and his wife Glenna have three children, one grandson and a granddaughter. It is a great honor for the President to be able to introduce to you Coach Pete Carroll."

REMARKS BY PETE CARROLL

Pete Carroll: "Thank you very much. Thank you Senator Brown. I just want to start off by saying I know we have a really exciting football team and all. We're led by a very exciting football player Russell Wilson and I think, I don't care if you've been in five terms, you better watch out, he's coming for your job. There's nothing to stop this guy and we're so thrilled to be part of representing the Twelfth man and I know representing your constituents. This is an extraordinary area, the energy; the love of supporting their teams as well as just having this pioneer spirit that's so cool about being in the Northwest is really something. I'm really proud to be part of it and having a blast doing it. Could you imagine. Look where I am. I can't believe I'm here today so I did the preliminary work on the other end of the building okay with the Democrats/Republicans but now that we're here with you guys at the Senate, this is big time isn't it? Yeah it is isn't it. I'm in deep trouble over there now. We're fired up about football but we're here for a different reason today and I've been given this opportunity to come and tell you a little story and give you a little background on some work that we've done that really does reach out to your world. It was years ago in SC when, the second year I think at the Trojans driving in on a Monday morning on Notre Dame week and I heard a report on the radio where four kids got killed in the streets over the weekend. That same news report going down Figueroa Avenue right down through South Central every day, I got the report that in related incidences three more kids were killed from what had happened over the weekend. And then by Thursday eleven kids had been killed in retaliation's and I had an old friend that some of you may know Lou Tice who ran the Pacific Institute here for years and has been a great friend over the years and we always wanted to do something significant and we said call each other. So, I said 'Lou the kids are dying in the streets of Los Angeles at such an alarming rate we got to do something.' He said 'Ok, I'm in' didn't take any more than that and from that thought and that affirmation we put a meeting out that we were going to talk about youth violence and what's going on in LA. I mean we didn't know anything, I mean I didn't know a thing what was going on. I didn't have a clue but we did a pretty good job of broadcasting that we were going to have a meeting right there on campus. We made a time and a date, people started showing up and we received the media, the Mayor, I loved that Maxine Waters showed up, people from all walks of the community that were involved, to Chief of Police department,

the Sheriff's Department, probation, community based organizations, there were people from everywhere. They just jammed in a room and we started talking about the problems and what's going on and really just convened on the issue. What came from that was an energy that has allowed us to create A Better LA and the organization down there, you know the foundation that would just help in aid in work. Really we saw our focus going towards the outreach workers in the community. All of the people that were involved I asked them that night, I don't know if you going to help us or not but whatever you say you're going to do, do it and if you're not going to do something just please stay out of our way because we got something special here that's going to happen if we just stay together. From that first night and the nights that followed and the efforts that occurred we saw this tremendous connection occur where the Sheriff's Department was talking to the police, the police was talking to the probation and the organizations that had been just dying for some kind of recognition were now talking to the Mayor's office and there was a dialogue of common language that kind of resulted out of that, that started a momentum that followed a destitute time, where LA police and Sheriff's Department has said we can't solve the problem, we can't arrest our way out of this, we're not getting it done. We connected outreach work with law enforcement and all of the other organizations that do this marvelous work in just a way that the language was created and a dialogue has stood till today and we've seen tremendous, tremendous turns in what's going on in Los Angeles. Los Angeles is a monster of a job. At the point where we started there was ninety six thousand registered gang members and think of all the ones that weren't. There was so many people that were involved there, it was a staggering number but a tremendous movement has occurred. So, that took place and we're excited about it and thrilled. We did it in this fashion. We realized by talking to the kids in the streets really that's where the story is being told, they knew that they were either going to die or go to jail and they lived a life of this hopelessness and had nowhere to turn to avoid that mentality and I heard time and time again and it finally hit me that that's the vision the kids hold, they don't have a chance of doing anything but that because vision is so powerful. And our job became to help people sculpt and shape a vision of hope of some fashion to give them a chance and a plan to get out. We realized through our coaching that once you create a vision for an individual or for a team or for an organization or the Twelfth man and everybody joins on board and understands what that vision is, our job then becomes to stay in connection with that vision. When we do that manifest happens right before your eyes and we've seen it happen that time and time again and here we are now in Seattle. I hope that maybe somebody would say you know coach you did that thing down in LA, what do you think about it up here, would it work? Well, we always wanted to create a model that could be transferable, that we could show that there is a way to get this done. So when that happened the Chief of Police and the Sheriff's Department they came to us and they said, 'We're interested. What's going on?' We found a young man Kevin Griffin who worked for the Seahawks, I don't know where Kevin is now, but he's in the building somewhere here. Kevin has been an extraordinary factor who has worked out of the Seahawks office so the NFL backed up our mission here. Steve Ballmer and Connie Ballmer decided that this was something they wanted to be involved with and they made a statement from the private sector that we would support. Well, we found that the YMCA was already supporting a group called 'Alive and Free' that has been doing marvelous outreach work but it also connected us with the Y and so we took this model of the NFL private sector, the YMCA and also with the corporate help that we've received created a beautiful model here in Seattle to really even take it a step further than what had happened in Los

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Angeles. LA has continued to be supportive and we exchange groups and we teach, we bring people down there, we bring people up here so all that we've learned in the past is shared here. That's why A Better LA, A Better Seattle is connected and we hope to continue to spread the model. We're not just in Seattle. We're spreading out to the surrounding areas. We just heard today from Eastern Washington needs help. We'll listen to everybody and help everybody we can. In an effort to help kids live a safer life and to help them get home and show up to their mom and dad when they get home after school. In that effort by quelling the youth issues that occur we can make communities more thriving, more safe and more prosperous and just as they should be. We're trying to do the right thing and we have found a really cool model to do this and it works and it's at hand and it's already happening in your area. We're here today to say we need your help. The big step, that's why I'm so thrilled to be here, the big step for us in California is we need to get to the next level because private funding won't get it done. We need state support and we're going to need federal support as well. Well, we just heard two weeks ago from the President, he just talked exactly about creating the ladder that kids could climb for opportunity to get out of their issues. Well, he's talking about exactly what we're talking about. Here's where it really hits home. If we do a great job here in Washington you can be the first state that sets in the motion how this problem can be dealt with and really it's not something we can't understand. It's done one person at a time. One person talking to one kid sitting on a park bench helping them create a vision of hope that would not have happened otherwise and then it's the next one and then you reach into a family, you're saving lives directly and you're also saving communities and we're saving the state millions and millions of dollars as well. It's extraordinary, its staggering how much it cost to process a gang order in LA, you'd be shocked. It's a million to million and half a person, it's extraordinary amount of funds that go out, by spending money we'll save an extraordinary amount in just the work that we do. That's a financial way of looking at it but really we're doing wonderful work. So, we're here to make a call to you, wherever you can help us we want to help us. If you say you're going to help us then do it and if you can't, just sit back and let us do the good stuff we're going to do and don't get in our way because we're going to do something great. I'm thrilled to be here. Thank you so much for this opportunity to speak to you and I hope we'll do a lot of great things in the future. Thank you. Go Hawks."

PERSONAL PRIVILEGE

Senator Ericksen: "Thank you Mr. President. I just wanted to announce to the members here today that tomorrow morning at 8:00 a.m. the Energy, Environment & Telecommunications Committee will be holding a briefing on the situation over at Hanford regarding the leaking tanks. So, if anybody would like to join us for that briefing it will be 8:00 a.m. tomorrow over in Senate Hearing Room 1."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Given our guests being here today representing the Seahawks, I would like to acknowledge that former and late Senator Alex Deccio was a real leader here in our legislature. He and I were kind of a tag team in getting the legislation through to have a measure sent to the ballot for the voters to determine whether there would be a new Seahawks Stadium. It was one of the most challenging bills, as those of you who will remember, who were here at that time,

there was a lot of back and forth. I had been on the Kingdome Task Force that made the recommendation to provide for a measure to have a new stadium being constructed. Former Senator Luke Esser and I went to the Super Bowl the year when the Seahawks were in it as did a couple of House members and it's really been exciting, I believe it's really paid off. I frequently think of Senator Deccio and all he put into that challenge. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator King: "I would just like to point out to the body that the Sun Dome is still standing. Thank you."

MOTION

At 11:39 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Thursday, February 28, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FORTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 28, 2013

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Civil Air Patrol, Washington Wing, Overlake Composite Squadron Color Guard consisting of Team Sergeant Saruta Srisonboon, Chief Merrick Kruml, Chief Joanna Aponte and Chief Kiana Ward presented the Colors. Chaplain, Lt. Colonel William Adam, United States Air Force Auxiliary, Civil Air Patrol, offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 2013

SB 5164 Prime Sponsor, Senator Roach: Concerning farm vehicles that are exempt from vehicle registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Ericksen; Fain, Budget Leadership Cabinet; Harper; Mullet; Rolfes; Schlicher and Smith.

MINORITY recommendation: Do not pass. Signed by Senator Brown.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Benton, Vice Co-Chair and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5264 Prime Sponsor, Senator Benton: Concerning the transportation and storage of certain explosive devices. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5264 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5592 Prime Sponsor, Senator Schlicher: Modifying the use of certain toll bridge revenue. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Mullet; Rolfes; Schlicher and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Smith.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5785 Prime Sponsor, Senator Ericksen: Modifying requirements for the display and replacement of license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5785 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; King, Co-Chair; Billig; Ericksen; Fain, Budget Leadership Cabinet; Rolfes; Sheldon and Smith.

MINORITY recommendation: Do not pass. Signed by Senators Brown and Mullet.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schlicher.

Passed to Committee on Rules for second reading.

February 27, 2013

SB 5849 Prime Sponsor, Senator Tom: Concerning electric vehicle charging stations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5849 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 27, 2013

FORTY SIXTH DAY, FEBRUARY 28, 2013

2013 REGULAR SESSION

MR. PRESIDENT:

The House has passed:
 HOUSE BILL NO. 1148,
 SUBSTITUTE HOUSE BILL NO. 1256,
 HOUSE BILL NO. 1268,
 HOUSE BILL NO. 1369,
 SUBSTITUTE HOUSE BILL NO. 1370,
 HOUSE BILL NO. 1684,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 27, 2013

MR. PRESIDENT:

The House has passed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1274,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5862 by Senators Honeyford, Holmquist Newbry and Schoesler

AN ACT Relating to providing tax exemptions for mint growers and processors of propane or natural gas to distill mint oil; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 5863 by Senators Litzow, Hill, Fain and Tom

AN ACT Relating to providing a business and occupation tax exemption for charter schools and nonprofit education service providers; amending RCW 82.04.419 and 82.04.600; adding a new section to chapter 82.04 RCW; and repealing RCW 82.04.395.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1148 by Representatives Pedersen, Rodne, Goodman and Ryu

AN ACT Relating to dissenters' rights under the Washington business corporation act; amending RCW 23B.13.220 and 23B.13.230; and reenacting and amending RCW 23B.13.020.

Referred to Committee on Law & Justice.

SHB 1256 by House Committee on Transportation (originally sponsored by Representatives Fey, Orcutt, Tarleton, Jinkins and Morrell)

AN ACT Relating to project selection by the freight mobility strategic investment board; and amending RCW 47.06A.020, 47.06A.050, 46.68.300, and 46.68.310.

Referred to Committee on Transportation.

HB 1268 by Representatives Springer, Parker, Morrell, Kochmar, Upthegrove, Goodman, Zeiger, Freeman, Ryu and Fey

AN ACT Relating to local government purchasing; and amending RCW 39.30.040.

Referred to Committee on Governmental Operations.

ESHB 1274 by House Committee on Local Government (originally sponsored by Representatives Alexander, Takko, Taylor and Fey)

AN ACT Relating to local government practices and procedures; amending RCW 35.33.075, 35.34.120, and 35.34.130; adding a new section to chapter 35.21 RCW; and repealing RCW 36.28.060.

Referred to Committee on Governmental Operations.

HB 1369 by Representatives Lytton, Walsh, Kagi, Maxwell and Tharinger

AN ACT Relating to using school days for meeting with parents and families as part of the Washington inventory of developing skills; amending RCW 28A.150.220; and creating a new section.

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

SHB 1370 by House Committee on Judiciary (originally sponsored by Representative Seaquist)

AN ACT Relating to the notice requirement for homeowners' associations meetings; and amending RCW 64.38.035.

Referred to Committee on Financial Institutions, Housing & Insurance.

MOTION

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

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8621

By Senators Honeyford, Baumgartner, Parlette, Hewitt, Bailey, Rivers, Becker, Smith, Dammeier, Conway, Rolfes, Mullet,

King, Braun, Shin, Schoesler, Padden, Hobbs, Hatfield, Benton, Fraser, Cleveland, Ericksen, Brown, Chase, Fain, Nelson, Billig, Pearson, Holmquist Newbry, Harper, Litzow, and Hill

WHEREAS, The Civil Air Patrol was born on December 1, 1941, just days before the attack on Pearl Harbor, for the purposes of liaison flying and interdiction of infiltrators on the east coast and the southern border of the United States, and the Civil Air Patrol insignia, a red three-bladed propeller in the Civil Defense white-triangle-in-blue-circle, began appearing everywhere; and

WHEREAS, When German submarines began to prey on American ships, the Civil Air Patrol's mission grew to include a 1,000-member coastal patrol, 64 of whom died in service and 26 of whom were lost at sea; and

WHEREAS, After Civil Air Patrol planes were issued bombs and depth charges in response to a crew watching in vain as a grounded sub off Cape Canaveral, Florida, escaped before the military arrived, the Civil Air Patrol Coastal flew 24 million miles and found 173 subs, attacked 57, hit 10, and sank two; and

WHEREAS, By presidential executive order, the Civil Air Patrol became an auxiliary of the Army Air Force on April 28, 1943, and some months later the Germans withdrew coastal U-boat operations "because of those damned little red and yellow airplanes"; and

WHEREAS, The Civil Air Patrol went on to target-towing operations, courier service for the Army, liaison and cargo flights between war plants, and southern border patrol against enemy infiltrators crossing from Mexico, and air, search and rescue, and nonflying Civil Air Patrol members guarded airfields and trained a rapidly growing corps of Civil Air Patrol cadets; and

WHEREAS, During the postwar years, the Civil Air Patrol was put to work in search and rescue missions, saving the United States millions of dollars in operational costs, because there was no other organization with the equipment and training to continue this vital job as military aircraft was far too expensive to operate and flew too fast to accurately spot downed planes and personnel; and

WHEREAS, During floods and other natural disasters, the Civil Air Patrol has flown vital serum and vaccines to areas unreachable by heavier aircraft, and ground teams have helped in the evacuation of cities and towns; and

WHEREAS, In 2012, over one hundred air crews from three Civil Air Patrol regions began conducting a post-Hurricane Sandy aerial photo mission, the largest in Civil Air Patrol history, covering more than 300 miles of coastline from Cape Cod, Massachusetts to Cape May, New Jersey, and taking more than 120,000 photos for the Federal Emergency Management Agency, which used the images for damage assessment; and

WHEREAS, Civil Air Patrol members from three counties in Indiana assisted the Federal Emergency Management Agency alongside neighbors, citizen volunteers, and emergency response workers throughout the night and into the daylight hours, searching vehicles and outdoor areas for victims after a rash of tornadoes devastated the area in 2011; and

WHEREAS, The Civil Air Patrol has a cadet program with over 26,000 young people between the ages of 12 and 20, one of its major attractions being the aerospace program which provides both classroom and practical instruction in flight and rocketry, and each cadet is offered the opportunity to participate in orientation flights in both powered and glider aircraft, while learning search and rescue techniques and many other valuable skills, with an emphasis on military history, leadership, and service to others both within the squadron and the community as a whole; and

WHEREAS, On May 18, 1980, when Mt. St. Helens in Washington state exploded, devastating approximately 150 square miles and triggering massive mud flows, floods, and ash fall, the

Civil Air Patrol quickly responded to the county sheriff's request for help by establishing a 24-hour headquarters, aiding search and rescue missions, updating weather advisories, and assisting in ash cleanup; and

WHEREAS, Today's Civil Air Patrol continues its service and commitment to our state and country with three primary missions: Aerospace Education, Cadet Programs, and Emergency Services; and

WHEREAS, In Washington state alone, the Civil Air Patrol is composed of approximately 800 senior members and approximately 730 cadets, who in 2011 flew their eleven aircraft 2,578.8 hours in service to our state, at a value of 3 million dollars in volunteer hours, and, primarily for cadet aerospace education, their Washington state gliders flew 658 sorties;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state Senate recognize the Washington state wing of the Civil Air Patrol for its courageous and unwavering dedication to our citizens; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Civil Air Patrol Wing Commander, Colonel David Lehman, and to Civil Air Patrol Colonel Theodore Tax.

Senators Honeyford, Cleveland, Shin and Smith spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8621.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Owen: "The President is greatly honored to be able to recognize a number of people that are here with the Civil Air Patrol. First off, we had additional Color Guard members that joined us this morning that were not able to do the Color Guard but have brought dignity and honor to many events around the state. They are seated in the back and they are with us today. In addition we have other representatives in the back and in our gallery today from the Civil Air Patrol from Lewis County, Overlake, Olympia and Yakima that we would like to recognize as well. Would you all please stand and be recognized by the Senate? And the Color Guard team had left before I could acknowledge but you did a great job, very dignified. Thank you."

PERSONAL PRIVILEGE

Senator Cleveland: "Thank you Mr. President. Well today is the occasion of my first floor speech and before I present the customary gift and explain it to you from my district. I want to briefly share a little bit with you about my district. The Forty-Ninth Legislative District encompasses Vancouver as well as parts of Clark County and our area is often referred to as the cradle of the Pacific Northwest due to the fact that Fort Vancouver is the oldest non-native settlement in the Pacific Northwest, serving as headquarters for the Hudson's Bay Company beginning in 1825. Since being the anchor for the settlement of the Pacific Northwest our community has been the site of many other firsts. From the establishment of the first hospital by Mother Joseph in 1858 today known as PeaceHealth Southwest Medical Center; to the soldiers who served our country based at Vancouver Barracks including General Ulysses S. Marshall Grant, General O. O. Howard and General George C. Marshall that today is the center piece of our city known as Officers Row and the Fort Vancouver National Historic Reserve; to the vital role that our community played in World War II, as a major ship building center at Kaiser Shipyards and, as we know,

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part of the beginning of Kaiser Pelmanente. We are rich in history and we value that history. My district also has a very proud aviation history and is the home of one of the oldest continuing operated airports in the nation, Pearson Airpark which was the site of the landing of the first transpolar flight in 1937. Today Vancouver is our fourth largest city in the state and our community sits on the shores of the Columbia River and continues to be a hub of commerce & trade. I am extremely proud to represent the Forty-Ninth Legislative District. We lovingly refer to has America's Vancouver, my birthplace and my home so I hope you enjoy the gifts that I present to you today. These gifts are aimed at your health and your well-being. They highlight just a few of the tremendous businesses that we have in my community because if there's one thing that I've learned in my few short weeks is that we work very long days. There's very little time to devote to our health and wellness so I do hope you enjoy these gifts. I thank you for welcoming me to the Senate. I am very much looking forward to our work together. Thank you."

PERSONAL PRIVILEGE

Senator Chase: "I would like to extend my welcome to Senator Cleveland and I know that Senator Cleveland thinks that the Senate is a sand box and so we know have our little pails and our shovels. I think we'll all get along and we're very pleased to have you here."

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. I feel honored the Senator would use her maiden speech to honor the Civil Air Patrol and because of that I will no offer no disparaging comments."

PERSONAL PRIVILEGE

Senator Conway: "Thank you Mr. President. Also, want to welcome Senator Cleveland to this lovely chamber but I was thinking here from bags to buckets. We must be sinking."

PERSONAL PRIVILEGE

Senator Smith: "So I would like to point out, as a resident of Colville, that there is some question within the state as to when the first fort was officially established. There are many who would suggest that Fort Colville was in fact the first fort, the first official military fort to be established within the State of Washington. I will humbly submit to my friend across the aisle and perhaps we will speak of this some other time."

PERSONAL PRIVILEGE

Senator Kline: "Thank you. I notice that for the first time we have in our gifts a first aid kit. Now clearly the new member anticipates what it's like to be in the minority here and for this we thank you."

PERSONAL PRIVILEGE

Senator King: "Well, I too would like to welcome the good Senator to the senate. We've had several conversations in regards to a little bridge down in her area and those conversations will continue. But she, also serves with her in the Transportation Committee, she's been a great addition and very much look forward to working with her through this session and the coming years so welcome."

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. Well, I too would like to welcome Senator Cleveland, my new side by side seat mate. Glad to see your desk is in order and you know how to work your microphone really well and it's especially nice you're using your first speech to stimulate discussion about the history of the State of Washington. I think that is great and while there may be debate over which fort was the first one and there was some in South Puget Sound too. There's no doubt yours was the biggest."

PERSONAL PRIVILEGE

Senator Eide: "Well, the young lady must not know how to count because I'm the only one that didn't get a bucket. I don't know what it is about this seat but I've had to go a searching a couple times with a couple of you members and I take names. By the way, I love your bridge. Thank you Mr. President."

REMARKS BY THE PRESIDENT

President Owen: "Senator Cleveland, the President did recognize that you did talk about, something about the bucket for health and I'm thrilled to find that eating at Burgerville is considered healthy."

PERSONAL PRIVILEGE

Senator Cleveland: "Thank you Mr. President. Well, comfort is most certainly part of health and that is where the Burgerville spread comes in."

PERSONAL PRIVILEGE

Senator Fraser: "Well, thank you Mr. President. Well, I have a different point of personal privilege. We got on the topic of history here and I would like to note that today is an historic day. It is the anniversary of the Nisqually Earthquake so it was, well I'm pleased to report that this building is much safer than it used to be and our presiding officer did preside over a big commission that did improve, a number of our members did, that improved the stability of the dome that actually rose up to zero gravity and started to move. We were in session that day, pieces started falling down from the ceiling. We were in caucus and for the interest of members who are newer, the two caucuses that time had the same caucus rooms we now have so we just go back and forth over time. But I do have some snap shots at my desk that I took of the damage if anybody would like to see them your welcome. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Honeyford: "Well, I noticed there's an argument about the first fort in the State of Washington and who claims it. A lot of people don't know, in fact most people don't know about a block house that was built in 1808 in Senator Hargrove's district and this was a block house built by Russians and they had a ship called the Nicolai that came south and their intent was to colonize, plant the flag and claim Washington territory area as a part of Russia but because of the shipwreck and the conflicts that they had with the Indian'. That did not occur. Otherwise we might have been speaking Russian today."

PERSONAL PRIVILEGE

Senator Eide: “Thank you. Well, it is indeed a historic day because I remember the day of the Nisqually Earthquake.

It happened to be my twenty-fifth wedding anniversary and today is my thirty-seventh wedding anniversary. So, I just wanted to say, so needless to say it’s an anniversary I will never forget it was our twenty-fifth. But I just want to say I love you baby because I know he’s watching this morning. Thank you.”

PERSONAL PRIVILEGE

Senator Shin: Well, Senator Eide was bragging about thirty-seventh wedding anniversary. We’re celebrating a fiftieth wedding anniversary this year and my wife is dreaming and planning for a long cruise into the Pacific Ocean. The reason I stand up is because the young folks behind us. I saw them this morning, brought tears to my eyes. They are our future. They’re training now to defend this country freedom and the value of which it stands for. Publically I want to thank them for your dreams and your future and may your futures be peaceful and humbling for you. Thank you.”

PERSONAL PRIVILEGE

Senator Kohl-Welles: “Thank you Mr. President. I believe I stood up on this day, this anniversary of the Nisqually Earthquake for quite a few years but I was the only one in the Senate Chamber at that time. We were all in our caucuses and I came out to make a phone call. There weren’t even any people here from our staff up at the rostrum. I experienced some really severe earthquakes in California and I always thought the place I would most not want to be when an earthquake struck was right here and when that happened and I was totally alone it was truly terrifying. It is important to remember there were over a thousand people in the building at that time. And, of course, we all rushed out and no one was seriously injured or fortunately no one was killed here. It was something that gives us all pause I believe and it’s important to remember how close a huge tragedy was averted and I will always remember coming back into the building when it was dark later in the day, in the evening and rescuing Senator Edie’s flowers and taking them out of the building. To this day I still take my purse around with me because with most people we were trapped outside without coats on a very, very cold day, without keys with nothing for hours and hours and then taking part of the adjournment of the Senate out by the bus stop right outside where the Lieutenant Governor adjourned the session. It was pretty memorable, we learned a lot through that and I think the caucuses and members became closer as we held the Senate in the Senate Hearing Room 4 for the remainder of that session. We couldn’t help but be closer as we were physically. I think we should reflect on that sometimes about the collegiality and the importance of that when we are working on public policy efforts. Thank you.”

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

MOTION

On motion of Senator Rivers, Senators Hill and Honeyford were excused.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Arthur Blauvelt, Gubernatorial Appointment No. 9005, be confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

Senator Hatfield spoke in favor of the motion.

APPOINTMENT OF ARTHUR BLAUVELT

The President declared the question before the Senate to be the confirmation of Arthur Blauvelt, Gubernatorial Appointment No. 9005, as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

The Secretary called the roll on the confirmation of Arthur Blauvelt, Gubernatorial Appointment No. 9005, as a member of the Board of Trustees, Grays Harbor Community College District No. 2 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Frockt and Honeyford

Arthur Blauvelt, Gubernatorial Appointment No. 9005, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Lindsay Fiker, Gubernatorial Appointment No. 9015, be confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

Senator Bailey spoke in favor of the motion.

APPOINTMENT OF LINDSAY FIKER

The President declared the question before the Senate to be the confirmation of Lindsay Fiker, Gubernatorial Appointment No. 9015, as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Lindsay Fiker, Gubernatorial Appointment No. 9015, as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Frockt and Honeyford

Lindsay Fiker, Gubernatorial Appointment No. 9015, having received the constitutional majority was declared confirmed as a

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member of the Board of Trustees, Skagit Valley Community College District No. 4.

McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Christon Skinner, Gubernatorial Appointment No. 9032, be confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

Senator Bailey spoke in favor of the motion.

Excused: Senator Honeyford

Denise Portmann, Gubernatorial Appointment No. 9061, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Roach moved that Lourdes Alvarado-Ramos, Gubernatorial Appointment No. 9064, be confirmed as a Director of the Department of Veterans Affairs.

Senators Roach, Conway and Hobbs spoke in favor of passage of the motion.

APPOINTMENT OF CHRISTON SKINNER

The President declared the question before the Senate to be the confirmation of Christon Skinner, Gubernatorial Appointment No. 9032, as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Christon Skinner, Gubernatorial Appointment No. 9032, as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Honeyford

Christon Skinner, Gubernatorial Appointment No. 9032, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

APPOINTMENT OF LOURDES ALVARADO-RAMOS

The President declared the question before the Senate to be the confirmation of Lourdes Alvarado-Ramos, Gubernatorial Appointment No. 9064, as a Director of the Department of Veterans Affairs.

The Secretary called the roll on the confirmation of Lourdes Alvarado-Ramos, Gubernatorial Appointment No. 9064, as a Director of the Department of Veterans Affairs and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Lourdes Alvarado-Ramos, Gubernatorial Appointment No. 9064, having received the constitutional majority was declared confirmed as a Director of the Department of Veterans Affairs.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Denise Portmann, Gubernatorial Appointment No. 9061, be confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

Senator Hatfield spoke in favor of the motion.

MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

APPOINTMENT OF DENISE PORTMANN

The President declared the question before the Senate to be the confirmation of Denise Portmann, Gubernatorial Appointment No. 9061, as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

The Secretary called the roll on the confirmation of Denise Portmann, Gubernatorial Appointment No. 9061, as a member of the Board of Trustees, Grays Harbor Community College District No. 2 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow,

The Senate was called to order at 11:39 a.m. by President Owen.

MOTION

On motion of Senator Fain, Senators Baumgartner, Hill and Schoesler were excused.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5692, by Senators King, Harper, Conway, Eide and Tom

Concerning standby guardians and limited guardians.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 5692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Frockt was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5692.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5692 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Sheldon, Shin, Smith and Tom

Excused: Senator Schoesler

SENATE BILL NO. 5692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5760, by Senator Parlette

Providing compensation for commercial crop damage caused by bighorn sheep.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5760 was substituted for Senate Bill No. 5760 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Rolfes spoke in favor of passage of the bill.

MOTION

On motion of Senator Harper, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5760.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5760 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Sheldon, Shin, Smith and Tom

Excused: Senators Hargrove and Schoesler

SUBSTITUTE SENATE BILL NO. 5760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5787, by Senators Bailey, Kohl-Welles and Cleveland

Adding the chair of the student achievement council to the Washington higher education facilities authority.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5787.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5787 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Hargrove

SENATE BILL NO. 5787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:54 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Friday, March 1, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

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FORTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 1, 2013

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages John Thornton and Nathan Dills, presented the Colors. Pastor Erik Wilson Weiberg of First Lutheran Church of Ballard offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 2013

SB 5054 Prime Sponsor, Senator Honeyford: Establishing a process for the acquisition of habitat and recreation lands by the state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5054 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5109 Prime Sponsor, Senator Padden: Creating a business and occupation tax exemption for new businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5109 as recommended by Committee on Trade & Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Hasegawa; Hatfield; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hargrove, Ranking Member and Keiser.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5193 Prime Sponsor, Senator Smith: Concerning large wild carnivore conflict management. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5193 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Hasegawa; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5195 Prime Sponsor, Senator Rolfes: Allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5195 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Keiser; Murray and Schoesler.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5213 Prime Sponsor, Senator Becker: Concerning prescription review for medicaid managed care enrollees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5213 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

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Passed to Committee on Rules for second reading.

February 28, 2013

SB 5243 Prime Sponsor, Senator Litzow: Establishing policies to support academic acceleration for high school students. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5243 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5365 Prime Sponsor, Senator Rolfes: Increasing the capacity of school districts to recognize and respond to troubled youth. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5365 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5392 Prime Sponsor, Senator Bailey: Limiting the impact of excess compensation on state retirement system contribution rates. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Kohl-Welles; Murray; Nelson, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser and Ranker.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5627 Prime Sponsor, Senator Eide: Concerning the taxation of commuter air carriers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5641 Prime Sponsor, Senator Bailey: Requiring the governor's signature on significant legislative rules. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5679 Prime Sponsor, Senator Brown: Improving the business climate and stimulating job creation by requiring certain agencies to establish a formal review process of existing rules. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5679 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5689 Prime Sponsor, Senator Darneille: Concerning access to juvenile records. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5689 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Becker; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Capital Budget Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Parlette.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5691 Prime Sponsor, Senator Hewitt: Concerning veterans' homes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5691 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5716 Prime Sponsor, Senator Baumgartner: Requiring a summary of capital appropriations by legislative district to accompany each capital appropriations bill. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fraser; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5717 Prime Sponsor, Senator Baumgartner: Addressing competitive contracting. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5717 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5751 Prime Sponsor, Senator Schoesler: Requiring an inventory of state fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5752 Prime Sponsor, Senator Holmquist Newbry: Extending the expiration date of the existing business and occupation tax rate for the manufacture and wholesale of certain solar energy systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5752 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2013

SB 5773 Prime Sponsor, Senator Harper: Concerning local option transportation revenue. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5773 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Carrell; Harper; Mullet; Rolfes and Schlicher.

MINORITY recommendation: Do not pass. Signed by Senator Brown.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen and Smith.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5776 Prime Sponsor, Senator Parlette: Concerning interest rate and penalty provisions in the current use program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Fraser.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5804 Prime Sponsor, Senator Baumgartner: Addressing federal receipts reporting requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5804 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital

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2013 REGULAR SESSION

Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 27, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MAIA D. BELLON, appointed February 11, 2013, for the term ending at the governor's pleasure, as a Director of the Department of Ecology.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications.

March 1, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DAVID DANNER, appointed January 16, 2013, for the term ending December 31, 2018, as Member of the Utilities and Transportation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5864 by Senators Cleveland, Murray, Eide, Harper, Fraser, Hatfield, Keiser, Frockt, Kline, Nelson, Darneille, Chase, Ranker, Conway, Shin, Kohl-Welles, Hasegawa and McAuliffe

AN ACT Relating to the authorization of bonds for the financing of the Columbia river crossing project; amending RCW 47.10.882 and 47.56.894; adding new sections to chapter 47.10 RCW; and providing a contingent effective date.

February 28, 2013

SB 5811 Prime Sponsor, Senator Tom: Addressing employee wellness programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5811 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Murray.

Passed to Committee on Rules for second reading.

February 28, 2013

SB 5851 Prime Sponsor, Senator Bailey: Creating a defined contribution retirement plan option for public employees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5851 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 28, 2013

SJR 8205 Prime Sponsor, Senator Roach: Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Murray; Nelson, Assistant Ranking Member.

Referred to Committee on Transportation.

SJM 8009 by Senators Hasegawa, Chase, Frockt and Kline

Requesting that Congress enact legislation that would reinstate the separation of commercial and investment banking functions that were in effect under the Glass-Steagall act.

Referred to Committee on Financial Institutions, Housing & Insurance.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:11 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:31 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION 8627

By Senators Kohl-Welles, Ericksen, Hatfield, Ranker, Hargrove, Darneille, Murray, Cleveland, Shin, Hewitt, Schlicher, Keiser, Padden, Fraser, Bailey, Conway, Rivers, Harper, and Roach

WHEREAS, The Washington state commercial fishing fleet begins leaving in March for the Pacific and Alaskan waters, and the Blessing of the Fleet will occur March 3, 2013, at Fisherman's Terminal in Ballard; and

WHEREAS, This is the 85th year that the Ballard First Lutheran Church has held the blessing and the 17th year that Pastor Erik Wilson Weiberg has offered the blessing; and

WHEREAS, The Washington state commercial fishing fleet begins leaving Blaine waters in May, and this is the 30th year that the Blessing of the Fleet will occur in Blaine Harbor, this year at Blaine Boating Center on May 5, 2013; and

WHEREAS, The Washington state commercial fishing fleet begins leaving Bellingham waters in May, and the Blessing of the Fleet will occur at Zuanich Point Park in Squaticum Harbor, May 11, 2013; and

WHEREAS, The Washington state commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people and is one of the largest industries in Washington state; and

WHEREAS, The harvest annually contributes significantly to the Washington state economy; and

WHEREAS, The life of a fisher is fraught with danger and hardship that most people will never face; and

WHEREAS, Strength and courage are requirements for anyone who chooses to work on the sea, braving the elements in order to harvest the ocean's resources; and

WHEREAS, The men and women who work on fishing boats, at times in dangerous circumstances, deserve our admiration, thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers lose their lives, devastating not only the close-knit community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

Senators Kohl-Welles and Ericksen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8627.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Owen: "The President has the privilege this morning of being able to introduce Pastor Erik Wilson Weiberg who did the prayer this morning. He has for seventeen years has offered the Blessing of the Fleet."

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Lynette Jones, Gubernatorial Appointment No. 9043, be confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26. Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF LYNETTE JONES

The President declared the question before the Senate to be the confirmation of Lynette Jones, Gubernatorial Appointment No. 9043, as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

The Secretary called the roll on the confirmation of Lynette Jones, Gubernatorial Appointment No. 9043, as a member of the Board of Trustees, Lake Washington Technical College District No. 26 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson,

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Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Lynette Jones, Gubernatorial Appointment No. 9043, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Darrell Mitsunaga, Gubernatorial Appointment No. 9051, be confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Murray was excused.

APPOINTMENT OF DARRELL MITSUNAGA

The President declared the question before the Senate to be the confirmation of Darrell Mitsunaga, Gubernatorial Appointment No. 9051, as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

The Secretary called the roll on the confirmation of Darrell Mitsunaga, Gubernatorial Appointment No. 9051, as a member of the Board of Trustees, Lake Washington Technical College District No. 26 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Hargrove

Excused: Senator Murray

Darrell Mitsunaga, Gubernatorial Appointment No. 9051, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hewitt moved that Miguel Sanchez, Gubernatorial Appointment No. 9030, be confirmed as a member of the Board of Trustees, Walla Walla Community College District No. 20.

Senator Hewitt spoke in favor of the motion.

APPOINTMENT OF MIGUEL SANCHEZ

The President declared the question before the Senate to be the confirmation of Miguel Sanchez, Gubernatorial Appointment No. 9030, as a member of the Board of Trustees, Walla Walla Community College District No. 20.

The Secretary called the roll on the confirmation of Miguel Sanchez, Gubernatorial Appointment No. 9030, as a member of the Board of Trustees, Walla Walla Community College District No. 20 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Murray

Miguel Sanchez, Gubernatorial Appointment No. 9030, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Walla Walla Community College District No. 20.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Brian Unti, Gubernatorial Appointment No. 9036, be confirmed as a member of the Board of Trustees, Renton Technical College District No. 27.

Senator Bailey spoke in favor of the motion.

APPOINTMENT OF BRIAN UNTI

The President declared the question before the Senate to be the confirmation of Brian Unti, Gubernatorial Appointment No. 9036, as a member of the Board of Trustees, Renton Technical College District No. 27.

The Secretary called the roll on the confirmation of Brian Unti, Gubernatorial Appointment No. 9036, as a member of the Board of Trustees, Renton Technical College District No. 27 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Murray

Brian Unti, Gubernatorial Appointment No. 9036, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Renton Technical College District No. 27.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5258, by Senators Benton, Roach, Hasegawa, Conway, Billig, Rivers and Fraser

Aggregating the cost of related ballot measure advertisements for purposes of top five sponsor identification requirements.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Billig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5258.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5258 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Murray

SENATE BILL NO. 5258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Keiser, Becker, Frockt, Dammeier and Schlicher

Creating a joint select committee on health care oversight.

MOTION

On motion of Senator Keiser, Substitute Senate Concurrent Resolution No. 8401 was substituted for Senate Concurrent Resolution No. 8401 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Becker moved that the following amendment by Senators Becker and Keiser be adopted:

On page 2, line 20, after "trends;" strike "and"

On page 2, line 25, after "savings" insert "; and"

BE IT FURTHER RESOLVED, That the joint select committee on health care oversight expires December 31, 2017"

Senator Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker and Keiser on page 2, line 20 to Substitute Senate Concurrent Resolution No. 8401.

The motion by Senator Becker carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8401.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8401 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Murray and Shin

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5407, by Senator Ericksen

Concerning electronic filing of pollutant discharge elimination permit system applications.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Senate Bill No. 5407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5407.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5407 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt,

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2013 REGULAR SESSION

Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

MOTION

Excused: Senators Murray and Shin

SENATE BILL NO. 5407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Brown moved that the following amendment by Senator Brown be adopted:

On page 1, line 9, after "be", insert:

"reprimanded, "

On page 1, line 16, after "superintendents, " insert:

"the professional educator standards board, "

On page 2, line 32, after "be", insert"

"reprimanded, "

Senator Brown spoke in favor of adoption of the amendment.

SECOND READING

SENATE BILL NO. 5434, by Senators Becker, Dammeier, Keiser, Harper and Conway

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 1, line 9 to Senate Bill No. 5701.

Addressing the filing and public disclosure of health care provider compensation.

The motion by Senator Brown carried and the amendment was adopted by voice vote.

MOTIONS

MOTION

On motion of Senator Becker, Substitute Senate Bill No. 5434 was substituted for Senate Bill No. 5434 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Engrossed Senate Bill No. 5701 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5701.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5434.

ROLL CALL

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5701 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Murray and Shin

Absent: Senators Braun and Eide

Excused: Senator Shin

SUBSTITUTE SENATE BILL NO. 5434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND READING

SENATE BILL NO. 5701, by Senators Brown, Fain, Rivers, Dammeier and Cleveland

SENATE BILL NO. 5718, by Senators Brown, Chase, Smith, Braun, Carrell, Schlicher and Frockt

Authorizing the suspension or revocation of certificates or permits to teach based on the fraudulent submission of tests for educators. (REVISED FOR ENGROSSED: Authorizing penalties based on the fraudulent submission of tests for educators.)

Providing monitoring of the development of a one-stop portal for Washington businesses.

MOTIONS

The measure was read the second time.

On motion of Senator Brown, Substitute Senate Bill No. 5718 was substituted for Senate Bill No. 5718 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5718 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Brown, Chase and Rolfes spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Eide was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5718.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Eide and Shin

SUBSTITUTE SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5153, by Senators Kohl-Welles, Carrell, Darneille, Pearson and Schlicher

Concerning transfers of clients between regional support networks.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5153 was substituted for Senate Bill No. 5153 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Carrell moved that the following amendment by Senators Hargrove and Carrell be adopted:

On page 1, line 15, after "(2)" insert "The department must submit a copy of the proposed rules and procedures to the chairs of the relevant committees of the legislature when the proposed rules and procedures are completed.

(3)"

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Carrell on page 1, line 15 to Senate Bill No. 5153.

The motion by Senator Carrell carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5153.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5153 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Eide and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5681, by Senators Rolfes and Keiser

Facilitating treatment for persons with co-occurring disorders by requiring development of an integrated rule.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 5681 was substituted for Senate Bill No. 5681 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfes moved that the following amendment by Senators Rolfes and Carrell be adopted:

On page 1, beginning on line 8, after "(1)" strike all material through "(2)" on line 13

On page 2, line 1, after "if" strike "the" and insert "a fully"

On page 2, at the beginning of line 3, strike all material through "(4)" on line 5 and insert "(2)"

On page 2, line 5, after "30," strike "2017" and insert "2014"

On page 2, beginning on line 8, after "(1)" strike all material through "(2)" on line 13

On page 2, line 19, after "if" strike "the" and insert "a fully"

On page 2, at the beginning of line 21, strike all material through "(4)" on line 23 and insert "(2)"

On page 2, line 23, after "30," strike "2017" and insert "2014"

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rolfes and Carrell on page 1, line 8 to Substitute Senate Bill No. 5681.

The motion by Senator Rolfes carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 5681 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5681.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5681 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Eide and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:53 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:29 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Fain, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 1, 2013

SB 5101 Prime Sponsor, Senator Mullet: Concerning a sales and use tax exemption for certain financial information provided to qualifying businesses providing international investment management services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hargrove, Ranking Member.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5105 Prime Sponsor, Senator Dammeier: Asserting conditions under which the department of corrections provides rental vouchers to a registered sex offender. (REVISED FOR ENGROSSED: Asserting conditions under which the department of corrections provides rental vouchers to an offender.) Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5105 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5123 Prime Sponsor, Senator Ranker: Establishing a farm internship program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5138 Prime Sponsor, Senator Parlette: Creating a council on state debt. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5138 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5154 Prime Sponsor, Senator Becker: Exempting from business and occupation tax certain amounts received by

cooperative finance organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5199 Prime Sponsor, Senator Ericksen: Concerning de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5199 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa; Kohl-Welles; Murray; Nelson, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5215 Prime Sponsor, Senator Becker: Providing that health care professional licensees may not be required to participate in any public or private third-party reimbursement program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5215 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Murray Nelson, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Kohl-Welles.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5219 Prime Sponsor, Senator Honeyford: Retaining water resources to assure the vitality of local economies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5219 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair;

Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa; Nelson, Assistant Ranking Member and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser; Kohl-Welles and Murray.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5251 Prime Sponsor, Senator Chase: Exempting certain manufacturing research and development activities from business and occupation taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5251 as recommended by Committee on Trade & Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5267 Prime Sponsor, Senator Becker: Concerning prior authorization for health care services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5267 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5273 Prime Sponsor, Senator Conway: Concerning the veterans innovation program and the use of moneys in the state lottery account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5273 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking

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Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5315 Prime Sponsor, Senator Becker: Implementing the recommendations made by the Powell fatality team. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5315 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5318 Prime Sponsor, Senator Bailey: Removing the one-year waiting period for veterans or active members of the military for purposes of eligibility for resident tuition. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5329 Prime Sponsor, Senator Litzow: Creating the state superintendent school district. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5329 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5330 Prime Sponsor, Senator Hargrove: Improving student achievement and student outcomes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5330 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5389 Prime Sponsor, Senator Billig: Concerning sibling visitation for children in foster care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5389 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Braun; Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Dammeier.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5405 Prime Sponsor, Senator Murray: Concerning extended foster care services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5405 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Padden and Schoesler.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5418 Prime Sponsor, Senator Bailey: Concerning county property tax levies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5418 as recommended by Committee on Governmental

Operations be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5453 Prime Sponsor, Senator Honeyford: Extending the expiration date of tax exemptions for honey beekeepers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5480 Prime Sponsor, Senator Keiser: Accelerating changes to mental health involuntary commitment laws. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5480 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5540 Prime Sponsor, Senator Parlette: Expanding opportunities to purchase health care coverage from out-of-state carriers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5540 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5551 Prime Sponsor, Senator Conway: Concerning competency to stand trial evaluations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5551 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital

Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5552 Prime Sponsor, Senator Darneille: Improving child support collections by requiring reporting of compensation and establishing an intercept program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5552 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Ranker and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Capital Budget Chair; Becker; Braun; Hewitt; Padden; Rivers and Schoesler.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5560 Prime Sponsor, Senator Bailey: Modifying job skills program provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5560 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5561 Prime Sponsor, Senator Hatfield: Concerning the business and occupation taxation of dairy products. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5561 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5577 Prime Sponsor, Senator Carrell: Protecting public employees who act ethically and legally. Reported by Committee on Ways & Means

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MAJORITY recommendation: That Substitute Senate Bill No. 5577 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Hasegawa; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5595 Prime Sponsor, Senator Billig: Concerning child care reform. Reported by Committee on Ways & Means

SB 5613 Prime Sponsor, Senator Murray: Providing that certain cover charges for the opportunity to dance are not considered retail sales. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5595 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Bailey; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers and Tom.

MAJORITY recommendation: That Substitute Senate Bill No. 5613 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Conway; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Becker; Braun; Padden and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Becker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Capital Budget Chair; Braun; Dammeier; Padden and Rivers.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5603 Prime Sponsor, Senator Hatfield: Establishing the Washington coastal marine advisory council. (REVISED FOR ENGROSSED: Establishing the Washington coastal marine advisory council and the Washington marine resources advisory council.) Reported by Committee on Ways & Means

SB 5622 Prime Sponsor, Senator Hewitt: Concerning the taxation of large airplanes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Ranker; Schoesler and Tom.

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Rivers.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Capital Budget Chair; Becker; Braun and Padden.

SB 5624 Prime Sponsor, Senator McAuliffe: Aligning high-demand secondary STEM or career and technical education programs with applied baccalaureate programs. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5605 Prime Sponsor, Senator Becker: Addressing health plans provided through associations or member-governed groups. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5624 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Ranker and Rivers.

MAJORITY recommendation: That Substitute Senate Bill No. 5605 as recommended by Committee on Health Care be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier;

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Braun; Dammeier; Padden and Schoesler.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5637 Prime Sponsor, Senator Hasegawa: Concerning primary election voters' pamphlets. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5637 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette and Rivers.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5644 Prime Sponsor, Senator Schoesler: Concerning sales for resale by retail licensees of liquor. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5644 as recommended by Committee on Commerce & Labor be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Bailey; Braun; Conway; Fraser; Hasegawa; Hatfield; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Dammeier and Hewitt.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5656 Prime Sponsor, Senator Braun: Revising business licensing systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5656 as recommended by Committee on Trade & Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hewitt; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Hasegawa; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5663 Prime Sponsor, Senator Pearson: Regarding derelict and abandoned vessels in state waters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5663 as recommended by Committee on Natural Resources & Parks be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford,

Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5680 Prime Sponsor, Senator Brown: Promoting economic development by providing information to businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5680 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5688 Prime Sponsor, Senator Braun: Simplifying definitions and classifications concerning state and local tax systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5688 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5709 Prime Sponsor, Senator Smith: Concerning a pilot program to demonstrate the feasibility of using densified biomass to heat public schools. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5709 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5715 Prime Sponsor, Senator Hill: Addressing the evasion of taxes by the use of certain electronic means. Reported by Committee on Ways & Means

FORTY SEVENTH DAY, MARCH 1, 2013

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MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5732 Prime Sponsor, Senator Carrell: Concerning the adult behavioral health system in Washington state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5732 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5754 Prime Sponsor, Senator Litzow: Concerning integrated career learning opportunities and employment training for at-risk youth. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5754 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Ranker; Rivers and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Dammeier and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Schoesler.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5755 Prime Sponsor, Senator Litzow: Establishing a comprehensive initiative to increase learning opportunities and improve educational outcomes in science, technology, engineering, and mathematics through multiple strategies and statewide partnerships. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5755 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser;

Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5794 Prime Sponsor, Senator Dammeier: Concerning alternative learning experience courses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5794 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Hasegawa; Murray; Nelson, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5802 Prime Sponsor, Senator Ranker: Developing recommendations to achieve the state's greenhouse gas emissions limits. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5802 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Bailey; Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Ranker and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Hewitt and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Capital Budget Chair; Braun; Dammeier and Rivers.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5806 Prime Sponsor, Senator Smith: Repealing an obsolete provision for a credit against property taxes paid on timber on public land. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5831 Prime Sponsor, Senator Rivers: Providing a sales and use tax exemption for clay targets purchased by nonprofit gun clubs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5831 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Hasegawa.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5843 Prime Sponsor, Senator Tom: Strengthening the review of the legislature's goals for tax preferences by requiring that every new tax preference provide an expiration date and statement of legislative intent. (REVISED FOR ENGROSSED: Strengthening the review of the legislature's goals for tax preferences by requiring that every new tax preference provide a statement of legislative intent and include an expiration date where applicable.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5848 Prime Sponsor, Senator Becker: Modifying the nonprofit tax exemption for qualifying blood, tissue, or blood and tissue banks. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5848 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5860 Prime Sponsor, Senator Padden: Addressing legal proceedings by the attorney general on behalf of superior court judges. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield;

Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 1, 2013

SB 5862 Prime Sponsor, Senator Honeyford: Providing tax exemptions for mint growers and processors of propane or natural gas to distill mint oil. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, Senate Rule 7 was suspended to allow of less than decorous dress during the evening pro forma session.

MOTION

On motion of Senator Fain, all measures listed on the Supplemental Committee report were referred to the committees as designated.

NOTICE OF RECONSIDERATION

Senator Fain gave notice of his intent to move to reconsider the vote by which Engrossed Senate Bill No. 5701 passed the Senate earlier in the day.

MOTION

At 7:30 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Monday, March 4, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 4, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Dalton Saggau and Aryanna Vermeire, presented the Colors. The Reverend Dr. Francis Jeffrey, National Chaplain Emeritus of the Military Order of the Purple Heart of Lakewood, offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5865 by Senators Roach, Holmquist Newbry, Hill, Dammeier, Conway, Hatfield, Sheldon and Rolfes

AN ACT Relating to exempting from use tax certain purchases from nonprofit organizations or libraries sold as a fund-raising activity; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Darneille moved adoption of the following resolution:

SENATE RESOLUTION
8628

By Senators Darneille, Kline, Eide, Fraser, Conway, Shin, Honeyford, Sheldon, Parlette, Benton, Keiser, McAuliffe, Kohl-Welles, Chase, Schoesler, Hargrove, and Roach

WHEREAS, Senator Lorraine Wojahn served faithfully and well the people of Tacoma and the 27th Legislative District in the Washington State Legislature for 32 years, serving in the House of Representatives from 1969 to 1976 and serving in the Senate from 1977 to 2001; and

WHEREAS, Senator Wojahn was a strong and sometimes fierce voice for the poor, disabled, and most vulnerable; and

WHEREAS, She embodied the ethic of public service and exemplified the philosophy of helping people help themselves; and

WHEREAS, While serving as a Representative, Wojahn led the way in consumer protection efforts and social health concerns with legislation that required bacon packages to provide a clear window to display all sides of the product; and

WHEREAS, Senator Wojahn was a role model for women and broke barriers in the Washington State Legislature as one of only six women Senators when she was elected to the Senate in 1976; and

WHEREAS, She became the first woman ever to serve on the Senate Rules Committee, the first woman and non-attorney to be appointed to the Washington State Judicial Council, and the first woman President Pro Tempore of the Senate to preside Sine Die; and

WHEREAS, Senator Wojahn was a constant advocate for women's rights. She aided the passage of the Equal Rights Amendment, sponsored legislation allowing women to obtain credit on their own, created the displaced homemaker act, and fought to end domestic violence against women and children; and

WHEREAS, Legislation sponsored by Senator Wojahn led to the creation of the Department of Health; and

WHEREAS, Public health was of great importance to Senator Wojahn at a time when it was often overlooked by others. Senator Wojahn was determined and successful at raising public awareness to preventable health threats such as osteoporosis, fetal alcohol syndrome, the need for childhood immunizations, and mental health parity; and

WHEREAS, During her long Senate career, she was known for having the "fastest gavel in the West" when presiding as Senate President Pro Tempore; and

WHEREAS, Senator Wojahn loved her district and saw a great potential in the opportunities to revitalize and rebuild the economy in Tacoma and Pierce County to the benefit of all Washingtonians; and

WHEREAS, Senator Wojahn was influential in saving Union Station in Tacoma with the assistance of then Congressman Norm Dicks; and

WHEREAS, Senator Wojahn was instrumental in gaining state financial support for the creation of the University of Washington Tacoma campus and the Washington State History Museum, and she saved other historic buildings in downtown Tacoma from demolition; and

WHEREAS, Senator Wojahn was a very proud lifetime member of the Pierce County YWCA and served on the board of directors for Allenmore Hospital, the Washington State Historical Society, and the Boy's and Girl's Clubs of Tacoma - Pierce County, among others;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and memorialize the life and legislative career of Senator R. Lorraine Wojahn for her unflinching commitment, advocacy, and focus which made her one of the most respected and influential state legislators within the last 50 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Senator Wojahn's son, Mark Wojahn, to convey the respect of this body for a career committed to serving the 27th District and the people of the State of Washington.

Senators Darneille, Conway, Carrell, Fraser, Eide, Honeyford, McAuliffe and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8628.

The motion by Senator Darneille carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mark Wojahn, son of former Senator Wojahn who was seated in the gallery.

MOTION

At 10:31 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:37 p.m. by President Owen.

MOTION

At 1:37 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:07 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5524, by Senators Cleveland, Schlicher, Benton, Baumgartner, Keiser, Shin and Kline

Authorizing Washington pharmacies to fill prescriptions written by physician assistants in other states.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5524 was substituted for Senate Bill No. 5524 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5524.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5524 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline,

Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5369, by Senators Kline, King, Honeyford and Mullet

Concerning the use of geothermal resources.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5369 was substituted for Senate Bill No. 5369 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Ericksen spoke in favor of passage of the bill.

Senator Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5369.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5369 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Hargrove, Hatfield and Rolfes

SUBSTITUTE SENATE BILL NO. 5369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5069, by Senators Schoesler, Hewitt and Kohl-Welles

Increasing the number of superior court judges in Benton and Franklin counties jointly.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTIETH DAY, MARCH 4, 2013

2013 REGULAR SESSION

Senator Schoesler spoke in favor of passage of the bill.

SENATE BILL NO. 5559, by Senators Bailey, Kohl-Welles, Tom and McAuliffe

The President declared the question before the Senate to be the final passage of Senate Bill No. 5069.

Authorizing educational specialist degrees at Central Washington University and Western Washington University. Revised for 1st Substitute: Authorizing educational specialist degrees at Central Washington University, Western Washington University, and The Evergreen State College.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5069 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

MOTIONS

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

On motion of Senator Bailey, Substitute Senate Bill No. 5559 was substituted for Senate Bill No. 5559 and the substitute bill was placed on the second reading and read the second time.

SENATE BILL NO. 5069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

SECOND READING

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5559.

SENATE BILL NO. 5274, by Senators Carrell, Eide, King, Harper, Hill and Shin

ROLL CALL

Concerning private motorcycle skills education programs.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5559 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5274 was substituted for Senate Bill No. 5274 and the substitute bill was placed on the second reading and read the second time.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SUBSTITUTE SENATE BILL NO. 5559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Carrell and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5274.

MOTION FOR IMMEDIATE RECONSIDERATION

ROLL CALL

Senator Fain, haven given prior notice pursuant to Rule 37, moved that the rules be suspended and the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 5701 passed the Senate on the previous day.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

The President declared the question before the Senate to be the motion by Senator Fain that the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 5701 passed the Senate.

The motion by Senator Fain for immediate reconsideration of Engrossed Senate Bill No. 5701 carried by voice vote.

SUBSTITUTE SENATE BILL NO. 5274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the rules were suspended and Engrossed Senate Bill No. 5701 was returned to second reading for the purpose of amendment.

SECOND READING

SECOND READING

ENGROSSED SENATE BILL NO. 5701, by Senators Brown, Fain, Rivers, Dammeier and Cleveland

Authorizing the suspension or revocation of certificates or permits to teach based on the fraudulent submission of tests for educators. (REVISED FOR ENGROSSED: Authorizing the reprimand, suspension, or revocation of certificates or permits to teach based on the fraudulent submission of tests for educators.)

The measure was read the second time.

MOTION

Senator Fain moved that the following amendment by Senators Brown and Cleveland be adopted:

On page 1, line 9, after "be" strike "reprimanded."

On page 1, line 15, after "state." insert "A reprimand may be issued as an alternative to suspension or revocation of a certificate or permit."

On page 2, at the beginning of line 34, strike "reprimanded."

On page 2, line 37, after "educators." insert "A reprimand may be issued as an alternative to suspension or revocation of a certificate or permit."

Senators Fain and McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brown and Cleveland on page 1, line 9 to Engrossed Senate Bill No. 5701.

The motion by Senator Fain carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "authorizing" strike all material through "teach" on line 2 and insert "penalties"

MOTION

On motion of Senator Fain, the rules were suspended, Second Engrossed Senate Bill No. 5701 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5701.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5701 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SECOND ENGROSSED SENATE BILL NO. 5701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5176, by Senators Hargrove, Carrell and Hewitt

Addressing criminal incompetency and civil commitment.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5176 was substituted for Senate Bill No. 5176 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Carrell, Hargrove and Darneille be adopted:

On page 15, line 36, after "the" strike "petitioner" and insert "~~((petitioner))~~ person who is the subject of the petition"

On page 15, line 37, after "choice." insert "If the secretary is the petitioner, the attorney general shall represent the secretary."

On page 15, line 37, after "If the" strike "petitioner" and insert "~~((petitioner))~~ person who is the subject of the petition"

On page 16, line 2, after "If the" strike "petitioner" and insert "~~((petitioner))~~ person who is the subject of the petition"

On page 16, line 7, after "evidence that the" strike "petitioner" and insert "~~((petitioner))~~ person who is the subject of the petition"

On page 16, line 11, after "institutions." insert "If the person who is the subject of the petition will be transferred to a state correctional institution or facility upon release to serve a sentence for any class A felony, the petitioner must show that the person's mental disease or defect is manageable within a state correctional institution or facility, but must not be required to prove that the person does not present either a substantial danger to other persons, or a substantial likelihood of committing criminal acts jeopardizing public safety or security, if released."

On page 16, line 17, after "the" strike "petitioner" and insert "~~((petitioner))~~ person who is the subject of the petition"

On page 16, at the beginning of line 28, strike "petitioner" and insert "~~((petitioner))~~ patient"

Senators Hargrove and Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell, Hargrove and Darneille on page 15, line 36 to Substitute Senate Bill No. 5176.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5176.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5176 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5705, by Senators Brown, King and Hatfield

Concerning amounts received by taxing districts from property tax refunds and abatements.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5705 was substituted for Senate Bill No. 5705 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5705.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5180, by Senators Shin, Roach, Benton, Conway, Harper, Keiser, Sheldon, McAuliffe, Hill, Hatfield, Frockt, Schlicher and Kline

Improving access to higher education for students with disabilities.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5180 was substituted for Senate Bill No. 5180 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5472, by Senators Bailey, Ranker, Kohl-Welles and Becker

Authorizing applied doctorate level degrees in audiology at Western Washington University.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5472.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5472 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5488, by Senators Kohl-Welles, Padden, Kline, Darneille, Fraser, Ranker, Keiser, Delvin, Carrell, McAuliffe, Chase and Conway

Establishing an enhanced penalty for the use of an internet advertisement to facilitate the commission of a sex-trafficking crime.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5488.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5669, by Senators Padden, Kohl-Welles, Smith, Hargrove, Pearson, Darneille, Bailey, Nelson, Becker, Benton, Brown, Baumgartner, Conway, Roach and Holmquist Newbry

Concerning trafficking.

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 5669 was substituted for Senate Bill No. 5669 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following striking amendment by Senators Padden and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.68A.090 and 2006 c 139 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person who communicates with a minor for immoral purposes, or a person who communicates with someone the person believes to be a minor for immoral purposes, is guilty of a gross misdemeanor.

(2) A person who communicates with a minor for immoral purposes is guilty of a class C felony punishable according to chapter 9A.20 RCW if the person has previously been convicted under this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state or if the person communicates with a minor or with someone the person believes to be a minor for immoral purposes, including the purchase or sale of commercial sex acts and sex trafficking, through the sending of an electronic communication.

(3) For the purposes of this section, "electronic communication" has the same meaning as defined in RCW 9.61.260.

Sec. 2. RCW 9.68A.100 and 2010 c 289 s 13 are each amended to read as follows:

(1) A person is guilty of commercial sexual abuse of a minor if:

(a) He or she pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;

(b) He or she pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or

(c) He or she solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee.

(2) Commercial sexual abuse of a minor is a class B felony punishable under chapter 9A.20 RCW.

(3) In addition to any other penalty provided under chapter 9A.20 RCW, a person guilty of commercial sexual abuse of a minor is subject to the provisions under RCW 9A.88.130 and 9A.88.140.

(4) Consent of a minor to the sexual conduct does not constitute a defense to any offense listed in this section.

(5) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

Sec. 3. RCW 9.68A.101 and 2012 c 144 s 1 are each amended to read as follows:

(1) A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act.

(2) Promoting commercial sexual abuse of a minor is a class A felony.

(3) For the purposes of this section:

(a) A person "advances commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.

(b) A person "profits from commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or will participate in the proceeds of commercial sexual abuse of a minor.

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(c) A person "advances a sexually explicit act of a minor" if he or she causes or aids a sexually explicit act of a minor, procures or solicits customers for a sexually explicit act of a minor, provides persons or premises for the purposes of a sexually explicit act of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate a sexually explicit act of a minor.

(d) A "sexually explicit act" is a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons and for which something of value is given or received.

(e) A "patron" is a person who pays or agrees to pay a fee to another person as compensation for a sexually explicit act of a minor or who solicits or requests a sexually explicit act of a minor in return for a fee.

(4) Consent of a minor to the sexually explicit act or sexual conduct does not constitute a defense to any offense listed in this section.

(5) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

Sec. 4. RCW 9.68A.102 and 2007 c 368 s 5 are each amended to read as follows:

(1) A person commits the offense of promoting travel for commercial sexual abuse of a minor if he or she knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in this state.

(2) Promoting travel for commercial sexual abuse of a minor is a class C felony.

(3) Consent of a minor to the travel for commercial sexual abuse, or the sexually explicit act or sexual conduct itself, does not constitute a defense to any offense listed in this section.

(4) For purposes of this section, "travel services" has the same meaning as defined in RCW 19.138.021.

Sec. 5. RCW 9.68A.103 and 2007 c 368 s 7 are each amended to read as follows:

(1) A person is guilty of permitting commercial sexual abuse of a minor if, having possession or control of premises which he or she knows are being used for the purpose of commercial sexual abuse of a minor, he or she fails without lawful excuse to make reasonable effort to halt or abate such use and to make a reasonable effort to notify law enforcement of such use.

(2) Permitting commercial sexual abuse of a minor is a gross misdemeanor.

(3) Consent of a minor to the sexually explicit act or sexual conduct does not constitute a defense to any offense listed in this section.

Sec. 6. RCW 9A.40.100 and 2012 c 144 s 2 and 2012 c 134 s 1 are each reenacted and amended to read as follows:

(1)(a) A person is guilty of trafficking in the first degree when:

(i) Such person:

(A) Recruits, harbors, transports, transfers, provides, obtains, buys, purchases, or receives by any means another person knowing, or in reckless disregard of the fact, that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act, or that the person has not attained the age of eighteen years and is caused to engage in a sexually explicit act or a commercial sex act; or

(B) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i)(A) of this subsection; and

(ii) The acts or venture set forth in (a)(i) of this subsection:

(A) Involve committing or attempting to commit kidnapping;

(B) Involve a finding of sexual motivation under RCW 9.94A.835;

(C) Involve the illegal harvesting or sale of human organs; or

(D) Result in a death.

(b) Trafficking in the first degree is a class A felony.

(2)(a) A person is guilty of trafficking in the second degree when such person:

(i) Recruits, harbors, transports, transfers, provides, obtains, buys, purchases, or receives by any means another person knowing, or in reckless disregard of the fact, that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act, or that the person has not attained the age of eighteen years and is caused to engaged in a sexually explicit act or a commercial sex act; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection.

(b) Trafficking in the second degree is a class A felony.

(3)(a) A person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for a violation of a trafficking crime shall be assessed a (~~three~~) ten thousand dollar fee.

(b) The court shall not reduce, waive, or suspend payment of all or part of the fee assessed in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

(c) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(i) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(ii) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(4) If the victim of any offense identified in this section is a minor, force, fraud, or coercion are not necessary elements of an offense and consent to the sexually explicit act or commercial sex act does not constitute a defense.

(5) For purposes of this section(~~(3)~~):

(a) "Commercial sex act" means any act of sexual contact or sexual intercourse, both as defined in chapter 9A.44 RCW, for which something of value is given or received by any person; and

(b) "Sexually explicit act" means a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons for which something of value is given or received.

Sec. 7. RCW 9A.44.020 and 1975 1st ex.s. c 14 s 2 are each amended to read as follows:

(1) In order to convict a person of any crime defined in this chapter it shall not be necessary that the testimony of the alleged victim be corroborated.

(2) Evidence of the victim's past sexual behavior including but not limited to the victim's marital history, divorce history, or general reputation for promiscuity, nonchastity, or sexual mores contrary to community standards is inadmissible on the issue of credibility and is inadmissible to prove the victim's consent except as provided in subsection (3) of this section, but when the perpetrator and the victim have engaged in sexual intercourse with each other in the past, and when the past behavior is material to the issue of consent, evidence concerning the past behavior between the perpetrator and the victim may be admissible on the issue of consent to the offense.

(3) In any prosecution for the crime of rape, trafficking pursuant to RCW 9A.40.100, or any of the offenses in chapter 9.68A RCW, or for an attempt to commit, or an assault with an intent to commit any such crime evidence of the victim's past sexual behavior including but not limited to the victim's marital behavior, divorce history, or general reputation for promiscuity, nonchastity, or sexual mores contrary to community standards is not admissible if offered to attack the credibility of the victim and is admissible on the issue of consent, except where prohibited in the underlying criminal offense, only pursuant to the following procedure:

(a) A written pretrial motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the past sexual behavior of the victim proposed to be presented and its relevancy on the issue of the consent of the victim.

(b) The written motion shall be accompanied by an affidavit or affidavits in which the offer of proof shall be stated.

(c) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and the hearing shall be closed except to the necessary witnesses, the defendant, counsel, and those who have a direct interest in the case or in the work of the court.

(d) At the conclusion of the hearing, if the court finds that the evidence proposed to be offered by the defendant regarding the past sexual behavior of the victim is relevant to the issue of the victim's consent; is not inadmissible because its probative value is substantially outweighed by the probability that its admission will create a substantial danger of undue prejudice; and that its exclusion would result in denial of substantial justice to the defendant; the court shall make an order stating what evidence may be introduced by the defendant, which order may include the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

(4) Nothing in this section shall be construed to prohibit cross-examination of the victim on the issue of past sexual behavior when the prosecution presents evidence in its case in chief tending to prove the nature of the victim's past sexual behavior, but the court may require a hearing pursuant to subsection (3) of this section concerning such evidence.

Sec. 8. RCW 9A.44.128 and 2012 c 134 s 2 are each amended to read as follows:

For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200, 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Conviction" means any adult conviction or juvenile adjudication for a sex offense or kidnapping offense.

(3) "Disqualifying offense" means a conviction for: Any offense that is a felony; a sex offense as defined in this section; a crime against children or persons as defined in RCW 43.43.830~~((5))~~ (7) and 9.94A.411(2)(a); an offense with a domestic violence designation as provided in RCW 10.99.020; permitting the commercial sexual abuse of a minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88 RCW.

(4) "Employed" or "carries on a vocation" means employment that is full time or part time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(5) "Fixed residence" means a building that a person lawfully and habitually uses as living quarters a majority of the week. Uses as living quarters means to conduct activities consistent with the common understanding of residing, such as sleeping; eating; keeping personal belongings; receiving mail; and paying utilities, rent, or mortgage. A nonpermanent structure including, but not limited to, a motor home, travel trailer, camper, or boat may qualify as a residence provided it is lawfully and habitually used as living quarters a majority of the week, primarily kept at one location with a physical address, and the location it is kept at is either owned or rented by the person or used by the person with the permission of the owner or renter. A shelter program may qualify as a residence provided it is a shelter program designed to provide temporary living accommodations for the homeless, provides an offender with a personally assigned living space, and the offender is permitted to store belongings in the living space.

(6) "In the community" means residing outside of confinement or incarceration for a disqualifying offense.

(7) "Institution of higher education" means any public or private institution dedicated to postsecondary education, including any college, university, community college, trade, or professional school.

(8) "Kidnapping offense" means:

(a) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent;

(b) Any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection; and

(c) Any federal or out-of-state conviction for: An offense for which the person would be required to register as a kidnapping offender if residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection.

(9) "Lacks a fixed residence" means the person does not have a living situation that meets the definition of a fixed residence and includes, but is not limited to, a shelter program designed to provide temporary living accommodations for the homeless, an outdoor sleeping location, or locations where the person does not have permission to stay.

(10) "Sex offense" means:

(a) Any offense defined as a sex offense by RCW 9.94A.030;

(b) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(c) Any violation under RCW 9A.40.100(1)(a)(ii)(B) (trafficking);

(d) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

~~((d))~~ (e) A violation under RCW 9A.88.070 (promoting prostitution in the first degree) or RCW 9A.88.080 (promoting prostitution in the second degree) if the person has a prior conviction for one of these offenses;

~~((e))~~ (f) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection;

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~~((f))~~ (g) Any out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection;

~~((e))~~ (h) Any federal conviction classified as a sex offense under 42 U.S.C. Sec. 16911 (SORNA);

~~((h))~~ (i) Any military conviction for a sex offense. This includes sex offenses under the uniform code of military justice, as specified by the United States secretary of defense;

~~((i))~~ (j) Any conviction in a foreign country for a sex offense if it was obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established pursuant to 42 U.S.C. Sec. 16912.

(11) "School" means a public or private school regulated under Title 28A RCW or chapter 72.40 RCW.

(12) "Student" means a person who is enrolled, on a full-time or part-time basis, in any school or institution of higher education.

Sec. 9. RCW 9A.44.150 and 2005 c 455 s 1 are each amended to read as follows:

(1) On motion of the prosecuting attorney in a criminal proceeding, the court may order that a child under the age of ~~((ten))~~ fourteen may testify in a room outside the presence of the defendant and the jury while one-way closed-circuit television equipment simultaneously projects the child's testimony into another room so the defendant and the jury can watch and hear the child testify if:

(a) The testimony will:

(i) Describe an act or attempted act of sexual contact performed with or on the child witness by another person or with or on a child other than the child witness by another person;

(ii) Describe an act or attempted act of physical abuse against the child witness by another person or against a child other than the child witness by another person; ~~((or))~~

(iii) Describe a violation of RCW 9A.40.100 (trafficking) or any offense identified in chapter 9.68A RCW (sexual exploitation of children); or

(iv) Describe a violent offense as defined by RCW 9.94A.030 committed against a person known by or familiar to the child witness or by a person known by or familiar to the child witness;

(b) The testimony is taken during the criminal proceeding;

(c) The court finds by substantial evidence, in a hearing conducted outside the presence of the jury, that requiring the child witness to testify in the presence of the defendant will cause the child to suffer serious emotional or mental distress that will prevent the child from reasonably communicating at the trial. If the defendant is excluded from the presence of the child, the jury must also be excluded;

(d) As provided in ~~((subsection (1))~~(a) and (b) of this subsection, the court may allow a child witness to testify in the presence of the defendant but outside the presence of the jury, via closed-circuit television, if the court finds, upon motion and hearing outside the presence of the jury, that the child will suffer serious emotional distress that will prevent the child from reasonably communicating at the trial in front of the jury, or, that although the child may be able to reasonably communicate at trial in front of the jury, the child will suffer serious emotional or mental distress from testifying in front of the jury. If the child is able to communicate in front of the defendant but not the jury the defendant will remain in the room with the child while the jury is excluded from the room;

(e) The court finds that the prosecutor has made all reasonable efforts to prepare the child witness for testifying, including informing the child or the child's parent or guardian about community counseling services, giving court tours, and explaining the trial process. If the prosecutor fails to demonstrate that

preparations were implemented or the prosecutor in good faith attempted to implement them, the court shall deny the motion;

(f) The court balances the strength of the state's case without the testimony of the child witness against the defendant's constitutional rights and the degree of infringement of the closed-circuit television procedure on those rights;

(g) The court finds that no less restrictive method of obtaining the testimony exists that can adequately protect the child witness from the serious emotional or mental distress;

(h) When the court allows the child witness to testify outside the presence of the defendant, the defendant can communicate constantly with the defense attorney by electronic transmission and be granted reasonable court recesses during the child's testimony for person-to-person consultation with the defense attorney;

(i) The court can communicate with the attorneys by an audio system so that the court can rule on objections and otherwise control the proceedings;

(j) All parties in the room with the child witness are on camera and can be viewed by all other parties. If viewing all participants is not possible, the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child;

(k) The court finds that the television equipment is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment; and

(l) The court imposes reasonable guidelines upon the parties for conducting the filming to avoid trauma to the child witness or abuse of the procedure for tactical advantage.

The prosecutor, defense attorney, and a neutral and trained victim's advocate, if any, shall always be in the room where the child witness is testifying. The court in the court's discretion depending on the circumstances and whether the jury or defendant or both are excluded from the room where the child is testifying, may remain or may not remain in the room with the child.

(2) During the hearing conducted under subsection (1) of this section to determine whether the child witness may testify outside the presence of the defendant and/or the jury, the court may conduct the observation and examination of the child outside the presence of the defendant if:

(a) The prosecutor alleges and the court concurs that the child witness will be unable to testify in front of the defendant or will suffer severe emotional or mental distress if forced to testify in front of the defendant;

(b) The defendant can observe and hear the child witness by closed-circuit television;

(c) The defendant can communicate constantly with the defense attorney during the examination of the child witness by electronic transmission and be granted reasonable court recesses during the child's examination for person-to-person consultation with the defense attorney; and

(d) The court finds the closed-circuit television is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment. Whenever possible, all the parties in the room with the child witness shall be on camera so that the viewers can see all the parties. If viewing all participants is not possible, then the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child.

(3) The court shall make particularized findings on the record articulating the factors upon which the court based its decision to allow the child witness to testify via closed-circuit television pursuant to this section. The factors the court may consider include, but are not limited to, a consideration of the child's age, physical health, emotional stability, expressions by the child of fear of testifying in open court or in front of the defendant, the

relationship of the defendant to the child, and the court's observations of the child's inability to reasonably communicate in front of the defendant or in open court. The court's findings shall identify the impact the factors have upon the child's ability to testify in front of the jury or the defendant or both and the specific nature of the emotional or mental trauma the child would suffer. The court shall determine whether the source of the trauma is the presence of the defendant, the jury, or both, and shall limit the use of the closed-circuit television accordingly.

(4) This section does not apply if the defendant is an attorney pro se unless the defendant has a court-appointed attorney assisting the defendant in the defense.

(5) This section may not preclude the presence of both the child witness and the defendant in the courtroom together for purposes of establishing or challenging the identification of the defendant when identification is a legitimate issue in the proceeding.

(6) The Washington supreme court may adopt rules of procedure regarding closed-circuit television procedures.

(7) All recorded tapes of testimony produced by closed-circuit television equipment shall be subject to any protective order of the court for the purpose of protecting the privacy of the child witness.

(8) Nothing in this section creates a right of the child witness to a closed-circuit television procedure in lieu of testifying in open court.

(9) The state shall bear the costs of the closed-circuit television procedure.

(10) A child witness may or may not be a victim in the proceeding.

(11) Nothing in this section precludes the court, under other circumstances arising under subsection (1)(a) of this section, from allowing a child to testify outside the presence of the defendant and the jury so long as the testimony is presented in accordance with the standards and procedures required in this section.

Sec. 10. RCW 9A.82.010 and 2012 c 139 s 1 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, 9A.56.080, and 9A.56.083;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

(h) Child selling or child buying, as defined in RCW 9A.64.030;

(i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(l) Unlawful production of payment instruments, unlawful possession of payment instruments, unlawful possession of a personal identification device, unlawful possession of fictitious identification, or unlawful possession of instruments of financial fraud, as defined in RCW 9A.56.320;

(m) Extortionate extension of credit, as defined in RCW 9A.82.020;

(n) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(o) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(p) Collection of an unlawful debt, as defined in RCW 9A.82.045;

(q) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(r) Trafficking in stolen property, as defined in RCW 9A.82.050;

(s) Leading organized crime, as defined in RCW 9A.82.060;

(t) Money laundering, as defined in RCW 9A.83.020;

(u) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

(v) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

(w) Promoting pornography, as defined in RCW 9.68.140;

(x) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(y) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

(aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

(bb) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

(cc) A pattern of equity skimming, as defined in RCW 61.34.020;

(dd) Commercial telephone solicitation in violation of RCW 19.158.040(1);

(ee) Trafficking in insurance claims, as defined in RCW 48.30A.015;

(ff) Unlawful practice of law, as defined in RCW 2.48.180;

(gg) Commercial bribery, as defined in RCW 9A.68.060;

(hh) Health care false claims, as defined in RCW 48.80.030;

(ii) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);

(jj) Improperly obtaining financial information, as defined in RCW 9.35.010;

(kk) Identity theft, as defined in RCW 9.35.020;

(ll) Unlawful shipment of cigarettes in violation of RCW 70.155.105(6) (a) or (b);

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(mm) Unlawful shipment of cigarettes in violation of RCW 82.24.110(2);

(nn) Unauthorized sale or procurement of telephone records in violation of RCW 9.26A.140;

(oo) Theft with the intent to resell, as defined in RCW 9A.56.340;

(pp) Organized retail theft, as defined in RCW 9A.56.350;

(qq) Mortgage fraud, as defined in RCW 19.144.080;

(rr) Commercial sexual abuse of a minor, as defined in RCW 9.68A.100; (~~oe~~)

(ss) Promoting commercial sexual abuse of a minor, as defined in RCW 9.68A.101; or

(tt) Trafficking, as defined in RCW 9A.40.100, promoting travel for commercial sexual abuse of a minor, as defined in RCW 9.68A.102, and permitting commercial sexual abuse of a minor, as defined in RCW 9.68A.103.

(5) "Dealer in property" means a person who buys and sells property as a business.

(6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not

relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(14) "Records" means any book, paper, writing, record, computer program, or other material.

(15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

Sec. 11. RCW 13.34.132 and 2011 c 309 s 28 are each amended to read as follows:

A court may order that a petition seeking termination of the parent and child relationship be filed if the following requirements are met:

(1) The court has removed the child from his or her home pursuant to RCW 13.34.130;

(2) Termination is recommended by the department or the supervising agency;

(3) Termination is in the best interests of the child; and

(4) Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interests of the child. In determining whether aggravated circumstances exist by clear, cogent, and

convincing evidence, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) Conviction of the parent of trafficking, or promoting commercial sexual abuse of a minor when the victim of the crime is the child, the child's other parent, a sibling of the child, or another child.

(f) Conviction of the parent of attempting, soliciting, or conspiring to commit a crime listed in (a), (b), (c), or (d) of this subsection;

~~((#))~~ (g) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

~~((#))~~ (h) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in RCW 13.38.040, the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

~~((#))~~ (i) An infant under three years of age has been abandoned;

~~((#))~~ (j) Conviction of the parent, when a child has been born of the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest under RCW 9A.64.020.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act takes effect August 1, 2013."

Senator Padden spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Kohl-Welles: "Will the sponsor of the amendment, Senator Padden yield to a question? Senator Padden, what is the intent and the effect of the proposed striking amendment to the committee substitute to this bill?"

Senator Padden: "Thank you Senator Kohl-Welles. The changes in the striking amendment are intended simply to clarify language and make technical corrections to the committee substitute.

Both internal and external references and definitions are harmonized in the amendment to eliminate possible confusion.

Language is added that clarifies that the crimes of trafficking and commercial sexual abuse of a minor are aggravating factors for termination of parental rights. The amendment also removes language that may have unintentionally limited the sex offenses that can currently be used as aggravating circumstances sufficient to order the termination of parental rights.

And finally, the section regarding patronizing a prostitute is removed. The committee substitute included unneeded references which may have unintentionally limited the charging discretion of a prosecuting attorney."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Padden and Kohl-Welles to Substitute Senate Bill No. 5669.

The motion by Senator Padden carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "trafficking;" strike the remainder of the title and insert "amending RCW 9.68A.090, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, 9A.44.020, 9A.44.128, 9A.44.150, 9A.82.010, and 13.34.132; reenacting and amending RCW 9A.40.100; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 5669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5669.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5669 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5495, by Senators Holmquist Newbry, Fain, Hobbs, Dammeier and McAuliffe

Expanding the membership of the state building code council.

The measure was read the second time.

MOTION

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Senator Holmquist Newbry moved that the following striking amendment by Senators Holmquist Newbry and Dammeier be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.27.070 and 2011 1st sp.s. c 43 s 244 are each amended to read as follows:

There is hereby established a state building code council, to be appointed by the governor.

(1) The state building code council shall consist of ~~((fifteen))~~ seventeen members:

(a) Two members must be county elected legislative body members or elected executives;

(b) Two members must be city elected legislative body members or mayors;

(c) One member must be a local government building code enforcement official;

(d) One member must be a local government fire service official;

(e) One member shall represent general construction, specializing in commercial and industrial building construction;

(f) One member shall represent general construction, specializing in residential and multifamily building construction;

(g) One member shall represent the architectural design profession;

(h) One member shall represent the structural engineering profession;

(i) One member shall represent the mechanical engineering profession;

(j) One member shall represent the construction building trades;

(k) One member shall represent manufacturers, installers, or suppliers of building materials and components;

(l) One member must be a person with a physical disability and shall represent the disability community; ~~((and))~~

(m) One member shall represent the general public;

(n) One member shall represent owners and managers of existing rental properties with one to four units; and

(o) One member shall represent owners and managers of existing rental properties with five or more units.

(2) At least ~~((six))~~ seven of these ~~((fifteen))~~ seventeen members shall reside east of the crest of the Cascade mountains.

(3) The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership.

(4)(a) Terms of office shall be for three years, or for so long as the member remains qualified for the appointment.

(b) The council shall elect a member to serve as chair of the council for one-year terms of office.

(c) Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment.

(d) Any member who is appointed to represent a specific private sector industry must maintain sufficiently similar employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember enters into employment outside of the industry he or she has been appointed to represent, then he or she shall be removed from the council.

(e) Any member who no longer qualifies for appointment under this section may not vote on council actions, but may participate as

an ex officio, nonvoting member until a replacement member is appointed. A member must notify the council staff and the governor's office within thirty days of the date the member no longer qualifies for appointment under this section. The governor shall appoint a qualified replacement for the member within sixty days of notice.

(5) Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests identified in this section.

(6) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The department of enterprise services shall provide administrative and clerical assistance to the building code council."

Senators Holmquist Newbry and Hasegawa spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Holmquist Newbry and Dammeier to Senate Bill No. 5495.

The motion by Senator Holmquist Newbry carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "and amending RCW 19.27.070."

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Senate Bill No. 5495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5495.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5495 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Chase, Dammeier, Ericksen, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Cleveland, Conway, Darneille, Eide, Fraser, Hasegawa, Keiser, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Rolfes and Shin

ENGROSSED SENATE BILL NO. 5495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5578, by Senators Fraser, Carrell, Padden, Darneille, Harper, Pearson, Hargrove and Kline

Exempting certain family day care providers who have been operating for at least five years from any requirement to have a high school diploma or equivalent education.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senator McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to encourage all family day care providers to join the early achievers program, Washington state's quality rating and improvement system. Provider advancement in the levels of the early achievers program also signifies that provider practices will lead to improved quality of services and child outcomes. While the legislature recognizes that achieving an early achievers program level two demonstrates that a provider has laid the foundation for further advancement, the legislature hopes that providers are able to advance to higher levels on the early achievers pathway in order to increase professionalism and achieve better long-term outcomes for children in care.

NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW to read as follows:

A family day care provider who as of the effective date of this section has been licensed in operation for five years or longer and against whom there has not been a complaint that resulted in an enforcement action is exempt from any requirement to have a high school diploma or equivalent education until March 31, 2017, however by March 31, 2017, the family day care provider must either achieve a high school diploma or equivalent or meet the minimum education requirement by joining the early achievers program, Washington state's quality rating and improvement system."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "adding a new section to chapter 43.215 RCW; and creating a new section."

Senators McAuliffe and Fraser spoke in favor of adoption of the striking amendment.

Senators Padden and Carrell spoke against adoption of the striking amendment.

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 5578 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5305, by Senators Becker, Schlicher, Kline, Dammeier, Delvin, Ericksen, Parlette and Carrell

Requiring hospitals to report when providing treatment for bullet wounds, gunshot wounds, and stab wounds to all patients.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser, Frockt and Becker be adopted:

On page 2, after line 32, insert the following:

"(8) If the health care provider believes that the patient's injury could be the result of domestic violence, the hospital must alert a case manager, social worker, domestic violence advocate, or other patient advocate to coordinate with the law enforcement officer who responds to the report required by this section. The law enforcement officer and case manager, social worker, domestic violence advocate, or other patient advocate must determine whether there should be a delay in contact with the patient, suspect, or other witness to assist the patient in ensuring his or her safety or the safety of the patient's family."

Senators Keiser and Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser, Frockt and Becker on page 2, after line 32 to Senate Bill No. 5305.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Schlicher, Keiser and Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Senate Bill No. 5578 which had been deferred earlier in the day.

WITHDRAWAL OF AMENDMENT

On motion of Senator McAuliffe, the striking amendment by Senator McAuliffe to Senate Bill No. 5578 was withdrawn.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Fraser and Carrell spoke in favor of passage of the bill.

Senator McAuliffe spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5578.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5578 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Kohl-Welles and McAuliffe

SENATE BILL NO. 5578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5114, by Senators Bailey, Hobbs, Roach, Becker, Carrell, Dammeier, Benton, Honeyford, Padden and King

Regarding access to K-12 campuses for occupational or educational information.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey, Hobbs and Ranker spoke in favor of passage of the bill.

Senators Nelson and Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5114.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5114 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Eide, Hasegawa, Kline and Nelson

SENATE BILL NO. 5114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5786, by Senator Hargrove

Requiring certain information in commercial fishing guide license applications.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5786 was substituted for Senate Bill No. 5786 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5786 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5786.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5786 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Hatfield

SUBSTITUTE SENATE BILL NO. 5786, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5450, by Senator Parlette

Concerning public hospital districts insurance coverage for commissioners.

The measure was read the second time.

MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 5450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5450.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5450 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Darneille, Eide and Kohl-Welles

SENATE BILL NO. 5450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5216, by Senators Rolfes, Bailey, Mullet, Parlette, Keiser, Shin and Conway

Addressing long-term care insurance.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Becker and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5216.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5216 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5618, by Senators Carrell, Padden, Pearson and Harper

Including searches by school resource officers and local police school liaison officers within the warrantless school search exception.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President. Would you ask the speaker to stick to the bill at hand and not other issues?"

REPLY BY THE PRESIDENT

President Owen: "Senator Kline."

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5618.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5618 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Conway, Dammeier, Ericksen, Fain, Fraser, Hargrove, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Darneille, Eide, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson and Ranker

SENATE BILL NO. 5618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5438, by Senators Ericksen and Chase

Using conservation achieved by a qualifying utility in excess of its biennial acquisition target under the energy independence act.

MOTION

On motion of Senator Ericksen, Substitute Senate Bill No. 5438 was substituted for Senate Bill No. 5438 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 2, beginning on line 5, after "used" strike all material through "target" on line 6 and insert "for up to three biennial acquisition targets."

Senator Ericksen spoke in favor of adoption of the amendment.

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Senator Ranker spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 2, line 5 to Substitute Senate Bill No. 5438.

The motion by Senator Ericksen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Substitute Senate Bill No. 5438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Sheldon spoke in favor of passage of the bill.

Senator Ranker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5438.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5438 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Conway, Dammeier, Darneille, Ericksen, Fain, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 5438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5500, by Senators Benton, Roach and Hobbs

Providing a replacement ballot by telephone, mail, or in person to a voter who is not a voter that is overseas or in the military.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Hobbs spoke in favor of passage of the bill.

Senators Hasegawa, Frockt, Mullet, Rolfes and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5500.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:04 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Tuesday, March 5, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 5, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Yasmine Arbob and Garrett Nelson, presented the Colors. The Reverend Tony Irving of Saint Benedict Episcopal Church of Lacey offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 4, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1012,
 SUBSTITUTE HOUSE BILL NO. 1032,
 HOUSE BILL NO. 1065,
 SUBSTITUTE HOUSE BILL NO. 1074,
 SUBSTITUTE HOUSE BILL NO. 1076,
 HOUSE BILL NO. 1101,
 SUBSTITUTE HOUSE BILL NO. 1107,
 SUBSTITUTE HOUSE BILL NO. 1155,
 SUBSTITUTE HOUSE BILL NO. 1170,
 HOUSE BILL NO. 1179,
 HOUSE BILL NO. 1225,
 SUBSTITUTE HOUSE BILL NO. 1265,
 HOUSE BILL NO. 1361,
 HOUSE BILL NO. 1362,
 SUBSTITUTE HOUSE BILL NO. 1418,
 HOUSE BILL NO. 1441,
 SUBSTITUTE HOUSE BILL NO. 1487,
 SUBSTITUTE HOUSE BILL NO. 1529,
 HOUSE BILL NO. 1533,
 HOUSE BILL NO. 1570,
 HOUSE BILL NO. 1576,
 HOUSE BILL NO. 1592,
 HOUSE BILL NO. 1593,
 SUBSTITUTE HOUSE BILL NO. 1617,
 HOUSE BILL NO. 1770,
 SUBSTITUTE HOUSE BILL NO. 1806,
 SUBSTITUTE HOUSE BILL NO. 1853,
 SUBSTITUTE HOUSE BILL NO. 1868,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1093,
 SUBSTITUTE HOUSE BILL NO. 1116,
 SUBSTITUTE HOUSE BILL NO. 1130,
 SUBSTITUTE HOUSE BILL NO. 1144,
 HOUSE BILL NO. 1146,
 HOUSE BILL NO. 1149,
 HOUSE BILL NO. 1173,
 HOUSE BILL NO. 1178,
 SUBSTITUTE HOUSE BILL NO. 1242,
 HOUSE BILL NO. 1251,
 HOUSE BILL NO. 1266,
 SUBSTITUTE HOUSE BILL NO. 1284,
 SUBSTITUTE HOUSE BILL NO. 1298,
 SUBSTITUTE HOUSE BILL NO. 1332,
 HOUSE BILL NO. 1345,
 SUBSTITUTE HOUSE BILL NO. 1397,
 SUBSTITUTE HOUSE BILL NO. 1423,
 HOUSE BILL NO. 1447,
 SUBSTITUTE HOUSE BILL NO. 1512,
 SUBSTITUTE HOUSE BILL NO. 1536,
 HOUSE BILL NO. 1645,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1647,
 SUBSTITUTE HOUSE BILL NO. 1669,
 HOUSE BILL NO. 1736,
 SUBSTITUTE HOUSE BILL NO. 1812,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336,
 SUBSTITUTE HOUSE BILL NO. 1614,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:39 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

 THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

FIFTY FIRST DAY, MARCH 5, 2013

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Senator Bailey moved that Bob Bolerjack, Gubernatorial Appointment No. 9006, be confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

Senators Bailey, Kohl-Welles and Hobbs spoke in favor of passage of the motion.

APPOINTMENT OF BOB BOLERJACK

The President declared the question before the Senate to be the confirmation of Bob Bolerjack, Gubernatorial Appointment No. 9006, as a member of the Board of Trustees, Everett Community College District No. 5.

The Secretary called the roll on the confirmation of Bob Bolerjack, Gubernatorial Appointment No. 9006, as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Bob Bolerjack, Gubernatorial Appointment No. 9006, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Baumgartner moved that Gregory Bever, Gubernatorial Appointment No. 9004, be confirmed as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

Senators Baumgartner and Billig spoke in favor of passage of the motion.

APPOINTMENT OF GREGORY BEVER

The President declared the question before the Senate to be the confirmation of Gregory Bever, Gubernatorial Appointment No. 9004, as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

The Secretary called the roll on the confirmation of Gregory Bever, Gubernatorial Appointment No. 9004, as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Gregory Bever, Gubernatorial Appointment No. 9004, having received the constitutional majority was declared

confirmed as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Anna Franz, Gubernatorial Appointment No. 9016, be confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

Senator Schoesler spoke in favor of the motion.

APPOINTMENT OF ANNA FRANZ

The President declared the question before the Senate to be the confirmation of Anna Franz, Gubernatorial Appointment No. 9016, as a member of the Board of Trustees, Big Bend Community College District No. 18.

The Secretary called the roll on the confirmation of Anna Franz, Gubernatorial Appointment No. 9016, as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Anna Franz, Gubernatorial Appointment No. 9016, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Tom moved that Lisa Chin, Gubernatorial Appointment No. 9010, be confirmed as a member of the Board of Trustees, Bellevue College District No. 8.

Senators Tom and Shin spoke in favor of passage of the motion.

APPOINTMENT OF LISA CHIN

The President declared the question before the Senate to be the confirmation of Lisa Chin, Gubernatorial Appointment No. 9010, as a member of the Board of Trustees, Bellevue College District No. 8.

The Secretary called the roll on the confirmation of Lisa Chin, Gubernatorial Appointment No. 9010, as a member of the Board of Trustees, Bellevue College District No. 8 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline,

Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Lisa Chin, Gubernatorial Appointment No. 9010, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellevue College District No. 8.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that James Cunningham, Gubernatorial Appointment No. 9013, be confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

Senator Ericksen spoke in favor of the motion.

APPOINTMENT OF JAMES CUNNINGHAM

The President declared the question before the Senate to be the confirmation of James Cunningham, Gubernatorial Appointment No. 9013, as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of James Cunningham, Gubernatorial Appointment No. 9013, as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

James Cunningham, Gubernatorial Appointment No. 9013, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Rebecca Chaffee, Gubernatorial Appointment No. 9008, be confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

Senator Hatfield spoke in favor of the motion.

APPOINTMENT OF REBECCA CHAFFEE

The President declared the question before the Senate to be the confirmation of Rebecca Chaffee, Gubernatorial Appointment No. 9008, as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

The Secretary called the roll on the confirmation of Rebecca Chaffee, Gubernatorial Appointment No. 9008, as a member of the Board of Trustees, Grays Harbor Community College District No. 2 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Rebecca Chaffee, Gubernatorial Appointment No. 9008, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Braun moved that Joseph Dolezal, Gubernatorial Appointment No. 9014, be confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

Senator Braun spoke in favor of the motion.

APPOINTMENT OF JOSEPH DOLEZAL

The President declared the question before the Senate to be the confirmation of Joseph Dolezal, Gubernatorial Appointment No. 9014, as a member of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Joseph Dolezal, Gubernatorial Appointment No. 9014, as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Joseph Dolezal, Gubernatorial Appointment No. 9014, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

PERSONAL PRIVILEGE

Senator Billig: "Thank you, I wanted to just take a moment to congratulate the Gonzaga University. Men's and Women's basketball teams for their phenomenal season. Gonzaga which is based right in the heart of Third Legislative District in Spokane really had a terrific year in many ways and particularly want to recognize the Men's Basketball team. Not only ranked number one in the country for the first time in school history but for the first time in the history of the state of Washington. Certainly a significant accomplishment there. And it's a big year for Gonzaga also that they're celebrating their one hundred twenty-fifth anniversary. So congratulations all the way around not just for the athletics but for all they do for the Spokane community and our whole state. I wish the Gonzaga teams good luck in the WCC and the NCAA tournaments. Go Zags. Thank you."

MOTION

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On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5100, by Senators Hargrove and Padden

Addressing the statute of limitations for sexual abuse against a child.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5100 was substituted for Senate Bill No. 5100 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5100.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5601, by Senators Becker, Cleveland, Dammeier and Schlicher

Concerning interpretation of state law regarding rebating practices by health care entities.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5601 was substituted for Senate Bill No. 5601 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5601.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5601 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5556, by Senators Darneille, Dammeier, Schlicher, Conway, Roach, McAuliffe, Becker, Carrell, Delvin and Shin

Concerning missing endangered persons.

MOTIONS

On motion of Senator Darneille, Substitute Senate Bill No. 5556 was substituted for Senate Bill No. 5556 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Substitute Senate Bill No. 5556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5556.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5556 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5149, by Senators Carrell, Conway, Padden, Pearson, Braun, Dammeier and Parlette

Concerning crimes against pharmacies.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Murray was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5149.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Murray

SENATE BILL NO. 5149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5723, by Senators Hewitt, Conway, Brown and Kline

Authorizing enhanced raffles conducted by bona fide charitable or nonprofit organizations serving individuals with intellectual disabilities.

MOTION

On motion of Senator Hewitt, Substitute Senate Bill No. 5723 was substituted for Senate Bill No. 5723 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Darneille moved that the following amendment by Senator Darneille be adopted:

On page 4, after line 30, insert "(9) This section expires June 30, 2017."

Senators Darneille and Hewitt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille on page 4, after line 30 to Substitute Senate Bill No. 5723.

The motion by Senator Darneille carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "raffles;" strike the remainder of the title and insert "adding a new section to chapter 9.46 RCW; and providing an expiration date."

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Frockt: "Mr. President, what are the number of votes that are required for passage of this particular measure?"

MOTION

On motion of Senator Fain, further consideration of Engrossed Substitute Senate Bill No. 5723 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 5606, by Senators Roach, Hasegawa, Litzow, Nelson, Mullet, Harper and Rivers

Concerning fire suppression water facilities and services provided by municipal and other water purveyors.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Hasegawa and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5606.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5606 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson,

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On motion of Senator Fain, the Senate advanced to the eighth order of business.

Voting nay: Senators Baumgartner and Ericksen

Absent: Senator Holmquist Newbry

Excused: Senator Murray

SENATE BILL NO. 5606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Frockt moved adoption of the following resolution:

SENATE RESOLUTION

8631

SECOND READING

SENATE BILL NO. 5119, by Senators Carrell, Pearson, Hewitt, Sheldon, Becker, Holmquist Newbry, Litzow, Roach, Honeyford and Dammeier

By Senators Frockt, Fraser, Eide, Shin, McAuliffe, Kohl-Welles, Murray, Litzow, Baumgartner, Carrell, Smith, Pearson, Chase, Kline, Conway, Mullet, Cleveland, Hasegawa, Keiser, Ranker, Harper, Darneille, Nelson, Hargrove, Hatfield, Hobbs, Schlicher, Billig, Ericksen, Fain, Schoesler, Parlette, Brown, King, and Tom

Creating a sentence enhancement for body armor.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5119 was substituted for Senate Bill No. 5119 and the substitute bill was placed on the second reading and read the second time.

WHEREAS, The 32nd President, Franklin Delano Roosevelt, was the longest serving President of the United States; and

WHEREAS, March 4, 2013, marks the 80th anniversary of President Roosevelt's first inauguration; and

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

WHEREAS, Roosevelt defied his physical constraints resulting from polio to lead this country successfully through the Great Depression and World War II, as both President and Commander in Chief; and

Senators Carrell and Kline spoke in favor of passage of the bill.

WHEREAS, Roosevelt lived by the American ideals of courage, progressivism, and empathy, and recognized that in order to have a future, you must first take care of people in the present; and

WHEREAS, Through his compassion for the vulnerable, and his recognition of the necessity of a strong middle class, Roosevelt helped mold the American dream into reality, even at a time when millions were overwhelmed by the devastating effects of the economic crisis; and

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5119.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5119 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

WHEREAS, Roosevelt was a great statesman and visionary, who put citizens back to work through the Civilian Conservation Corps and the Farm Securities Administration, which vastly improved infrastructure and public lands, and documented a momentous period in our history for the sake of historic preservation and prevention of that scale of depression from happening again; and

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

WHEREAS, Roosevelt's Administration put the nation back onto solid ground and moving forward by developing the Social Security Administration so our elderly could retire with dignity, and the Federal Deposit Insurance Corporation, which safeguards the savings of Americans; and

Voting nay: Senators Frockt and Nelson

Excused: Senator Murray

SUBSTITUTE SENATE BILL NO. 5119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

WHEREAS, Even in the darkness of national Depression and World War, he set an unprecedented standard of international cooperation; and

WHEREAS, President Roosevelt's legacy reminds us that even the most complicated societies are made whole by a few simple truths – that freedom and justice exist when it exists for all, anyone can find courage when it is needed, and treating others as we would like to be treated is at the heart of a fair and prosperous society;

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor President Franklin Delano Roosevelt for his continuing legacy of cooperation, courage, compassion, and statesmanship.

AFTERNOON SESSION

The Senate was called to order at 2:36 p.m. by President Owen.

Senators Frockt, Sheldon, Conway and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8631.

The motion by Senator Frockt carried and the resolution was adopted by voice vote.

MOTION

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5558, by Senators Fain, Hobbs, Keiser, Shin and Kline

Creating loan-making authority for down payment assistance for single-family homeownership.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5558.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Baumgartner

SENATE BILL NO. 5558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Senator Baumgartner was excused.

SECOND READING

SENATE BILL NO. 5316, by Senators Becker and Carrell

Adopting a model policy to require a third person to be present during interviews.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5316 was substituted for Senate Bill No. 5316 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5316.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5516, by Senators Keiser and Fain

Establishing the criminal justice training commission firing range maintenance account.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5516.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5516 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5446, by Senators Hobbs, Schoesler, Hatfield and Tom

Providing a process for the state auditor's office to apply for investigative subpoenas.

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The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 5446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5446.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5446 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5399, by Senators Dammeier, Becker, Conway, Fraser, Rivers and Nelson

Addressing the timing of penalties under the growth management act.

MOTIONS

On motion of Senator Dammeier, Substitute Senate Bill No. 5399 was substituted for Senate Bill No. 5399 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Substitute Senate Bill No. 5399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5399.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5399 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson,

Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5081, by Senators Ranker, Litzow, Shin, Kline, Keiser and Frockt

Regarding unlawful trade in shark fins.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Senate Bill No. 5081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Ranker spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Sheldon: "Would Senator Ranker yield to a question? I'm sorry that Senator Ranker would not or declined to explain his bill but I'm just reading through it and the last section here, it says what I interpret, it says if you have shark fins in your freezer before July 22, 2011 you can now sell them. that's the way I read it, so if there's somebody that can clarify for me that I'd appreciate it."

Senator Ranker: "Thank you Mr. President, so I will take the question. Sorry, about that Senator Sheldon, I just get nervous when you stand up and ask me about a question. The last time I did that things got really bad. Not your fault though. That is not the intent of the bill and I do not believe states that. I believe what the bill does as it takes out the date certain so that basically now that if you are in possession of shark fins you are breaking the law."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5081.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5081 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Shin, Smith and Tom

Voting nay: Senators Becker, Holmquist Newbry, Honeyford and Sheldon

SENATE BILL NO. 5081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 5723 which had been deferred earlier in the day.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of parliamentary inquiry raised by Senator Frockt concerning the number of votes necessary to pass Substitute Senate Bill 5723, the President finds and rules as follows:

Substitute Senate Bill 5723 is a measure that permits enhanced raffles for a narrow group of nonprofits. While raffles are allowed under current law, the operations are quite limited. There are strict limits on the types of drawings that may be offered as well as restrictions on the method of sales and administration of raffles.

In contrast, the enhanced raffles authorized in Substitute Senate Bill 5723 would allow a non-profit to contract with other licensees to operate the enhanced raffles. Participants may purchase enhanced raffle tickets in a variety of different ways. Certain purchasers may participate in 'early bird' raffles, and may be eligible to win additional prizes for referring other purchasers to the raffle organizers, (refer a friend drawings) or for buying multiple numbers of tickets (multiple ticket drawings).

Taken individually, each of these changes may not constitute an expansion of gambling. However, when viewed collectively, they work together to create a significantly different type of raffle. The President would like to caution the body that a procedural change or an operational change to a current form of gambling will not necessarily indicate an expansion of gambling.

In this case, the new games, new sales methods and changes in administration, taken collectively, so change the form of current raffles that the President finds that Substitute Senate Bill 5723 authorizes a new form of gambling. Therefore, the President rules that a sixty percent majority (thirty votes) is required on final passage in accordance with Article II, Section 24 of the State Constitution."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5723.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Harper, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Parlette, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Dammeier, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Holmquist Newbry, Mullet, Nelson, Padden and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 5723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5810, by Senators Darneille, Carrell and Shin

Allowing the department of corrections to exempt information contained in the internal database on security threat group data from dissemination under the public records act.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 5810 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5810.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5810 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5810, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5607, by Senators Harper, Hewitt, Kohl-Welles and Kline

Concerning beer, wine, and spirits theater licenses.

The measure was read the second time.

MOTION

Senator Holmquist Newbry moved that the following amendment by Senator Holmquist Newbry and others be adopted:

On page 1, line 8, after "premises." insert "Such license may be issued only to theaters also maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals. Requirements for complete meals shall be the same as those adopted by the board in rules pursuant to chapter 34.05 RCW for a spirits, beer, and wine restaurant license authorized by RCW 66.24.400."

WITHDRAWAL OF AMENDMENT

FIFTY FIRST DAY, MARCH 5, 2013

2013 REGULAR SESSION

On motion of Senator Holmquist Newbry, the amendment by Senator Holmquist Newbry and others on page 1, line 8 to Senate Bill No. 5607 was withdrawn.

MOTION

Senator Ericksen moved that the following striking amendment by Senator Ericksen and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 66.24 RCW to read as follows:

(1) There is a theater license to sell beer, including strong beer, wine, spirits, or all, at retail, for consumption on theater premises, which contain no more than one hundred twenty seats per screen. Such license may be issued only to theaters also maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals and provide tabletop accommodations for in-theater dining. Requirements for complete meals shall be the same as those adopted by the board in rules pursuant to chapter 34.05 RCW for a spirits, beer, and wine restaurant license authorized by RCW 66.24.400. The annual fee is four hundred dollars for a beer, wine, and spirits theater license.

(2) If the theater premises is to be frequented by minors, an alcohol control plan must be submitted to the board at the time of application. The alcohol control plan must be approved by the board, and be prominently posted on the premises, prior to minors being allowed.

(3) For the purposes of this section:

(a) "Alcohol control plan" means a written, dated, and signed plan submitted to the board by an applicant or licensee for the entire theater premises, or rooms or areas therein, that shows where and when alcohol is permitted, where and when minors are permitted, and the control measures used to ensure that minors are not able to obtain alcohol or be exposed to environments where drinking alcohol predominates.

(b) "Theater" means a place of business where motion pictures or other primarily nonparticipatory entertainment are shown.

(4) The board must adopt rules regarding alcohol control plans and necessary control measures to ensure that minors are not able to obtain alcohol or be exposed to areas where drinking alcohol predominates. All alcohol control plans must include a requirement that any person involved in the serving of beer, wine, and/or spirits must have completed a mandatory alcohol server training program.

(5)(a) A licensee that is an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of January 1, 2013, may enter into arrangements with a beer, wine, or spirits manufacturer, importer, or distributor for brand advertising at the theater or promotion of events held at the theater. The financial arrangements providing for the brand advertising or promotion of events may not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement and such arrangements may not result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (5) are an exception to arrangements prohibited under RCW 66.28.305. The board must monitor the impacts of these arrangements. The board may conduct audits of a licensee and the affiliated business to determine compliance with this subsection (5). Audits may include, but are not limited to: Product selection at the facility; purchase patterns of the licensee; contracts with the beer, wine, or spirits manufacturer, importer, or distributor; and the amount allocated or used for beer, wine, or spirits advertising by the

licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(6) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are double for violations involving minors or the failure to follow the alcohol control plan with respect to theaters licensed under this section.

Sec. 2. RCW 66.20.300 and 2011 c 325 s 5 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout RCW 66.20.310 through 66.20.350 unless the context clearly requires otherwise.

(1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

(2) "Alcohol server" means any person who as part of his or her employment participates in the sale or service of alcoholic beverages for on-premise consumption at a retail licensed premise as a regular requirement of his or her employment, and includes those persons eighteen years of age or older permitted by the liquor laws of this state to serve alcoholic beverages with meals.

(3) "Board" means the Washington state liquor control board.

(4) "Training entity" means any liquor licensee associations, independent contractors, private persons, and private or public schools, that have been certified by the board.

(5) "Retail licensed premises" means any:

(a) Premises licensed to sell alcohol by the glass or by the drink, or in original containers primarily for consumption on the premises as authorized by this section and RCW 66.20.310, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ~~(and)~~ 66.24.610, and section 1 of this act;

(b) Distillery licensed pursuant to RCW 66.24.140 that is authorized to serve samples of its own production;

(c) Facility established by a domestic winery for serving and selling wine pursuant to RCW 66.24.170(4); and

(d) Grocery store licensed under RCW 66.24.360, but only with respect to employees whose duties include serving during tasting activities under RCW 66.24.363.

Sec. 3. RCW 66.20.310 and 2011 c 325 s 4 are each amended to read as follows:

(1)(a) There ~~((shall be))~~ is an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There ~~((shall be))~~ is an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise ~~((shall))~~ must be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued ~~((shall))~~ must be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder ~~((shall))~~ must present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit ~~((shall be))~~ is valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by this section and RCW 66.20.300, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, 66.24.600, ~~(and)~~ 66.24.610, and section 1 of this act may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor (~~shall~~) must have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363."

Senators Ericksen, Harper and Billig spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Ericksen and others to Senate Bill No. 5607.

The motion by Senator Ericksen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 66.20.300 and 66.20.310; adding a new section to chapter 66.24 RCW; and prescribing penalties."

MOTION

On motion of Senator Harper, the rules were suspended, Engrossed Senate Bill No. 5607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Harper and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5607.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5607 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Ranker, Rivers, Rolfes, Schlicher, Sheldon, Shin, Smith and Tom

Voting nay: Senators Dammeier, Darneille, Frockt, Hargrove, Holmquist Newbry, Honeyford, Kline, Mullet, Padden, Parlette, Pearson, Roach and Schoesler

ENGROSSED SENATE BILL NO. 5607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5227, by Senators Schoesler, Holmquist Newbry, Delvin, Hatfield, Shin, King, Hobbs, Sheldon, Padden, Honeyford, Dammeier and Roach

Changing the corporate officer provisions of the employment security act.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5227 was substituted for Senate Bill No. 5227 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5227.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Conway, Dammeier, Darneille, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Eide, Fraser, Frockt, Harper, Hasegawa, Kohl-Welles, Murray, Nelson and Rolfes

SUBSTITUTE SENATE BILL NO. 5227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5712, by Senators Kohl-Welles, Bailey, McAuliffe, Frockt, Murray, Baumgartner and Keiser

Encouraging community colleges to use, and inform students of the use of, multiple measures to determine the need for precollege courses.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5712 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5712.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5712 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5712, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:09 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:39 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5157, by Senators Carrell, Pearson, Schoesler, Hill and Fain

Regulating provision of child care.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 5157 was substituted for Senate Bill No. 5157 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Darneille moved that the following striking amendment by Senator Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.215 RCW to read as follows:

If a provider is found by the department to have committed a willful or knowing act that is a violation of department rules regarding receiving subsidy payments, the department shall work with the provider to ensure they understand the rules regarding receiving subsidy payments. The second time the provider is found by the department to have committed a willful or knowing act that is a violation of department rules regarding receiving subsidy payments, the provider shall be prohibited from receiving any future subsidy payments. The department shall provide exempt providers a written copy of the department rules regarding receiving subsidy payments at initial licensure or at provider registration."

Senators Darneille and Carrell spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Darneille to Substitute Senate Bill No. 5157.

The motion by Senator Darneille carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "and adding a new section to chapter 43.215 RCW."

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Substitute Senate Bill No. 5157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Carrell and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5157.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5157 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5207, by Senators Fain, Benton, Hobbs, Roach, Nelson, Mullet, Hatfield and Keiser

Addressing the consumer loan act.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5207.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5207 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5620, by Senators King and McAuliffe

Changing school safety-related drills.

The measure was read the second time.

MOTION

Senator Mullet moved that the following amendment by Senators Mullet and King be adopted:

On page 3, at the beginning of line 12, strike "four" and insert "three"

On page 3, beginning on line 12, after "shelter-in-place," strike all material through "four" on line 13 and insert "~~((and six))~~ three"

On page 3, line 13, after "code" insert ", and one other safety-related drill to be determined by the school"

Senators Mullet and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mullet and King on page 3, line 12 to Senate Bill No. 5620.

The motion by Senator Mullet carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5620.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5620 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5563, by Senators Kohl-Welles, Litzow, Rolfes, Keiser, McAuliffe and Kline

Regarding training for school employees in the prevention of sexual abuse.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5563 was substituted for Senate Bill No. 5563 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Litzow be adopted:

Beginning on page 1, line 9, strike all of section 2 and insert the following:

"**Sec. 2.** RCW 28A.410.035 and 1990 c 90 s 1 are each amended to read as follows:

To receive initial certification as a teacher in this state after August 31, 1991, an applicant shall have successfully completed a course on issues of abuse. The content of the course shall discuss the identification of physical abuse, emotional abuse, sexual abuse, and substance abuse(~~(?)~~); commercial sexual abuse of a minor, as defined in RCW 9.68A.100; sexual exploitation of a minor, as defined in RCW 9.68A.040; information on the impact of abuse on the behavior and learning abilities of students(~~(?)~~); discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse(~~(?)~~); and methods for teaching students about abuse of all types and their prevention."

Senator Kohl-Welles spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Honeyford: "Would the Senator from the Thirty-Sixth District yield to a question? As I read this it says 'To receive an initial certification as a teacher in this state after August 31, 1991 the applicant shall have successfully competed' and on.' Is this going to be retroactive?'"

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Senator Kohl-Welles: "No, and that's not a new part of the legislation Senator Honeyford. The underlying part is what this amendment does. And so currently those individuals who are seeking to be certified school employees are required to have training and that's been in place since 1991. This amendment just adds an additional part to that training requirement."

Senator Honeyford: "So it's not retroactive?"

Senator Kohl-Welles: "No."

Senator Litzow spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Litzow on page 1, line 9 to Substitute Senate Bill No. 5563.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW" strike all material through "RCW" on line 3 and insert "28A.410.035, 28A.300.145, and 28A.400.317"

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Litzow be adopted:

On page 2, after line 8, strike all of section 2.

On page 2, after line 8, insert:

"**Sec. 2.** RCW 28A.410.035 and 1990 c 90 s 1 are each amended to read as follows:

To receive initial certification as a teacher in this state after August 31, 1991, an applicant shall have successfully completed a course on issues of abuse. The content of the course shall discuss the identification of physical ~~abuse~~; emotional ~~abuse~~; sexual ~~abuse~~; commercial sexual abuse of a minor, as defined in RCW 9.68A.100; sexual exploitation of a minor, as defined in RCW 9.68A.040; and substance ~~abuse~~; information on the impact of abuse on the behavior and learning abilities of students; discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of ~~abuse~~; and methods for teaching students about abuse of all types and their prevention."

On page 1, line 2 of the title, after "28A.300.145" strike "and" and insert ","

On page 1, line 2 of the title, after "28A.400.317" insert "and 28A.410.035"

WITHDRAWAL OF AMENDMENT

On motion of Senator Kohl-Welles, the amendment by Senators Kohl-Welles and Litzow on page 2, line 8 to Substitute Senate Bill No. 5563 was withdrawn.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5563 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5563.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5563 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:10 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Wednesday, March 6, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 6, 2013

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Cooper James-Wilson Antin and Hannah Hoepfner, presented the Colors. Pastor Rick Casebier, Transformation Life Center of Olympia offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1001,
HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1270,
SUBSTITUTE HOUSE BILL NO. 1271,
HOUSE BILL NO. 1330,
SUBSTITUTE HOUSE BILL NO. 1343,
SUBSTITUTE HOUSE BILL NO. 1409,
HOUSE BILL NO. 1436,
SUBSTITUTE HOUSE BILL NO. 1541,
HOUSE BILL NO. 1609,
SUBSTITUTE HOUSE BILL NO. 1629,
SUBSTITUTE HOUSE BILL NO. 1635,
HOUSE BILL NO. 1660,
HOUSE BILL NO. 1937,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1048,
HOUSE BILL NO. 1175,
HOUSE BILL NO. 1207,
SECOND SUBSTITUTE HOUSE BILL NO. 1217,
HOUSE BILL NO. 1286,
HOUSE BILL NO. 1311,
HOUSE BILL NO. 1351,
HOUSE BILL NO. 1359,
HOUSE BILL NO. 1404,
SUBSTITUTE HOUSE BILL NO. 1456,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480,

ENGROSSED HOUSE BILL NO. 1538,
SUBSTITUTE HOUSE BILL NO. 1582,
SUBSTITUTE HOUSE BILL NO. 1752,
SUBSTITUTE HOUSE BILL NO. 1814,
HOUSE BILL NO. 1860,
HOUSE BILL NO. 1861,
HOUSE BILL NO. 1863,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1083,
ENGROSSED HOUSE BILL NO. 1394,
ENGROSSED HOUSE BILL NO. 1400,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432,
ENGROSSED HOUSE BILL NO. 1483,
ENGROSSED HOUSE BILL NO. 1493,
ENGROSSED HOUSE BILL NO. 1733,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1012 by House Committee on Business & Financial Services (originally sponsored by Representatives Stanford, Kirby, Ryu and Hudgins)

AN ACT Relating to maintenance of a surety bond for appraisal management companies; and amending RCW 18.310.040.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1032 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Chandler, Ryu and Hudgins)

AN ACT Relating to portable electronics insurance; amending RCW 48.18.103, 48.19.040, 48.19.043, 48.120.015, 48.120.020, 48.120.020, and 48.120.025; adding a new section to chapter 48.18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1065 by Representative Goodman

AN ACT Relating to the applicability of statutes of limitation in arbitration proceedings; and amending RCW 7.04A.090.

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Referred to Committee on Law & Justice.

AN ACT Relating to the redemption of impounded vehicles; and amending RCW 46.55.120.

SHB 1074 by House Committee on Local Government (originally sponsored by Representatives Angel, Takko, Buys and Pike)

Referred to Committee on Financial Institutions, Housing & Insurance.

AN ACT Relating to requirements governing and associated with plat approvals; and amending RCW 58.17.140 and 58.17.170.

SHB 1144 by House Committee on Education (originally sponsored by Representatives Dahlquist, Lytton, Fagan, Haigh, Moscoso, Magendanz, Liias, Ryu and Santos)

Referred to Committee on Governmental Operations.

AN ACT Relating to qualifications for educational interpreters; adding a new section to chapter 28A.410 RCW; and creating a new section.

SHB 1076 by House Committee on Education (originally sponsored by Representatives Haigh, Johnson, Takko, Fagan, Lytton, Short and Dahlquist)

Referred to Committee on Early Learning & K-12 Education.

AN ACT Relating to expanding participation in innovation academy cooperatives; and amending RCW 28A.340.080 and 28A.225.225.

HB 1146 by Representatives Nealey, Blake, Chandler, Lytton, Warnick, Schmick, Walsh, Ryu and Haler

Referred to Committee on Early Learning & K-12 Education.

AN ACT Relating to certified water right examiner bonding requirements; and amending RCW 90.03.665.

SHB 1093 by House Committee on Government Operations & Elections (originally sponsored by Representatives Shea, Overstreet and Taylor)

Referred to Committee on Agriculture, Water & Rural Economic Development.

AN ACT Relating to state agencies' lobbying activities; amending RCW 42.17A.750; prescribing penalties; and providing an effective date.

HB 1149 by Representatives Hurst, Ryu, Hunt and Santos

Referred to Committee on Governmental Operations.

AN ACT Relating to increasing the volume of spirits that may be sold per day to a customer of a craft distillery; and amending RCW 66.24.145.

HB 1101 by Representatives Ryu, McCoy, Pedersen, Jinkins, Green, Morrell, Bergquist and Farrell

Referred to Committee on Commerce & Labor.

AN ACT Relating to designating July 25th as patient safety day; and adding a new section to chapter 1.20 RCW.

SHB 1155 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Schmick and Ryu)

Referred to Committee on Health Care.

AN ACT Relating to prescription information; amending RCW 69.41.010, 69.50.308, and 69.50.312; and reenacting and amending RCW 69.50.101.

SHB 1107 by House Committee on Judiciary (originally sponsored by Representatives McCoy, Shea, Appleton, Orwall, Jinkins, Morrell, Ryu, Green and Freeman)

Referred to Committee on Health Care.

AN ACT Relating to residential provisions for children of parents with military duties; amending RCW 26.09.260; reenacting and amending RCW 26.09.004; and adding a new section to chapter 26.09 RCW.

SHB 1170 by House Committee on Finance (originally sponsored by Representatives Morrell, Cody, Seaquist, Morris, Green, Ormsby, Freeman, Jinkins, Blake, Moeller, Upthegrove, Ryu, Liias, Pollet, Fey, Haigh, Bergquist, Hunt and Santos)

Referred to Committee on Law & Justice.

AN ACT Relating to modifying the income thresholds for the exemption and deferral property tax relief programs for senior citizens and persons retired because of physical disability; and creating a new section.

SHB 1116 by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Hansen, Rodne and Nealey)

Referred to Committee on Ways & Means.

AN ACT Relating to collaborative law; and adding a new chapter to Title 7 RCW.

HB 1173 by Representatives Santos, Ryu, Roberts, Maxwell and Bergquist

Referred to Committee on Law & Justice.

AN ACT Relating to the financial education public-private partnership; amending RCW 28A.300.450 and 28A.300.460; and adding a new section to chapter 28A.300 RCW.

SHB 1130 by House Committee on Business & Financial Services (originally sponsored by Representatives Hurst and Dahlquist)

Referred to Committee on Early Learning & K-12 Education.

HB 1178 by Representatives Lytton, Maxwell, Santos, Seaquist, Reykdal, Sullivan, Fitzgibbon, Ryu, Pollet, Stanford, Tharinger and Jinkins

AN ACT Relating to authorizing alternative assessments of basic skills for teacher certification; amending RCW 28A.410.220; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HB 1179 by Representatives Morrell, Sawyer, Zeiger, Takko and Ryu

AN ACT Relating to the lien for collection of sewer utility charges by counties; and amending RCW 36.94.150.

Referred to Committee on Governmental Operations.

HB 1225 by Representatives Hunt, Reykdal, Morrell and Ryu

AN ACT Relating to cost savings and efficiencies in mailing notices of revocation to habitual traffic offenders; and amending RCW 46.65.065.

Referred to Committee on Transportation.

SHB 1242 by House Committee on Transportation (originally sponsored by Representatives Moscoso, Zeiger, Morrell, Johnson, Roberts and Springer)

AN ACT Relating to vehicle subagents; and amending RCW 46.01.140.

Referred to Committee on Transportation.

HB 1251 by Representatives Stonier, Carlyle, Seaquist, Harris, Maxwell, Takko, Kochmar, Vick, MacEwen, Fitzgibbon, Morrell, Tarleton, Haler, Riccelli and Bergquist

AN ACT Relating to membership on the opportunity scholarship board; and amending RCW 28B.145.020.

Referred to Committee on Higher Education.

SHB 1265 by House Committee on Transportation (originally sponsored by Representatives Freeman, Rodne, Goodman and Ryu)

AN ACT Relating to modifying provisions in the forms for traffic infraction notices; and amending RCW 46.63.060.

Referred to Committee on Transportation.

HB 1266 by Representatives Rodne, Pedersen, Nealey, Goodman, Freeman, Hunt and Ryu

AN ACT Relating to modifying the mandatory retirement provision for district judges; and amending RCW 3.74.030.

Referred to Committee on Law & Justice.

SHB 1284 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Walsh, Kagi, Sawyer, Goodman, Freeman, Farrell, Appleton, Ryu, Reykdal, Santos and Habib)

AN ACT Relating to the rights of parents who are incarcerated or in residential substance abuse treatment; amending RCW 13.34.067, 13.34.136, and 13.34.145; and reenacting and amending RCW 13.34.030 and 13.34.180.

Referred to Committee on Ways & Means.

SHB 1298 by House Committee on Government Operations & Elections (originally sponsored by Representatives Springer, Hunt, Ryu and Pollet)

AN ACT Relating to implementing recommendations of the sunshine committee; amending RCW 13.34.100, 42.56.240, 42.56.330, and 70.148.060; and reenacting and amending RCW 42.56.230.

Referred to Committee on Governmental Operations.

SHB 1332 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Kirby, Condotta, Hunt, Alexander, Takko, Manweller, Hurst, Shea, Blake and Reykdal)

AN ACT Relating to limited on-premise spirits sampling; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

ESHB 1336 by House Committee on Education (originally sponsored by Representatives Orwall, Dahlquist, Pettigrew, Cody, Walsh, Green, Appleton, Freeman, Fitzgibbon, Hunt, Stonier, Kagi, Maxwell, Goodman, Moscoso, Roberts, Reykdal, Lytton, Santos, Fagan, O'Ban, Van De Wege, Jinkins, Bergquist, Pollet, McCoy, Ryu, Upthegrove, Tarleton and Fey)

AN ACT Relating to increasing the capacity of school districts to recognize and respond to troubled youth; amending RCW 28A.410.035; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.310 RCW; and creating new sections.

Referred to Committee on Ways & Means.

HB 1345 by Representatives Hayes, O'Ban, Hope, Dahlquist and Magendanz

AN ACT Relating to access to K-12 campuses for occupational or educational information; and amending RCW 28A.230.180.

Referred to Committee on Early Learning & K-12 Education.

HB 1361 by Representatives Kagi, Ryu, McCoy, Walsh, Sawyer and Tharinger

AN ACT Relating to the purchase of care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; amending RCW 74.13.031; reenacting and amending RCW 74.13.031; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

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HB 1362 by Representatives Cody, Morrell and Schmick

AN ACT Relating to electronic timekeeping for in-home personal care or respite services; and amending RCW 74.39A.325.

Referred to Committee on Health Care.

SHB 1397 by House Committee on Education (originally sponsored by Representatives Orcutt, Santos, Dahlquist, Pike, Vick, Haler, Hargrove, Buys, Magendanz and Bergquist)

AN ACT Relating to adding a requirement to sexual health education to include legal elements of and consequences of conviction for sexual offenses where a minor is the victim; and amending RCW 28A.300.145.

Referred to Committee on Early Learning & K-12 Education.

SHB 1418 by House Committee on Government Operations & Elections (originally sponsored by Representatives Hunt, Buys, Manweller and Warnick)

AN ACT Relating to hours of availability for inspection and copying of public records; and amending RCW 42.56.090.

Referred to Committee on Governmental Operations.

SHB 1423 by House Committee on Education (originally sponsored by Representatives Haigh, Fagan, Seaquist, Magendanz and Hargrove)

AN ACT Relating to online learning; amending RCW 28A.150.325, 28A.150.262, 28A.250.010, 28A.250.020, 28A.250.050, 28A.250.070, 28A.225.225, 28A.150.100, 28A.520.020, 28A.525.162, and 28A.525.166; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28A.250 RCW; creating a new section; and recodifying RCW 28A.150.262.

Referred to Committee on Early Learning & K-12 Education.

HB 1441 by Representatives Van De Wege, Morrell, Jinkins, Cody and Bergquist

AN ACT Relating to long-term care insurance; and amending RCW 48.83.090 and 48.83.170.

Referred to Committee on Health Care.

HB 1447 by Representatives Fey, Hargrove, Clibborn and Zeiger

AN ACT Relating to heavy haul corridors; amending RCW 46.44.0915; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1487 by House Committee on Business & Financial Services (originally sponsored by Representatives Parker, Kirby, MacEwen, Goodman, Kochmar, Upthegrove, Ryu, Angel, Maxwell and Bergquist)

AN ACT Relating to the real estate agency relationship; and amending RCW 18.86.010, 18.86.020, 18.86.030, 18.86.031, 18.86.040, 18.86.050, 18.86.060, 18.86.070, 18.86.080, 18.86.090, 18.86.100, 18.86.110, and 18.86.120.

Referred to Committee on Commerce & Labor.

SHB 1512 by House Committee on Local Government (originally sponsored by Representatives Takko, Kochmar, Fitzgibbon, Buys, Sullivan, Magendanz, Springer, Van De Wege and Ryu)

AN ACT Relating to fire suppression water facilities and services provided by municipal and other water purveyors; and adding a new chapter to Title 70 RCW.

Referred to Committee on Governmental Operations.

SHB 1529 by House Committee on Judiciary (originally sponsored by Representatives Stanford, Jinkins, McCoy, Riccelli, Fitzgibbon, Reykdal, Pollet, Orwall and Roberts)

AN ACT Relating to the disclosure of certain information when screening tenants; and amending RCW 59.18.580.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1533 by Representatives Rodne and Jinkins

AN ACT Relating to clarifying notice of claims in health care actions; and amending RCW 7.70.100.

Referred to Committee on Law & Justice.

SHB 1536 by House Committee on Higher Education (originally sponsored by Representatives Seaquist, Appleton, Haler, Springer, Stanford, McCoy, Upthegrove, Ormsby, Moscoso, Hunt, Ryu, Fitzgibbon, Lytton, Sawyer, Lias, Dunshee, Orwall, Cody, Stonier, Kagi, Moeller, Sells, Reykdal, Fey and Pollet)

AN ACT Relating to membership on community and technical college boards of trustees; and reenacting and amending RCW 28B.50.100.

Referred to Committee on Higher Education.

HB 1570 by Representatives Kretz, Takko and Short

AN ACT Relating to filing requirements for property tax exemption claims for certain improvements to benefit fish and wildlife habitat, water quality, or water quantity; and amending RCW 84.36.255.

Referred to Committee on Natural Resources & Parks.

HB 1576 by Representatives Springer, Kochmar, McCoy, Habib, Upthegrove, Fitzgibbon, Ryu, Maxwell, Riccelli and Moscoso

AN ACT Relating to creating greater efficiency in the offices of county assessors by allowing notification via electronic means; and adding a new section to chapter 84.09 RCW.

Referred to Committee on Governmental Operations.

HB 1592 by Representatives McCoy, Sells and Ryu

AN ACT Relating to enforcement of speeding violations on certain private roads; and amending RCW 46.61.419.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1593 by Representatives Jinkins, Angel, Kagi, Rodne, Cody, Clibborn, Riccelli, Moeller, Ryu, Pollet and Morrell

AN ACT Relating to providing access to the prescription drug monitoring database for clinical laboratories; amending RCW 70.225.040; and adding a new section to chapter 70.225 RCW.

Referred to Committee on Health Care.

SHB 1614 by House Committee on Higher Education (originally sponsored by Representatives Reykdal, Lytton, Seaquist, Pollet, Zeiger, Sells, Springer, Roberts, Maxwell, Ryu and Stanford)

AN ACT Relating to applied doctorate level degrees in audiology at Western Washington University; and adding a new section to chapter 28B.35 RCW.

Referred to Committee on Higher Education.

SHB 1617 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McCoy, Warnick, Orwall, Ryu, Smith, Maxwell, Moscoso and Freeman)

AN ACT Relating to the administrative costs for the allocation, management, and oversight of housing trust fund investments; and amending RCW 43.185.020, 43.185.050, 43.185.070, 43.185A.010, 43.185A.030, and 43.185A.050.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1645 by Representatives Riccelli, Sells, Ryu and Moscoso

AN ACT Relating to the Washington higher education facilities authority; and amending RCW 28B.07.030.

Referred to Committee on Higher Education.

ESHB 1647 by House Committee on Judiciary (originally sponsored by Representatives Tarleton, Haler, Riccelli, Maxwell, Sawyer, Scott, Bergquist, Farrell, Morrell, Jinkins, Roberts and Pollet)

AN ACT Relating to landlord responsibilities regarding keys to leased premises; and amending RCW 59.18.060.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1669 by House Committee on Higher Education (originally sponsored by Representatives Pollet, Haler, Cody,

Tarleton, Johnson, Seaquist, Farrell, Magendanz, Riccelli and Ryu)

AN ACT Relating to self-supporting, fee-based programs at four-year institutions of higher education; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 1736 by Representatives Zeiger, Seaquist, Haler, Pollet, Ryu, Sawyer, Bergquist, Magendanz and Farrell

AN ACT Relating to higher education operating efficiencies; amending RCW 28B.85.020; adding a new section to chapter 28B.10 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1770 by Representatives Buys, Blake, Chandler, Lytton and Ryu

AN ACT Relating to the appointment of nonvoting advisory members to commodity boards; and adding a new section to chapter 15.65 RCW.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SHB 1806 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Hansen, Magendanz, Appleton, Morrell, Bergquist and Fey)

AN ACT Relating to the definition of veteran for purposes of veterans' assistance programs; and amending RCW 41.04.007 and 73.08.005.

Referred to Committee on Governmental Operations.

SHB 1812 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Haigh, Pettigrew, Springer, Haler, Hunt, Fagan, Morrell, Hunter, Hudgins and Santos)

AN ACT Relating to expenditure limitations on the urban school turnaround initiative grant; amending 2012 2nd sp.s. c 7 s 501 (uncodified); and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1853 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Maxwell, Hayes, Van De Wege, Kretz, Springer, Sells, Seaquist, Morrell, Ryu, Tharinger and Freeman)

AN ACT Relating to clarifying that real estate brokers licensed under chapter 18.85 RCW are independent contractors; and amending RCW 49.46.130.

Referred to Committee on Commerce & Labor.

SHB 1868 by House Committee on Appropriations (originally sponsored by Representatives Freeman, Goodman, Van De Wege, Appleton, Morrell, Tarleton, Tharinger, Ryu, Maxwell, Bergquist and Pollet)

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AN ACT Relating to providing access to health insurance for certain law enforcement officers' and firefighters' plan 2 members catastrophically disabled in the line of duty; amending RCW 41.26.470; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 1592 which was referred to the Committee on Financial Institutions, Housing & Insurance.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8617

By Senators Honeyford, Hasegawa, Hatfield, Brown, Hobbs, Shin, Schoesler, Conway, King, and Holmquist Newbry

WHEREAS, The State of Washington has previously recognized the proud history of Filipino-Americans; and

WHEREAS, The earliest documented proof of Filipino presence in the continental United States was the date of October 18, 1587, when the first "Luzones Indios" set foot in Morro Bay, California; and

WHEREAS, The Filipino-American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo Parrish, Louisiana; and

WHEREAS, Washington State contributed to this history with the recognition of the 1888 documents of Port Blakely on Bainbridge Island, Washington, at the time the largest lumber mill in the world, as listing a "Manilla," the first known employee from the Philippines in the Pacific Northwest; and

WHEREAS, These events set in motion the focus on the story of our nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino-Americans have made in countless ways toward the development of the United States; and

WHEREAS, Efforts must continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino-American National Historical Society; and

WHEREAS, It is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

WHEREAS, Washington State is home to Filipinos, one of the largest Asian/Pacific Islander populations found in the state, and is the location of historic Filipino-American communities; and

WHEREAS, Filipinos have served with special distinction in all of the United States military branches; and

WHEREAS, The United States and the Republic of the Philippines continue to hold a special bond; and

WHEREAS, The national office of the Filipino-American National Historical Society is located in the city of Seattle, Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor October 2013 as Filipino-American history month and recognize October 2013 as the 426th anniversary of the presence of Filipinos in the United States and as a significant time to study the advancement of Filipino-Americans in the history of the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Rey Pascua, President of the Filipino-American Community of the Yakima Valley for further distribution to the Filipino-American National Historical Society, to Asian and Pacific Islander organizations, to other historical societies and government entities, and to the Superintendent of Public Instruction.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8617.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. David Della and other representatives of the Filipino community who were seated in the gallery and recognized by the Senate.

PERSONAL PRIVILEGE

Senator Rivers: "Thank you Mr. President. It is my honor to introduce to this fine body a most excellent student from the University of Washington, Tacoma who is also my Intern who is gracing the rostrum today. Rosemary Delgado who has worked so hard for me and who puts up with me and I am very grateful for her presence in my office."

PERSONAL PRIVILEGE

Senator Roach: "Well, I too have an honor this week. My granddaughter, ah, she's just dying, Emily Arras. Emily, can you stand up for us? ..."

REPLY BY THE PRESIDENT

President Owen: "Oh, poor girl, telling her to stand up."

Senator Roach: "I know. Well not 'poor girl' because I'm her grandma. Let's get that straight."

President Owen: "No, no because you're making her stand up."

Senator Roach: "Emily, wave your hand. I'm the greatest grandmother. And you want a Christmas present? That's what I thought. Emily is an outstanding student and soccer player. She's fourteen. She's the daughter of my only daughter. I have four sons but I have a daughter. Emily is the number one grandchild, number one of sixteen. What a wonderful girl. High values, hard-working, a lot like her mother, I think, in many ways. Thank you, Emily, for putting up with this. I appreciate it. Thank you, Mr. President and members of the Senate, I hope you'll welcome her here."

REMARKS BY THE PRESIDENT

President Owen: "Of course, now we expect great things out of her while she's here of course."

PERSONAL PRIVILEGE

Senator Shin: "Thank you Sir. I just walked in and I wasn't here prepared to greet this delegation, friends from Filipino American community. Historically, the United States relations with Philippines goes back, way back into the nineteen century. It is through the efforts and assistance alliance between the United States and Philippines were able to much, much prevent the World War to become bigger. Also the Filipinos provided their bases for the American naval stations there. They helped us to also bring us a victory. For that reason the United States and the Filipinos and the theme was 'tangere me nech' which means 'touch me not.' Spanish colonialism became much worse so that they worked towards independence and the United States helped them to gain independence. Today, we're still the best friends. So I want to thank the Filipino American community, friends there, who are here and am honored to sponsor this legislation to congratulate them. Thank you Mr. President."

MOTION

On motion of Senator Fain, Senator Bailey was excused.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schlicher moved that Beverly Cheney, Gubernatorial Appointment No. 9009, be confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

Senator Schlicher spoke in favor of the motion.

APPOINTMENT OF BEVERLY CHENEY

The President declared the question before the Senate to be the confirmation of Beverly Cheney, Gubernatorial Appointment No. 9009, as a member of the Board of Trustees, Olympic Community College District No. 3.

The Secretary called the roll on the confirmation of Beverly Cheney, Gubernatorial Appointment No. 9009, as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Beverly Cheney, Gubernatorial Appointment No. 9009, having received the constitutional majority was declared

confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Dwayne Johnson, Gubernatorial Appointment No. 9024, be confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

Senator Hatfield spoke in favor of the motion.

APPOINTMENT OF DWAYNE JOHNSON

The President declared the question before the Senate to be the confirmation of Dwayne Johnson, Gubernatorial Appointment No. 9024, as a member of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Dwayne Johnson, Gubernatorial Appointment No. 9024, as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Dwayne Johnson, Gubernatorial Appointment No. 9024, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that Charles Robinson, Gubernatorial Appointment No. 9026, be confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF CHARLES ROBINSON

The President declared the question before the Senate to be the confirmation of Charles Robinson, Gubernatorial Appointment No. 9026, as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Charles Robinson, Gubernatorial Appointment No. 9026, as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson,

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Charles Robinson, Gubernatorial Appointment No. 9026, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

MOTION

On motion of Senator Rivers, Senators Ericksen and Holmquist Newbry were excused.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that Barbara Rofkar, Gubernatorial Appointment No. 9027, be confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF BARBARA ROFKAR

The President declared the question before the Senate to be the confirmation of Barbara Rofkar, Gubernatorial Appointment No. 9027, as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Barbara Rofkar, Gubernatorial Appointment No. 9027, as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Ericksen and Holmquist Newbry

Barbara Rofkar, Gubernatorial Appointment No. 9027, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that Robert Ryan, Gubernatorial Appointment No. 9029, be confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22.

Senator Conway spoke in favor of the motion.

APPOINTMENT OF ROBERT RYAN

The President declared the question before the Senate to be the confirmation of Robert Ryan, Gubernatorial Appointment No. 9029, as a member of the Board of Trustees, Tacoma Community College District No. 22.

The Secretary called the roll on the confirmation of Robert Ryan, Gubernatorial Appointment No. 9029, as a member of the Board of Trustees, Tacoma Community College District No. 22 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Absent: Senator Shin

Excused: Senators Ericksen and Nelson

Robert Ryan, Gubernatorial Appointment No. 9029, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22.

PERSONAL PRIVILEGE

Senator Ranker: "Thank you Mr. President. I want to point out for the body's knowledge, this is a very sad day. Last night Manchester united, lost to Madrid. And out of respect for a certain individual in your office Mr. President, I want to say congratulations to Madrid even though it really, really hurts. Thank you."

REPLY BY THE PRESIDENT

President Owen: "I'm sure he appreciates that."

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Karen Seinfeld, Gubernatorial Appointment No. 9031, be confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

Senators Darneille and Dammeier spoke in favor of passage of the motion.

APPOINTMENT OF KAREN SEINFELD

The President declared the question before the Senate to be the confirmation of Karen Seinfeld, Gubernatorial Appointment No. 9031, as a member of the Board of Trustees, Bates Technical College District No. 28.

The Secretary called the roll on the confirmation of Karen Seinfeld, Gubernatorial Appointment No. 9031, as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Nelson

Karen Seinfeld, Gubernatorial Appointment No. 9031, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Stephen Vincent, Gubernatorial Appointment No. 9038, be confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

Senator Hatfield spoke in favor of the motion.

APPOINTMENT OF STEPHEN VINCENT

The President declared the question before the Senate to be the confirmation of Stephen Vincent, Gubernatorial Appointment No. 9038, as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

The Secretary called the roll on the confirmation of Stephen Vincent, Gubernatorial Appointment No. 9038, as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Nelson

Stephen Vincent, Gubernatorial Appointment No. 9038, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

MOTION

At 9:54 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:46 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

PERSONAL PRIVILEGE

Senator Litzow: "Thank you Mr. President. Today we are going to be running a number of education bills and I think as everybody sees on their desks, there's an apple. The apple is from Rosemary McAuliffe and myself and it's more of a symbol that we may not agree how to get there, we're all here with the same goal. How do we make more kids successful? How do we increase the graduation rate and do we close the opportunity gap? Unfortunately there is no silver bullet and obviously there is no perfect legislation but I'd like to thank Senator McAuliffe and the

rest of the Education Committee for their efforts and ideas to get us closer to those ideals. So, thank you."

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President, so, I think I want to recognize the efforts of our Senate Chair, Senator Litzow who has worked diligently with many of our members of the Education Committee to help us to have a non-partisan committee. Education is non-partisan. Our children are non-partisan and what we all hope for is their future. Help them to become successful. One of the particular bills that I want to recognize today for his efforts is the Senator from the Twenty-fifth district. Actually him and I worked together on one of the bills that you'll hear today and I want to say how much I appreciate that effort. So, it's Education Day, let's roll it."

SECOND READING

SENATE BILL NO. 5328, by Senators Litzow, Hobbs, Dammeier, Hatfield, Baumgartner, Roach, Hill, Braun and Tom

Creating a school-grading program that relies on the accountability index.

MOTION

On motion of Senator Litzow, Substitute Senate Bill No. 5328 was substituted for Senate Bill No. 5328 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following amendment by Senator Mullet be adopted:

On page 1, line 13, strike everything beginning with "implement a" and through "earn a grade." On page 3, line 25, and insert the following:

"work with the office of the superintendent of public instruction to link the current achievement index website developed by the state board of education with the school report card that is available on the superintendent of public instruction's website as require by RCW 28A.655.110."

On page 3, line 29, strike "each school district's grade and each school's grade.", and insert "information from the achievement index for each school and district, along with a clear explanation of how the information is calculated and what it means."

On page 3, line 31, strike "the school and district grade history" and insert "a description of the change over time in the school and district's performance as calculated by the achievement index"

On page 3, beginning on line 33, strike "each school's grade and must also include the school district's grade." and insert "information from the achievement index as it relates to each school and the school district, along with a clear explanation of how the information is calculated and what it means."

On page 3, beginning with "For" on line 35, strike everything through "(10)" on page 4, line 1.

On page 4, beginning with "(11)" on line 4, strike everything through "year." on line 22.

Senator Mullet spoke in favor of adoption of the amendment. Senator Litzow spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mullet on page 1, line 13 to Substitute Senate Bill No. 5328.

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The motion by Senator Mullet failed and the amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 1, line 14 to Substitute Senate Bill No. 5328.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted.

On page 1, beginning on line 14, strike "having one of the following grades", and insert: "being in one of the following categories"

On page 1, line 15, strike "'A" for"

On page 1, line 16, strike "'B" for"

On page 1, line 17, strike "'C" for"

On page 1, line 18, strike "'D" for"

On page 1, line 19, strike "'F" for"

On page 2, line 4, after "earn a", strike "school grade" and insert "category designation in the school-grading program"

On page 2, line 8, after "earn a", strike "school grade" and insert "category designation in the school-grading program"

On page 2, line 10, after "earning the", strike "grade" and insert "category"

On page 2, line 17, after "earn the", strike "grade earned by" and insert "category designation of"

On page 2, line 18, after "school's", strike "grade" and insert "category designation in the school-grading program"

On page 2, line 27, after "school's", strike "grade" and insert "category designation"

On page 3, line 3, after "school", strike "grade" and insert "category designation"

On page 3, line 6, after "earning a", strike "grade of 'C,'" and insert "category designation of "making satisfactory progress,""

On page 3, line 10, strike "school letter grade" and insert "category designation"

On page 3, line 10, after "one", strike "letter" and insert "category"

On page 3, line 12, after "for school", strike "grades" and insert "category designations"

On page 3, line 14, after "earn a", strike "grade of 'A,'" and insert "category designation of "making excellent progress"

On page 3, line 17, after "school district's", strike "grade" and insert "category designation"

On page 3, line 18, after "school district's", strike "grade" and insert "category designation"

On page 3, line 20, after "school", strike "grade" and insert "category designation"

On page 3, line 29, after "school district's", strike "grade" and insert "category designation"

On page 3, line 29, after "each school's", strike "grade" and insert "category designation"

On page 3, line 31, after "district", strike "grade" and insert "category designation"

On page 3, line 33, after "school's", strike "grade" and insert "category designation"

On page 3, line 34, after "school district's", strike "grade" and insert "category designation"

Senators McAuliffe, Frockt, Rolfes, Kohl-Welles and Ranker spoke in favor of adoption of the amendment.

Senators Litzow, Honeyford, Ericksen, Carrell and Sheldon spoke against adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator McAuliffe, on page 1, line 14 and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darnelle, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeyer, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted:

On page 4, line 8, after "districts." insert "The school districts chosen by the office of the superintendent of public instruction shall be able to opt out of participating in the pilot program."

Senator McAuliffe spoke in favor of adoption of the amendment.

Senator Litzow spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 4, line 8 to Substitute Senate Bill No. 5328.

The motion by Senator McAuliffe failed and the amendment was not adopted by voice vote.

MOTION

Senator Billig moved that the following amendment by Senator Billig be adopted:

On page 4, after line 22, insert the following:

"(13) Beginning in 2015, any school district with at least one school designated as an "F" school under the school-grading program created by this act shall be designated a required action district and subject to the provisions of chapter 28A.657 RCW. Any school districts designated as a required action district under the authority of this section shall receive state funding to support the implementation of a required action plan."

Senators Billig and Litzow spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Billig on page 4, after line 22 to Substitute Senate Bill No. 5328.

The motion by Senator Billig carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Substitute Senate Bill No. 5328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow, Hobbs, Smith, Carrell, Roach and Tom spoke in favor of passage of the bill.

Senators McAuliffe, Fraser, Schlicher, Murray, Frockt, Shin, Rolfes and Billig spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5328.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5328 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Pearson, Ranker, Rolfes, Schlicher and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

SENATE BILL NO. 5242, by Senators Litzow, Dammeier, Tom, Hobbs, Hatfield, Delvin, Hewitt, Padden and Schoesler

Requiring policies regarding assignment of certificated instructional staff.

MOTION

On motion of Senator Litzow, Substitute Senate Bill No. 5242 was substituted for Senate Bill No. 5242 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted:

On page 2, beginning on line 9, after "(3)" strike all material through "assigned." on line 11 and insert "A nonprovisional certificated instructional staff member may be assigned on a temporary basis to a particular school for up to one school year without the mutual agreement of the school's principal and the staff member being assigned."

On page 2, line 14, after "year." insert "If mutual agreement between the principal and the temporarily assigned nonprovisional certificated staff member is not reached by the end of the staff member's one school year temporary assignment, then the

nonprovisional certificated staff member may be reassigned under subsection (4) of this section."

Senators McAuliffe and Mullet spoke in favor of adoption of the amendment.

Senator Litzow spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 2, line 5 to Substitute Senate Bill No. 5242.

The motion by Senator McAuliffe failed and the amendment was not adopted by voice vote.

MOTION

Senator Mullet moved that the following amendment by Senator Mullet be adopted:

On page 2, line 11, after "assigned. ", insert:

"A principal may only refuse consent up to two times per school year."

On page 2, line 34, after "act.", insert:

"NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act expire July 30, 2016."

Senator Mullet spoke in favor of adoption of the amendment.

Senator Dammeier spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mullet on page 2, line 11 to Substitute Senate Bill No. 5242.

The motion by Senator Mullet failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Billig, Senator Kohl-Welles was excused.

MOTION

Senator Frockt moved that the following striking amendment by Senators Frockt, Billig and Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.230 and 2010 c 235 s 201 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of this title (~~28A RCW, as now or hereafter amended~~), each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of this title (~~28A RCW, as now or hereafter amended~~), it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the superintendent of public instruction the following for each employee group listed in this subsection (2)(a): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

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(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs and data, based upon a plan to ensure that the assignment policy: (i) Supports the learning needs of all the students in the district; ~~(and)~~ (ii) gives specific attention to high-need schools and classrooms; and (iii) includes the following elements: (A) Certifications and endorsements; (B) evaluation performance ratings; (C) expertise related to the assignment; (D) seniority; and (E) other appropriate variables as determined by the school board and set forth in the policy;

(c) Provide information to the local community and its electorate describing the school district's policies concerning hiring, assigning, terminating, and evaluating staff, including the criteria for evaluating teachers and principals;

(d) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules of the state board of education;

(e) Determine the allocation of staff time, whether certificated or classified;

(f) Establish final curriculum standards consistent with law and rules of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

(3) The inclusion of evaluation performance ratings under subsection (2)(b) of this section in the district assignment policies is not required until the school districts have implemented the certificated classroom teacher and principal evaluation systems under RCW 28A.405.100(7)(b)."

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "and amending RCW 28A.150.230."

Senator Frockt spoke in favor of adoption of the striking amendment.

Senator Litzow spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Frockt, Billig and Mullet to Substitute Senate Bill No. 5242.

The motion by Senator Frockt failed and the striking amendment was not adopted by a rising vote.

MOTION

On motion of Senator Litzow, the rules were suspended, Substitute Senate Bill No. 5242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Litzow spoke in favor of passage of the bill.

Senators Frockt, Rolfes, Conway and McAuliffe spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5242.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5242 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeyer, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SUBSTITUTE SENATE BILL NO. 5242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:36 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:16 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Emily Yim, Gubernatorial Appointment No. 9041, be confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

Senator Chase spoke in favor of the motion.

APPOINTMENT OF EMILY YIM

The President declared the question before the Senate to be the confirmation of Emily Yim, Gubernatorial Appointment No. 9041, as a member of the Board of Trustees, Edmonds Community College District No. 23.

The Secretary called the roll on the confirmation of Emily Yim, Gubernatorial Appointment No. 9041, as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeyer, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Emily Yim, Gubernatorial Appointment No. 9041, having received the constitutional majority was declared confirmed as a

member of the Board of Trustees, Edmonds Community College District No. 23.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5587, by Senators Litzow, Dammeier, Rivers, Fain and Tom

Concerning student assessments.

MOTION

On motion of Senator Dammeier, Substitute Senate Bill No. 5587 was substituted for Senate Bill No. 5587 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Dammeier moved that the following striking amendment by Senators Dammeier and McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the superintendent of public instruction was authorized to align the state essential academic learning requirements for mathematics, reading, writing, and communication with the common set of standards for students in grades kindergarten through twelve, known as the common core state standards, which were developed by a multistate consortium in which Washington took part. The legislature further finds that Washington has joined one of two multistate consortia using a federal grant to develop new language arts and math assessments in grades three through eight and grade eleven that are, among other factors, aligned with the common core state standards and test college and career readiness at the high school level. The legislature further finds that the assessments are required to be ready for use by the 2014-15 school year. The legislature intends to make changes to the assessment system in order to use the consortia-developed assessments for both high school graduation and to meet the federal accountability requirements. As the state transitions from the current assessments to the consortia-developed assessments the legislature intends that both the current tenth grade assessments and the consortia-developed assessments may be used for high school graduation purposes by the graduating classes of 2016 and 2017. Beginning with the graduating class of 2018, students must meet the state standards on the consortia-developed assessments to earn the certificate of academic achievement and graduate from high school.

Sec. 2. RCW 28A.655.061 and 2011 1st sp.s. c 22 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the statewide student assessment, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and, if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained (~~by most students at about~~

~~the age of sixteen~~)) and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008 through the graduating class of 2015, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics (~~content areas of the~~) high school statewide student assessment shall earn a certificate of academic achievement. Beginning with the graduating class of 2018, a student who meets the state standards on the English language arts and revised mathematics high school statewide assessments shall earn a certificate of academic achievement. The graduating classes of 2016 and 2017 must meet the requirements in accordance with RCW 28A.655.066. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area (~~up to four times~~) at least twice a year at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the statewide student assessment at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of 2015, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the statewide student assessment or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the statewide student assessment (~~up to four times~~) at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the statewide student assessment (~~up to four times~~) at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state

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academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the statewide student assessment. A student's score on the science portion of the ACT or the science subject area tests of the SAT may be used as an objective alternative assessment under this section as soon as the state board of education determines that sufficient data is available to identify reliable equivalent scores for the science content area of the statewide student assessment. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the ~~((writing))~~ English language arts portion of the statewide student assessment. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the ~~((reading))~~ English language arts portion of the statewide student assessment. A score of three on the AP examination in biology, physics, chemistry, or environmental science may be used as an alternative assessment for the science portion of the statewide student assessment.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language

learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

- (a) The student's results on the state assessment;
- (b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;
- (c) Any credit deficiencies;
- (d) The student's attendance rates over the previous two years;
- (e) The student's progress toward meeting state and local graduation requirements;
- (f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;
- (g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;
- (h) The alternative assessment options available to students under this section and RCW 28A.655.065;
- (i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and
- (j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

Sec. 3. RCW 28A.655.066 and 2011 c 25 s 2 are each amended to read as follows:

(1)(a) In consultation with the state board of education, the superintendent of public instruction shall develop statewide end-of-course assessments for high school mathematics that measure student achievement of the state mathematics standards. The superintendent shall take steps to ensure that the language of the assessments is responsive to a diverse student population. The assessments shall be implemented statewide in the 2010-11 school year.

(b) The superintendent shall develop end-of-course assessments for the first year of high school mathematics that include the standards common to algebra I and integrated mathematics I and for the second year of high school mathematics that include the standards common to geometry and integrated mathematics II. The assessments under this subsection (1)(b) shall be used to demonstrate that a student meets the state standard on the mathematics content area of the high school ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ for purposes of RCW 28A.655.061.

(c) The superintendent of public instruction shall also develop subtests for the end-of-course assessments that measure standards for the first two years of high school mathematics that are unique to algebra I, integrated mathematics I, geometry, and integrated mathematics II. The results of the subtests shall be reported at the student, teacher, school, and district level. These end-of-course assessments shall not be administered and shall not be used for state or federal accountability after the 2014-15 school year.

(2) For the graduating classes of 2013 and 2014 and for purposes of the certificate of academic achievement under RCW 28A.655.061, a student may use: (a) Results from the end-of-course assessment for the first year of high school mathematics or the results from the end-of-course assessment for the second year of high school mathematics; or (b) results from a high school mathematics retake assessment.

(3) ~~((Beginning with))~~ The graduating class of 2015 ~~((and))~~, for purposes of the certificate of academic achievement under RCW 28A.655.061, ~~((the mathematics content area of the Washington assessment of student learning))~~ shall be assessed using the end-of-course assessment for the first year of high school

mathematics plus the end-of-course assessment for the second year of high school mathematics, ~~((~~or~~))~~ results from a high school mathematics retake assessment for the end-of-course assessments in which the student did not meet the standard, or an approved alternative assessment.

(4) As the state transitions from the reading and writing assessments to the comprehensive English language arts assessment and from the end-of-course mathematics assessments to a comprehensive mathematics assessment, the graduating classes of 2016 and 2017, for purposes of the certificate of academic achievement under RCW 28A.655.061 may be assessed using:

(a) The end-of-course assessment for the first year of high school mathematics plus the end-of-course assessment for the second year of high school mathematics, the new comprehensive mathematics assessment, the appropriate retake assessment, or an approved alternative assessment; and

(b) The reading and writing assessment or the comprehensive English language arts assessment, a retake, or an approved alternative.

(5) All of the objective alternative assessments available to students under RCW 28A.655.061 and 28A.655.065 shall be available to any student who has taken the ~~((sequence of))~~ end-of-course assessment~~((s))~~ once but does not meet the state mathematics standard on the ~~((sequence of))~~ end-of-course assessment~~((s))~~.

~~((~~5~~))~~ (6) The superintendent of public instruction shall report at least annually or more often if necessary to keep the education committees of the legislature informed on each step of the development and implementation process under this section.

Sec. 4. RCW 28A.655.070 and 2008 c 163 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~.

(3)(a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use

in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. In accordance with RCW 28A.655.071, by the 2014-15 school year, an English language arts assessment and the mathematics assessment shall be created. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning and continuing with the statewide student assessment, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

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(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

Sec. 5. RCW 28A.655.071 and 2010 c 235 s 601 are each amended to read as follows:

(1) By August 2, 2010, the superintendent of public instruction may revise the state essential academic learning requirements authorized under RCW 28A.655.070 for mathematics, reading, writing, and communication by provisionally adopting a common set of standards for students in grades kindergarten through twelve. The revised state essential academic learning requirements may be substantially identical with the standards developed by a multistate consortium in which Washington participated, must be consistent with the requirements of RCW 28A.655.070, and may include additional standards if the additional standards do not exceed fifteen percent of the standards for each content area. ~~((However, the superintendent of public instruction shall not take steps to implement the provisionally adopted standards until the education committees of the house of representatives and the senate have an opportunity to review the standards.~~

~~—(2) By January 1, 2011, the superintendent of public instruction shall submit to the education committees of the house of representatives and the senate:~~

~~—(a) A detailed comparison of the provisionally adopted standards and the state essential academic learning requirements as of June 10, 2010, including the comparative level of rigor and specificity of the standards and the implications of any identified differences; and~~

~~—(b) An estimated timeline and costs to the state and to school districts to implement the provisionally adopted standards, including providing necessary training, realignment of curriculum, adjustment of state assessments, and other actions.~~

~~—(3) The superintendent may implement the revisions to the essential academic learning requirements under this section after the 2011 legislative session unless otherwise directed by the legislature.)~~

(2) The superintendent of public instruction, in consultation with the state board of education, shall modify and implement statewide student assessments developed with a multistate consortium in English language arts and mathematics. The assessments must be implemented in the 2014-15 school year. Beginning with the graduating class of 2018, the English language arts and mathematics assessments or approved alternatives are required for graduation from a public high school in accordance with RCW 28A.655.061. The English language arts and mathematics assessments must be comprehensive assessments and not end-of-course assessments.

Sec. 6. RCW 28B.105.010 and 2007 c 214 s 1 are each amended to read as follows:

(1) The GET ready for math and science scholarship program is established. The purpose of the program is to provide scholarships to students who achieve level four on the mathematics or science portions of the ~~((tenth grade Washington))~~ high school statewide student assessment ~~((of student learning))~~ or achieve a score in the math section of the SAT or the math section of the ACT that is above the ninety-fifth percentile, major in a mathematics, science, or related field in college, and commit to working in mathematics, science, or a related field for at least three years in Washington following completion of their bachelor's degree. The program shall be administered by the nonprofit organization selected as the private partner in the public-private partnership.

(2) The total annual amount of each GET ready for math and science scholarship may vary, but shall not exceed the annual cost of resident undergraduate tuition fees and mandatory fees at the University of Washington. An eligible recipient may receive a GET ready for math and science scholarship for up to one hundred

eighty quarter credits, or the semester equivalent, or for up to five years, whichever comes first.

(3) Scholarships shall be awarded only to the extent that state funds and private matching funds are available for that purpose in the GET ready for math and science ~~((scholarship))~~ scholarship account established in RCW 28B.105.110.

Sec. 7. RCW 28B.105.030 and 2007 c 214 s 3 are each amended to read as follows:

(1) An eligible student is a student who:

(a) Is eligible for resident tuition and fee rates as defined in RCW 28B.15.012;

(b) Achieved level four on the mathematics or science portion of the ~~((tenth grade Washington))~~ high school statewide student assessment ~~((of student learning))~~ or achieved a score in the math section of the SAT or the math section of the ACT that is above the ninety-fifth percentile;

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for a GET ready for math and science scholarship and for up to the two previous years;

(d) Has declared an intention to complete a qualified program or qualified major or has entered a qualified program or declared a qualified major at an institution of higher education;

(e) Has declared an intention to work in a mathematics, science, or related field in Washington for at least three years immediately following completion of a bachelor's degree or higher degree.

(2) An eligible recipient is an eligible student who:

(a) Has been awarded a scholarship in accordance with the selection criteria and process established by the ~~((board))~~ student achievement council and the program administrator;

(b) Enrolls at an institution of higher education within one year of graduating from high school;

(c) Maintains satisfactory academic progress, as defined by the institution of higher education where the student is enrolled;

(d) Takes at least one college-level mathematics or science course each term since enrolling in an institution of higher education; and

(e) Enters a qualified program or qualified major no later than the end of the first term in which the student has junior level standing.

Sec. 8. RCW 28B.105.060 and 2007 c 214 s 6 are each amended to read as follows:

The office of the superintendent of public instruction shall:

(1) Notify elementary, middle, junior high, high school, and school district staff and administrators, and the children's administration of the department of social and health services about the GET ready for math and science scholarship program using methods in place for communicating with schools and school districts; and

(2) Provide data showing the race, ethnicity, income, and other available demographic information of students who achieve level four of the math and science ~~((Washington))~~ high school statewide student assessment ~~((of student learning))~~ in the tenth grade~~((:))~~; compare those data with comparable information on the tenth grade student population as a whole~~((:))~~; and submit a report with the analysis to the committees responsible for education and higher education in the legislature on December 1st of even-numbered years."

Senators Dammeier and McAuliffe spoke in favor of adoption of the striking amendment.

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes to the striking amendment be adopted:

On page 1, after line 26 of the amendment, insert the following:
"NEW SECTION. Sec. 2. A new section is added to chapter 28A.655 RCW to read as follows:

(1) At the beginning of each school year, school districts must notify parents and guardians of enrolled students from eighth through twelfth grade about each standardized test that is required by the school district, state, or federal government. The notification must include the following:

- (a) The subject areas covered by each assessment;
- (b) When each assessment will be administered and the length of time of each test;
- (c) Which assessments will be required for graduation and what options students have to meet graduation requirements if they do not pass a given assessment;
- (d) Whether the results of the assessment will be used for program placement or grade-level advancement;
- (e) When the assessment results will be released to parents or guardians and whether there will be an opportunity for parents and teachers to discuss strategic adjustments; and
- (f) Whether the assessment is required by the school district, state, federal government, or more than one of these entities.

(2) The office of the superintendent of public instruction shall provide to school districts regularly updated information necessary for the district to notify parents of the information, including any changes occurring through legislative or federal action, or both, that will affect current or future assessments."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 14, line 2 of the title amendment, after "28B.105.060;" insert "adding a new section to chapter 28A.655 RCW;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Rolfes, the amendment by Senator Rolfes on page 1, line 26 to the striking amendment to Substitute Senate Bill No. 5587 was withdrawn.

MOTION

Senator Rolfes moved that the following amendment by Senators Rolfes and Rivers to the striking amendment be adopted:

On page 11, after line 27 of the amendment, insert the following:
"NEW SECTION. Sec. 6. A new section is added to chapter 28A.320 RCW to read as follows:

(1) At the beginning of each school year, school districts must notify parents and guardians of enrolled students from eighth through twelfth grade about each student assessment required by the state, the minimum state-level graduation requirements, and any additional school district graduation requirements. The information may be provided when the student is enrolled, contained in the student or parent handbook, or posted on the school district's web site. The notification must include the following:

- (a) When each assessment will be administered;
- (b) Which assessments will be required for graduation and what options students have to meet graduation requirements if they do not pass a given assessment;
- (c) Whether the results of the assessment will be used for program placement or grade-level advancement;
- (d) When the assessment results will be released to parents or guardians and whether there will be an opportunity for parents and teachers to discuss strategic adjustments; and
- (e) Whether the assessment is required by the school district, state, federal government, or more than one of these entities.

(2) The office of the superintendent of public instruction shall provide information to the school districts to enable the districts to

provide the information to the parents and guardians in accordance with subsection (1) of this section." Re-number the remaining sections consecutively and correct any internal references accordingly.

Senators Rolfes and Rivers spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rolfes and Rivers on page 11, after line 27 to the striking amendment to Substitute Senate Bill No. 5587.

The motion by Senator Rolfes carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Dammeier moved that the following amendment by Senator Dammeier to the striking amendment be adopted:

On page 13, beginning on line 21 of the amendment, after "four" strike all material through "grade" on line 24, and insert "~~((of))~~ on the math and science ~~((Washington))~~ high school statewide student assessment ~~((of student learning in the tenth grade.))~~; compare those data with comparable information on the ~~((tenth grade))~~"

Senator Dammeier spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Dammeier on page 13, line 21 to the striking amendment to Substitute Senate Bill No. 5587.

The motion by Senator Dammeier carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Dammeier and McAuliffe as amended to Substitute Senate Bill No. 5587.

The motion by Senator Dammeier carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, beginning on line 1 of the title, after "assessments;" strike the remainder of the title and insert "amending RCW 28A.655.061, 28A.655.066, 28A.655.070, 28A.655.071, 28B.105.010, 28B.105.030, and 28B.105.060; and creating a new section."

On page 14, line 2 of the title amendment, after "28B.105.060;" insert "adding a new section to chapter 28A.320 RCW;"

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Substitute Senate Bill No. 5587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and McAuliffe spoke in favor of passage of the bill.

Senators Rolfes and Mullet spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5587.

ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5587 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Benton, Braun, Carrell, Dammeier, Eide, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, Padden, Parlette, Pearson, Rivers, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner, Billig, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fraser, Harper, Hasegawa, Kline, Kohl-Welles, Mullet, Murray, Nelson, Ranker, Roach, Rolfes and Schlicher

ENGROSSED SUBSTITUTE SENATE BILL NO. 5587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that Mark Martinez, Gubernatorial Appointment No. 9045, be confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

Senator Conway spoke in favor of the motion.

APPOINTMENT OF MARK MARTINEZ

The President declared the question before the Senate to be the confirmation of Mark Martinez, Gubernatorial Appointment No. 9045, as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of Mark Martinez, Gubernatorial Appointment No. 9045, as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Padden

Excused: Senator Carrell

Mark Martinez, Gubernatorial Appointment No. 9045, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

MOTION

On motion of Senator Rivers, Senator Padden was excused.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Roger Olstad, Gubernatorial Appointment No. 9053, be confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

Senator Chase spoke in favor of the motion.

APPOINTMENT OF ROGER OLSTAD

The President declared the question before the Senate to be the confirmation of Roger Olstad, Gubernatorial Appointment No. 9053, as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of Roger Olstad, Gubernatorial Appointment No. 9053, as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Roger Olstad, Gubernatorial Appointment No. 9053, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Calvin Pearson, Gubernatorial Appointment No. 9058, be confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF CALVIN PEARSON

The President declared the question before the Senate to be the confirmation of Calvin Pearson, Gubernatorial Appointment No. 9058, as a member of the Board of Trustees, Bates Technical College District No. 28.

The Secretary called the roll on the confirmation of Calvin Pearson, Gubernatorial Appointment No. 9058, as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Calvin Pearson, Gubernatorial Appointment No. 9058, having received the constitutional majority was declared

confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

MOTION

At 3:21 p.m., on motion of Senator Schoesler, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:16 p.m. by President Owen.

PARLIAMENTARY INQUIRY

Senator Fain: "What order of consideration are we in?"

REPLY BY THE PRESIDENT

President Owen: "Sixth order."

SECOND READING

SENATE BILL NO. 5330, by Senators Hargrove, Shin and Hill

Improving student achievement and student outcomes.

MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5330 was substituted for Senate Bill No. 5330 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hill moved that the following amendment by Senators Hill and Hargrove be adopted:

On page 3, line 31, after "28A.180.080" strike "and section 12 of this act"

On page 18, line 23, after "funding" insert "to the extent funds are specifically appropriated for this purpose,"

Senators Hill and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hill and Hargrove on page 3, line 31 to Second Substitute Senate Bill No. 5330.

The motion by Senator Hill carried and the amendment was adopted by voice vote.

MOTION

Senator Frockt moved that the following amendment by Senator Frockt and others be adopted:

On page 6, line 34, after "school year.", insert "Districts shall receive the funds allocated in excess of an average class size of 25.23 for grades K-3 only to the extent that the district documents a class size between 25.23 and the class size funded in the biennial operating budget."

Senators Frockt and Litzow spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt and others on page 6, line 34 to Second Substitute Senate Bill No. 5330.

The motion by Senator Frockt carried and the amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe and others be adopted:

On page 20, after line 1, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 28A.155 RCW to read as follows:

(1) The office of the superintendent of public instruction must establish interagency agreements with the department of social and health services, the department of services for the blind, and any other state agency that provides high school transition services for students with disabilities. The purpose of the interagency agreements is to foster effective multiagency collaboration to provide transition services for students with disabilities age fourteen through twenty-one, or through high school graduation, whichever occurs first. Interagency agreements are also intended to streamline services and programs, promote efficiencies, and establish a uniform focus on improved outcomes related to self-sufficiency. This subsection does not require transition services plan development in addition to what exists on the effective date of this section.

(2) The office of the superintendent of public instruction must collaborate with the professional educator standards board to build into existing and ongoing educator requirements that special education teachers and school psychologists receive training to be appropriately prepared to address the transition needs of students with disabilities.

(3) To the extent that data is available through data-sharing agreements established by the education data center under RCW 43.41.400, the education data center must monitor the following outcomes for students with disabilities after high school graduation:

(a) The number of students who, within one year of high school graduation:

(i) Enter integrated employment paid at the greater of minimum wage or competitive wage for the type of employment, with access to related employment and health benefits; or

(ii) Enter a postsecondary education or training program focused on leading to integrated employment;

(b) The wages and number of hours worked per pay period;

(c) The impact of employment on any state and federal benefits for individuals with disabilities;

(d) Indicators of the types of settings in which students who previously received transition services primarily reside;

(e) Indicators of improved economic status and self-sufficiency;

(f) Data on those students for whom a postsecondary or integrated employment outcome does not occur within one year of high school graduation, including:

(i) Information on the reasons that the desired outcome has not occurred;

(ii) The number of months the student has not achieved the desired outcome; and

(iii) The efforts made to ensure the student achieves the desired outcome.

(4) To the extent that the data elements in subsection (3) of this section are not available to the education data center through data-sharing agreements, the office of the superintendent of public instruction must attempt to collect the data through a single communication after the student's graduation.

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(5) The office of the superintendent of public instruction must prepare an annual report on the data and outcomes in subsection (3) of this section and submit the report to the legislature."

Senators McAuliffe and Litzow spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe and others on page 20, after line 1 to Second Substitute Senate Bill No. 5330.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 6 of the title, after "43.09 RCW;" insert "adding a new section to chapter 28A.155 RCW;"

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Litzow, Mullet and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5330.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5330 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5237, by Senators Dammeier, Litzow, Rivers, Tom, Fain, Hobbs, Hatfield and Carrell

Establishing accountability for student performance in third grade. Revised for 2nd Substitute: Establishing accountability for student performance in reading.

MOTION

On motion of Senator Dammeier, Second Substitute Senate Bill No. 5237 was substituted for Senate Bill No. 5237 and the

second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others be adopted:

On page 7, line 6, after "the" strike "2015-16" and insert "2020-21"

Senators Kohl-Welles and Rolfes spoke in favor of adoption of the amendment.

Senator Dammeier spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and others on page 7, line 6 to Second Substitute Senate Bill No. 5237.

The motion by Senator Kohl-Welles failed and the amendment was not adopted by voice vote.

MOTION

Senator Rolfes moved that the following amendment by Senators Rolfes and Dammeier be adopted:

On page 7, beginning on line 12, after "include" strike all material through "option," on line 17 and insert ":

(i) Retention in the third grade; or

(ii) Promotion to fourth grade with an intensive remedial program provided, supported, or contracted by the school district, which includes a summer program or other option identified by the parents, teacher, or principal as appropriately meeting the student's needs in preparation for the fourth grade.

(b) Following participation in a district summer program or other remedial option,"

Senators Rolfes and Dammeier spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rolfes and Dammeier on page 7, line 12 to Second Substitute Senate Bill No. 5237.

The motion by Senator Rolfes carried and the amendment was adopted by voice vote.

MOTION

Senator Conway moved that the following amendment by Senators Conway and McAuliffe be adopted.

On page 9, after line 3, insert the following:

NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2013, in the omnibus appropriations act, this act is null and void."

On page 1, beginning on line 5 of the title, after "creating" strike the remainder of the title and insert "new sections."

Senators Conway, Frockt, Rolfes, Billig and McAuliffe spoke in favor of adoption of the amendment.

Senators Dammeier, King, Schoesler and Tom spoke against adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Conway and

McAuliffe on page 9, after line 3 to Second Substitute Senate Bill No. 5237.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Conway and McAuliffe and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Excused: Senator Carrell

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier, Rolfes, Tom, Billig and Mullet spoke in favor of passage of the bill.

Senator McAuliffe spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5237.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Dammeier, Eide, Ericksen, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Conway, Darneille, Fraser, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray and Nelson

Excused: Senator Carrell

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5244, by Senators Litzow, Dammeier, Ranker, Hobbs, Harper, Hatfield, Delvin, Tom, Hewitt, Schoesler, Smith and Mullet

Regarding school suspensions and expulsions.

MOTION

On motion of Senator Litzow, Second Substitute Senate Bill No. 5244 was substituted for Senate Bill No. 5244 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following amendment by Senator Padden and others be adopted:

On page 3, line 30, after "corrective action." insert "Where warranted based on public health or safety, a school district may petition the superintendent of public instruction, pursuant to policies and procedures adopted by the superintendent of public instruction, for authorization to exceed the one calendar year limitation provided in this subsection."

Senator Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden and others on page 3, line 30 to Second Substitute Senate Bill No. 5244.

The motion by Senator Padden carried and the amendment was adopted by voice vote.

MOTION

Senator Rolfes moved that the following amendment by Senators Rolfes and Litzow be adopted:

On page 10, after line 18, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 28A.600 RCW to read as follows:

(1) School districts should make efforts to have suspended or expelled students return to the educational setting they were suspended or expelled from as soon as possible. School districts should convene a school reentry meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion to discuss a plan to reenter and reengage the student in a school program.

(2) In developing a reentry and reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reentry and reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reentry meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 10, after line 28, insert the following:

"NEW SECTION. Sec. 8. Nothing in chapter . . . , Laws of 2013 (this act) prevents a public school district, law enforcement agencies, or law enforcement personnel from enforcing laws protecting health and human safety. Such laws encompass crimes that include, but are not limited to, prohibitions against possession of firearms or other dangerous weapons; gang activity; abusing or insulting teachers; willfully disobeying school administrative personnel or refusing to leave public property; disturbing school, school activities, or meetings; intimidating any administrator, teacher, classified employee, or student by threat of force or violence; or interfering by force or violence with any administrator, teacher, classified employee, person under contract with the school

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or school district, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies."

Senators Rolfes and Litzow spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rolfes and Litzow on page 10, after line 18 to Second Substitute Senate Bill No. 5244.

The motion by Senator Rolfes carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "28A.300.507;" strike the remainder of the title and insert "adding a new section to chapter 28A.600 RCW; and creating new sections."

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow, McAuliffe and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5244.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5244 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5243, by Senators Litzow, Dammeier, Tom, Harper, Hobbs, Delvin, Hewitt, Padden, Mullet and Shin

Establishing policies to support academic acceleration for high school students.

MOTION

On motion of Senator Dammeier, Second Substitute Senate Bill No. 5243 was substituted for Senate Bill No. 5243 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others be adopted:

On page 4, line 15, after "education;" strike "and"

On page 4, line 16, after "(e)" insert "Students who successfully complete a course through the running start program under RCW 28A.600.300 and are awarded credit by a partnering institution of higher education; and

(f)"

On page 4, beginning on line 21, after "school." strike all material through "section." on line 23

Senators Hargrove and Dammeier spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 4, line 15 to Second Substitute Senate Bill No. 5243.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier, Mullet and McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Frockt, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5243.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5243 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5491, by Senators McAuliffe, Litzow, Kohl-Welles, Dammeier, Frockt, Nelson, Rolfes, Chase, Eide, Cleveland, Rivers, Hobbs, Fain, Hewitt, Murray, Kline, Billig and Conway

Establishing statewide indicators of educational health.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5491 was substituted for Senate Bill No. 5491 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted:

On page 1, line 10, after "coordinating" strike "training"

Senators McAuliffe and Litzow spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 1, line 10 to Substitute Senate Bill No. 5491.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Substitute Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5491.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5794, by Senators Dammeier, Ranker, McAuliffe, Honeyford, Eide and Litzow

Concerning alternative learning experience courses.

MOTIONS

On motion of Senator Dammeier, Second Substitute Senate Bill No. 5794 was substituted for Senate Bill No. 5794 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Second Substitute Senate Bill No. 5794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Ranker spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Holmquist Newbry was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5794.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5794 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Hargrove, Murray and Nelson

Excused: Senators Carrell, Holmquist Newbry and Shin

SECOND SUBSTITUTE SENATE BILL NO. 5794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:51 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Thursday, March 7, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 7, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Shelbie Sessen and Emily Arras, presented the Colors. Senator Schlicher offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2013

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1017,
- SUBSTITUTE HOUSE BILL NO. 1071,
- SUBSTITUTE HOUSE BILL NO. 1075,
- HOUSE BILL NO. 1112,
- SUBSTITUTE HOUSE BILL NO. 1141,
- HOUSE BILL NO. 1154,
- HOUSE BILL NO. 1218,
- SUBSTITUTE HOUSE BILL NO. 1244,
- SUBSTITUTE HOUSE BILL NO. 1309,
- SUBSTITUTE HOUSE BILL NO. 1323,
- HOUSE BILL NO. 1419,
- SUBSTITUTE HOUSE BILL NO. 1498,
- SECOND SUBSTITUTE HOUSE BILL NO. 1764,
- SUBSTITUTE HOUSE BILL NO. 1821,
- SUBSTITUTE HOUSE BILL NO. 1886,
- SUBSTITUTE HOUSE BILL NO. 1889,
- HOUSE BILL NO. 1896,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2013

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1027,
- SUBSTITUTE HOUSE BILL NO. 1140,
- SUBSTITUTE HOUSE BILL NO. 1172,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1199,
- HOUSE BILL NO. 1227,
- HOUSE BILL NO. 1243,
- SUBSTITUTE HOUSE BILL NO. 1261,
- SUBSTITUTE HOUSE BILL NO. 1285,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
 SUBSTITUTE HOUSE BILL NO. 1525,
 HOUSE BILL NO. 1547,
 SUBSTITUTE HOUSE BILL NO. 1594,
 HOUSE BILL NO. 1631,
 SECOND SUBSTITUTE HOUSE BILL NO. 1663,
 SECOND SUBSTITUTE HOUSE BILL NO. 1671,
 SECOND SUBSTITUTE HOUSE BILL NO. 1723,
 HOUSE BILL NO. 1724,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5866 by Senators Hargrove and Hatfield

AN ACT Relating to extending the sales and use tax exemption for hog fuel used to produce electricity, steam, heat, or biofuel; amending RCW 82.08.956 and 82.12.956; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.136 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5867 by Senators Baumgartner, Ericksen and Holmquist Newbry

AN ACT Relating to the number of judges on the state supreme court; adding a new section to chapter 2.04 RCW; creating new sections; repealing RCW 2.04.070; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1001 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Moeller, Pedersen, Hunt, Clibborn, Green, Van De Wege, Fitzgibbon, Lytton, Appleton, Maxwell, Tharinger, Ormsby, Riccelli, Pollet and Jinkins)

AN ACT Relating to beer and wine theater licenses; amending RCW 66.20.300 and 66.20.310; adding a new section to chapter 66.24 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1003 by Representatives Moeller, Cody, Morrell, Pedersen, Hunt, Clibborn, Green, Van De Wege, Fitzgibbon, Lytton, Appleton and Jinkins

AN ACT Relating to disciplinary actions against the health professions license of the subject of a department of social and health services' finding; amending RCW 18.130.050;

adding a new section to chapter 18.130 RCW; and providing an effective date.

Referred to Committee on Health Care.

SHB 1048 by House Committee on Higher Education (originally sponsored by Representatives Seaquist and Haler)

AN ACT Relating to higher education governance; amending RCW 28A.150.510, 28B.10.630, 28B.50.903, 28B.67.010, 28B.76.335, 28B.76.340, 28B.76.670, 28B.77.003, 28B.77.010, 28B.77.020, 28B.77.070, 28B.105.020, 28B.105.030, 28B.115.100, 28B.115.150, 28B.117.020, 28B.117.030, 28B.118.040, 28B.145.010, 28B.145.030, 28B.145.050, 28B.145.060, and 28B.145.070; reenacting and amending RCW 28B.15.068, 28B.118.010, 43.88.230, and 44.04.260; reenacting RCW 43.330.310; adding new sections to chapter 28B.77 RCW; recodifying RCW 28B.76.335 and 28B.76.340; repealing RCW 44.04.360, 44.04.362, and 44.04.364; and providing an expiration date.

Referred to Committee on Higher Education.

ESHB 1083 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Appleton, Roberts, Jinkins, Freeman and Hunt)

AN ACT Relating to solemnizing marriages; and amending RCW 26.04.050.

Referred to Committee on Law & Justice.

HB 1175 by Representatives Nealey, Haler, Klippert, Walsh, Schmick, Fagan and Ryu

AN ACT Relating to increasing the number of superior court judges in Benton and Franklin counties jointly; amending RCW 2.08.064; and creating a new section.

Referred to Committee on Law & Justice.

HB 1207 by Representatives Haigh, Takko and Ryu

AN ACT Relating to cemetery district formation requirements; and amending RCW 68.52.100 and 68.52.170.

Referred to Committee on Governmental Operations.

2SHB 1217 by House Committee on Finance (originally sponsored by Representatives Takko, Haigh and Ryu)

AN ACT Relating to strengthening the integrity, fairness, and equity in Washington's property assessment system; and amending RCW 84.48.150.

Referred to Committee on Governmental Operations.

SHB 1270 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Schmick, Green, Harris, Cody and Ryu)

AN ACT Relating to making the board of denturists the disciplining authority for licensed denturists; amending RCW 18.30.030, 18.30.065, 18.30.090, 18.30.095, 18.30.130, and 18.30.135; reenacting and amending RCW 18.130.040 and

18.130.040; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

SHB 1271 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Johnson, Morrell, Green, Harris, Cody, Ryu and Tharinger)

AN ACT Relating to the practice of denturism; amending RCW 18.30.010; adding a new section to chapter 18.30 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 1286 by Representatives Sawyer, Dahlquist, McCoy, Clibborn, Jinkins, Ryu, Lias, Zeiger, Tharinger, Santos and Pollet

AN ACT Relating to the sale or exchange of unused department of transportation lands to federally recognized Indian tribes; and amending RCW 47.12.080.

Referred to Committee on Transportation.

HB 1311 by Representatives Chandler, Sells and Moscoso

AN ACT Relating to making coverage of certain maritime service elective for purposes of unemployment compensation; amending RCW 50.24.160 and 50.04.170; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1330 by Representatives Moeller, Harris, Green, Cody, Tharinger, Pettigrew, Appleton, Springer, Roberts, Kagi, Pollet, Moscoso and Morrell

AN ACT Relating to allowing dental hygienists and dental assistants to provide certain services under the supervision of a dentist; amending RCW 18.29.050, 18.29.056, and 18.260.040; and adding a new section to chapter 18.29 RCW.

Referred to Committee on Health Care.

SHB 1343 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Cody, Johnson, Moeller, Walsh, Morrell, Schmick, Green and Moscoso)

AN ACT Relating to the additional surcharge imposed on registered nurses and licensed practical nurses; amending RCW 43.70.110 and 43.70.250; repealing RCW 18.79.2021; and declaring an emergency.

Referred to Committee on Health Care.

HB 1351 by Representatives Condotta and Hurst

AN ACT Relating to identifying wineries, breweries, and microbreweries on private labels; and reenacting and amending RCW 66.28.310.

Referred to Committee on Commerce & Labor.

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HB 1359 by Representatives Van De Wege, Buys, Hunt and Pollet

AN ACT Relating to the state archivist; and amending RCW 40.14.020.

Referred to Committee on Governmental Operations.

EHB 1394 by Representatives Reykdal, Manweller, Sells, Hunt, Green, Van De Wege and Appleton

AN ACT Relating to changing the employment security department's settlement authority; amending RCW 50.24.020; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

EHB 1400 by Representatives Bergquist, Kochmar and Jinkins

AN ACT Relating to clarifying that service includes electronic distribution of hearing notices and orders in administrative proceedings; and amending RCW 34.05.434, 34.05.461, and 34.05.010.

Referred to Committee on Law & Justice.

HB 1404 by Representatives Liias, Walsh, Goodman, Roberts and Jinkins

AN ACT Relating to prevention of alcohol poisoning deaths; amending RCW 66.44.270; and creating a new section.

Referred to Committee on Law & Justice.

SHB 1409 by House Committee on Health Care & Wellness (originally sponsored by Representatives Tharinger, Schmick, Cody, Clibborn, Ross and Jinkins)

AN ACT Relating to the requirements of allopathic physician licensure; amending RCW 18.71.050, 18.71.055, and 18.71.095; and adding a new section to chapter 18.71 RCW; and repealing RCW 18.71.051.

Referred to Committee on Health Care.

ESHB 1432 by House Committee on Finance (originally sponsored by Representatives Stanford, Hope, Moscoso, Springer, Hayes, Roberts, McCoy, Liias, Kristiansen and Sells)

AN ACT Relating to county property tax levies; and amending RCW 71.20.110 and 73.08.080.

Referred to Committee on Ways & Means.

HB 1436 by Representatives Rodne, Pedersen, Shea and Jinkins

AN ACT Relating to privileging and professional conduct reviews by health care professional review bodies; amending RCW 7.71.030; and reenacting and amending RCW 70.41.200.

Referred to Committee on Law & Justice.

SHB 1456 by House Committee on Government Operations & Elections (originally sponsored by Representatives Hunt, Moscoso, Seaquist, Blake, Riccelli, Reykdal, Stanford, Fitzgibbon and Bergquist)

AN ACT Relating to pretax payroll deductions for qualified transit and parking benefits; and amending RCW 41.04.230.

Referred to Committee on Governmental Operations.

ESHB 1480 by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Schmick, Cody, Harris and Jinkins)

AN ACT Relating to providing prescription drugs by direct practice providers; amending RCW 48.150.040; and reenacting and amending RCW 48.150.010.

Referred to Committee on Health Care.

EHB 1483 by Representatives Hunt, Johnson, Appleton, Pollet, Reykdal, Moscoso, Van De Wege, Alexander, McCoy, Ryu, Kagi and Jinkins

AN ACT Relating to public and private airport parking facilities; adding a new section to chapter 47.68 RCW; and creating a new section.

Referred to Committee on Transportation.

EHB 1493 by Representatives Springer, Warnick, Hansen, Short, Orcutt, Tharinger, Seaquist, Zeiger, Hunt, Wilcox, Nealey, Morrell, Moscoso, Liias, Stanford, Hudgins, Green, Pettigrew, Moeller, Appleton, Ryu, Bergquist and Stonier

AN ACT Relating to the property taxation of mobile homes and park model trailers; amending RCW 46.44.170; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 1538 by Representatives Morrell, Angel, Green, Ryu, Jinkins and Pollet

AN ACT Relating to the safe practice of public health nurses dispensing certain medications; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Health Care.

SHB 1541 by House Committee on Health Care & Wellness (originally sponsored by Representatives Klippert, Cody, Schmick, Green, Harris, Chandler, Kristiansen, Morrell, Ryu, Angel, Jinkins, Van De Wege and Pollet)

AN ACT Relating to expanding the types of medications that a public or private school employee may administer to include nasal spray; and amending RCW 28A.210.260 and 28A.210.270.

Referred to Committee on Early Learning & K-12 Education.

SHB 1582 by House Committee on Business & Financial Services (originally sponsored by Representatives Ryu, Warnick, Santos, Kirby and Moscoso)

AN ACT Relating to credit unions' corporate governance, investments, and capital; and amending RCW 31.12.005, 31.12.195, 31.12.225, 31.12.235, 31.12.285, 31.12.365, 31.12.426, 31.12.436, 31.12.438, 31.12.461, and 31.12.630.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1609 by Representatives Schmick, Cody and Ryu

AN ACT Relating to the board of pharmacy; amending RCW 18.50.115, 18.53.010, 18.64.001, 18.64.003, 18.64.005, 18.64.009, 18.64.044, 18.64.046, 18.64.047, 18.64.140, 18.64.160, 18.64.165, 18.64.200, 18.64.205, 18.64.245, 18.64.246, 18.64.255, 18.64.257, 18.64.310, 18.64.360, 18.64.390, 18.64.410, 18.64.420, 18.64.450, 18.64.470, 18.64.480, 18.64.490, 18.64.500, 18.64.510, 18.64A.010, 18.64A.020, 18.64A.025, 18.64A.030, 18.64A.040, 18.64A.050, 18.64A.060, 18.64A.070, 18.64A.080, 18.92.012, 18.92.013, 18.92.015, 51.36.010, 64.44.010, 69.04.565, 69.04.730, 69.38.010, 69.38.060, 69.40.055, 69.41.010, 69.41.075, 69.41.080, 69.41.180, 69.41.210, 69.41.240, 69.41.250, 69.41.280, 69.41.310, 69.43.010, 69.43.020, 69.43.030, 69.43.035, 69.43.040, 69.43.043, 69.43.048, 69.43.050, 69.43.060, 69.43.090, 69.43.100, 69.43.105, 69.43.110, 69.43.130, 69.43.140, 69.43.165, 69.43.180, 69.45.010, 69.45.020, 69.45.060, 69.45.080, 69.45.090, 69.50.201, 69.50.203, 69.50.205, 69.50.207, 69.50.208, 69.50.209, 69.50.210, 69.50.211, 69.50.213, 69.50.214, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.305, 69.50.306, 69.50.308, 69.50.310, 69.50.312, 69.50.320, 69.50.402, 69.50.501, 69.50.504, 69.50.507, 69.50.508, 69.50.601, 69.51.030, 69.51.040, 69.51.050, 69.51.060, 69.60.020, 69.60.040, 69.60.060, 69.60.080, 69.60.090, 70.24.280, 70.54.140, 70.106.150, 70.127.130, 70.225.020, and 82.04.272; reenacting and amending RCW 18.64.011, 18.64.080, 18.130.040, 18.130.040, 28B.115.020, and 42.56.360; adding a new section to chapter 69.50 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

SHB 1629 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Schmick, Jinkins, Tharinger, Green, Pollet, Morrell, Santos and Ryu)

AN ACT Relating to eliminating barriers to credentialing and continuing education as a home care aide; amending RCW 18.88B.021, 74.39A.341, and 70.128.230; reenacting and amending RCW 18.20.270; adding a new section to chapter 18.88B RCW; and providing an expiration date.

Referred to Committee on Health Care.

SHB 1635 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Cody, Jinkins, Ryu and Pollet)

AN ACT Relating to disproportionate share hospital adjustments; and amending RCW 74.09.730.

Referred to Committee on Ways & Means.

HB 1660 by Representatives Hansen, Cody, Clibborn, Green, Morrell, Riccelli and Ryu

AN ACT Relating to convening a work group to develop a standardized clinical affiliation agreement for clinical placements associated with the education of physicians and nurses; adding a new section to chapter 43.70 RCW; and providing an expiration date.

Referred to Committee on Health Care.

EHB 1733 by Representatives Riccelli, Hawkins, Bergquist, Alexander, Fitzgibbon, Buys, Tarleton, Manweller, Vick, Reykdal, Sawyer, Sells, Springer, Ryu, Clibborn, Angel, Jinkins, Maxwell, Pollet, Farrell, Moscoso, Ormsby, Morrell and Magendanz

AN ACT Relating to transparency in state capital and transportation budget appropriations and expenditures; amending RCW 44.48.150; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1752 by House Committee on Transportation (originally sponsored by Representatives Orcutt, Clibborn and Ryu)

AN ACT Relating to requirements for the operation of commercial motor vehicles in compliance with federal regulations; amending RCW 46.01.130, 46.25.010, 46.25.010, 46.25.050, 46.25.060, 46.25.070, 46.25.075, 46.25.080, 46.25.100, 46.25.130, 46.25.160, 46.61.667, and 46.61.668; adding new sections to chapter 46.25 RCW; and providing an effective date.

Referred to Committee on Transportation.

SHB 1814 by House Committee on Transportation (originally sponsored by Representatives Ryu, Clibborn, Johnson, Angel, Freeman, Zeiger, Bergquist, Reykdal, Lias, Moeller, Morris, Farrell and Fey)

AN ACT Relating to the agency council on coordinated transportation; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

HB 1860 by Representatives Alexander, Haigh, Ryu and Fey

AN ACT Relating to continuing the use of the legislature's sunset review process; amending RCW 43.131.900; creating a new section; and providing an expiration date.

Referred to Committee on Governmental Operations.

HB 1861 by Representatives Ormsby, Sells, Appleton, Ryu and Freeman

AN ACT Relating to down payment assistance for single-family homeownership; amending RCW 43.180.050; and declaring an emergency.

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Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1863 by Representatives Stonier, Chandler, Sells, Haler, Fitzgibbon, Ross, Bergquist, Goodman, Carlyle, Hope, Reykdal, Ormsby, Stanford, Green, Ryu, Pollet and Freeman

AN ACT Relating to allowing the department of labor and industries to provide information about scholarships available to children and spouses of certain injured or deceased workers; adding a new section to chapter 42.52 RCW; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Commerce & Labor.

HB 1937 by Representatives Ross, Jinkins, Angel, Green, Harris, Cody, Morrell, Hope, Ryu, Schmick and Moscoso

AN ACT Relating to prohibiting a person from selling or giving a vapor product designed solely for smoking or ingesting tobacco to a minor; and amending RCW 26.28.080.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5866 which was referred to the Committee on Ways & Means.

MOTION

At 10:08 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:48 a.m. by President Owen.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 11:48 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:33 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION
8630

By Senator Schoesler

WHEREAS, The State of Washington has a long history of agricultural sustainability and the production of many highly valued crops; and

WHEREAS, Washington is home to a forty-six billion dollar food and agriculture industry that has played a significant role in creating one hundred sixty thousand jobs and currently stands at over thirteen percent of the state's economy; and

WHEREAS, Washington agriculture maintains a strong national and global trade presence and is a national leader in exporting highly sought products to the world's largest foreign markets; and

WHEREAS, The agricultural industry has demonstrated its continuous dedication to domestic trade and local development by providing its abundant products to wholesale and retail markets around the country while also sustaining strong community markets and working to provide nutritious food to assist Washington's most vulnerable citizens; and

WHEREAS, The food processing industry is a vital component of agriculture and works in tandem with farmers to extend the shelf life of Washington's food and ensure that domestic and international consumers receive attractive, marketable, and safe food products from the state's agricultural industry; and

WHEREAS, High-quality agricultural research has provided leadership in discovering and applying knowledge that contributes to a safe and abundant food, fiber, and energy supply while enhancing the sustainability of agricultural and natural resource systems; and

WHEREAS, The importance of a positive governmental relationship with the agricultural community was recognized from Washington's earliest days as a territory, with agricultural laws passed during the Territorial Assembly's first session in 1854; and

WHEREAS, In 1913, the Department of Agriculture was created to implement laws and regulations and facilitate the growth of the agricultural industry in Washington State; and

WHEREAS, After a century, the Department of Agriculture continues to be relevant in response to the changing needs of the state and the agricultural community by including responsibilities that provide solutions to modern day industry challenges and embracing continuous quality improvement principles and respect for people in order that the citizens and agricultural industry across the state receive a high return on their investment;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate hereby recognize and commend the partnership between the agricultural industry and the Department of Agriculture and their collective commitment to ensure the health and safety of Washington's citizens, crops, livestock, and environment; and

BE IT FURTHER RESOLVED, That the members of the Washington State Senate acknowledge the extraordinary history and heritage of the Department of Agriculture and join it in celebrating its one hundredth anniversary on June 10, 2013, which honors the Department and the agricultural community for their service to the state's citizens, economy, and environment.

Senators Schoesler, Honeyford and Hatfield spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8630.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Department of Agriculture who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President. Members and colleagues, you received today, there on your desks or in your office, a survey from me asking you for your feedback and your input on a number of different senate services that are provided. It would greatly, your responses are going to be shared with the entire F & O Committee. The intent behind the survey is try to do a better job in the areas that you think we need to do a better job, whatever areas those might be. So, I just want to impress upon colleagues to please take the few moments, maybe ten minutes tops that it takes to complete that, get it back to us and we will provide you and the Committee and anybody that would like a summary of those results. It's hard for stay on course or correct course in any organization if you're not soliciting feedback from the people that operate within that organization. So, this is an attempt to try to get your feedback on what you think and what you feel that we're doing well in or what we're not doing well in. And so I want to encourage you to take a few moments to share with me your thoughts on the things that you're interested in. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President, I haven't really looked through the questionnaire, speaking on the questionnaire. As a member of the Senate Facilities and Operations Committee and actually the Ranking Member for the Democratic side. I'd just like to notify the senate members that this is not a questionnaire from the F & O Committee. This, the F & O Committee has not met since mid-January and the F & O Committee has not met on this questionnaire. We've never talked about it and so I think it should be treated as a questionnaire from a member. I personally do not think that the title of a Chair should be used unless your acting in the capacity as Chair, where you've talked to the members of the committee. So, I think this should be taken as a request from one member. Thank you."

PERSONAL PRIVILEGE

Senator Roach: "Thank you Mr. President. I would like to inform the body that as Chair of the Governmental Operations Committee, I don't ask every member of the Committee nor do I ask every member of my caucus before I set agendas and move forward on certain issues. If you're the Chair, you're the Chair. You're chair, you don't necessarily have to, you are charged with leading. I don't know about the questionnaire but I welcome it. There's some new things that are going on here that are costing the taxpayer's money that I certainly don't support and I'm looking forward to handing the questionnaire back in. I think when a person's a Chair, we all understand what that means and I think trivial remarks about it really don't help the body. Thank you."

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President, I would like to note that this is an administrative committee as opposed to a policy committee and the questionnaire was not developed on a bi-partisan basis."

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5048, by Senators Sheldon, Benton and Hargrove

Concerning notice against trespass.

The measure was read the second time.

MOTION

Senator Kline moved that the following amendment by Senator Kline be adopted:

On page 2, line 27, after "restricted" strike "or" and insert "and"

On page 2, at the beginning of line 29, insert

"(a)"

On page 2, at the beginning of line 30, strike "(a)" and insert

"(i)"

On page 2, at the beginning of line 32, strike "(b)" and insert

"(ii)"

On page 2, at the beginning of line 34, strike "(c)" and insert

"(iii)"

On page 2, after line 37, insert the following:

"(b) Effective August 15, 2013, a landowner must use signs and fluorescent orange paint for posting in a conspicuous manner. After August 15, 2018, a landowner may use signs or fluorescent orange paint for posting in a conspicuous manner."

Senator Kline spoke in favor of adoption of the amendment.

Senators Sheldon and Roach spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 27 to Senate Bill No. 5048.

The motion by Senator Kline failed and the amendment was not adopted by voice vote.

MOTION

Senator Kline moved that the following amendment by Senator Kline be adopted:

On page 2, line 27, after "restricted" strike "or" and insert ", and"

On page 2, at the beginning of line 29, insert the following:

"(a)"

On page 2, at the beginning of line 30, strike "(a)" and insert

"(i)"

On page 2, at the beginning of line 32, strike "(b)" and insert

"(ii)"

On page 2, at the beginning of line 34, strike "(c)" and insert

"(iii)"

On page 2, after line 37, insert the following:

"(b) A landowner must post signs at the entrance of roads located on private property.

(c) Effective August 15, 2013, a landowner must use signs and fluorescent orange paint for posting in a conspicuous manner.

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After August 15, 2018, a landowner may use signs or fluorescent orange paint for posting in a conspicuous manner."

Senator Kline spoke in favor of adoption of the amendment.
Senator Sheldon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 27 to Senate Bill No. 5048.

The motion by Senator Kline failed and the amendment was not adopted by voice vote.

MOTION

Senator Sheldon moved that the following amendment by Senators Sheldon, Darneille and Padden be adopted:

On page 2, at the beginning of line 29, insert

"(a)"

On page 2, at the beginning of line 30, strike "(a)" and insert

"(i)"

On page 2, at the beginning of line 32, strike "(b)" and insert "(ii)"

On page 2, at the beginning of line 34, strike "(c)" and insert "(iii)"

On page 2, after line 37, insert the following:

"(b) A landowner must use signs for posting in a conspicuous manner on access roads."

Senators Sheldon and Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sheldon, Darneille and Padden on page 2, line 29 to Senate Bill No. 5048.

The motion by Senator Sheldon carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Frockt, Hasegawa, Kline, Kohl-Welles, McAuliffe, Murray, Nelson and Ranker

ENGROSSED SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5523, by Senators Benton and Roach

Concerning the property taxation of mobile homes and park model trailers.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5523 was substituted for Senate Bill No. 5523 and the substitute bill was placed on the second reading and read the second time.

Senator Benton spoke in favor of the substitute bill.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5523.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5523 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Dammeier, Darneille, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Conway, Fraser, Frockt, Hasegawa, Kline, Kohl-Welles, McAuliffe and Rolfes

SUBSTITUTE SENATE BILL NO. 5523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5416, by Senators Bailey, Schlicher, Becker and Keiser

Concerning prescription information.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5416 was substituted for Senate Bill No. 5416 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Keiser spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5416.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5416 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Parlette

SUBSTITUTE SENATE BILL NO. 5416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5465, by Senators Dammeier, Schlicher, Becker, Keiser and McAuliffe

Concerning exemptions from licensure as a physical therapist.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, Senate Bill No. 5465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5465.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5465 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5496, by Senators Braun, Fain, Hatfield, Hargrove, Dammeier, Chase and Kohl-Welles

Authorizing approval of online school programs in private schools.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5496.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5496 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5753, by Senators Hobbs, Tom, Hewitt, King and McAuliffe

Providing flexibility in the education system.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5753 was substituted for Senate Bill No. 5753 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Litzow moved that the following striking amendment by Senator Litzow be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.520 and 2005 c 12 s 9 are each amended to read as follows:

To the extent funds are available, public school districts must comply with high-performance public ((building(s))) buildings requirements under RCW 39.35D.010, 39.35D.020, 39.35D.040, 39.35D.060, and 28A.150.530.

Sec. 2. RCW 28A.210.080 and 2007 c 276 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of

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compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with access to information about meningococcal disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with access to information about human papillomavirus disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available.

Sec. 3. RCW 28A.300.118 and 2000 c 126 s 1 are each amended to read as follows:

(1) Beginning with the 2000-01 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact information of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the 2000-01 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the availability of programs in the local area that

lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. The information may be included with other information the school regularly mails to parents. In addition, each senior high school and any other public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities.

(3) This section is suspended until July 1, 2015.

Sec. 4. RCW 28A.300.150 and 2006 c 263 s 705 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and ~~((community, trade, and economic development))~~ commerce shall share relevant information. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 5. RCW 28A.300.160 and 1995 c 399 s 21 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall be the lead agency and shall assist the department of social and health services, the department of ~~((community, trade, and economic development))~~ commerce, and school districts in establishing a coordinated primary prevention program for child abuse and neglect.

(2) In developing the program, consideration shall be given to the following:

(a) Parent, teacher, and children's workshops whose information and training is:

(i) Provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;

(ii) Culturally and linguistically appropriate to the population served;

(iii) Appropriate to the geographic area served; and

(iv) Designed to help counteract common stereotypes about child abuse victims and offenders;

(b) Training for school age children's parents and school staff, which includes:

(i) Physical and behavioral indicators of abuse;

(ii) Crisis counseling techniques;

(iii) Community resources;

(iv) Rights and responsibilities regarding reporting;

(v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and

(vi) Caring for a child's needs after a report is made;

(c) Training for licensed day care providers and parents that includes:

(i) Positive child guidance techniques;

(ii) Physical and behavioral indicators of abuse;

(iii) Recognizing and providing safe, quality day care;

(iv) Community resources;

(v) Rights and responsibilities regarding reporting; and

(vi) Caring for the abused or neglected child;

(d) Training for children that includes:

(i) The right of every child to live free of abuse;

(ii) How to disclose incidents of abuse and neglect;

(iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The office of the superintendent of public instruction shall not require annual training under subsection (2) of this section. The office of the superintendent of public instruction may consider offering training every four years, except for new employees who shall receive training within the first year of their hire date. School districts are encouraged to work with private or nonprofit entities that have the ability to provide the appropriate training for staff in accordance with this section.

(4) The primary prevention program established under this section shall be a voluntary program and shall not be part of the basic program of education.

~~((4))~~ (5) Parents shall be given notice of the primary prevention program and may refuse to have their children participate in the program.

Sec. 6. RCW 28A.300.405 and 2000 c 210 s 4 are each amended to read as follows:

(1) Consistent with the legislative findings in RCW 28A.300.390, the legislature shall establish the Washington civil liberties public education program. The program provides grants for the purpose of establishing a legacy of remembrance as part of a continuing process of recovery from the World War II exclusion and detention of individuals of Japanese ancestry. The program is created to do one or both of the following:

~~((1))~~ (a) Educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter; and

~~((2))~~ (b) Develop videos, plays, presentations, speaker bureaus, and exhibitions for presentation to elementary schools, secondary schools, community colleges, and to other interested parties.

(2) This section is suspended until July 1, 2015.

Sec. 7. RCW 28A.300.410 and 2000 c 210 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall allocate grants under the program established in RCW 28A.300.390 through 28A.300.415 from private donations or within amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(2) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(3) The superintendent of public instruction shall select grant recipients from applicants who meet all of the following criteria:

(a) The capability to administer and complete the proposed project within specified deadlines and within the specified budget;

(b) The experience, knowledge, and qualifications necessary to conduct quality educational activities regarding the exclusion and detention of Japanese-Americans during World War II;

(c) Projects that relate the Japanese-American exclusion and detention experience with civil rights included in the Declaration of Independence and the Constitution so that this event may be illuminated and understood in order to prevent similar violations of civil rights in the future;

(d) Projects that are designed to maximize the long-term educational impact of this chapter;

(e) Projects that build upon, contribute to, and expand upon the existing body of educational and research materials on the exclusion and detention of Japanese-Americans during World War II; and

(f) Projects that include the variety of experiences regarding the exclusion and detention of Japanese-Americans and its impact before, during, and after World War II including those Japanese-Americans who served in the military and those who were interned in department of justice camps.

(4) Applicants for grants under the program are encouraged to do each of the following:

(a) Involve former detainees, those excluded from the military area, and their descendants in the development and implementation of projects;

(b) Develop a strategy and plan for raising the level of awareness and understanding among the American public regarding the exclusion and detention of Japanese-Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood;

(c) Develop a strategy and plan for reaching the broad, multicultural population through project activities;

(d) Develop local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts;

(e) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors to maximize the effect of grants;

(f) Utilize creative and innovative methods and approaches in the research, development, and implementation of their projects;

(g) Seek matching funds, in-kind contributions, or other sources of support to supplement their proposal;

(h) Use a variety of media, including new technology, and the arts to creatively and strategically appeal to a broad audience while enhancing and enriching community-based educational efforts;

(i) Include in the grant application, scholarly inquiry related to the variety of experiences and impact of the exclusion and detention of persons of Japanese ancestry during World War II; and

(j) Add relevant materials to or catalogue relevant materials in libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

(5) The superintendent of public instruction may adopt other criteria as it deems appropriate for its review of grant proposals. In reviewing projects for funding, scoring shall be based on an evaluation of all application materials including narratives, attachments, support letters, supplementary materials, and other materials that may be requested of applicants.

(6)(a) In the review process, the superintendent of public instruction shall assign the following order of priority to the criteria set forth in subsection (3) of this section:

(i) Subsection (3)(a) through (d) of this section, inclusive, shall be given highest priority; and

(ii) Subsection (3)(e) ~~((through (and)))~~ and (f) of this section, inclusive, shall be given second priority.

(b) The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill its program and mission. Final grant awards may be for the full amount of the grant requests or for a portion of the grant request.

(7) The superintendent of public instruction shall determine the types of applicants eligible to apply for grants under this program.

(8) The office may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts,

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grants, or endowments or income from public or private sources according to their terms.

(9) Except to the extent private funds are available, this section is suspended until July 1, 2015.

Sec. 8. RCW 28A.300.520 and 2009 c 578 s 9 are each amended to read as follows:

(1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) To the extent funds are available, the superintendent shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

(3) This section is suspended until July 1, 2015.

Sec. 9. RCW 28A.640.020 and 1994 c 213 s 1 are each amended to read as follows:

(1) The superintendent of public instruction shall develop ~~((regulations))~~ rules and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(a) Specifically with respect to public school employment, all schools shall be required to:

(i) Maintain credential requirements for all personnel without regard to sex;

(ii) Make no differentiation in pay scale on the basis of sex;

(iii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(iv) Provide the same opportunities for advancement to males and females; and

(v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic

activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/participation in specific sports.

(d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audio-visual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) By December 31, 1994, the superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws. The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment policy shall be conspicuously posted throughout each school building, and provided to each employee. Employees may be provided the policy online. A copy of the policy shall appear in any publication of the school or school district setting forth the rules, ~~((regulations))~~ procedures, and standards of conduct for the school or school district.

(e) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

(f) The office of the superintendent of public instruction shall not require annual training to address the policies of this section. Training may be offered every four years, except for new employees who shall receive training within the first year of their hire date.

(g) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

Sec. 10. RCW 28A.655.061 and 2011 1st sp.s. c 22 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the statewide student assessment, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and, if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school statewide student assessment shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the statewide student assessment at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of 2015, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the statewide student assessment or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the statewide student assessment up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the statewide student assessment up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and

technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the statewide student assessment. A student's score on the science portion of the ACT or the science subject area tests of the SAT may be used as an objective alternative assessment under this section as soon as the state board of education determines that sufficient data is available to identify reliable equivalent scores for the science content area of the statewide student assessment. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the statewide student assessment. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the statewide student assessment. A score of three on the AP examination in biology, physics, chemistry, or environmental science may be used as an alternative assessment for the science portion of the statewide student assessment.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

((12) To help assure continued progress in academic achievement as a foundation for high school graduation and to

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assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

- (a) The student's results on the state assessment;
- (b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;
- (c) Any credit deficiencies;
- (d) The student's attendance rates over the previous two years;
- (e) The student's progress toward meeting state and local graduation requirements;
- (f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;
- (g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;
- (h) The alternative assessment options available to students under this section and RCW 28A.655.065;
- (i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and
- (j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.)

Sec. 11. RCW 39.35D.040 and 2011 c 99 s 2 are each amended to read as follows:

(1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by RCW 39.35D.020(5)(b). The

superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The superintendent of public instruction shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings advisory committee comprised of affected public schools, the superintendent of public instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction implement this chapter.

(6) For projects that comply with this section by meeting the LEED silver standard, the superintendent of public instruction must credit one additional point for a project that uses wood products with a credible third-party sustainable forest certification or from forests regulated under chapter 76.09 RCW, the Washington forest practices act. For projects that qualify for this additional point, and for which an additional point would have resulted in formal certification under the LEED silver standard, the project must be deemed to meet the requirements of subsection (1) of this section.

(7) School districts are required to comply with this section only to the extent federal or state funds are available.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) RCW 28A.210.130 (Immunization program--Superintendent of public instruction to provide information) and 1990 c 33 s 197 & 1985 c 49 s 4;
- (2) RCW 28A.220.050 (Information on proper use of left-hand lane) and 1986 c 93 s 4;
- (3) RCW 28A.220.080 (Information on motorcycle awareness) and 2007 c 97 s 4 & 2004 c 126 s 1;
- (4) RCW 28A.220.085 (Information on driving safely among bicyclists and pedestrians) and 2008 c 125 s 4;
- (5) RCW 28A.230.150 (Temperance and Good Citizenship Day--Aids in programming) and 1969 ex.s. c 223 s 28A.02.090;
- (6) RCW 28A.300.280 (Conflict resolution program) and 1994 sp.s. c 7 s 611; and
- (7) RCW 28A.320.185 (School gardens or farms) and 2008 c 215 s 7.

NEW SECTION. Sec. 13. Sections 3 and 6 through 8 of this act expire July 1, 2015.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Litzow spoke in favor of adoption of the striking amendment.

MOTION

Senator Hobbs moved that the following amendment by Senators Hobbs and Litzow to the striking amendment be adopted:

Beginning on page 1, line 9 of the amendment, strike all of section 2

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 4, line 4 of the amendment, strike all of sections 5 through 9

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 17, beginning on line 32 of the amendment, after "(1)" strike all material through "(2)" on line 35

Renumber the remaining subsections consecutively.

On page 18, beginning on line 3 of the amendment, after "(4)" strike all material through "(5)" on line 5

Renumber the remaining subsections consecutively.

On page 18, beginning on line 6 of the amendment, after "28A.02.090;" strike all material through "(7)" on line 9 and insert "and

(6)"

Senators Hobbs and Litzow spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hobbs and Litzow on page 1, line 9 to the striking amendment to Substitute Senate Bill No. 5753.

The motion by Senator Hobbs carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Tom moved that the following amendment by Senators Tom and Hobbs to the striking amendment be adopted.

On page 17, after line 29, insert the following:

"Sec. 11. RCW 28A.345.020 and 1969 ex.s. c 223 s 28A.61.020 are each amended to read as follows:

The membership of the school directors' association (~~shall~~) may comprise the members of the boards of directors of the school districts of the state.

Sec. 12. RCW 28A.345.050 and 1983 c 187 s 2 are each amended to read as follows:

The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed twenty-seven cents for each one thousand dollars of the statewide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each member school district shall be due and payable on the first day of January of each year."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 18, line 19 of the title, after "28A.300.520," insert "28A.345.020, 28A.345.050,"

Senator Tom spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Parlette spoke against adoption of the amendment to the striking amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tom and Hobbs on

page 17, after line 29 to the striking amendment to Substitute Senate Bill No. 5753.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Tom and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Benton, Braun, Brown, Carrell, Ericksen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Litzow, Padden, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Bailey, Becker, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Keiser, King, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Rolfes, Schlicher and Shin

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Litzow as amended to Substitute Senate Bill No. 5753.

The motion by Senator Litzow carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending RCW 28A.150.520, 28A.210.080, 28A.300.118, 28A.300.150, 28A.300.160, 28A.300.405, 28A.300.410, 28A.300.520, 28A.640.020, 28A.655.061, and 39.35D.040; repealing RCW 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, 28A.230.150, 28A.300.280, and 28A.320.185; providing an expiration date; and declaring an emergency."

On page 18, beginning on line 17 of the title amendment, after "28A.150.520," strike all material through "28A.300.280," on line 21 and insert "28A.300.118, 28A.300.150, 28A.655.061, and 39.35D.040; repealing RCW 28A.220.050, 28A.220.080, 28A.230.150,"

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5753 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5753.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5753 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray,

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Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Ericksen, Frockt, Hasegawa and Mullet
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Brown, Carrell, Ericksen, Hewitt, Holmquist Newbry, Honeyford, Padden, Parlette, Pearson, Schoesler, Sheldon and Smith

SUBSTITUTE SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5332, by Senators Roach, Nelson, Rolfes, Conway, Fain and Delvin

Modifying the percentage of votes required to approve benefit charges for fire protection districts. Revised for 1st Substitute: Modifying the percentage of votes required to continue benefit charges for fire protection districts.

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, I don't know if it's worth spending any time on but to me semantics have some importance in this process. We use this term 'adopted.' You're not adopting the substitute. Merely what you're doing is saying is your saying is, you're going to consider this bill instead of the original bill. Until the bill is passed it's not adopted."

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5332 was substituted for Senate Bill No. 5332 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Mullet and Hasegawa spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

SECOND READING

SENATE BILL NO. 5105, by Senators Dammeier, Harper and Pearson

Asserting conditions under which the department of corrections provides rental vouchers to a registered sex offender. Revised for 2nd Substitute: Addressing conditions under which the department of corrections provides rental vouchers to an offender.

The measure was read the second time.

PARLIAMENTARY INQUIRY

Senator Benton: "Is the substitute bill, was the substitute adopted in the committee or did we adopt the substitute here on the floor?"

MOTION

On motion of Senator Dammeier, Second Substitute Senate Bill No. 5105 was not substituted for Senate Bill No. 5105 and the second substitute bill was not adopted by a voice vote.

REPLY BY THE PRESIDENT

President Owen: "The committee adopts it as a recommendation to the floor, then the floor adopts the substitute. When I say adopt the substitute they place it before you."

MOTION

Senator Dammeier moved that the following striking amendment by Senators Carrell, Dammeier and Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.729 and 2011 1st sp.s. c 40 s 4 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. The department may approve a jail certification from a correctional agency that calculates earned release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence.

PARLIAMENTARY INQUIRY

Senator Benton: "Ok, we've adopted it here on the floor?"

REPLY BY THE PRESIDENT

President Owen: "Yes."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5332.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rivers, Roach, Rolfes, Schlicher, Shin and Tom

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The

department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. ~~((The))~~ A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of section 2 of this act. A rental voucher may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall ~~((include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision))~~ gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 72.09 RCW to read as follows:

(1) A housing provider may be placed on a list with the department to receive rental vouchers under RCW 9.94A.729 in accordance with the provisions of this section.

(2) The department shall give preference to housing providers that provide a small, family oriented, living environment. For living environments with between four and eight beds, or a greater number of individuals if permitted by local code, the department shall provide transition support that verifies an offender is participating in programming or services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, development of positive living skills, or employment programming. In addition, when selecting housing providers, the department shall consider the compatibility of the proposed offender housing with the surrounding neighborhood and underlying zoning. The department shall adopt procedures to limit the concentration of housing providers who provide housing to sex offenders in a single neighborhood or area.

(3)(a) The department shall provide the local law and justice council or other designated county authority, and a city's chief law enforcement officer if such housing is located within a city, with notice any time a housing provider or new housing location is added to the list within that county.

(b) The notice shall include a community impact statement that has been developed in collaboration with the county and city local governments. The community impact statement shall include the number and location of other special needs housing in the neighborhood and a review of services and supports in the area to assist offenders in their transition. When developing the community impact statement, the department shall utilize information gathered and provided by the local government to the extent that it is available.

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(4) If a certificate of inspection, as provided in RCW 59.18.125, is required by local regulation and the local government does not have a current certificate of inspection on file, the local government shall have ten business days from the later of (a) receipt of notice from the department as provided in subsection (3) of this section; or (b) from the date the local government is given access to the dwelling unit to conduct an inspection or reinspection to issue a certificate. This section is deemed satisfied if a local government does not issue a timely certificate of inspection.

(5)(a) If, within ten business days of receipt of a notice from the department of a new location or new housing provider, the county or city determines that the housing is in a neighborhood with an existing concentration of special needs housing, including retirement homes, assisted living, emergency or transitional housing, or adult family homes, the county or city may request the new location or new housing provider be removed from the list.

(b) This subsection does not apply to housing providers approved by the department to receive rental vouchers on the effective date of this section.

(6) The county or city may at any time request a housing provider be removed from the list if it provides information to the department that:

(a) It has determined that the housing does not comply with state and local fire and building codes or applicable zoning and development regulations in effect at the time the housing provider first began receiving housing vouchers; or

(b) The housing provider is not complying with the provisions of this section.

(7) After receiving a request to remove a housing provider from the county or city, the department shall immediately notify the provider of the concerns and request that the provider demonstrate that it is in compliance with the provisions of this section. If, after ten days' written notice, the housing provider cannot demonstrate to the department that it is in compliance with the reasons for the county's or city's request for removal, the department shall remove the housing provider from the list.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for assisting a housing provider in the removal of an offender from the premises as provided in this section.

(9) A housing provider who provides housing pursuant to this section is not liable for civil damages arising from the criminal conduct of an offender to any greater extent than a regular tenant, and no special duties are created under this section."

Senator Dammeier spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Carrell, Dammeier and Darneille to Senate Bill No. 5105.

The motion by Senator Dammeier carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "conditions under which the department of corrections provides rental vouchers to an offender; amending RCW 9.94A.729; and adding a new section to chapter 72.09 RCW."

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Senate Bill No. 5105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier, Darneille, Carrell and Harper spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5105.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5105 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5748, by Senator Roach

Extending contribution limits to candidates for public hospital district boards of commissioners.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5748.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5088, by Senators Benton, Rivers, Holmquist Newbry, Honeyford and Becker

Concerning the equal distribution of votes within certain taxing districts. Revised for 1st Substitute: Addressing the establishment of high capacity transportation corridor areas.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5088 was substituted for Senate Bill No. 5088 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Carrell spoke in favor of passage of the bill.

Senators Eide, Cleveland and Murray spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5088.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SUBSTITUTE SENATE BILL NO. 5088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8005, by Senators Hargrove, King, Sheldon, Eide, Hobbs, Hatfield, Benton, Padden, Shin and Chase

Requesting that state route number 117 be designated as the POW/MIA Memorial Highway.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Joint Memorial No. 8005 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Hargrove, Shin and King spoke in favor of passage of the memorial.

MOTION

On motion of Senator Frockt, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8005.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8005 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

SENATE JOINT MEMORIAL NO. 8005, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5329, by Senators Litzow, Hobbs, Fain, Hatfield, Tom, Frockt and Roach

Creating the state superintendent school district. Revised for 2nd Substitute: Assisting persistently lowest-achieving schools to become more accountable.

MOTION

On motion of Senator Litzow, Second Substitute Senate Bill No. 5329 was substituted for Senate Bill No. 5329 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Billig moved that the following amendment by Senators Billig and Litzow be adopted:

On page 2, line 9, after "By" strike "June 1, 2013" and insert "December 1, 2013"

On page 2, line 30, after "28A.657.100" insert ", to the extent state funding is provided to support the process"

On page 12, line 25, after "release" insert "and the required action district has received adequate federal or state funding for three years to implement one of the intervention models as determined by the office of the superintendent of public instruction"

On page 14, after line 23, strike all of section 11 and insert the following:

"NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2013, in the omnibus appropriations act, this act is null and void."

Senators Billig, Litzow and Frockt spoke in favor of adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senators Billig and Litzow on page 2, line 9 to Second Substitute Senate Bill No. 5329.

The motion by Senator Billig carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 4 of the title, after "RCW;" strike the remainder of the title and insert "creating new sections" providing an effective date; and providing an expiration date."

MOTION

Senator Frockt moved that the following amendment by Senator Frockt and others be adopted:

On page 14, after line 27, after "takes effect immediately" insert a new section:

"NEW SECTION. Sec. 12. If a minimum of \$10,000,000 general fund-state appropriation for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2013, in the 2013-15 biennial omnibus appropriations act, this act is null and void."

WITHDRAWAL OF AMENDMENT

On motion of Senator Frockt, the amendment by Senator Frockt and others on page 14, line 27 to Second Substitute Senate Bill No. 5329 was withdrawn.

MOTION

Senator Litzow moved that the following amendment by Senators Litzow and Tom be adopted:

On page 1, beginning on line 1 of the title, after "to" strike all material through "accountable" on line 2, and insert "transforming persistently failing schools"

Senator Litzow spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Litzow and Tom on page 1, line 1 to Second Substitute Senate Bill No. 5329.

The motion by Senator Litzow carried and the amendment was adopted by voice vote.

MOTION

Senator Billig moved that the following striking amendment by Senator Billig be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in 2010 an accountability system was created for the Washington public schools, which was to be implemented in two phases. The first phase used federal guidelines to designate the persistently lowest-achieving schools that were eligible for federal Title I funds to apply for a federal school improvement grant to implement federal intervention strategies to improve student performance. The system was initially voluntary but a required action process was to begin in 2011. The legislature further finds that under the required action process four of the persistently lowest-achieving schools that were on a downward trend were offered the opportunity to use the federal school improvement grants to take required actions. The legislature further finds that the Renton and Onalaska

school districts show promising improvement that other districts can build upon. The legislature intends to implement phase two of the accountability process beginning in the 2013-14 school year with the ten most persistently lowest-achieving schools.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.657 RCW to read as follows:

(1) By June 1, 2013, the office of the superintendent of public instruction must identify the ten most persistently lowest-achieving schools using the student results on the statewide reading and mathematics assessments.

(2) A school district with at least one school identified as one of the ten most persistently lowest-achieving schools shall be designated as a required action district.

(3) The superintendent of public instruction shall provide each required action school district superintendent with written notice by certified mail or personal service of the identification of the school within the district as one of the most persistently lowest-achieving schools causing the district to be designated a required action district.

(4) A district designated as a required action district must notify all parents of students attending a school identified as one of the most persistently lowest-achieving schools in the district, the designation of the district as a required action district, and the process for complying with the requirements in RCW 28A.657.040 through 28A.657.100.

(5) Each required action district designated under this section must follow the process and comply with the requirements in RCW 28A.657.040 through 28A.657.100.

Sec. 3. RCW 28A.657.050 and 2012 c 53 s 10 are each amended to read as follows:

(1) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community. The superintendent of public instruction shall provide a district with assistance in developing its plan if requested. The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal guidelines. After the office of the superintendent of public instruction has approved that the plan is consistent with federal guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of one of the four federal intervention models required for the receipt of a federal school improvement grant, for those persistently lowest-achieving schools that the district will be focusing on for required action. However, a district may not establish a charter school under a federal intervention model without express legislative authority, unless the district is designated a required action district in accordance with section 2 of this act. If a required action district chooses to establish a charter school as the intervention model, then the charter school that is established counts towards the maximum number of charter schools that may be established in accordance with RCW 28A.710.150. The intervention models are the turnaround, restart, school closure, and transformation models. The intervention model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school

district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan;

(b) Submission of an application for a federal school improvement grant or a grant from other federal funds for school improvement to the superintendent of public instruction, except that a district designated as a required action district in accordance with section 2 of this act shall receive the state funds appropriated for this purpose;

(c) A budget that provides for adequate resources to implement the federal model selected and any other requirements of the plan;

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school and how the district intends to address the findings of the academic performance audit; and

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include improving mathematics and reading student achievement and graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, and for a school district designated a required action district in accordance with section 2 of this act after the effective date of this section, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan. For any district applying to participate in a collaborative schools for innovation and success pilot project under RCW 28A.630.104, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 7, 2012, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement an innovation and success plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

(A) The name, address, and telephone number of the school district and its principal representative;

(B) The name, address, and telephone number of the employee organizations and their principal representatives;

(C) A description of the bargaining units involved;

(D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district in the case of a required action district, or the comprehensive needs assessment in the case of a collaborative schools for innovation and success pilot project.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan or innovation and success plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of a federal school improvement grant or a grant from other federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement one of the four federal intervention models. In the case of an innovation and success plan, the court must enter an order selecting the proposal for inclusion in the plan that best responds to the issues raised in the school's comprehensive needs assessment. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of a federal school improvement grant or other federal or state funds for school improvement by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement one of the four federal models in a required action plan.

Sec. 4. RCW 28A.657.050 and 2010 c 235 s 105 are each amended to read as follows:

(1) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community. The superintendent of public instruction shall provide a district with assistance in developing its plan if requested. The school board must conduct a public hearing to allow for comment on a proposed required action

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plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal guidelines. After the office of the superintendent of public instruction has approved that the plan is consistent with federal guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of one of the four federal intervention models required for the receipt of a federal school improvement grant, for those persistently lowest-achieving schools that the district will be focusing on for required action. However, a district may not establish a charter school under a federal intervention model without express legislative authority, unless the district is designated a required action district in accordance with section 2 of this act. If a required action district chooses to establish a charter school as the intervention model, then the charter school that is established counts towards the maximum number of charter schools that may be established in accordance with RCW 28A.710.150. The intervention models are the turnaround, restart, school closure, and transformation models. The intervention model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan;

(b) Submission of an application for a federal school improvement grant or a grant from other federal funds for school improvement to the superintendent of public instruction, except that a district designated as a required action district in accordance with section 2 of this act shall receive the state funds appropriated for this purpose;

(c) A budget that provides for adequate resources to implement the federal model selected and any other requirements of the plan;

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school and how the district intends to address the findings of the academic performance audit; and

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include improving mathematics and reading student achievement and graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, and for a school district designated a required action district in accordance with section 2 of this act after the effective date of this section, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

(A) The name, address, and telephone number of the school district and its principal representative;

(B) The name, address, and telephone number of the employee organizations and their principal representatives;

(C) A description of the bargaining units involved;

(D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of a federal school improvement grant or a grant from other federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement one of the four federal intervention models. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of a federal school improvement grant or other federal or state funds for school improvement by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement one of the four federal models in a required action plan.

Sec. 5. RCW 28A.657.090 and 2010 c 235 s 109 are each amended to read as follows:

A school district must implement a required action plan upon approval by the state board of education. The office of ~~((the))~~ the superintendent of public instruction must provide the required action district with technical assistance and federal school improvement grant funds or other federal funds for school improvement, if available, or state funds, to implement an approved plan. The district must submit a report to the superintendent of public instruction that provides the progress the district is making in meeting the student achievement goals based on the state's assessments, identifying strategies and assets used to solve audit findings, and establishing evidence of meeting plan implementation benchmarks as set forth in the required action plan.

Sec. 6. RCW 28A.657.100 and 2010 c 235 s 110 are each amended to read as follows:

(1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction, in reading and mathematics on the state's assessment over the past three consecutive years; and no longer has a school within the district identified as persistently lowest-achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release, the ~~((district remains in required action and must submit a new or revised plan under the process in RCW 28A.657.050))~~ office of the superintendent of public instruction shall review the actions taken in accordance with the required action process and create a new three-year plan with the school district board of directors to be implemented by the office of the superintendent of public instruction using a management structure chosen by the superintendent of public instruction.

(4) If at the end of the three-year plan instituted in accordance with subsection (3) of this section the state board of education determines that the required action district has not made sufficient improvement as determined by the office of the superintendent of public instruction, the school must be closed and the students assigned to another school, unless there is no viable option to accommodate the students due to lack of capacity or inability to provide equitable access to educational programs and services.

NEW SECTION. Sec. 7. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2014, from the general fund to the office of the superintendent of public instruction for equal distribution to each of the ten school districts identified in section 2 of this act to implement this act.

NEW SECTION. Sec. 8. Section 3 of this act expires June 30, 2019.

NEW SECTION. Sec. 9. Section 4 of this act takes effect June 30, 2019.

NEW SECTION. Sec. 10. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "accountable;" strike the remainder of the title and insert "amending RCW 28A.657.050, 28A.657.050, 28A.657.090, and 28A.657.100; adding a new section to chapter 28A.657 RCW; creating a new section; making an

appropriation; providing an effective date; providing expiration dates; and declaring an emergency."

Senators Billig and Frockt spoke in favor of adoption of the striking amendment.

Senator Litzow spoke against adoption of the striking amendment.

MOTION

Senator Billig moved that the following amendment by Senator Billig to the striking amendment be adopted:

On page 1, line 22, after "By" strike "June 1, 2013" and insert "December 1, 2013"

On page 2, line 15 , after "28A.657.100" insert ", to the extent state funding is provided to support the process"

On page 10, line 34, after "release" insert "and the required action district has received adequate federal or state funding for three years to implement one of the intervention models as determined by the office of the superintendent of public instruction"

On page 11, after line 23, strike all of section 11 and insert the following:

"NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2013, in the omnibus appropriations act, this act is null and void."

Senator Billig spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Billig on page 1, line 22 to the striking amendment to Second Substitute Senate Bill No. 5329.

The motion by Senator Billig carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Billig as amended to Second Substitute Senate Bill No. 5329.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Billig and Rolfes spoke in favor of the adoption of the striking amendment as amended.

Senator Litzow spoke against adoption of the striking amendment as amended.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Billig as amended was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

MOTION

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There being no objection, the following title amendment was adopted:

POINT OF INQUIRY

On page 12, beginning on line 4 of the title, after "RCW;" strike the remainder of the title and insert "creating new sections; providing and effective date' and providing an expiration date."

Senator Hargrove: "Would Senator Hewitt yield to a question? So can you tell me how they're going to enforce the non-consumption through the spitting?"

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5329 was advanced to third and the bill was placed on final passage.

Senator Hewitt: "I actually can Senator. They have what we call a sip and spit police. They will measure what goes in and what comes out."

Senators Litzow, Billig, Frockt and Mullet spoke in favor of passage of the bill.

Senators Hargrove and Roach spoke against passage of the bill.

Senator Rolfes spoke on final passage of the bill.

Senator Holmquist Newbry spoke in favor of passage of the bill.

Senators McAuliffe and Ranker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5774.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5329.

ROLL CALL

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5774 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Frockt, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Parlette, Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Ranker, Rivers, Rolfes, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Conway, Darneille, Eide, Fraser, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Padden, Ranker, Rolfes and Shin

Voting nay: Senators Carrell, Darneille, Eide, Hargrove, Pearson, Roach and Schlicher

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5774, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

SENATE BILL NO. 5774, by Senators Hewitt, Holmquist Newbry, McAuliffe, Bailey, Keiser, Conway, Schoesler, Kohl-Welles, Mullet and Kline

At 4:19 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

Authorizing applications for a special permit to allow alcohol tasting by persons nineteen and twenty years of age under certain circumstances. Revised for 1st Substitute: Authorizing applications for a special permit to allow alcohol tasting by persons at least eighteen years of age under certain circumstances.

The Senate was called to order at 5:23 p.m. by President Owen.

MOTION

On motion of Senator Billig, Senators Frockt and Shin were excused.

MOTIONS

SECOND READING

On motion of Senator Hewitt, Substitute Senate Bill No. 5774 was substituted for Senate Bill No. 5774 and the substitute bill was placed on the second reading and read the second time.

SENATE BILL NO. 5138, by Senators Parlette and Hargrove

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 5774 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Creating a council on state debt. Revised for 1st Substitute: Addressing the management of state debt.

Senators Hewitt and Conway spoke in favor of passage of the bill.

MOTION

On motion of Senator Parlette, Substitute Senate Bill No. 5138 was substituted for Senate Bill No. 5138 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following striking amendment by Senator Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Washington state uses debt financing to meet many of its essential capital and transportation needs. This debt capacity is limited by the amount of discretionary state government operating and transportation revenues available to repay the debt. A comprehensive approach to manage the state's debt capacity will help guide Washington's policymakers' choices about the amounts, types, and uses of debt financing.

NEW SECTION. Sec. 2. A new section is added to chapter 39.42 RCW to read as follows:

(1) The state finance committee shall advise and make recommendations to the governor and the legislature on the levels and types of state debt to be authorized to fund essential capital and transportation projects while protecting the state's credit rating, maintaining financial market access, and also preserving future budgetary flexibility.

(2) The state finance committee's recommendations must take at least the following into consideration:

(a) The overall amount of all types of debt issued by or on behalf of the state as reflected in the debt affordability study prepared annually by the state treasurer; and

(b) The impact of planned and proposed debt issuance on the state's ability to access the bond market and the cost of those borrowings.

(3) On or before November 1st of each year, they must recommend the following:

(a) The level of various purpose general obligation debt service payments as a percentage of general state revenue;

(b) The level of various purpose general obligation debt to be authorized for the following biennium when taking into account:

(i) Capital needs for that biennium;

(ii) Projected capital needs reflected in the ten-year capital project plan;

(iii) Debt capacity with respect to the constitutional debt limit for that biennium;

(iv) Projected constitutional debt capacity for the following four biennia; and

(v) The economic, revenue, and interest rate forecast;

(c) The amount of other methods of financing, including but not limited to limited obligation debt backed by specific revenues and debt issued pursuant to chapter 39.94 RCW, that is available to fund capital projects when taking into account the factors set forth in (b) of this subsection;

(d) The level of motor vehicle fuel tax general obligation debt service payments as a percentage of current and projected motor vehicle fuel tax revenues, taking into consideration the amount directed to local governments, the amounts needed to pay current debt service, and any other amounts directed to any other lawful source;

(e) The level of motor vehicle fuel tax general obligation debt to be authorized for the following biennium when taking into account:

(i) The transportation needs for the following biennium according to the transportation plan;

(ii) The projected transportation needs as reflected in the transportation plan; and

(iii) The motor vehicle fuel tax capacity available when taking into consideration the amount directed to local governments, the amounts needed to pay current debt service, and any other amounts directed to any other lawful purposes;

(f) The amount of other methods of financing, including but not limited to limited obligation bonds and financings authorized under chapter 47.29 RCW, available to fund transportation projects when taking into account the factors set forth in (e) of this subsection. A maximum level of debt to be authorized in any bond authorization bill required under section 7 of this act for capital projects; and

(g) A maximum level of debt to be authorized in any bond authorization bill required under section 7 of this act for transportation projects.

(4) The state finance committee must evaluate and include in its recommendations, the following:

(a) The combined impact of issuing the proposed debt as identified in the capital plan and transportation plan on the state's cost of capital;

(b) The combined impact of issuing the proposed debt as identified in the capital plan and the transportation plan on the general fund and the motor vehicle fund; and

(c) The percentage of general state revenues and motor vehicle fuel tax revenues to be obligated to the payment of debt service when taking into consideration all relevant factors.

Sec. 3. RCW 43.88.030 and 2006 c 334 s 43 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents must not set forth a proposal that relies on an amount of state debt that exceeds the bond authorization bill required under section 7 of this act. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

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(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, and agency;

(f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures, including debt service required to be paid from any fund for bonds, including payment requirements on projects financed by other methods for the full term of the financing. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service for bonds and payment requirements for projects financed by other methods for the full term of the financing and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.

(5) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium, including debt service required to be paid from any fund for bonds and payment requirements for projects financed by other methods for the full term of the financing;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium, including debt service required to be paid from any fund for bonds and payment requirements for projects financed by other methods for the full term of the financing;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (5), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative evaluation and accountability program committee, and office of financial management.

(6) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 4. RCW 43.88.031 and 1991 c 284 s 2 are each amended to read as follows:

A capital appropriation bill shall include the estimated (~~general fund~~) debt service costs from all funds associated with new capital appropriations contained in that bill for the biennia in which the appropriations occur and for the (~~succeeding two biennia~~) full term of the financing.

Sec. 5. RCW 39.42.070 and 2009 c 500 s 1 and 2009 c 479 s 24 are each reenacted and amended to read as follows:

~~((On or after the effective date of this act,))~~ The treasurer shall compute general state revenues for the (~~three~~) six fiscal years immediately preceding (~~such date~~) the effective date of this section and shall determine the arithmetic mean thereof. As soon as is practicable after the close of each fiscal year thereafter, he or she shall do likewise. In determining the amount of general state revenues, the treasurer shall include all state money received in the treasury from each and every source (~~whatsoever except~~), including moneys received from ad valorem taxes levied by the state and deposited in the general fund in each fiscal year, but not including: (1) Fees and other revenues derived from the ownership or operation of any undertaking, facility or project; (2) moneys received as gifts, grants, donations, aid or assistance or otherwise from the United States or any department, bureau or corporation thereof, or any person, firm or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) moneys to be paid into and received from trust funds (~~including but not limited to moneys received from taxes levied for specific purposes~~) and the several permanent funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) moneys received from taxes levied for specific purposes and required to be deposited for those purposes into specified funds or accounts other than the general fund; and (6) proceeds received from the sale of bonds or other evidences of indebtedness. Upon computing general state revenues, the treasurer shall make and file in the office of the secretary of state, a certificate containing the results of such computations. Copies of said certificate shall be sent to each elected official of the state and each member of the legislature. The treasurer shall, at the same time, advise each elected official and each member of the legislature of the current available debt capacity of the state, and may make estimated projections for one or more years concerning debt capacity.

NEW SECTION. Sec. 6. A new section is added to chapter 43.08 RCW to read as follows:

Each year, the treasurer shall cause to be published a debt affordability study that provides an assessment of the state's current debt portfolio and an analysis of the impact of future debt issuance. The study must include but is not limited to: An overview of the state's outstanding and projected debt; the structure of the debt portfolio; the state's credit rating and peer analysis; the cost of existing debt; sources of funds for interest, principal, or lease payments; and the purposes for which debt instruments and financing contracts are issued. To assist with this work, the office of the state treasurer shall convene and staff a work group to include staff from the fiscal committees of the state house of representatives and state senate and the office of financial management. A copy of the debt affordability study shall be provided to the governor, the legislature, and the state finance committee.

NEW SECTION. Sec. 7. A new section is added to chapter 43.88 RCW to read as follows:

To the extent any budget document or documents set forth a proposal to issue debt, the governor shall also cause to be prepared a bond authorization bill that reflects the amount and type of debt proposed to be issued. In preparing the bond authorization bill, the governor shall take into consideration the state finance committee's recommendations with respect to the level of debt to be issued and not exceed such recommendations.

NEW SECTION. Sec. 8. The following act or parts of acts are each repealed:

- (1) 2011 1st sp.s. c 46 s 1 (uncodified); and
- (2) 2011 1st sp.s. c 46 s 2 (uncodified)."

Senator Parlette spoke in favor of adoption of the striking amendment.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette to the striking amendment be adopted:

On page 10, on line 7, after "to issue debt" insert the following: "not previously authorized"

Senator Parlette spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 10, line 7 to the striking amendment to Substitute Senate Bill No. 5138.

The motion by Senator Parlette carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette as amended to Substitute Senate Bill No. 5138.

The motion by Senator Parlette carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "debt;" strike the remainder of the title and insert "amending RCW 43.88.030 and 43.88.031; reenacting and amending RCW 39.42.070; adding a new section to chapter 39.42 RCW; adding a new section to chapter 43.08 RCW; adding a new section to chapter 43.88 RCW; creating a new section; and repealing 2011 1st sp.s. c 46 ss 1 and 2 (uncodified)."

MOTION

FIFTY THIRD DAY, MARCH 7, 2013

2013 REGULAR SESSION

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute Senate Bill No. 5138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette spoke in favor of passage of the bill.
 Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5138.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Hasegawa
 Excused: Senators Frockt and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5182, by Senators Carrell, Harper, King, Chase, Smith, Eide, Hobbs and Schlicher

Addressing the disclosure of vehicle owner information.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5182 was substituted for Senate Bill No. 5182 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5182.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5182 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senators Frockt and Shin
 SUBSTITUTE SENATE BILL NO. 5182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5843, by Senators Tom, Billig, Hill, Hobbs, Murray, Darneille, Kohl-Welles, Conway and Frockt

Strengthening the review of the legislature's goals for tax preferences by requiring that every new tax preference provide an expiration date and statement of legislative intent.

The measure was read the second time.

MOTION

Senator Tom moved that the following striking amendment by Senators Tom and Billig be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the tax code of Washington state includes tax preferences enacted to achieve a variety of policy goals for the public interest. To measure the effectiveness of a specific tax preference in meeting these goals, the legislature has adopted processes and accountability measures, including such requirements as a tax exemption study in RCW 43.06.400, review by the citizen commission for performance measurement of tax preferences in chapter 43.136 RCW, and taxpayer reporting in chapter 82.32 RCW. In order to make policy choices going forward regarding the best use of limited state resources, the legislature concludes that it is necessary to articulate the legislative intent for each tax preference and enact an expiration date where applicable.

NEW SECTION. Sec. 2. A new section is added to chapter 43.135 RCW to read as follows:

(1) For any bill introduced in either the house of representatives or the senate that adopts a new tax preference or expands or extends an existing tax preference, the bill must include legislative intent provisions, establishing the policy goals and any related metrics that might provide context and/or data for purposes of reviewing the preference under chapter 43.136 RCW.

(2) For purposes of this section, "tax preference" has the same meaning as in RCW 43.136.021.

NEW SECTION. Sec. 3. A new section is added to chapter 82.02 RCW to read as follows:

(1) The legislature must include an expiration date on any applicable tax preference taking effect on or after July 1, 2013.

(2) "Applicable tax preference," for purposes of this section, means any tax preference except for those that clarify an ambiguity or correct a technical inconsistency."

Senators Tom and Billig spoke in favor of adoption of the striking amendment.

Senator Hasegawa spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Tom and Billig to Senate Bill No. 5843.

The motion by Senator Tom carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 3 of the title, after "provide" strike the remainder of the title and insert "a statement of legislative intent and include an expiration date where applicable; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.02 RCW; and creating a new section."

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Senate Bill No. 5843 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Nelson and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5843.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5843 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt and Shin

ENGROSSED SENATE BILL NO. 5843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5709, by Senators Smith, Ericksen, Sheldon, Holmquist Newbry, Dammeier, Brown and Roach

Concerning a pilot program to demonstrate the feasibility of using densified biomass to heat public schools.

MOTION

On motion of Senator Smith, Substitute Senate Bill No. 5709 was substituted for Senate Bill No. 5709 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted:

On page 2, line 32, after "system.", insert the following:

"A second public school must be chosen for the pilot program from a rural county bordering Hood Canal, the Olympic National Park, and southern Puget Sound."

Senators Honeyford and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 32 to Substitute Senate Bill No. 5709.

The motion by Senator Honeyford carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5709 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Smith spoke in favor of passage of the bill.

MOTION

On motion of Senator Harper, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5709.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5709 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt, Nelson and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5709, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5199, by Senators Ericksen and Holmquist Newbry

Concerning de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies.

MOTIONS

On motion of Senator Hatfield, Second Substitute Senate Bill No. 5199 was substituted for Senate Bill No. 5199 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Second Substitute Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5199.

ROLL CALL

FIFTY THIRD DAY, MARCH 7, 2013

2013 REGULAR SESSION

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Dammeier, Darneille, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Chase, Conway, Fraser, Hasegawa, Keiser, Kline and Kohl-Welles

Excused: Senators Frockt, Nelson and Shin

SECOND SUBSTITUTE SENATE BILL NO. 5199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5732, by Senators Carrell, Darneille, Keiser and Pearson

Concerning the adult behavioral health system in Washington state.

MOTIONS

On motion of Senator Carrell, Second Substitute Senate Bill No. 5732 was substituted for Senate Bill No. 5732 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Second Substitute Senate Bill No. 5732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell, Darneille, Hargrove, Keiser, Schlicher and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5732.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5732 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt, Nelson and Shin

SECOND SUBSTITUTE SENATE BILL NO. 5732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1563,
SUBSTITUTE HOUSE BILL NO. 1574,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1651,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1675,
ENGROSSED HOUSE BILL NO. 1677,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5577, by Senator Carrell

Protecting public employees who act ethically and legally.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 5577 was substituted for Senate Bill No. 5577 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Carrell moved that the following amendment by Senators Carrell and Darneille be adopted:

On page 10, line 35, after "if the" strike "auditor" and insert "ethics board"

On page 13, line 33, after "if the" strike "auditor" and insert "ethics board"

On page 14, after line 28, insert the following:

"**Sec. 14.** RCW 42.40.020 and 2008 c 266 s 2 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3) "Good faith" means the individual providing the information or report of improper governmental activity has a reasonable basis in fact for reporting or providing the information. An individual who knowingly provides or reports, or who reasonably ought to know he or she is providing or reporting, malicious, false, or frivolous information, or information that is provided with reckless disregard for the truth, or who knowingly omits relevant information is not acting in good faith.

(4) "Gross mismanagement" means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(5) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(6)(a) "Improper governmental action" means any action by an employee undertaken in the performance of the employee's official duties:

(i) Which is a gross waste of public funds or resources as defined in this section;

(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature;

(iii) Which is of substantial and specific danger to the public health or safety;

(iv) Which is gross mismanagement; or

(v) Which prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless state law or a common law privilege prohibits disclosure. This provision is not meant to preclude the discretion of agency management to adopt a particular scientific opinion or technical finding from among differing opinions or technical findings to the exclusion of other scientific opinions or technical findings. Nothing in this subsection prevents or impairs a state agency's or public official's ability to manage its public resources or its employees in the performance of their official job duties. This subsection does not apply to de minimis, technical disagreements that are not relevant for otherwise improper governmental activity. Nothing in this provision requires the auditor to contract or consult with external experts regarding the scientific validity, invalidity, or justification of a finding or opinion.

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

(7) "Public official" means the attorney general's designee or designees; the director, or equivalent thereof in the agency where the employee works; an appropriate number of individuals designated to receive whistleblower reports by the head of each agency; or the executive ethics board.

(8) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

(9) "Use of official authority or influence" includes threatening, taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment including but not limited to duties and office location, reassignment, reinstatement, restoration, reemployment, performance evaluation, determining any material changes in pay, provision of training or benefits, tolerance of a hostile work environment, or any adverse action under chapter 41.06 RCW, or other disciplinary action.

(10)(a) "Whistleblower" means:

(i) An employee who in good faith reports alleged improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, initiating an investigation by the auditor under RCW 42.40.040; or

(ii) An employee who is perceived by the employer as reporting, whether they did or not, alleged improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, initiating an investigation by the auditor under RCW 42.40.040.

(b) For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means:

(i) An employee who in good faith provides information to the auditor or other public official, as defined in subsection (7) of this section, in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported asserted improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, or to have provided information to the auditor or other public official, as defined in subsection (7) of this section, in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; ~~((or))~~

(ii) An employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so; or

(iii) Any person who is a state employee and who files an ethics complaint as defined in chapter 42.52 RCW."

Renumber the remaining section consecutively and correct any internal references accordingly.

Senators Carrell and Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell and Darneille on page 10, line 35 to Substitute Senate Bill No. 5577.

The motion by Senator Carrell carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "42.52.420," strike "and 42.52.460" and insert "42.52.460, and 42.40.020"

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 5577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5577.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5577 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson,

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Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5378, by Senators Benton, Schoesler, Bailey, Carrell, Becker, Holmquist Newbry, Sheldon, Ericksen and Dammeier

Creating a six-year time frame for substantial building code amendments.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others be adopted:

On page 2, line 14, after "years", insert "except that the codes may be amended more frequently than every six years to account for embodied energy as defined in RCW 19.27A.140 in a building"

On page 3, line 13, after "years", insert "except that the energy code may be amended more frequently than every six years to account for embodied energy as defined in RCW 19.27A.140 in a building"

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 2, line 14 to Senate Bill No. 5378.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Schoesler spoke in favor of passage of the bill.

Senators Fraser and Mullet spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, McAuliffe, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Hasegawa, Keiser, Kline, Kohl-Welles, Mullet, Murray, Nelson and Ranker

Excused: Senators Frockt and Shin

ENGROSSED SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5437, by Senators Padden, Hargrove, Roach, Kline, Sheldon, Pearson and Chase

Regarding boating safety.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5437 was substituted for Senate Bill No. 5437 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5437.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5437 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt and Shin

SUBSTITUTE SENATE BILL NO. 5437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5315, by Senators Becker, Dammeier, Rivers, Padden and Roach

Implementing the recommendations made by the Powell fatality team.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5315 was substituted for Senate Bill No. 5315 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5315 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Becker and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5315.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt and Shin

SUBSTITUTE SENATE BILL NO. 5315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR IMMEDIATE RECONSIDERATION

On motion of Senator Fain, who had voted on the prevailing side, the rules were suspended and the vote by which Engrossed Substitute Senate Bill No. 5577 passed the Senate earlier in the day was immediately reconsidered.

MOTION

On motion of Senator Fain, the rules were suspended and Engrossed Substitute Senate Bill No. 5577 was returned to second reading for the purpose of amendment.

MOTION

On motion of Senator Fain, who had voted on the prevailing side, the rules were suspended and the vote by which the amendment by Senators Carrell and Darneille on page 10, line 35 to Substitute Senate Bill No. 5577 was adopted by the Senate earlier in the day was immediately reconsidered.

Senator Fain spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell and Darneille on page 10, line 35 to Substitute Senate Bill No. 5577.

The motion by Senator Carrell failed and the amendment was not adopted on reconsideration by voice vote.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5577 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5264, by Senators Benton, Mullet, Baumgartner and Sheldon

Concerning the transportation and storage of certain explosive devices.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5264 was substituted for Senate Bill No. 5264 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5264.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt and Shin

SUBSTITUTE SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:05 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, March 8, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTY FOURTH DAY

MORNING SESSION

March 7, 2013

Senate Chamber, Olympia, Friday, March 8, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Nelson.

The Sergeant at Arms Color Guard consisting of Pages Jessica Linde and Holt Maki, presented the Colors. Pastor James Weldon of Minihaha Church of Christ Vancouver offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 2013

MR. PRESIDENT:

The House has passed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1934,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950,
- SUBSTITUTE HOUSE BILL NO. 1968,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2013

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1035,
- SUBSTITUTE HOUSE BILL NO. 1103,
- HOUSE BILL NO. 1157,
- SECOND SUBSTITUTE HOUSE BILL NO. 1195,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1325,
- HOUSE BILL NO. 1326,
- SUBSTITUTE HOUSE BILL NO. 1327,
- SUBSTITUTE HOUSE BILL NO. 1328,
- HOUSE BILL NO. 1402,
- HOUSE BILL NO. 1474,
- HOUSE BILL NO. 1639,
- SUBSTITUTE HOUSE BILL NO. 1740,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1194,
- SUBSTITUTE HOUSE BILL NO. 1260,
- ENGROSSED HOUSE BILL NO. 1267,
- ENGROSSED HOUSE BILL NO. 1279,
- SUBSTITUTE HOUSE BILL NO. 1324,
- SUBSTITUTE HOUSE BILL NO. 1413,
- HOUSE BILL NO. 1442,
- HOUSE JOINT MEMORIAL NO. 4001,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Schlicher moved adoption of the following resolution:

SENATE RESOLUTION

8634

By Senators Schlicher, Mullet, Cleveland, Conway, Darneille, Chase, Kline, Harper, Shin, McAuliffe, Hasegawa, Hatfield, Kohl-Welles, Keiser, Eide, Billig, Rolfes, Hargrove, Nelson, and Fraser

WHEREAS, U.S. Representative Norm Dicks worked consistently and tirelessly for the benefit of Washington state, especially the people of the 6th Congressional District, with great honor and distinction from 1977 to 2012; and

WHEREAS, The district that Representative Dicks' served included all of Clallam, Jefferson, Grays Harbor, and Mason counties and parts of Kitsap and Pierce counties; and

WHEREAS, Representative Dicks was born in 1940 in Bremerton and received his undergraduate degree in political science from the University of Washington, where he pledged Sigma Nu Fraternity, played as a linebacker and guard on the Huskies varsity football team, and also received his Juris Doctor; and

WHEREAS, Representative Dicks served from 1968 to 1976 as an aide to U.S. Senator Warren Magnuson, the only person who has represented the state of Washington for a longer period than Representative Dicks in the U.S. Congress; and

WHEREAS, Representative Dicks was elected to his first term in Congress with seventy-three point forty-eight percent of the vote and was appointed to the U.S. House Appropriations Committee in his first term; and

WHEREAS, Representative Dicks served on the Appropriations subcommittees for Defense, Military Construction, Veterans Affairs, Interior, Environment, and Related Agencies and also served for eight years on the U.S. House Intelligence Committee; and

WHEREAS, Representative Dicks stood tall in Congress as a defender of the environment, receiving many awards including the Ansel Adams Conservation Award in 2008 from The Wilderness Society for work such as fostering the protection of the Puget Sound, working successfully to designate it as a participant in the National Estuary Program, and securing federal funding to study contamination in the Sound, including in Tacoma's Commencement Bay; and

WHEREAS, Representative Dicks worked with Senator Magnuson to pass legislation that bans oil supertankers from Puget Sound; and

WHEREAS, Representative Dicks subsequently cosponsored the original Superfund legislation and strongly promoted the cleanup of radioactive contamination at the Hanford Nuclear Reservation in Central Washington and made a major contribution to the restoration of endangered salmon runs, including removing two dams on the Elwha River and securing more than one billion dollars for the Pacific Coastal Salmon Recovery Fund; and

WHEREAS, Representative Dicks was a firm defender of America's national parks, working to restore funding for them, including supporting the construction of facilities for visitors at Washington state's three national parks and working to preserve the Endangered Species Act, while also obtaining federal aid for affected forest workers and timber communities; and

WHEREAS, Representative Dicks was a staunch supporter of military bases, military families, and defense-related industries in his district and in Washington state and played a critical role in the procurement process that resulted in The Boeing Company winning a thirty-five billion dollar Air Force tanker contract in 2011 that brings eleven thousand jobs to Washington state, worked with U.S. Senator Henry "Scoop" Jackson to build Madigan Army Medical Center, and worked with our congressional delegation to bring the C-17 Globemaster transport planes to Joint Base Lewis-McChord; and

WHEREAS, Representative Dicks championed federal aid for the revitalization of downtown Tacoma, helping restore historic Union Station as a federal courthouse, promoting construction of Interstate 705, advocating for his alma mater to establish a branch campus in the city, promoting the betterment of Bremerton, working with the Navy to build new housing, cochairing the effort to restore the Admiral Theater, supporting waterfront retail and recreational development, and backing the establishment of a passenger-only fast ferry route between Bremerton and Seattle; and

WHEREAS, Representative Dicks led the way to a major settlement with the Puyallup Tribe of Indians over land claims in Pierce county, introducing and passing the federal legislation and securing the federal funding necessary to enact and implement the agreement, clearing up uncertainty over important port, industrial, and residential property, and passing legislation necessary to move the Hoh and Quileute Tribes out of the tsunami zone; and

WHEREAS, Representative Dicks aided the growth of his alma mater, the University of Washington, into a world-class research institution with the support of federal medical and scientific research grants; and

WHEREAS, Representative Dicks served as an inspiration and mentor to numerous men and women who have followed him into public service; and

WHEREAS, Representative Dicks lives near Belfair on the shores of Hood Canal with his wife Suzie, where they have been the proud parents of two sons, Ryan and David, and welcomed their wives and grandchildren into their family; and

WHEREAS, Representative Dicks is an avid fisherman who looks forward in retirement to reeling in salmon from the waters of Neah Bay, Puget Sound, the Strait of Juan de Fuca, and off the coast of Washington state; and

WHEREAS, The Washington state congressional delegation will not be the same without him and he will be sorely missed by his constituents;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington celebrates and commemorates the grand and distinguished legislative, civic, and athletic career of U.S. Representative Norman DeValois "Norm" Dicks; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to U.S. Representative Norm Dicks and members of his family.

Senators Schlicher, Ranker, Sheldon, Fraser, Conway, Parlette, Darneille, Shin, Dammeier and Rolfes spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8634.

The motion by Senator Schlicher carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Owen: "Everybody's telling stories on Norm, well he's a hard core fisherman, I think you might all know. And I've had the privilege fishing with him many times. When we fish, we have a process where you decide whether you're going to take turns when the fish hit; doesn't matter which pole their on or whether you're going to each guard your own rod so I, asked Norm and Norm said 'Well, you just watch your own rod.' So, by the time I had the third fish and he had none he said, 'You know we should be taking turns.' That's a true story by the way."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Norm Dicks family, wife, Susie, sons Ryan and David who were seated in the gallery.

REMARKS BY US CONGRESSMAN NORM DICKS

Norm Dicks: "Thank you Mr. President, Nathan, Jeannie and all of you for presenting this resolution. I love the state of Washington and it's been an honor to serve for forty-four years, eight years with Senator Magnuson and thirty-six years in the House of Representatives. The only other time I was here was with my good friend Joel Pritchard when he was President of the Senate. Joel and I worked together on a bi-partisan basis and I just want to say one thing today. It is so important, both in Washington D. C. and here in Olympia, that we work together. Once the elections over you got to work in the best interest of the people of this state and I have always believed that. Last year in the House of Representatives Chairman Rogers and I, we passed eleven appropriations bills through the committee, regular order, record votes. We wanted to prove that Congress could still work. Now that task has been left to others this year and we have some great new people from our state: Derek Kilmer; Denny Heck; Susan DelBene. We have a great delegation led by Senator Murray and Senator Cantwell. So, I just want to thank the people who did all the work, presented the resolution. Nathan, I wish you the best. And again it has been a wonderful honor to serve the people of this state and we look forward to our retirement but we're still going to be active in trying to move forward on Puget Sound, Hood Canal and the major issues. We're going to take care of that National Park over there in Eastern Washington. Again, I just want to thank you for this resolution. Want to thank my family, my wife Suzie, Ryan and David. Kathy Callison is a relative of ours that is here today and all my friends and my staff. I've had a great staff and you can't get this done without good

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people surrounding you. Tim Thompson, Tom Luis, Kirk Becket are here today, Sarah Crumb and Joe Daccaa and another great friend, Ralph Munro, our Secretary of State. He and I have always had a bi-partisan relationship. We work together on important issues facing our state. Again, I just hope it will be a message that good people can work together to get things done for Washington State. Thank you.”

MOTION

On motion of Senator Fain, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1017 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Morris, Fitzgibbon, Fey, Lias, McCoy, Hudgins, Farrell, Morrell, Ormsby, Upthegrove and Pollet)

AN ACT Relating to creating new efficiency standards; amending RCW 19.260.030, 19.260.040, 19.260.050, and 19.27.170; and reenacting and amending RCW 19.260.020.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1027 by House Committee on Judiciary (originally sponsored by Representatives Moeller and Appleton)

AN ACT Relating to implementing changes to child support based on the child support schedule work group report; amending RCW 26.19.011, 26.19.020, 26.19.065, 26.19.075, and 26.19.090; adding a new section to chapter 26.19 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SHB 1071 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Chandler)

AN ACT Relating to state and private partnerships for managing salmonid hatcheries; amending RCW 77.95.320; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

SHB 1075 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lytton, Blake, Chandler, Haigh and Morris)

AN ACT Relating to the number of Puget Sound Dungeness crab fishery licenses that one vessel may be designated to carry; and amending RCW 77.65.100 and 77.65.130.

Referred to Committee on Natural Resources & Parks.

HB 1112 by Representatives Short, Upthegrove, Springer, Pollet, Taylor, Zeiger and Wilcox

AN ACT Relating to standards for the use of science to support public policy; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

SHB 1140 by House Committee on Judiciary (originally sponsored by Representatives Roberts, Pedersen, Moscoso, Reykdal, Rodne, Appleton, Kagi, Walsh, Warnick, Ryu, Jinkins, Freeman and Fagan)

AN ACT Relating to sibling visitation after a dependency has been dismissed or concluded; adding a new section to chapter 26.10 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1141 by House Committee on Capital Budget (originally sponsored by Representatives Smith, Tharinger, Short, Hunt, Stanford, Warnick and Ryu)

AN ACT Relating to establishing a water pollution control revolving loan administration charge; amending RCW 90.50A.010; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 90.50A RCW; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

HB 1154 by Representatives Upthegrove and Ryu

AN ACT Relating to modifying the definition of nonpower attributes in the energy independence act; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1172 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Hurst and Dahlquist)

AN ACT Relating to children of family day care providers; and adding a new section to chapter 43.215 RCW.

Referred to Committee on Human Services & Corrections.

ESHB 1199 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Chandler, Takko, Buys, Kirby, Orcutt, Lytton, Van De Wege, Nealey, Hudgins, Stanford, Wilcox, Warnick, Ryu, Morrell and Tharinger)

AN ACT Relating to ensuring hunter safety; amending RCW 77.32.155; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

HB 1218 by Representatives Takko, Klippert, Blake, Orcutt, Kirby, Buys, Lytton, Goodman, Kretz, Van De Wege, Nealey, Hudgins, Wilcox, Stanford, Short, Warnick, Haigh and Ryu

AN ACT Relating to department of fish and wildlife license suspensions; and amending RCW 77.15.670.

Referred to Committee on Natural Resources & Parks.

HB 1227 by Representatives Hunt and Reykdal

AN ACT Relating to cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders; and amending RCW 74.20A.320.

Referred to Committee on Law & Justice.

HB 1243 by Representatives Haigh, MacEwen, Blake, Sullivan, Orcutt, Ryu, Maxwell, Upthegrove, Lytton, Van De Wege, Kretz and Warnick

AN ACT Relating to expiration dates affecting the department of natural resources' timber sale program; amending 2009 c 418 s 7 (uncodified); amending 2010 c 126 ss 15 and 16 (uncodified); providing an effective date; and providing expiration dates.

Referred to Committee on Natural Resources & Parks.

SHB 1244 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Stanford, Orcutt, Ryu, Warnick, Maxwell, Blake, Upthegrove, Lytton, MacEwen, Van De Wege, Haigh and Tharinger)

AN ACT Relating to clarifying the department of natural resources' authority to enter into cooperative agreements; and amending RCW 79.10.130.

Referred to Committee on Natural Resources & Parks.

SHB 1261 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Hope and Santos)

AN ACT Relating to the provision of short-term emergency and crisis care for children removed from their homes; amending RCW 74.15.020; adding a new section to chapter 74.15 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1285 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Freeman, Pettigrew, Jinkins, Walsh, Kirby, Orwall, Roberts, Appleton, Seaquist, Ryu, Stanford, Clibborn, Maxwell, Tarleton, Morrell, Pollet and Ormsby)

AN ACT Relating to representation of children in dependency matters; amending RCW 13.34.100 and 13.34.105; and creating new sections.

Referred to Committee on Ways & Means.

ESHB 1294 by House Committee on Environment (originally sponsored by Representatives Van De Wege, Hudgins, Pollet, Maxwell, Hunt, Upthegrove, Tharinger, Fey, Farrell, Moscoso, Hunter, Stanford, Reykdal, Fitzgibbon, Bergquist, Tarleton, Goodman, Kagi, Hansen, Jinkins, Habib, Pedersen, Ryu, Liias, Riccelli, Roberts, Morrell, Clibborn and Ormsby)

AN ACT Relating to flame retardants; amending RCW 70.240.020 and 70.240.010; and adding a new section to chapter 70.240 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1309 by House Committee on Environment (originally sponsored by Representatives Upthegrove, Short, Magendanz, Nealey, Morris, Walsh, Takko, McCoy, Liias, Springer, Pollet and Kagi)

AN ACT Relating to directing state investments of existing litter tax revenues under chapter 82.19 RCW in material waste management efforts without increasing the tax rate; and amending RCW 70.93.020, 70.93.180, and 70.93.200.

Referred to Committee on Ways & Means.

SHB 1323 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lytton, Morris, Blake and Takko)

AN ACT Relating to the sea cucumber dive fishery; and amending RCW 77.70.190, 82.27.020, and 82.27.070.

Referred to Committee on Natural Resources & Parks.

ESHB 1364 by House Committee on Environment (originally sponsored by Representatives Tharinger, Zeiger, Moscoso, Crouse, Liias, McCoy, Fitzgibbon, Upthegrove, Maxwell, Morrell, Pollet and Fey)

AN ACT Relating to adopting the Washington small rechargeable battery stewardship act; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

HB 1419 by Representatives Warnick and Manweller

AN ACT Relating to the Washington state horse park authority; amending RCW 79A.30.030; and creating a new section.

Referred to Committee on Natural Resources & Parks.

ESHB 1448 by House Committee on Health Care & Wellness (originally sponsored by Representatives Bergquist, Ross, Cody, Harris, Green, Rodne, Tharinger, Johnson, Manweller, Magendanz and Morrell)

AN ACT Relating to telemedicine; amending RCW 70.41.020 and 70.41.230; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care.

ESHB 1496 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, McCoy, Hunt, Appleton, Santos, Liias, Riccelli, Dunshee, Stanford, Ormsby and Pollet)

AN ACT Relating to hunting-related enforcement actions involving tribal members; amending RCW 77.04.055 and

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77.15.075; adding a new section to chapter 77.15 RCW; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Natural Resources & Parks.

SHB 1498 by House Committee on Environment (originally sponsored by Representatives Upthegrove, Short and Ryu)

AN ACT Relating to improving reports on electronic waste collection; and amending RCW 70.95N.140.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 1524 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Clibborn, Goodman, Maxwell, Kagi, Orwall, Appleton, Ryu, Ormsby, Jinkins, Fey and Bergquist)

AN ACT Relating to juvenile mental health diversion and disposition strategies; amending RCW 13.40.070, 13.40.080, and 13.40.127; adding a new section to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1525 by House Committee on Judiciary (originally sponsored by Representatives Orwall, Pedersen, Goodman, Hunt, Roberts, Upthegrove, Ryu and Jinkins)

AN ACT Relating to birth certificates and other birth-related information; amending RCW 26.33.330, 26.33.340, 26.33.345, 26.33.020, 70.58.080, 70.58.055, 70.58.095, and 70.58.104; and adding a new section to chapter 26.33 RCW.

Referred to Committee on Human Services & Corrections.

HB 1547 by Representatives Walsh, Kagi, Freeman, Fey, Zeiger, Ryu, Morrell, Roberts, Moscoso and Santos

AN ACT Relating to an entity that provides drop-in educational or recreational programming for school-aged children; and reenacting and amending RCW 43.215.010.

Referred to Committee on Human Services & Corrections.

E2SHB 1563 by House Committee on Capital Budget (originally sponsored by Representatives Farrell, Wylie, McCoy, Orwall, Seaquist, Bergquist, Springer, Pedersen, O'Ban, Kochmar, Moeller, Fitzgibbon, Appleton, Ryu, Stanford, Maxwell, Jinkins, Hunt, Fey, Pollet, Goodman, Habib and Santos)

AN ACT Relating to the disposition of surplus property for the development of affordable housing; amending RCW 47.12.063, 79.11.005, 79A.05.170, 79A.05.175, 81.112.080, 36.34.135, and 39.102.020; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.34 RCW; adding a new chapter to Title 39 RCW; and repealing RCW 43.19.19201, 43.20A.037, 43.63A.510, 47.12.064, and 72.09.055.

Referred to Committee on Transportation.

SHB 1574 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Ryu and Pollet)

AN ACT Relating to investigative costs for residential services and supports programs; adding new sections to chapter 71A.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1594 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Sawyer, Roberts, Zeiger, Walsh, Kagi, Fey, Ryu, Freeman, Appleton, Moscoso and Ormsby)

AN ACT Relating to interviewing children in child protective services investigations; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

HB 1631 by Representatives Tharinger, Johnson, Green, Harris, Cody, Riccelli, Jinkins, Morrell, Appleton, Hope, Maxwell, Pollet, Moscoso, Santos and Ryu

AN ACT Relating to enacting planning measures to provide for the future long-term care services and supports needs of the aging population; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

ESHB 1651 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Walsh, Freeman, Roberts, Farrell, Zeiger, Goodman, Pollet, Sawyer, Appleton, Bergquist, Hunt, Moscoso, Jinkins, Ryu and Morrell)

AN ACT Relating to access to juvenile records; amending RCW 13.50.050 and 10.97.050; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 1652 by House Committee on Local Government (originally sponsored by Representatives Liias, Dahlquist, Takko, Kretz, Clibborn, Condotta, Upthegrove, Springer, Buys and Ryu)

AN ACT Relating to establishing a process for the payment of impact fees through provisions stipulated in recorded covenants; amending RCW 82.02.050 and 36.70A.070; and providing an effective date.

Referred to Committee on Governmental Operations.

2SHB 1663 by House Committee on Finance (originally sponsored by Representatives Tharinger, Nealey, Van De Wege, Johnson, Takko, Blake, Haigh, Kretz, Fey, Hayes, Short, Crouse and Ryu)

AN ACT Relating to extending the sales and use tax exemption for hog fuel used to produce electricity, steam, heat, or biofuel; amending RCW 82.08.956 and 82.12.956; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.136 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

2SHB 1671 by House Committee on Appropriations (originally sponsored by Representatives Farrell, Walsh, Kagi, Green, Sullivan, Jinkins, Pettigrew, Hunt, Ormsby, Stonier, Fitzgibbon, Goodman, Cody, Morrell, Maxwell, Appleton, Wylie, Orwall, Reykdal, Freeman, Riccelli, Fey, Tarleton, Ryu, Pollet, Bergquist and Santos)

AN ACT Relating to child care reform; reenacting and amending RCW 43.215.010; adding new sections to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

ESHB 1675 by House Committee on Judiciary (originally sponsored by Representatives Roberts, Orwall, Goodman, Kirby, Jinkins, Pedersen, Farrell, Kagi, Freeman and Ryu)

AN ACT Relating to improving the adoption process; amending RCW 26.33.190, 26.33.200, 26.33.300, and 43.06A.030; reenacting and amending RCW 74.15.030; and creating a new section.

Referred to Committee on Human Services & Corrections.

EHB 1677 by Representatives Klippert, Morrell, Hope, Cody, Nealey, Walsh, Fagan and Ryu

AN ACT Relating to operators of multiple adult family homes; and amending RCW 70.128.065.

Referred to Committee on Health Care.

2SHB 1723 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Walsh, Farrell, Maxwell, Roberts, Freeman, Goodman, Sawyer, Sullivan, Jinkins, Seaquist, Lytton, Haigh, Hunter, Morrell, Sells, Ryu, Morris, McCoy, Reykdal, Tarleton, Tharinger, Pollet, Fey, Moscoso, Bergquist, Ormsby and Santos)

AN ACT Relating to expanding and streamlining early learning services and programs; amending RCW 43.215.100, 43.215.430, and 43.215.545; reenacting and amending RCW 43.215.010 and 43.215.020; reenacting RCW 43.215.135; adding new sections to chapter 43.215 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1724 by Representatives Roberts, Kagi, Pettigrew, Goodman, Green, Reykdal, Cody, Jinkins, Appleton, Freeman, Moeller, Ryu, Pollet, Moscoso and Bergquist

AN ACT Relating to statements made by juveniles during assessments or screenings for mental health or chemical

dependency treatment; and amending RCW 13.40.020 and 13.40.140.

Referred to Committee on Human Services & Corrections.

2SHB 1764 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Stanford, Blake, Appleton and Dunshee)

AN ACT Relating to geoduck diver licenses; amending RCW 77.65.410; reenacting and amending RCW 79.135.210; adding a new section to chapter 77.65 RCW; adding new sections to chapter 43.30 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1821 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman and Santos)

AN ACT Relating to good cause exceptions during permanency hearings; and amending RCW 13.34.145.

Referred to Committee on Ways & Means.

SHB 1886 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Chandler and Haigh)

AN ACT Relating to the recoverable costs of the department of agriculture under chapter 16.36 RCW; and amending RCW 16.36.025.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SHB 1889 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Chandler and Blake)

AN ACT Relating to the fruit and vegetable district fund; amending RCW 15.17.247; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1896 by Representatives Lytton, Chandler, Blake, MacEwen and Wilcox

AN ACT Relating to enhancing compliance with the responsibilities of fishing guides; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1574 which was referred to the Committee on Health Care.

MOTION

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On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 8006, by Senators Chase, McAuliffe, Nelson, Kohl-Welles, Conway and Parlette

Promoting the use of the Eddie Eagle GunSafe Program in preschools, early learning programs, and schools.

The measure was read the second time.

MOTION

On motion of Senator Chase, the rules were suspended, Senate Joint Memorial No. 8006 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Chase, Schoesler, Roach, Becker, Benton, Carrell and Kline spoke in favor of passage of the memorial.

Senator Frockt spoke against passage of the memorial.

Senator Murray spoke on final passage of the bill.

POINT OF ORDER

Senator Sheldon: "Mr. President, I believe the rules of the Senate direct us to speak only to the bill or memorial that is before us and not about other bills that may have different status."

REPLY BY THE PRESIDENT

President Owen: "That is correct Senator Sheldon. The rules do require that you speak to the measure before you and only to the measure before you. Senator."

Senator Hasegawa spoke against passage of the bill.

MOTION

Senator Hatfield demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Chase, "Shall the main question be now put?"

The demand by Senator Hatfield that the previous question be put carried by voice vote.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8006.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8006 and the memorial passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Padden, Parlette,

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Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Billig, Darneille, Frockt, Hasegawa, Kline, Murray, Ranker and Rolfes

Excused: Senator Nelson

SENATE JOINT MEMORIAL NO. 8006, having received the constitutional majority, was declared passed.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 8, 2013."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through March 8, 2013 by voice vote.

The Senate resumed consideration of Substitute Senate Bill No. 5577 which had been deferred and held on second reading calendar March 7, 2013.

MOTION

Senator Carrell moved that the following amendment by Senators Carrell and Darneille be adopted:

On page 10, beginning on line 31, strike "provided in chapter 42.40 RCW" and insert "afforded to a whistleblower under RCW 42.40.050 and 49.60.210(2), subject to the limitations of RCW 42.40.910"

On page 10, line 35, after "if the" strike "auditor" and insert "ethics board"

On page 13, beginning on line 23, strike all of section 11

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Carrell and Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell and Darneille on page 10, line 31 to Substitute Senate Bill No. 5577.

The motion by Senator Carrell carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "42.52 RCW;" strike "adding new sections" and insert "adding a new section"

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Carrell be adopted:

On page 11, beginning on line 11, after "complaint" strike everything through "RCW" on line 15 and insert "If the investigating ethics board discovers other potential ethics violations during the course of its investigation, it may file a new ethics complaint"

Senators Honeyford and Darneille spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Harper, Senator Hargrove was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Carrell on page 11, line 11 to Substitute Senate Bill No. 5577.

The motion by Senator Honeyford carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 5577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5577.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5577 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Hargrove and Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5641, by Senators Bailey, Carrell and Pearson

Requiring the governor's signature on significant legislative rules.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Becker spoke in favor of passage of the bill.

Senators Hasegawa and Fraser spoke against passage of the bill.

Senator Kline spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5641.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5641 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Hargrove

SENATE BILL NO. 5641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5747, by Senator Roach

Concerning the election of public hospital district boards of commissioners.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5747 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5747.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5747 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Frockt, Murray and Nelson

SENATE BILL NO. 5747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5540, by Senators Parlette, Schlicher, Becker, Bailey, Dammeier, Keiser, Rolfes and Frockt

Expanding opportunities to purchase health care coverage from out-of-state carriers.

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On motion of Senator Parlette, Second Substitute Senate Bill No. 5540 was substituted for Senate Bill No. 5540 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Second Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SECOND SUBSTITUTE SENATE BILL NO. 5540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5213, by Senators Becker, Tom, Bailey, Honeyford and Frockt

Concerning prescription review for medicaid managed care enrollees.

MOTIONS

On motion of Senator Becker, Second Substitute Senate Bill No. 5213 was substituted for Senate Bill No. 5213 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Second Substitute Senate Bill No. 5213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5213.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5213 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway,

Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SECOND SUBSTITUTE SENATE BILL NO. 5213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5045, by Senators Keiser, Honeyford, Kohl-Welles and Frockt

Allowing day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5045 was substituted for Senate Bill No. 5045 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5045.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Carrell, Dammeier, Darneille, Hargrove, Holmquist Newbry, Padden and Pearson

SUBSTITUTE SENATE BILL NO. 5045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5297, by Senators Braun, Ericksen and Carrell

Concerning coal transition power.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5297 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Ericksen, Fain, Fraser, Hasegawa, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Billig, Darneille, Eide, Frockt, Hargrove, Harper, Hill, Kohl-Welles, McAuliffe, Murray and Nelson

SENATE BILL NO. 5297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:05 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5754, by Senators Litzow, McAuliffe, Kohl-Welles, Conway and Kline

Concerning integrated career learning opportunities and employment training for at-risk youth.

MOTIONS

On motion of Senator Litzow, Substitute Senate Bill No. 5754 was substituted for Senate Bill No. 5754 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Litzow, the rules were suspended, Substitute Senate Bill No. 5754 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow, McAuliffe and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5754.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5754 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Becker, Dammeier and Padden
SUBSTITUTE SENATE BILL NO. 5754, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5761, by Senators King and Hobbs

Concerning outdoor advertising sign fees, labels, and prohibitions.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5761 was substituted for Senate Bill No. 5761 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5761.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5761 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Benton, Hatfield, Holmquist Newbry, Honeyford, Padden and Roach

SUBSTITUTE SENATE BILL NO. 5761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5187, by Senators Smith, Becker, Roach, Schoesler and Honeyford

Protecting livestock against predator attacks. Revised for 1st Substitute: Protecting domestic animals against gray wolf attacks.

MOTION

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On motion of Senator Smith, Substitute Senate Bill No. 5187 was substituted for Senate Bill No. 5187 and the substitute bill was placed on the second reading and read the second time.

others' positions on this matter or others. Mr. President, thank you."

MOTION

Senator Ranker moved that the following amendment by Senator Ranker be adopted:

On page 2, line 11, after "animals" strike all material through "permission" and insert "with a permit issued by the department. The department may only issue such a permit after the department has confirmed that livestock or other domestic animals have previously been killed or injured in the area and that preventative or nonlethal control measures have been implemented and proven ineffective"

Senator Ranker spoke in favor of adoption of the amendment.

Senators Schoesler and Smith spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 2, line 11 to Substitute Senate Bill No. 5187.

The motion by Senator Ranker failed and the amendment was not adopted by voice vote.

MOTION

Senator Ranker moved that the following amendment by Senator Ranker be adopted:

On page 2, line 11, after "permission" insert "where the owner has a cooperative agreement currently in effect with the department that includes, at minimum, nonlethal wolf management measures to be taken by the owner and information, assistance, or cost-sharing measures to be provided by the department"

Senators Ranker and Rolfes spoke in favor of adoption of the amendment.

Senator Smith spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 2, line 11 to Substitute Senate Bill No. 5187.

The motion by Senator Ranker failed and the amendment was not adopted by voice vote.

MOTION

Senator Billig moved that the following amendment by Senator Billig be adopted:

On page 2, strike all material from ", and not" on line 14 through "found" on line 17 and insert "on private land. However, the term "owner" refers to the owner of a domestic animal that is a pet animal, as defined under RCW 9.08.065, being attacked or threatened on private or public land"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Billig and Carrell spoke in favor of adoption of the amendment.

Senator Smith spoke against adoption of the amendment.

POINT OF ORDER

Senator Frockt: "Mr. President, I would just respectfully request that obviously a very vigorous and controversy issue that members refrain from impugning motives and characterization of

REPLY BY THE PRESIDENT

President Owen: "Thank you. The President would remind members that rules require that you speak to the issue at hand and not to the motives or the people involved in the, the members involved I might add Senator Frockt. That refers to the members.

outside the members of this body, that's a different story but the President would remind you that the rules are very strict in that area and be cautious about how you craft your remarks."

Senators Mullet and Rolfes spoke in favor of adoption of the amendment.

Senators Pearson and Parlette spoke against adoption of the amendment.

Senator Billig demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Billig on page 2, line 14, to Substitute Senate Bill No. 5187.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Billig and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hill, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

MOTION

Senator Ranker moved that the following amendment by Senator Ranker be adopted:

On page 6, after 21, insert the following:

"NEW SECTION. Sec. 7. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 3 of the title, after "new section;" strike "and prescribing penalties." and insert "prescribing penalties; and providing for submission of this act to a vote of the people."

Senators Ranker and Frockt spoke in favor of adoption of the amendment.

Senators Smith, Sheldon and Schoesler spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 6, after line 21 to Substitute Senate Bill No. 5187.

The motion by Senator Ranker failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Smith, Carrell, Parlette and Pearson spoke in favor of passage of the bill.

Senators Rolfes and Ranker spoke against passage of the bill. Senator Kline spoke on final passage of the bill.

MOTION

On motion of Senator Rivers, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5187.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5187 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Chase, Dammeier, Ericksen, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Smith

Voting nay: Senators Billig, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Harper, Hasegawa, Hill, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Tom

SUBSTITUTE SENATE BILL NO. 5187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. I am rising just to remind everybody here that today there's a celebration of International Women's Day. We know that it began in the early 1900s in various forms around the world. It's been over a hundred years and we can recognize that there's been a great deal of accomplishments for women in our country and in our state and in the world, since then but there are remaining challenges facing women in our society. National Women's Day was first celebrated in 1909 in the United States and in 1911 a new International Women's Day was celebrated in parts of Europe. However, it was just a week later that in New York City the tragedy that's been known as the Triangle Fire occurred in which one hundred forty women, who were locked in a factory in New York City, perished because they could not escape the fire. They were primarily Italian and Jewish immigrants. There have been different forms of International Women's Day over the last one hundred years in many different countries but in our own country starting in 1981 the United States Congress determined that the week of March 8 would be National Women's History Week and 1987 Congress determined that March would be National Women's History Month. We have challenges. We have accomplishments. Around the world ninety-one countries have greater representation in their parliaments or national assemblies or congresses than we do. We rank seventy seventh in the world. So, I'd like to celebrate this day. Every day we take a lot of it for granted but we know that historically there were enormous efforts

with loss of life, women being arrested for protesting that they did not have the right to vote until 1920 in the United States. Thank you."

MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5187 was immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator Keiser: "I also want to acknowledge that this is a day for paying attention to the status of women around the world. I think it's important for us to realize that the status for women in our country is not going forward. In fact, the wage gap between men's and women's wages has actually widened in the last year. It has dropped by a percentage point. In addition, a very concerning health development has occurred in the last few years. Women's longevity is actually dropping in our country. For women under the age of seventy five, the report from the Center for Disease Control now shows that longevity has been reduced in forty three percent of all of the counties in our country. This is a huge reversal in the progress that we had made in both wage gains and health gains and it's a concern. We need to look at what is causing this trend backwards because that's not the way for the future. We should not be having lives that are shorter. We should not be having pay checks that are smaller. It's time to turn around that trend. So, please keep that in mind as we celebrate International Women's Day."

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. I would like to offer a few remarks on the occasion of International Women's Day. We are very fortunate to live in America, in the United States of America. Every woman and every man is very fortunate to live here but on the occasion on a day like this it's worth reflecting on why is it so controversial for women to be alive and live normal lives in so many parts of the world. We've made huge, in terms of our own country, we've made huge advances in the last century but in some other parts of the world, women do not have the right to inherit from their deceased husband and maybe the rest of the family will come in and just take everything and leave her destitute. In many parts of the world, women, girls lack opportunity for education. They lack opportunity for health care. They suffer from institutionally sanctioned violence from which there is really no escape. They often have a lack of job and business opportunities. In some countries they're virtually confined to their homes, can't get around their own communities. In some countries they're prohibited from driving. It's like why is all of this? In the United States, yes, we have lots left to do but we remain a beacon of hope, a beacon of opportunity for so many people around the world. And I think as Americans we should think about the status of women who live with so many troubles in so many parts of the world and we should encourage our, through all the resources that we have, to help and assist and provide models and above all assist in helping women around the world have better living conditions where they need them. Thank you."

PERSONAL PRIVILEGE

Senator Roach: "Thank you Mr. President, I appreciate asking me to take the floor for a second. I wanted to thank Senator Fraser for bringing this forward and I want to thank Senator Kohl-Welles for bringing this forward and thank Senator Fraser

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for speaking so eloquently about it. I agree with the comments. I'm glad to see it in front of us. America is the greatest land in the world and we have a great obligation that goes with that. If you're women or men, we need to be looking at what's happening in the rest of the world. And I think a lot of us try to do that. I wanted to report, to let Senator Fraser know and others, last November I was in Zambia and while there met with the women in Parliament; Believe me, there aren't very many. There are just a few and once they get elected, they never get re-elected. Don't know why. They have six year terms. There are reasons for it. I met with women's group and I will be leading a group of women to Zambia within the next year to help them realize how the future can be for them and for Zambia. But, right now, if you're a women in Zambia you can't own property. You can't own any property. You can't own land. You can't own a car. And so imagine, if you're a man in Parliament and you vote to reverse that, do you think you would get re-elected the next time? Probably not. Every man who wouldn't probably like that is not going to vote for you. So, it's politically very difficult to change that custom. And Zambia is just one country around the world where women do not have the same rights let alone some of the atrocities that are done to women just because they are women. And all the trafficking that we've been talking about here and so forth. But even little things, seemingly little things to us, to be able to inherit something. You know? If you're in a family with all girls nothing comes your way. It goes to a distant cousin. So I wanted to thank everyone for this, International Women's Year is an important thing. And I can remember, by the way Senator Fraser, years ago going to the IWY in Houston, I think that was like 1977. Maybe didn't share a lot of similar views at that time but as we've all grown, in these issues we certainly agree. Thank you Mr. President."

MOTION

Senator Fain moved that the Senate be at ease subject to the call of the President for the purposes of caucuses.

Hearing an objection, the President declared the question before the Senate to be the motion by Senator Fain that the Senate be at ease subject to the call of the President. The motion by Senator Fain carried by voice vote and at 3:21 p.m., the Senate was declared to be at ease subject to the call of the President.

PERSONAL PRIVILEGE

Senator Ranker: "Thank you Mr. President. I want to share something really special with the members of the Senate today. This evening I will be leaving to fly across the country for my father's wedding. He's been with his partner, Sean, for eighteen years and due to the courage of the people of New York and Washington State and Connecticut and Iowa and Maine and Maryland, and Massachusetts and New Hampshire and Vermont and Washington D. C., all loving couples now have the right to be married in those states. Last year we passed historic legislation out of this body and we had an incredibly respectful dialogue when we did so. I want to thank you all again for that and I want to share with the absolute wonderful experience that I am going to have this weekend getting to see my father say, do' to his partner Sean. Thank you."

MOTION

On motion of Senator Fain, the Senate reverted to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8402 by Senators Fain and Frockt

Amending the cutoff resolution.

MOTION

On motion of Senator Fain, under suspension of the rules Senate Concurrent Resolution No. 8402 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators Fain and Frockt

Amending the cutoff resolution.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Frockt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8402.

SENATE CONCURRENT RESOLUTION NO. 8402 was adopted on third reading by voice vote.

SECOND READING

SENATE BILL NO. 5565, by Senators Hargrove, Carrell, Keiser, Harper, Nelson, Kohl-Welles, McAuliffe and Kline

Concerning background checks for individuals seeking a license under chapter 74.13 RCW or unsupervised access to children.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5565 was substituted for Senate Bill No. 5565 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Carrell spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Holmquist Newbry was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5565.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5565 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Holmquist Newbry

SUBSTITUTE SENATE BILL NO. 5565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5256, by Senators Padden and Baumgartner

Concerning the confidentiality of certain autopsy and postmortem reports and records.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5256 was substituted for Senate Bill No. 5256 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5256.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Holmquist Newbry

SUBSTITUTE SENATE BILL NO. 5256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5337, by Senators Pearson, Fraser, Hargrove, Nelson, Smith, Fain, Kline, Hobbs, Shin, Tom and Parlette

Modifying expiration dates affecting the department of natural resources' timber sale program.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Senate Bill No. 5337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5337.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5337 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Holmquist Newbry

SENATE BILL NO. 5337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5476, by Senators Hewitt, Keiser, Conway and Holmquist Newbry

Clarifying the employment status of independent contractors in the news business.

The measure was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 5476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5476.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5476 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

half of the attorneys' fees and costs shall be borne by the administrator for the courts and one half shall be borne by the attorney general"

Excused: Senator Holmquist Newbry

On page 2, after line 24, insert the following:

SENATE BILL NO. 5476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

"NEW SECTION. Sec. 2. A new section is added to chapter 2.08 RCW to read as follows:

SECOND READING

No legal action may be brought by a superior court judge or judges against the state or a county until ninety days have elapsed after the claim has been filed with the attorney general or county prosecuting attorney, as the case may be. For the period of one hundred twenty days following the filing of such a suit, the parties must engage in mediation or other form of alternative dispute resolution to resolve the suit."

SENATE BILL NO. 5715, by Senators Hill, Carrell and Hargrove

Senators Padden and Kline spoke in favor of adoption of the amendment.

Addressing the evasion of taxes by the use of certain electronic means.

The President declared the question before the Senate to be the adoption of the amendment by Senators Padden and Kline on page 1, line 14 to Senate Bill No. 5860.

The measure was read the second time.

The motion by Senator Padden carried and the amendment was adopted by voice vote.

MOTION

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

There being no objection, the following title amendment was adopted:

Senators Hill and Nelson spoke in favor of passage of the bill.

On page 1, line 2 of the title, strike "and"

On page 1, line 2 of the title, after "43.10.030" insert "; and adding a new section to chapter 2.08 RCW"

The President declared the question before the Senate to be the final passage of Senate Bill No. 5715.

MOTION

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

On motion of Senator Padden, the rules were suspended, Engrossed Senate Bill No. 5860 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Senators Padden and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5860.

ROLL CALL

SENATE BILL NO. 5715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5860 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

SECOND READING

SENATE BILL NO. 5860, by Senators Padden and Kline

Addressing legal proceedings by the attorney general on behalf of superior court judges.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

The measure was read the second time.

Voting nay: Senators Frockt and Harper

ENGROSSED SENATE BILL NO. 5860, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

Senator Padden moved that the following amendment by Senators Padden and Kline be adopted:

On page 1, line 14, after "2.56 RCW" and before the semicolon, insert ". In such an action on behalf of superior court judges, one

SENATE BILL NO. 5324, by Senators Honeyford, Fraser and Ericksen

Concerning mosquito abatement in storm water control retention ponds.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5324 was substituted for Senate Bill No. 5324 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 90.03 RCW to read as follows:

(1) A county, city, town, water-sewer district, or flood control zone district constructing, improving, operating, or maintaining storm water control facilities under chapter 35.67, 35.92, 36.89, 36.94, 57.08, or 86.15 RCW that include storm water retention ponds, also known as wet ponds, wet retention ponds, or wet extended detention ponds, as part of a storm water control facility for which the primary function of the pond is to detain storm water, must:

(a) Consider and to the extent possible consistent with department design guidelines, and without compromising the intended function of the storm water retention pond, construct storm water facilities to maintain and control vegetation to minimize mosquito propagation;

(b) Consult with the local mosquito control district, where established, in the development of construction plans that include storm water retention ponds; and

(c) Provide for maintenance and control of vegetation growth in storm water retention ponds to reduce mosquito habitat and inhibit mosquito propagation.

(2) A county, city, town, water-sewer district, or flood control zone district operating or maintaining storm water control facilities must, except where mosquito control districts are established, when notified by the department of health or a local health jurisdiction of the positive identification of west nile virus or other mosquito-borne human disease viruses in mosquitoes, birds, or mammals, including humans, consult with the department of health or a mosquito control district concerning which integrated pest management strategies, as defined under chapter 17.15 RCW, for mosquito control or abatement in storm water retention ponds would be most effective to prevent the spread of the disease.

(3) Where a mosquito control district is established, when notified by the department of health or a local health jurisdiction of the positive identification of west nile virus or other mosquito-borne human disease viruses in mosquitoes, birds, or mammals, including humans, the mosquito control district is responsible for mosquito control or abatement in storm water retention ponds."

Senator Honeyford spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford to Substitute Senate Bill No. 5324.

The motion by Senator Honeyford carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "ponds;" strike the remainder of the title and insert "and adding a new section to chapter 90.03 RCW."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5324.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5324 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5135, by Senators Pearson, Kline and Padden

Concerning judicial proceedings and forms.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5135 was substituted for Senate Bill No. 5135 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline,

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SUBSTITUTE SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5663, by Senators Pearson, Ranker, Tom, Rolfes, Hewitt, Sheldon, Hatfield, Bailey, Parlette, Kline and Roach

Regarding derelict and abandoned vessels in state waters.

MOTION

On motion of Senator Pearson, Substitute Senate Bill No. 5663 was substituted for Senate Bill No. 5663 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pearson moved that the following striking amendment by Senators Pearson, Hargrove and Rolfes be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 88.02.640 and 2012 c 74 s 16 are each amended to read as follows:

(1) In addition to any other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge the following vessel fees and surcharge:

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsection (3) of this section	Subsection (3) of this section
(c) Derelict vessel removal surcharge	\$1.00	Subsection (4) of this section	Subsection (4) of this section
(d) Duplicate certificate of title	\$1.25	RCW 88.02.530(1)(c)	General fund
(e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
(f) Filing	RCW 46.17.005	RCW 88.02.560(2)	RCW 46.68.400
(g) License plate technology	RCW 46.17.015	RCW 88.02.560(2)	RCW 46.68.370
(h) License service	RCW 46.17.025	RCW 88.02.560(2)	RCW 46.68.220
(i) Nonresident vessel permit	\$25.00	RCW 88.02.620(3)	Subsection (5) of this section
(j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this section
(k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
(l) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
(m) Title application	\$5.00	RCW 88.02.515	General fund
(n) Transfer	\$1.00	RCW 88.02.560(7)	General fund
(o) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	Subsection (6) of this section

(2) The five dollar dealer temporary permit fee required in subsection (1) of this section must be credited to the payment of registration fees at the time application for registration is made.

(3)~~((#))~~ The derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

~~((#))~~ (a) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879;

~~((#))~~ (b) One dollar must be deposited into the aquatic algae control account created in RCW 43.21A.667;

~~((#))~~ (c) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400; and

~~((#))~~ (d) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

(b) If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1st of any year, the collection of the two dollars of the derelict vessel and invasive species removal fee that is deposited into the derelict vessel removal account as authorized in (a)(iv) of this subsection must be suspended for the following fiscal year.)

(4) ~~((#))~~ ~~(Until January 1, 2014)~~ In addition to other fees required in this section, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge~~(=)~~

~~((#))~~ is to address the significant backlog of derelict vessels accumulated in Washington ~~((state))~~ waters that pose a threat to the health and safety of the people and to the environment~~(=)~~

~~((#))~~ ~~Is to be used only for the removal of vessels that are less than seventy five feet in length;~~ and

~~((#))~~ must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5) The twenty-five dollar nonresident vessel permit fee must be paid by the vessel owner to the department for the cost of providing the identification document by the department. Any moneys remaining from the fee after the payment of costs must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650.

(6) The thirty dollar vessel visitor permit fee must be distributed as follows:

(a) Five dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100;

(b) The department may keep an amount to cover costs for providing the vessel visitor permit;

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650; and

(d) Any fees required for licensing agents under RCW 46.17.005 are in addition to any other fee or tax due for the titling and registration of vessels.

(7)(a) The fifty dollar quick title service fee must be distributed as follows:

(i) If the fee is paid to the director, the fee must be deposited to the general fund.

(ii) If the fee is paid to the participating county auditor or other agent or subagent appointed by the director, twenty-five dollars must be deposited to the general fund. The remainder must be retained by the county treasurer in the same manner as other fees collected by the county auditor.

(b) For the purposes of this subsection, "quick title" has the same meaning as in RCW 88.02.540.

Sec. 2. RCW 79.100.100 and 2010 c 161 s 1161 are each amended to read as follows:

(1)(a) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.640 must be deposited into the account. The account is authorized to receive fund transfers and appropriations from the general fund, deposits from the derelict vessel removal surcharge under RCW 88.02.640(4), as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter.

(b) Moneys in the account may only be spent after appropriation. Expenditures from the account ~~((must))~~ may only be used by the department for developing and administering the vessel turn-in program created in section 40 of this act and to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement may not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, or any other person or entity that has incurred secondary liability under section 36 of this act, regardless of the title of owner of the vessel.

(c) Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 must be used to reimburse one hundred percent of ~~((these))~~ costs and should be prioritized for the removal of large vessels.

(d) Costs associated with the removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account.

(e) In each biennium, up to twenty percent of the expenditures from the derelict vessel removal account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) (If the balance of the account reaches one million dollars as of March 1st of any year, exclusive of any transfer or appropriation of funds into the account or funds deposited into the account collected under RCW 88.02.640(5), the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3)) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

~~((#))~~ (3) The department must keep all authorized public entities ~~((apprized))~~ apprised of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection ~~((#))~~ (3) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

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~~((5))~~ (4) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

~~((6))~~ (5) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

Sec. 3. RCW 79A.65.020 and 2002 c 286 s 21 are each amended to read as follows:

(1) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, and locks, or removal from the water, to secure unauthorized vessels located at or on a commission facility so that the unauthorized vessels are in the possession and control of the commission. At least ten days before securing any unauthorized registered vessel, the commission shall send notification by registered mail to the last registered owner or registered owners of the vessel at their last known address or addresses.

(2) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, locks, or removal from the water, to secure any vessel if the vessel, in the opinion of the commission, is a nuisance, is in danger of sinking or creating other damage to a commission facility, or is otherwise a threat to the health, safety, or welfare of the public or environment at a commission facility. The costs of any such procedure shall be paid by the vessel's owner.

(3) At the time of securing any vessel under subsection (1) or (2) of this section, the commission shall attach to the vessel a readily visible notice or, when practicable, shall post such notice in a conspicuous location at the commission facility in the event the vessel is removed from the premises. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached or posted;

(b) A statement that the vessel has been secured by the commission and that if the commission's charges, if any, are not paid and the vessel is not removed by (the thirty-fifth consecutive day following the date of attachment or posting of the notice), the vessel will be considered abandoned and will be sold at public auction to satisfy the charges;

(c) The address and telephone number where additional information may be obtained concerning the securing of the vessel and conditions for its release; and

(d) A description of the owner's or secured party's rights under this chapter.

(4) With respect to registered vessels: Within five days of the date that notice is attached or posted under subsection (3) of this section, the commission shall send such notice, by registered mail, to each registered owner.

(5) If a vessel is secured under subsection (1) or (2) of this section, the owner, or any person with a legal right to possess the vessel, may claim the vessel by:

(a) Making arrangements satisfactory to the commission for the immediate removal of the vessel from the commission's control or for authorized storage or moorage; and

(b) Making payment to the commission of all reasonable charges incurred by the commission in securing the vessel under

subsections (1) and (2) of this section and of all moorage fees owed to the commission.

(6) A vessel is considered abandoned if, within the thirty-five day period following the date of attachment or posting of notice in subsection (3) of this section, the vessel has not been claimed under subsection (5) of this section.

(7) If the owner or owners of a vessel are unable to reimburse the commission for all reasonable charges under subsections (1) and (2) of this section within a reasonable time, the commission may seek reimbursement of ~~((seventy-five))~~ ninety percent of all reasonable and auditable costs from the derelict vessel removal account established in RCW 79.100.100.

Sec. 4. RCW 79.100.130 and 2011 c 247 s 2 are each amended to read as follows:

(1) A ~~((marina))~~ private moorage facility owner, as those terms are defined in RCW 88.26.010, may contract with a local government for the purpose of participating in the derelict vessel removal program.

(2) If a contract is completed under this section, the local government shall serve as the authorized public entity for the removal of ~~((the))~~ a derelict or abandoned vessel from the ~~((marina owner's))~~ property of the private moorage facility owner. The contract must provide for the ~~((marina owner))~~ private moorage facility owner to be financially responsible for the removal and disposal costs that are not reimbursed by the department as provided under RCW 79.100.100, and any additional reasonable administrative costs incurred by the local government during the removal of the derelict or abandoned vessel.

(3) Prior to the commencement of any removal which will seek reimbursement from the derelict vessel removal program, the contract and the proposed vessel removal shall be submitted to the department for review and approval. The local government shall use the procedure specified under RCW 79.100.100(6).

(4) If the private moorage facility owner has already seized the vessel under chapter 88.26 RCW and title has reverted to the moorage facility, the moorage facility is not considered the owner under this chapter for purposes of cost recovery for actions taken under this section.

Sec. 5. RCW 43.19.1919 and 2011 1st sp.s. c 43 s 215 are each amended to read as follows:

(1) The department shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund. This requirement is subject to the following exceptions and limitations:

~~((4))~~ (a) This section does not apply to property under RCW 27.53.045, 28A.335.180, or 43.19.1920;

~~((2))~~ (b) Sales of capital assets may be made by the department and a credit established for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939;

~~((3))~~ (c) Personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the department to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director to be in the best interest of the state. The department shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property;

~~((4))~~ (d) This section does not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts;

~~((5))~~ (e) A state agency having a surplus personal property asset with a fair market value of less than five hundred dollars may transfer the asset to another state agency without charging fair market value. A state agency conducting this action must maintain adequate records to comply with agency inventory procedures and state audit requirements.

(2)(a) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(b) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (i) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (ii) permanently dispose of the vessel by landfill, deconstruction, or other related method.

NEW SECTION. Sec. 6. A new section is added to chapter 43.19 RCW to read as follows:

(1) Following the inspection required under section 5 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection (2).

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 7. A new section is added to chapter 43.30 RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 8 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.30 RCW to read as follows:

(1) Following the inspection required under section 7 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 9. A new section is added to chapter 77.12 RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 10 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 77.12 RCW to read as follows:

(1) Following the inspection required under section 9 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

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(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 11. A new section is added to chapter 79A.05 RCW to read as follows:

(1) Prior to transferring ownership of a commission-owned vessel, the commission shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the commission determines the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, that the commission may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 12 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 79A.05 RCW to read as follows:

(1) Following the inspection required under section 11 of this act and prior to transferring ownership of a commission-owned vessel, the commission shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the commission.

(2)(a) The commission shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the commission may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the commission's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the commission, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The commission may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the commission is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 13. A new section is added to chapter 47.01 RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

NEW SECTION. Sec. 14. A new section is added to chapter 47.01 RCW to read as follows:

(1) Following the inspection required under section 13 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 15. A new section is added to chapter 35.21 RCW to read as follows:

(1) Prior to transferring ownership of a city or town-owned vessel, the city or town shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the city or town determines the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the city or town may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 16 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 35.21 RCW to read as follows:

(1) Following the inspection required under section 15 of this act and prior to transferring ownership of a city or town-owned vessel, a city or town shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the city or town.

(2)(a) The city or town shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the city or town may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the city or town's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the city or town, based on factors including the vessel's size, condition, and

anticipated use of the vessel, including initial destination following transfer.

(c) The city or town may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the city or town is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 17. A new section is added to chapter 35A.21 RCW to read as follows:

(1) Prior to transferring ownership of a code city-owned vessel, the code city shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the code city determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the code city may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 18 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 35A.21 RCW to read as follows:

(1) Following the inspection required under section 17 of this act and prior to transferring ownership of a code city-owned vessel, a code city shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the code city.

(2)(a) The code city shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the code city may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the code city's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the code city, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The code city may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the code city is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 19. A new section is added to chapter 36.32 RCW to read as follows:

(1) Prior to transferring ownership of a county-owned vessel, the county shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the county determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the county may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 20 of this act.

NEW SECTION. Sec. 20. A new section is added to chapter 36.32 RCW to read as follows:

(1) Following the inspection required under section 19 of this act and prior to transferring ownership of a county-owned vessel, a county shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the county.

(2)(a) The county shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the county may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the county's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the county, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(c) The county may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the county is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 21. A new section is added to chapter 53.08 RCW to read as follows:

(1) Prior to transferring ownership of a vessel owned by a port district and used primarily to conduct port business, the port district shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the port district determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the port district may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 22 of this act.

NEW SECTION. Sec. 22. A new section is added to chapter 53.08 RCW to read as follows:

(1) Following the inspection required under section 21 of this act and prior to transferring ownership of a port district-owned vessel, a port district shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the port district.

(2)(a) The port district shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the port district may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the port district's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the port district, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

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(c) The port district may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the port district is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 23. A new section is added to chapter 43.21A RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

NEW SECTION. Sec. 24. A new section is added to chapter 43.21A RCW to read as follows:

(1) Following the inspection required under section 23 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(3) Prior to sale, and unless the vessel has a valid marine document, the department is required to apply for a title or certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 25. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Prior to transferring ownership of an institution-owned vessel, an institution of higher education shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the institution of higher education determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the institution of higher education may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

NEW SECTION. Sec. 26. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Following the inspection required under section 25 of this act and prior to transferring ownership of an institution-owned vessel, the institution of higher education shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the institution of higher education.

(2)(a) The institution of higher education shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the institution of higher education may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the institution of higher education's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the institution of higher education, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(c) The institution of higher education may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the institution of higher education is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

Sec. 27. RCW 28B.10.029 and 2012 c 230 s 4 are each amended to read as follows:

(1)(a) An institution of higher education may, consistent with sections 25 and 26 of this act, exercise independently those powers otherwise granted to the director of enterprise services in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education.

(b) Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of enterprise services.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection, purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW ((43.19.1901, 43.19.1906, 43.19.1911,)) 43.19.1917, ((43.19.1937,)) 43.19.685, ((43.19.700 through 43.19.704)) 39.26.260 through 39.26.271, and 43.19.560 through 43.19.637.

(ii) Institutions of higher education may use all appropriate means for making and paying for travel arrangements including, but not limited to, electronic booking and reservations, advance payment and deposits for tours, lodging, and other necessary expenses, and other travel transactions based on standard industry practices and federal accountable plan requirements. Such arrangements shall support student, faculty, staff, and other participants' travel, by groups and individuals, both domestic and international, in the most cost-effective and efficient manner possible, regardless of the source of funds.

(iii) Formal sealed, electronic, or web-based competitive bidding is not necessary for purchases or personal services contracts by institutions of higher education for less than one hundred thousand dollars. However, for purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars, quotations must be secured from at least three vendors to assure establishment of a competitive price and may be

obtained by telephone, electronic, or written quotations, or any combination thereof. As part of securing the three vendor quotations, institutions of higher education must invite at least one quotation each from a certified minority and a certified woman-owned vendor that otherwise qualifies to perform the work. A record of competition for all such purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars must be documented for audit purposes.

(d) Purchases under chapter 39.29, 43.19, or 43.105 RCW by institutions of higher education may be made by using contracts for materials, supplies, services, or equipment negotiated or entered into by, for, or through group purchasing organizations.

(e) The community and technical colleges shall comply with RCW 43.19.450.

(f) Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.769, 43.19.763, and 43.19.781.

(g) If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685 and 43.19.637.

(h) Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of enterprise services. Thereafter the director of enterprise services shall not be required to provide those services for that institution for the duration of the enterprise services contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4)(a) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(b) Institutions of higher education shall endeavor to assure the department of corrections has notifications of bid opportunities with the goal of meeting or exceeding the purchasing target in (a) of this subsection.

NEW SECTION. Sec. 28. (1) The department of natural resource must reevaluate the criteria developed under RCW 79.100.100 regarding the prioritization of vessel removals funded by the derelict vessel removal account. This reprioritization process must occur by January 30, 2014, and consider how vessels located in the vicinity of aquaculture operations and other sensitive areas should be prioritized.

(2) This section expires July 31, 2015.

Sec. 29. RCW 88.02.380 and 2010 c 161 s 1006 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, and, in part, in order to prevent the future potential dereliction or abandonment of a vessel, a violation of this chapter and the rules adopted by the department is a ~~((misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:~~

~~(a) For the second violation, a fine of two hundred dollars per vessel;~~

~~(b) For the third and successive violations, a fine of four hundred dollars per vessel)) class 2 civil infraction.~~

(2) A ~~((violation designated in this chapter as a))~~ civil infraction issued under this chapter must be ~~((punished accordingly pursuant to))~~ processed under chapter 7.80 RCW.

(3) After the subtraction of court costs and administrative collection fees, moneys collected under this section must be credited to the ~~((current expense fund of the arresting jurisdiction))~~ ticketing jurisdiction and used only for the support of the enforcement agency, department, division, or program that issued the violation.

(4) All law enforcement officers may enforce this chapter and the rules adopted by the department within their respective jurisdictions. A city, town, or county may contract with a fire protection district for enforcement of this chapter, and fire protection districts may engage in enforcement activities.

Sec. 30. RCW 88.02.340 and 2010 c 161 s 1004 are each amended to read as follows:

(1) Any person charged with the enforcement of this chapter may inspect the registration certificate of a vessel to ascertain the legal and registered ownership of the vessel. A vessel owner or operator who fails to provide the registration certificate for inspection upon the request of any person charged with enforcement of this chapter ~~((is a class 2 civil infraction))~~ may be found to be in violation of this chapter.

(2) The department may require the inspection of vessels that are brought into this state from another state and for which a certificate of title has not been issued and for any other vessel if the department determines that inspection of the vessel will help to verify the accuracy of the information set forth on the application.

Sec. 31. RCW 88.02.550 and 2010 c 161 s 1017 are each amended to read as follows:

(1) Except as provided in this chapter, a person may not own or operate any vessel, including a rented vessel, on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter. A vessel that has or is required to have a valid marine document as a vessel of the United States is only required to display a valid decal. ~~((A violation of this section is a class 2 civil infraction.))~~

(2) A vessel numbered in this state under the federal boat safety act of 1971 (85 Stat. 213, 46 U.S.C. 4301 et seq.) is not required to be registered under this chapter until the certificate of number issued for the vessel under the federal boat safety act expires. When registering under this chapter, this type of vessel is subject to the amount of excise tax due under chapter 82.49 RCW that would have been due under chapter 82.49 RCW if the vessel had been registered at the time otherwise required under this chapter.

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Sec. 32. RCW 79.100.120 and 2010 c 210 s 34 are each amended to read as follows:

(1) A person seeking to contest an authorized public entity's decision to take temporary possession or custody of a vessel under this chapter, or to contest the amount of reimbursement owed to an authorized public entity under this chapter, may request a hearing in accordance with this section.

(2)(a) If the contested decision or action was undertaken by a state agency, a written request for a hearing related to the decision or action must be filed with the pollution control hearings board and served on the state agency in accordance with RCW 43.21B.230 (2) and (3) within thirty days of the date the authorized public entity acquires custody of the vessel under RCW 79.100.040, or if the vessel is redeemed before the authorized public entity acquires custody, the date of redemption, or the right to a hearing is deemed waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(b) Upon receipt of a timely hearing request, the pollution control hearings board shall proceed to hear and determine the validity of the decision to take the vessel into temporary possession or custody and the reasonableness of any towing, storage, or other charges permitted under this chapter. Within five business days after the request for a hearing is filed, the pollution control hearings board shall notify the vessel owner requesting the hearing and the authorized public entity of the date, time, and location for the hearing. Unless the vessel is redeemed before the request for hearing is filed, the pollution control hearings board shall set the hearing on a date that is within ten business days of the filing of the request for hearing. If the vessel is redeemed before the request for a hearing is filed, the pollution control hearings board shall set the hearing on a date that is within sixty days of the filing of the request for hearing.

(c) Consistent with RCW 43.21B.305, a proceeding brought under this subsection may be heard by one member of the pollution control hearings board, whose decision is the final decision of the board.

(3)(a) If the contested decision or action was undertaken by a metropolitan park district, port district, city, town, or county, which has adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, those rules or procedures must be followed in order to contest a decision to take temporary possession or custody of a vessel, or to contest the amount of reimbursement owed.

(b) If the metropolitan park district, port district, city, town, or county has not adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, then a person requesting a hearing under this section must follow the procedure established in ~~((RCW 53.08.320(5) for contesting the decisions or actions of moorage facility operators))~~ subsection (2) of this section.

Sec. 33. RCW 43.21B.110 and 2010 c 210 s 7 and 2010 c 84 s 2 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, ~~((and))~~ the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of ~~((a state agency that is))~~ an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

~~((e))~~ Appeals of decisions by the department as provided in chapter 43.21L RCW.)

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 34. RCW 43.21B.110 and 2010 c 210 s 8 and 2010 c 84 s 3 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, ~~(and)~~ the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of ~~((a state agency that is))~~ an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

~~((e))~~ Appeals of decisions by the department as provided in chapter 43.21L RCW.)

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 35. RCW 79.100.040 and 2007 c 342 s 2 are each amended to read as follows:

(1) Prior to exercising the authority granted in RCW 79.100.030, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3)(a) ~~((#a))~~ Any authorized public entity may tow, beach, or otherwise take temporary possession of a vessel if the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel and if the vessel ~~((is))~~:

(i) Is in immediate danger of sinking, breaking up, or blocking navigational channels; or

(ii) Poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination~~((; and~~ (iii) the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel).

(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW 79.100.050.

NEW SECTION. Sec. 36. A new section is added to chapter 79.100 RCW to read as follows:

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(1) A vessel owner must obtain a vessel inspection under this section prior to transferring a vessel that is:

(a) More than sixty-five feet in length and more than forty years old; and

(b) Either:

(i) Is registered or required to be registered under chapter 88.02 RCW; or

(ii) Is listed or required to be listed under chapter 84.40 RCW.

(2) Where required under subsection (1) of this section, a vessel owner must provide a copy of the vessel inspection documentation to the transferee and, if the department did not conduct the inspection, to the department prior to the transfer.

(3) Failure to comply with the requirements of subsections (1) and (2) of this section will result in the transferor having secondary liability under RCW 79.100.060 if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

NEW SECTION. Sec. 37. (1) By December 31, 2013, the department shall adopt by rule procedures and standards for the vessel inspections required under section 36 of this act. The procedures and standards must identify the public or private entities authorized to conduct inspections, the required elements of an inspection, and the manner in which inspection results must be documented. The vessel inspection required under this section must be designed to:

(a) Provide the transferee with current information about the condition of the vessel, including the condition of its hull and key operating systems, prior to the transfer;

(b) Provide the department with information under (a) of this subsection for each applicable vessel and, more broadly, to improve the department's understanding of the condition of the larger, older boats in the state's waters;

(c) Discourage the future abandonment or dereliction of the vessel; and

(d) Maximize the efficiency and effectiveness of the inspection process, including with respect to the time and resources of the transferor, transferee, and the state.

(2) The department shall work with appropriate government agencies and stakeholders in designing the inspection process and standards under this section.

(3) This section expires July 31, 2014.

Sec. 38. RCW 79.100.060 and 2006 c 153 s 4 are each amended to read as follows:

(1) The owner of an abandoned or derelict vessel, or any person or entity that has incurred secondary liability under section 36 of this act, is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.

(2) Reimbursement for costs may be sought from an owner, or any person or entity that has incurred secondary liability under section 36 of this act, who is identified subsequent to the vessel's removal and disposal.

(3) If the full amount of all costs due to the authorized public entity under this chapter is not paid to the authorized public entity within thirty days after first notifying the responsible parties of the amounts owed, the authorized public entity or the department may

bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorneys' fees and costs incurred by the authorized public entity.

Sec. 39. RCW 88.26.020 and 1993 c 474 s 2 are each amended to read as follows:

(1) Any private moorage facility operator may take reasonable measures, including the use of chains, ropes, and locks, or removal from the water, to secure vessels within the private moorage facility so that the vessels are in the possession and control of the operator and cannot be removed from the facility. These procedures may be used if an owner mooring or storing a vessel at the facility fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay charges owed or to commence legal proceedings. Notification shall be by two separate letters, one sent by first-class mail and one sent by registered mail to the owner and any lienholder of record at the last known address. In the case of a transient vessel, or where no address was furnished by the owner, the operator need not give notice prior to securing the vessel. At the time of securing the vessel, an operator shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached;

(b) A statement that if the account is not paid in full within ninety days from the time the notice is attached the vessel may be sold at public auction to satisfy the charges; and

(c) The address and telephone number where additional information may be obtained concerning release of the vessel.

After a vessel is secured, the operator shall make a reasonable effort to notify the owner and any lienholder of record by registered mail in order to give the owner the information contained in the notice.

(2) A private moorage facility operator, at his or her discretion, may move moored vessels ashore for storage within properties under the operator's control or for storage with a private person under their control as bailees of the private moorage facility, if the vessel is, in the opinion of the operator, a nuisance, in danger of sinking or creating other damage, or is owing charges. The costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the private operator for charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the operator for the immediate removal of the vessel from the facility or for authorized moorage; and

(b) Making payment to the operator of all charges, or by posting with the operator a sufficient cash bond or other acceptable security, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the operator shall receive so much of the bond or other security as agreed, or as is necessary, to satisfy any judgment, costs, and interest as may be awarded to the operator. The balance shall be refunded immediately to the owner at the last known address.

(4) If a vessel has been secured by the operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ninety days after notifying or attempting to notify the owner under subsection (1) of this section, the vessel is conclusively presumed to have been abandoned by the owner.

(5) If a vessel moored or stored at a private moorage facility is abandoned, the operator may authorize the public sale of the vessel by authorized personnel, consistent with this section, to the highest and best bidder for cash as follows:

(a) Before the vessel is sold, the vessel owner and any lienholder of record shall be given at least twenty days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the facility is located. This notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The operator may bid all or part of its charges at the sale and may become a purchaser at the sale.

(b) Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of charges owing. This lawsuit must be commenced within sixty days of the date the notification was provided under subsection (1) of this section, or the right to a hearing is deemed waived and the owner is liable for any charges owing the operator. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section shall be applied first to the payment of any liens superior to the claim for charges, then to payment of the charges, then to satisfy any other liens on the vessel in the order of their priority. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue under chapter 63.29 RCW. If the sale is for a sum less than the applicable charges, the operator is entitled to assert a claim for deficiency, however, the deficiency judgment shall not exceed the moorage fees owed for the previous six-month period.

(d) In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within ten days of sale, title to the vessel will revert to the operator.

(e) Either a minimum bid may be established or a letter of credit may be required from the buyer, or both, to discourage the future abandonment of the vessel.

(6) The rights granted to a private moorage facility operator under this section are in addition to any other legal rights an operator may have to hold and sell a vessel and in no manner does this section alter those rights, or affect the priority of other liens on a vessel.

NEW SECTION. Sec. 40. A new section is added to chapter 79.100 RCW to read as follows:

(1) The department may develop and administer a voluntary vessel turn-in program.

(2) The purpose of the voluntary vessel turn-in program is to allow the department to dismantle and dispose of vessels that pose a high risk of becoming a derelict vessel or abandoned vessel, but that do not yet meet the definition of those terms. The department shall design the program with the goal of dismantling and disposing of as many vessels as available resources allow, particularly those vessels posing the greatest risk of becoming abandoned or derelict in the future.

(3) The department shall disseminate information about the vessel turn-in program, including information about the application process, on its internet site and through appropriate agency publications and information sources as determined by the department. The department shall disseminate this information for

a reasonable time as determined by the department prior to accepting applications.

(4) The department shall accept and review vessel turn-in program applications from eligible vessel owners, including private marinas that have gained legal title to a vessel in an advanced state of disrepair, during the time period or periods identified by the department. In order to be eligible for the vessel turn-in program, an applicant must demonstrate to the department's satisfaction that the applicant:

(a) Is a Washington resident or business;

(b) Owns a vessel that is in an advanced state of disrepair, has minimal or no value, and has a high likelihood of becoming an abandoned or derelict vessel; and

(c) Has insufficient resources to properly dispose of the vessel outside of the vessel turn-in program.

(5) Decisions regarding program eligibility and whether to accept a vessel for dismantling and disposal under the turn-in program are within the sole discretion of the department.

(6) The department may take other actions not inconsistent with this section in order to develop and administer the vessel turn-in program.

(7) The department may not spend more than two hundred thousand dollars in any one biennium on the program established in this section.

NEW SECTION. Sec. 41. (1) In compliance with RCW 43.01.036, the department of natural resources must provide a brief summary of the vessel turn-in program authorized under section 40 of this act to the legislature by September 1, 2014, including information about applications for the program, the vessels disposed of, and any recommendations for modification of the program.

(2) This section expires July 31, 2015.

Sec. 42. RCW 43.21B.305 and 2005 c 34 s 2 are each amended to read as follows:

(1) In an appeal that involves a penalty of fifteen thousand dollars or less or that involves a derelict or abandoned vessel under RCW 79.100.120, the appeal may be heard by one member of the board, whose decision shall be the final decision of the board. The board shall define by rule alternative procedures to expedite appeals involving penalties of fifteen thousand dollars or less or involving a derelict or abandoned vessel. These alternatives may include: Mediation, upon agreement of all parties; submission of testimony by affidavit; or other forms that may lead to less formal and faster resolution of appeals.

(2) For appeals that involve a derelict or abandoned vessel under RCW 79.100.120 only, an administrative law judge employed by the board may be substituted for a board member under this section.

NEW SECTION. Sec. 43. A new section is added to chapter 79.100 RCW to read as follows:

(1) An officer or employee of an authorized public entity, or the department of ecology at the request of an authorized public entity, may, consistent with subsection (2) of this section, board any vessel at any reasonable time for the purpose of administering this chapter including identifying ownership of a vessel, assessing the structural integrity of a vessel, and assessing whether a vessel meets the criteria described under RCW 79.100.040(3).

(2)(a) Prior to boarding any vessel under the authority of this section, an officer or employee of an authorized public entity, or the department of ecology at the request of an authorized public entity, must apply for and obtain an administrative search warrant in either Thurston county superior court or the superior court in the county where the vessel is located, unless a warrant is not otherwise required by law. The court may issue an administrative search warrant for purposes consistent with subsection (1) of this section.

(b) Prior to requesting an administrative search warrant under this subsection, the officer or employee must make a reasonable

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effort to contact the owner or the owner's designee and obtain consent to board the vessel.

(3) Nothing in this section affects actions taken by an authorized public entity under RCW 79.100.040 or by an authorized public entity or other agency under a separate statutory authority.

NEW SECTION. Sec. 44. (1) The department of natural resources must, in consultation with the department of ecology and appropriate stakeholders, evaluate potential changes to laws and rules related to abandoned and derelict vessels that increase vessel owner responsibility and address challenges associated with the economics of removing vessels from the water. This evaluation must include the development and analysis of:

(a) Administrative and legislative vessel owner responsibility options that seek to ensure the prevention and cleanup of derelict and abandoned vessels, including through the development of requirements applicable to the transfer of vessels at high risk of becoming abandoned or derelict by public and private moorage facility operators; and

(b) The identification of challenges and roadblocks to deconstructing derelict vessels and transforming them into a viable scrap metal product.

(2) The department of natural resources may choose which appropriate stakeholders are consulted in the implementation of this section. However, persons with relevant expertise on financial responsibility mechanisms, such as insurance and surety bonds and letters of credit, must be included. The department of natural resources must also seek to ensure opportunities for interested members of the senate and house of representatives to provide input into the work group process and conclusions.

(3) The department of natural resources must provide a summary of the options developed by the work group, or a draft of proposed legislation, to the legislature consistent with RCW 43.01.036 by December 15, 2013.

(4) This section expires June 30, 2014.

NEW SECTION. Sec. 45. Section 33 of this act expires June 30, 2019.

NEW SECTION. Sec. 46. Section 34 of this act takes effect June 30, 2019.

NEW SECTION. Sec. 47. Section 36 of this act takes effect July 1, 2014."

Senator Pearson spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pearson, Hargrove and Rolfes to Substitute Senate Bill No. 5663.

The motion by Senator Pearson carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "waters;" strike the remainder of the title and insert "amending RCW 88.02.640, 79.100.100, 79A.65.020, 79.100.130, 43.19.1919, 28B.10.029, 88.02.380, 88.02.340, 88.02.550, 79.100.120, 79.100.040, 79.100.060, 88.26.020, and 43.21B.305; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 43.19 RCW; adding new sections to chapter 43.30 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 79A.05 RCW; adding new sections to chapter 47.01 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; adding new sections to chapter 36.32 RCW; adding new sections to chapter 53.08 RCW; adding new sections to chapter

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43.21A RCW; adding new sections to chapter 28B.10 RCW; adding new sections to chapter 79.100 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates."

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute Senate Bill No. 5663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson, Rolfes and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5663.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5663 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frocht, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Benton, Carrell, Holmquist Newbry and Smith

ENGROSSED SUBSTITUTE SENATE BILL NO. 5663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5054, by Senators Honeyford, Smith, Schoesler, Benton, Pearson, Ericksen and Hewitt

Establishing a process for the acquisition of habitat and recreation lands by the state.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5054 was substituted for Senate Bill No. 5054 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5054.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hargrove,

Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SUBSTITUTE SENATE BILL NO. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5287, by Senators Hill and Hargrove

Eliminating accounts and funds.

MOTIONS

On motion of Senator Hill, Substitute Senate Bill No. 5287 was substituted for Senate Bill No. 5287 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 5287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5287.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5287 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

SUBSTITUTE SENATE BILL NO. 5287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5282, by Senators Carrell, Pearson, Keiser, Sheldon, Becker, Tom, Parlette, Rivers, Braun, Bailey, Padden, Roach, Litzow, Honeyford and Shin

Creating a statewide database of mental health commitment information.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5282 was substituted for Senate Bill No. 5282 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Chase, the rules were suspended, Substitute Senate Bill No. 5282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5282.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5282 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

SUBSTITUTE SENATE BILL NO. 5282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5165, by Senators Hargrove and Carrell

Increasing the authority of superior court commissioners to hear and determine certain matters.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5165 was substituted for Senate Bill No. 5165 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

Senator Frockt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5165.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5165 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker,

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Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Frockt and Hasegawa

Excused: Senator Kline

SUBSTITUTE SENATE BILL NO. 5165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5591, by Senators Eide, King and Shin

Concerning confidential license plates, drivers' licenses, identicards, and vessel registrations.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5591 was substituted for Senate Bill No. 5591 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5591.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5591 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Hasegawa

Excused: Senator Kline

SUBSTITUTE SENATE BILL NO. 5591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5691, by Senators Hewitt, Conway and Rolfes

Concerning veterans' homes.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 5691 was substituted for Senate Bill No. 5691 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 5691 was advanced to third reading,

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the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5691.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5804, by Senators Baumgartner and Hill

Addressing federal receipts reporting requirements.

MOTIONS

On motion of Senator Baumgartner, Substitute Senate Bill No. 5804 was substituted for Senate Bill No. 5804 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Baumgartner, the rules were suspended, Substitute Senate Bill No. 5804 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5804.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5804 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5804, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5775, by Senators Benton, Hobbs, Brown, Ericksen, Conway and Rivers

Allowing for a veteran designation on drivers' licenses and identicards.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5775.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5775 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Holmquist Newbry

SENATE BILL NO. 5775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5289, by Senators Hargrove, Hatfield, Ranker, Hobbs, Sheldon and Schoesler

Concerning the discover pass.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5289 was substituted for Senate Bill No. 5289 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5289.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5289 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:39 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Monday, March 11, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 11, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner and Ranker.

The Sergeant at Arms Color Guard consisting of Pages Alex Kantas and Travis Kroeger, presented the Colors. Pastor John Rosenberg of Good Shepherd Lutheran Church of Olympia offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 8, 2013

SGA 9012 SUSAN COLE, reappointed on October 1, 2009, for the term ending September 30, 2014, as Member of the Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9020 JAMES GROVES, appointed on November 5, 2009, for the term ending September 30, 2014, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9022 KEDRICH JACKSON, appointed on October 22, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 19 (Columbia Basin College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice

Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9034 JOHN STEPHENS, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 4 (Skagit Valley College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9039 THUY VO, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 13 (Lower Columbia College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9046 MICHAEL S MAXWELL, appointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 1 (Peninsula College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9047 JULIE MCCULLOCH, reappointed on October 4, 2010, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 1 (Peninsula College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9054 VICKI ORRICO, reappointed on October 1, 2012, for the term ending September 30, 2017, as Member of the

Board of Trustees, College District No. 8 (Bellevue College).
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9056 SUSAN PALMER, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Technical College District #27 (Renton).
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9057 THERESA PAN HOSLEY, reappointed on October 4, 2010, for the term ending September 30, 2015, as Member of the Board of Trustees, Technical College District #28, (Bates). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9059 DARLENE PETERS, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 3 (Olympic Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 8, 2013

SGA 9063 BRUCE REID, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Technical College District #26 (Lake Washington).
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1068,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1252,
ENGROSSED HOUSE BILL NO. 1276,
SUBSTITUTE HOUSE BILL NO. 1314,
HOUSE BILL NO. 1348,
SECOND SUBSTITUTE HOUSE BILL NO. 1424,
SUBSTITUTE HOUSE BILL NO. 1472,
SUBSTITUTE HOUSE BILL NO. 1501,
HOUSE BILL NO. 1544,
SUBSTITUTE HOUSE BILL NO. 1556,
SECOND SUBSTITUTE HOUSE BILL NO. 1566,
SUBSTITUTE HOUSE BILL NO. 1638,
SECOND SUBSTITUTE HOUSE BILL NO. 1642,
SECOND SUBSTITUTE HOUSE BILL NO. 1680,
SUBSTITUTE HOUSE BILL NO. 1686,
SUBSTITUTE HOUSE BILL NO. 1779,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1283,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1467,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1526,
HOUSE BILL NO. 1587,
HOUSE BILL NO. 1608,
SUBSTITUTE HOUSE BILL NO. 1674,
HOUSE BILL NO. 1710,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1717,
HOUSE BILL NO. 1768,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
HOUSE BILL NO. 1790,
SUBSTITUTE HOUSE BILL NO. 1843,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1872,
ENGROSSED HOUSE BILL NO. 1900,
HOUSE CONCURRENT RESOLUTION NO. 4403,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

FIFTY SEVENTH DAY, MARCH 11, 2013

2013 REGULAR SESSION

March 8, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1290,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1302,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341,
 ENGROSSED HOUSE BILL NO. 1396,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1403,
 SUBSTITUTE HOUSE BILL NO. 1459,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1633,
 ENGROSSED HOUSE BILL NO. 1808,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1819,
 ENGROSSED HOUSE BILL NO. 1891,
 ENGROSSED HOUSE BILL NO. 1923,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2013

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1008,
 HOUSE BILL NO. 1028,
 HOUSE BILL NO. 1124,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1306,
 ENGROSSED HOUSE BILL NO. 1395,
 SUBSTITUTE HOUSE BILL NO. 1420,
 HOUSE BILL NO. 1468,
 ENGROSSED HOUSE BILL NO. 1473,
 SUBSTITUTE HOUSE BILL NO. 1558,
 SUBSTITUTE HOUSE BILL NO. 1568,
 HOUSE BILL NO. 1644,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1648,
 HOUSE BILL NO. 1818,
 ENGROSSED HOUSE BILL NO. 1826,
 SUBSTITUTE HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 1866,
 HOUSE BILL NO. 1892,
 HOUSE BILL NO. 1903,
 SUBSTITUTE HOUSE BILL NO. 1941,
 SUBSTITUTE HOUSE BILL NO. 1946,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1013,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117,
 SECOND SUBSTITUTE HOUSE BILL NO. 1158,
 HOUSE BILL NO. 1159,
 HOUSE BILL NO. 1269,
 SECOND SUBSTITUTE HOUSE BILL NO. 1416,
 SUBSTITUTE HOUSE BILL NO. 1466,

HOUSE BILL NO. 1486,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625,
 SUBSTITUTE HOUSE BILL NO. 1654,
 HOUSE BILL NO. 1797,
 SUBSTITUTE HOUSE BILL NO. 1822,
 SUBSTITUTE HOUSE BILL NO. 1884,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1944,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1007,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1090,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1301,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1374,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1035 by Representatives Kirby, Ryu and Nealey

AN ACT Relating to title insurance rate filings; amending RCW 48.03.010, 48.03.060, and 42.56.400; and adding new sections to chapter 48.29 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1103 by House Committee on Government Operations & Elections (originally sponsored by Representatives Van De Wege, Hunt, Stanford, Liias, Hayes, Morrell, Appleton, Fitzgibbon, Hudgins, Reykdal and Bergquist)

AN ACT Relating to uniform ballot design; amending RCW 29A.36.111; and adding a new section to chapter 29A.36 RCW.

Referred to Committee on Governmental Operations.

HB 1157 by Representatives Hunt, Taylor and Ryu

AN ACT Relating to making nonsubstantive changes to election laws; amending RCW 29A.04.008, 29A.04.013, 29A.04.079, 29A.04.086, 29A.04.097, 29A.04.169, 29A.04.216, 29A.04.321, 29A.04.330, 29A.04.410, 29A.04.420, 29A.08.020, 29A.08.220, 29A.08.230, 29A.08.260, 29A.08.330, 29A.08.340, 29A.08.350, 29A.08.820, 29A.12.005, 29A.12.080, 29A.12.120, 29A.12.150, 29A.20.021, 29A.20.111, 29A.20.121,

29A.20.161, 29A.20.191, 29A.24.020, 29A.24.031,
 29A.24.101, 29A.24.320, 29A.28.041, 29A.28.050,
 29A.28.061, 29A.32.100, 29A.32.210, 29A.36.010,
 29A.36.060, 29A.36.101, 29A.36.121, 29A.36.131,
 29A.36.161, 29A.36.201, 29A.40.010, 29A.52.112,
 29A.52.210, 29A.52.321, 29A.52.355, 29A.56.040,
 29A.56.210, 29A.56.320, 29A.56.360, 29A.56.490,
 29A.60.010, 29A.60.060, 29A.60.110, 29A.60.160,
 29A.60.165, 29A.60.240, 29A.60.250, 29A.64.021,
 29A.64.030, 29A.64.050, 29A.64.061, 29A.64.090,
 29A.68.011, 29A.68.020, 29A.72.080, 29A.72.130,
 29A.72.250, 29A.72.290, 29A.76.020, 29A.76.030,
 29A.80.020, 29A.84.210, 29A.84.261, 29A.84.510,
 29A.84.520, 29A.84.711, 29A.88.020, 29A.88.040,
 42.12.040, 42.12.070, 46.20.155, 29A.24.311, and
 29A.36.040; reenacting and amending RCW 29A.36.170,
 29A.40.070, 29A.40.091, and 35.17.020; reenacting RCW
 29A.08.520; adding a new section to chapter 29A.08 RCW;
 adding new sections to chapter 29A.24 RCW; adding new
 sections to chapter 29A.60 RCW; adding new sections to
 chapter 29A.56 RCW; adding a new section to chapter
 29A.80 RCW; adding a new section to chapter 29A.16
 RCW; recodifying RCW 29A.04.240, 29A.20.010,
 29A.20.021, 29A.20.030, 29A.20.040, 29A.20.111,
 29A.20.121, 29A.20.131, 29A.20.151, 29A.20.161,
 29A.20.171, 29A.20.181, 29A.20.191, 29A.28.071, and
 29A.76.030; repealing RCW 7.16.370, 29A.04.225,
 29A.08.250, 29A.08.785, 29A.12.170, 29A.20.141,
 29A.20.201, 29A.24.030, 29A.24.120, 29A.28.011,
 29A.28.021, 29A.32.036, 29A.32.050, 29A.36.050,
 29A.36.104, 29A.36.106, 29A.36.171, 29A.36.191,
 29A.52.011, 29A.52.106, 29A.52.111, 29A.52.116,
 29A.52.130, 29A.52.141, 29A.52.151, 29A.53.010,
 29A.53.020, 29A.53.030, 29A.53.040, 29A.53.050,
 29A.53.060, 29A.53.070, 29A.53.080, 29A.53.090,
 29A.53.900, 29A.53.901, 29A.53.902, 29A.80.011,
 44.04.015, and 49.28.120; and repealing 2009 c 369 s 27.

Referred to Committee on Governmental Operations.

HB 1194 by Representatives Stanford, Warnick, Lytton, Goodman, Wilcox, Tharinger, Chandler, Blake, Nealey, Orcutt, Hansen, Kirby, Ryu, Fagan and McCoy

AN ACT Relating to limiting liability for habitat projects; and reenacting and amending RCW 77.85.050.

Referred to Committee on Law & Justice.

2SHB 1195 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Wylie, Buys, Hunt, Van De Wege, Appleton, Orwall, Ryu and Jinkins)

AN ACT Relating to candidate names on the primary ballot; amending RCW 29A.52.220; repealing RCW 29A.52.010 and 29A.52.011; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1245 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Hansen, Smith, Ryu, Wilcox, Maxwell, Warnick, Blake, Uptegrove, MacEwen, Lytton, Van De Wege, Takko, Walsh, Jinkins, Fitzgibbon, Hunt, Haigh, Morrell, Seaquist, Tharinger, Hudgins, Stanford and Hayes)

AN ACT Relating to derelict and abandoned vessels in state waters; amending RCW 88.02.640, 79.100.100, 79A.65.020, 79.100.130, 43.19.1919, 28B.10.029, 88.02.380, 88.02.340, 88.02.550, 79.100.120, 90.56.410, 79.100.040, 79.100.060, 88.26.020, and 43.21B.305; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 43.19 RCW; adding new sections to chapter 43.30 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 79A.05 RCW; adding new sections to chapter 47.01 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; adding new sections to chapter 36.32 RCW; adding new sections to chapter 53.08 RCW; adding new sections to chapter 43.21A RCW; adding new sections to chapter 28B.10 RCW; adding new sections to chapter 79.100 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Natural Resources & Parks.

SHB 1260 by House Committee on Capital Budget (originally sponsored by Representatives Warnick and Stanford)

AN ACT Relating to public facilities' grants and loans; amending RCW 43.160.010, 43.160.020, 43.160.030, 43.160.050, 43.160.076, 43.160.080, and 43.160.900; adding new sections to chapter 43.160 RCW; and repealing RCW 43.160.060, 43.160.070, and 43.160.078.

Referred to Committee on Trade & Economic Development.

EHB 1267 by Representatives Fitzgibbon, Hunt, Stanford, Appleton, Ryu, Van De Wege, Lytton, Tharinger, Hudgins, Liias, Uptegrove, Farrell, Cody, Sawyer, Jinkins, Roberts, Reykdal, Maxwell, Riccelli, Santos, Pollet, Bergquist, Hansen and Ormsby

AN ACT Relating to extending the time period for voter registration; and amending RCW 29A.08.140.

Referred to Committee on Governmental Operations.

EHB 1279 by Representatives Bergquist, Riccelli, Hunt, Sawyer, Farrell, Stonier, Reykdal, Fitzgibbon, Lytton, Liias, Maxwell, Orwall, Jinkins, Uptegrove, Pedersen, Ryu, Carlyle, Roberts, Tharinger, Hudgins, Fey, Morrell, Santos, Pollet, Hansen and Ormsby

AN ACT Relating to motor voter preregistration for sixteen and seventeen year olds; amending RCW 46.20.155 and 29A.08.710; reenacting and amending RCW 42.56.250; creating new sections; and providing an effective date.

Referred to Committee on Governmental Operations.

ESHB 1291 by House Committee on Public Safety (originally sponsored by Representatives Orwall, Kochmar, Hope, Parker, Goodman, Jinkins, Uptegrove, Ryu, Stanford, Roberts, Hurst, Morrell, Tarleton, Wylie, Bergquist and Ormsby)

AN ACT Relating to services for victims of the sex trade; amending RCW 43.63A.740, 9.68A.105, 9A.88.120, and 9A.88.140; adding new sections to chapter 43.280 RCW; and creating a new section.

Referred to Committee on Law & Justice.

FIFTY SEVENTH DAY, MARCH 11, 2013

2013 REGULAR SESSION

SHB 1324 by House Committee on Local Government (originally sponsored by Representatives Fitzgibbon, Springer, Uptegrove, Ryu, Dahlquist, Maxwell, Kochmar and Hargrove)

AN ACT Relating to transferring ferry and flood control zone district functions and taxing authorities to county legislative authorities in counties with a population of one million five hundred thousand or more; and adding a new chapter to Title 36 RCW.

Referred to Committee on Governmental Operations.

ESHB 1325 by House Committee on Business & Financial Services (originally sponsored by Representatives Ryu and Kirby)

AN ACT Relating to banks, trust companies, savings banks, and savings associations, and making technical amendments to the laws governing the department of financial institutions; amending RCW 30.04.010, 30.04.070, 30.04.111, 30.04.215, 30.04.217, 30.04.240, 30.04.260, 30.04.280, 30.08.140, 30.08.140, 30.08.155, 30.38.010, 30.38.015, 30.46.020, 30.46.030, 30.46.040, 30.46.050, 30.46.060, 30.46.070, 30.46.080, 30.46.090, 32.04.030, 32.08.140, 32.08.140, 32.08.142, 32.08.153, 32.50.030, 33.12.012, 33.24.010, and 33.32.060; amending 2011 c 303 s 9 (uncodified); adding a new section to chapter 32.04 RCW; repealing RCW 30.08.095, 32.08.146, 32.08.155, and 32.08.1551; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1326 by Representatives Ryu and Kirby

AN ACT Relating to making technical corrections and updating licensing and enforcement provisions of the consumer loan act; and amending RCW 31.04.015, 31.04.025, 31.04.027, 31.04.035, 31.04.093, 31.04.102, 31.04.105, 31.04.155, 31.04.221, 31.04.290, 31.04.293, and 31.04.297.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1327 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Ryu and Santos)

AN ACT Relating to licensing and enforcement provisions applicable to money transmitters; amending RCW 19.230.020, 19.230.040, 19.230.110, 19.230.120, 19.230.150, 19.230.200, and 19.230.310; and reenacting and amending RCW 19.230.010.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1328 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Ryu and Maxwell)

AN ACT Relating to the department of financial institutions' regulation of mortgage brokers and clarifying the department's existing regulatory authority regarding residential mortgage loan modification services; and amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.060, 19.146.220, and 19.146.240.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1402 by Representatives Stanford and Morrell

AN ACT Relating to adopting the insurer state of entry model act; amending RCW 48.05.090; adding new sections to chapter 48.35 RCW; repealing RCW 48.35.010, 48.35.020, 48.35.030, 48.35.040, 48.35.050, 48.35.060, 48.35.070, 48.35.080, 48.35.090, 48.35.100, 48.35.110, 48.35.120, 48.35.130, 48.35.140, 48.35.150, 48.35.160, 48.35.170, 48.35.180, 48.35.190, and 48.35.200; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1413 by House Committee on Government Operations & Elections (originally sponsored by Representatives Moscoso, Hunt, Santos, Liias, Ryu, Fey, Uptegrove, Dunshee, Tarleton, Pedersen, Bergquist, Hudgins, McCoy, Maxwell, Cody, Jinkins, Appleton, Sawyer, Roberts, Fitzgibbon, Habib, Reykdal, Pollet, Ormsby, Green, Kagi, Freeman, Riccelli and Farrell)

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections, requiring redistricting and new elections in certain circumstances, and establishing a cause of action to redress lack of voter opportunity; amending RCW 36.32.020, 54.12.010, and 29A.76.010; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 52.14 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on Governmental Operations.

HB 1442 by Representatives Schmick, Cody, Hunt, Condotta, Blake and Sullivan

AN ACT Relating to providing increased access to parimutuel satellite locations in counties with a population exceeding one million; and amending RCW 67.16.200.

Referred to Committee on Commerce & Labor.

HB 1474 by Representatives Pedersen, Rodne, Goodman, Buys, Hunt, Hunter, Hudgins, Carlyle, Fey and Pollet

AN ACT Relating to giving general election voters the power to choose between the top two candidates for nonpartisan offices; reenacting and amending RCW 29A.36.170; and repealing RCW 29A.36.171.

Referred to Committee on Ways & Means.

HB 1639 by Representatives Bergquist, Pike, Riccelli, Carlyle, Walsh, Ryu and Moscoso

AN ACT Relating to presidential elector compensation; and amending RCW 29A.56.350.

Referred to Committee on Governmental Operations.

SHB 1740 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Ryu and Moscoso)

AN ACT Relating to fingerprint-based background checks for state-registered appraiser trainee applicants and existing credential holders; amending RCW 18.140.060 and 18.140.120; and adding a new section to chapter 18.140 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 1870 by House Committee on Business & Financial Services (originally sponsored by Representatives Habib, Kirby, Ryu, Van De Wege, Takko, Hunter, Appleton, Tarleton, Sawyer, Seaquist, Pollet, Bergquist and Johnson)

AN ACT Relating to methods of payment; amending RCW 19.200.010; and adding new sections to chapter 19.200 RCW.

Referred to Committee on Commerce & Labor.

ESHB 1934 by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Nealey, Hope, Kagi, Goodman, Hansen, Orwall, Pollet, Roberts, Appleton, Hunt, Maxwell, Ormsby, Jinkins, Green, Morrell, Carlyle, Seaquist, Haigh, Hudgins, Pettigrew, Tarleton, Sells, Smith, Reykdal, Sawyer, Morris, Dunshee, Magendanz, Hunter, Wylie, Lias, Fitzgibbon, Fagan, Upthegrove, Farrell, Takko, Ryu, Riccelli, Bergquist, Freeman, Habib, Van De Wege, Haler, Clibborn, Sullivan, Walsh, Tharinger, Moeller, Blake, Cody, Springer, Lytton, McCoy, Stanford, Moscoso, Fey and Santos)

AN ACT Relating to granting all persons who have an ongoing and substantial relationship with a child, including but not limited to grandparents, the right to seek visitation with that child through the courts; amending RCW 26.10.160; adding a new chapter to Title 26 RCW; and repealing RCW 26.09.240.

Referred to Committee on Human Services & Corrections.

ESHB 1950 by House Committee on Environment (originally sponsored by Representative Haler)

AN ACT Relating to designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 1968 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Farrell, Pollet and Fey)

AN ACT Relating to licensing standards for before and after-school programs; amending RCW 43.215.210; and creating a new section.

Referred to Committee on Governmental Operations.

HJM 4001 by Representatives Pedersen, Hope, Carlyle, Goodman, Kagi, Sells, Van De Wege, Haigh, Springer, Lytton, Tharinger, Jinkins, Hunt, Cody, Morrell, Ormsby, Hudgins, Pettigrew, Moeller, Upthegrove, Reykdal, Fitzgibbon, Ryu, Lias, Roberts, Maxwell, Sawyer, Riccelli, Farrell, Pollet, Moscoso, Santos and Hansen

Requesting an amendment to the United States Constitution to return the authority to regulate election campaign contributions to congress and state legislatures.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1934 which was referred to the Committee on Human Services & Corrections.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Pearson moved adoption of the following resolution:

SENATE RESOLUTION 8625

By Senators Pearson, Rolfes, Smith, Kline, Hargrove, Padden, Dammeier, Holmquist Newbry, Schoesler, Hasegawa, Hewitt, and Parlette

WHEREAS, The Washington State Park system, one of the oldest, largest, and most beautiful and diverse state park systems in the country, turns 100 years old on March 19, 2013; and

WHEREAS, Washington was the fourth state in the country to establish a statewide park system in 1913, and the park system is an expression of deeply held Washington values – public lands, adventure, and recreation; and

WHEREAS, Washington State Parks acquires and operates park lands in one of the most ecologically diverse states in the nation and offers a variety of recreation activities, including hiking, biking, camping, boating, winter recreation, and much more; and

WHEREAS, Washington State Parks also acquires, operates, enhances, and protects a diverse system of natural, cultural, and historical resources, including iconic geologic sites, 35 heritage areas, interpretive centers, and 700 historic structures, which together tell the story of our state; and

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WHEREAS, These treasures that are cared for, operated, and preserved by Washington State Parks must be protected for future generations of Washingtonians; and

WHEREAS, Washington's 117 state parks are all over the state, with parks within an hour's drive of almost all citizens; and

WHEREAS, Washington State Parks receive approximately 40 million visits a year, and visits generate \$30 million in direct annual state tax receipts and contribute significantly to the economic health of local communities and economies;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the significance of Washington State Parks to the state's economy, citizens, and quality of life; and

BE IT FURTHER RESOLVED, That the Senate celebrate the 100th birthday of Washington State Parks.

Senators Pearson and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8625.

The motion by Senator Pearson carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives and advocates of the state parks; Mark Brown, Washington State Park Recreation Commissioner; Don Hoch, Washington State Park Recreation Director; and Peter Reid, Washington State Parks Recreation Foundation President who were seated in the gallery.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5072, by Senators Delvin, Hobbs, Baumgartner, Becker, Carrell, Roach, Schoesler, Holmquist Newbry, Hatfield, Hewitt, Shin, Keiser and Rolfes

Concerning a sales and use tax exemption for disabled veterans and members of the armed forces for certain equipment and services that assist physically challenged persons to safely operate a motor vehicle.

MOTIONS

On motion of Senator Hill, Substitute Senate Bill No. 5072 was substituted for Senate Bill No. 5072 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 5072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Conway spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senators Baumgartner and Ericksen were excused.

MOTION

On motion of Senator Billig, Senators McAuliffe and Ranker were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5072.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5072 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Baumgartner and Ranker

SUBSTITUTE SENATE BILL NO. 5072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5680, by Senators Brown, Chase, King, Litzow, Dammeier, Rivers, Schlicher, Smith, Braun, Parlette, Hewitt and Tom

Promoting economic development by providing information to businesses.

MOTION

On motion of Senator Brown, Second Substitute Senate Bill No. 5680 was substituted for Senate Bill No. 5680 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Brown moved that the following striking amendment by Senators Brown and Chase be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.02.050 and 2011 c 298 s 6 are each amended to read as follows:

~~((The legislature hereby directs the full participation by the following agencies))~~ Each of the following agencies must fully participate in the implementation of this chapter:

- (1) Department of agriculture;
- (2) Secretary of state;
- (3) Department of social and health services;
- (4) Department of revenue;
- (5) Department of fish and wildlife;
- (6) Employment security department;
- (7) Department of labor and industries;
- (8) ~~((Department of commerce;~~
- ~~((9)))~~ (9) Liquor control board;
- ~~((10)))~~ (10) Department of health;
- ~~((11)))~~ (11) Department of licensing;
- ~~((12) Parks and recreation commission;~~
- ~~((13)))~~ (13) Utilities and transportation commission; ~~((and~~

- (12) Board of accountancy;
 (13) Department of archaeology and historic preservation;
 (14) Department of early learning;
 (15) Department of ecology;
 (16) Department of financial institutions;
 (17) Department of transportation;
 (18) Gambling commission;
 (19) Horse racing commission;
 (20) Office of the insurance commissioner;
 (21) State lottery;
 (22) Student achievement council;
 (23) Washington state patrol;
 (24) Workforce training and education coordinating board; and
 (25) Other agencies as determined by the governor.

NEW SECTION. Sec. 2. A new section is added to chapter 19.02 RCW to read as follows:

(1)(a) Each agency required to fully participate in the implementation of this chapter under RCW 19.02.050 must provide the department with the name of the agency's coordinator for the purposes of implementing the requirements of this section. Using a format designated by the department, each agency must provide the department with the following information:

- (i) A listing of each business license issued by the agency;
- (ii) A description of the persons and specific activities for which the license is required;
- (iii) The time period for which the license is issued and any issuance, renewal, or reissuance requirements; and
- (iv) Other information the department determines necessary to implement this section, including links to the licensing information, application, and instructions on the agency's web site, if available.

(b) An agency that issues licenses in accordance with (i) national or federal mandates, requirements, or standards; or (ii) educational standards and an examination, may alternatively comply with this chapter by providing the department with a link to its licensing web site, summary information about the licensing requirements or standards in a format or formats designated by the department, and a designated agency contact.

(2) In addition to the requirements in subsection (1) of this section, each agency, by November 1st of each year, beginning November 1, 2013, must provide the department with certification on a form designated by the department that all business licensing information submitted by the agency is complete and up-to-date. If an agency has not submitted all the business licensing information required under this section, the agency must instead submit a progress report and explanation to the department.

(3) The department must compile the information submitted by each agency, and submit an aggregate report to the governor and the economic development committees of the legislature by January 1st of each year, beginning January 1, 2014.

Sec. 3. RCW 19.02.030 and 2011 c 298 s 5 are each amended to read as follows:

(1) There is located within the department a business license center.

(2) The duties of the center include:

(a) Developing and administering a computerized one-stop master license system capable of storing, retrieving, and exchanging license information with due regard to privacy statutes, as well as issuing and renewing master licenses in an efficient manner;

(b) Providing a license information service detailing requirements to establish or engage in business in this state;

(c) Providing for staggered master license renewal dates;

(d) Identifying types of licenses appropriate for inclusion in the master license system;

(e) Recommending in reports to the governor and the legislature the elimination, consolidation, or other modification of duplicative, ineffective, or inefficient licensing or inspection requirements; and

(f) Incorporating licenses into the master license system. Both the regulatory agency legally authorized to issue the license and the department must agree that the license will be issued through the master license system in order for the license to be incorporated.

(3) The department may adopt under chapter 34.05 RCW such rules as may be necessary to effectuate the purposes of this chapter."

Senators Brown and Chase spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Brown and Chase to Second Substitute Senate Bill No. 5680.

The motion by Senator Brown carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 19.02.050 and 19.02.030; and adding a new section to chapter 19.02 RCW."

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5680.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5680 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Baumgartner and Ranker

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5362, by Senators Conway, Holmquist Newbry, Keiser and Kohl-Welles

Addressing the recommendations of the vocational rehabilitation subcommittee for workers' compensation.

MOTIONS

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On motion of Senator Conway, Substitute Senate Bill No. 5362 was substituted for Senate Bill No. 5362 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5362.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5362 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Baumgartner and Ranker

SUBSTITUTE SENATE BILL NO. 5362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5118, by Senators Carrell, Benton, Darneille, Bailey, Roach and Honeyford

Addressing access to original birth certificates after adoption finalization.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 5118 was substituted for Senate Bill No. 5118 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Carrell moved that the following striking amendment by Senators Carrell and Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.33.345 and 1993 c 81 s 3 are each amended to read as follows:

(1) The department of social and health services, adoption agencies, and independent adoption facilitators shall release the name and location of the court where a relinquishment of parental rights or finalization of an adoption took place to an adult adoptee, a birth parent of an adult adoptee, an adoptive parent, a birth or adoptive grandparent of an adult adoptee, or an adult sibling of an adult adoptee, or the legal guardian of any of these.

(2) The department of health shall make available a noncertified copy of the original birth certificate of a child to the child's birth parents upon request.

(3)(a) For adoptions finalized after October 1, 1993, the department of health shall make available a noncertified copy of the

original birth certificate to ~~((the adoptee after the adoptee's eighteenth birthday unless the birth parent has filed an affidavit of nondisclosure))~~ an adopted person eighteen years of age or older upon request, unless the birth parent has filed an affidavit of nondisclosure before the effective date of this section or a contact preference form that indicates he or she prefers not to be contacted: PROVIDED, That the affidavit of nondisclosure, the contact preference form, or both have not expired.

(b) For adoptions finalized on or before October 1, 1993, the department of health may not make available the original birth certificate to the adopted person for inspection or copying until after June 30, 2014. After June 30, 2014, the department of health shall make available a noncertified copy of the original birth certificate to an adopted person eighteen years or older upon request, unless the birth parent has filed a contact preference form that indicates he or she prefers not to be contacted: PROVIDED, That the contact preference form has not expired.

(4)(a) Regardless of whether a birth parent has filed an affidavit of nondisclosure or when the adoption was finalized, a birth parent may at any time complete a contact preference form stating his or her preference about personal contact with the adopted person, which, if available, must accompany a birth certificate issued under subsection (3) of this section.

(b) The contact preference form must include the following options:

(i) I would like to be contacted;

(ii) I would like to be contacted only through a confidential intermediary as described in RCW 26.33.343; and

(iii) I prefer not to be contacted and have also completed the birth parent updated medical history form.

(c) If the birth parent indicates he or she prefers not to be contacted, personally identifying information on the contact preference form must be kept confidential and may not be released.

(d) A contact preference form expires upon the death of the birth parent.

(5) If a birth parent files a contact preference form, the birth parent must also file a medical history form with the department of health. Upon request of the adopted person, the department of health must provide the adopted person with the medical history form filed by the adopted person's birth parent.

(6) Both a completed contact preference form and birth parent updated medical history form are confidential and must be placed in a secure file until a match with the adopted person's file is made. Once a match is made, the forms must be placed in the adopted person's sealed file.

(7) If the contact preference form is filed within six months of the first time an adopted person requests a copy of his or her original birth certificate as provided in subsection (3) of this section, the department of health must forward the form to the address of the adopted person. If applicable, the department of health must also forward the birth parent updated medical history form to the address of the adopted person.

(8) The department of health may charge a fee not to exceed twenty dollars for providing a noncertified copy of a birth certificate to an adopted person.

(9) The department of health must create the contact preference form and medical history form. The contact preference form must provide a method to ensure personally identifying information can be kept confidential. The medical history form may not require the birth parent to disclose any identifying information about the birth parent.

(10) An affidavit of nondisclosure expires upon the death of the birth parent."

Senators Carrell, Keiser and Darneille spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Carrell and Rivers to Substitute Senate Bill No. 5118.

The motion by Senator Carrell carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "finalization;" strike the remainder of the title and insert "and amending RCW 26.33.345."

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 5118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell, Darneille and Shin spoke in favor of passage of the bill.

Senator Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5118.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5118 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Frockt, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Eide, Fraser, Hargrove, Hatfield and Padden

Excused: Senators Baumgartner and Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5352, by Senators Holmquist Newbry, Conway and Hewitt

Clarifying the terminology and duties of the real estate agency relationship law to be consistent with other existing laws.

MOTIONS

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 5352 was substituted for Senate Bill No. 5352 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Frockt

Excused: Senators Baumgartner and Ranker

SUBSTITUTE SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5697, by Senators Braun, Carrell, Dammeier, Rivers and Sheldon

Reducing the frequency of local sales and use tax changes.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5697 was substituted for Senate Bill No. 5697 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5697 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5697.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5697 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Conway, Dammeier, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Darneille, Eide, Frockt, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray and Nelson

Excused: Senators Baumgartner and Ranker

SUBSTITUTE SENATE BILL NO. 5697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

SENATE BILL NO. 5219, by Senators Honeyford, Hatfield, Smith, Schoesler, Delvin and Hewitt

Retaining water resources to assure the vitality of local economies.

MOTION

On motion of Senator Honeyford, Second Substitute Senate Bill No. 5219 was substituted for Senate Bill No. 5219 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that purchase of lands by state agencies for less intensive economic uses may affect the economic vitality of local communities by reducing essential water resources necessary to retain economic activity of the area. The legislature finds that a number of parcels of land purchased by state agencies have water rights appurtenant to them. The legislature continues to support agency efforts to allow continued use of portions of land parcels that contribute to the local economy by actions such as leasing back irrigated parcels to local producers for continued production of food and other agricultural commodities. The legislature finds that the economies in many rural areas of the state have declined and are in need of retaining water resources to prevent further decline.

The purpose of this act is to establish a process to retain water rights when they are no longer used on state purchased lands and to make this resource available for alternate uses to continue to support the local economy, jobs, and the tax base rather than be permanently lost to the economy of the area through relinquishment under chapter 90.14 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 90.42 RCW to read as follows:

(1) Within existing appropriations, the department of fish and wildlife, the parks and recreation commission, and the department of natural resources shall each maintain an inventory of water rights appurtenant to each parcel of land purchased by their agencies. Each agency shall seek assistance from the department of ecology in maintaining this inventory. At least once each year, each agency shall review and record whether all or a portion of the water right for each of these lands purchased by the agency has been beneficially used. If the agency does not plan on continuing beneficial use of all or a portion of the water right on the state-owned lands, or if all or a portion of a particular water right has been unused during the prior four-consecutive-year period, the agency shall file a change or transfer application with the department of ecology and commence the process of transferring the unused portion of the water right to the local economy trust water account established in this chapter. Before the end of the fifth year of nonuse of all or a portion of the water rights, the transfer must be completed and the water right shall be temporarily held by the department of ecology as a local economy trust water right until the water right is transferred to another beneficial use as provided in subsection (3) of this section.

(2) If an agency has commenced the process of transferring all or a portion of a water right as required under subsection (1) of this

section, but subsequently placed the water right to beneficial use on the state-owned land before the end of the fifth year, and plans to continue to fully use the water right in subsequent years, the agency shall notify the department of ecology to terminate the transfer of the water right to the local economy trust water account.

(3) Water rights temporarily held by the department of ecology under this section shall be available for transfer to a new use or uses within the same WRIA as the original use, consistent with RCW 90.03.380 or 90.44.100, as appropriate. Once a water right is transferred to the local economy trust water account and the department has completed a trust water agreement and identified the area of suitability for transfer consistent with chapter 90.38 or 90.44 RCW, the department must provide notification that a water right may be available to the person who filed an application for a new water right under chapter 90.03 or 90.44 RCW as appropriate, based on whose water right appropriation is next in line for processing within the area of suitability for transfer within the WRIA.

(4)(a) A request to transfer the water right may be processed if:

(i) The applicant responds to the department within thirty calendar days; and

(ii) The applicant agrees to pay the department's costs associated with placing the new water supplies into the local economy trust water account and completing the transfer from the local economy trust water account to the applicant's new use.

(b) If the thirty-day period elapses and an affirmative written response is not received from the applicant by the department, the department shall provide the notice to the next applicant in line in accordance with subsection (3) of this section.

(5) If the department has not issued a permit within three years of the date that the water right was transferred into the local economy trust water account, the department shall submit a written report to the standing committees of the legislature with jurisdiction over water right matters, and to the legislators representing the area in which the original water right was used providing the reasons for the failure to approve a transfer of the water right to a new use.

(6) If a person does not indicate an interest in obtaining a water right from the local economy trust water account, it does not affect the standing of the original water right application.

(7) This section does not apply to properties with deed restrictions in conflict with this section or where application of this section would otherwise violate law.

(8) The provisions of this section and section 3 of this act apply to all WRIsAs in the state.

(9) This section does not apply to nonconsumptive water rights used by fish hatcheries and associated rearing ponds, or to water rights associated with permit-exempt wells established under RCW 90.44.050.

(10) This section does not apply to state lands as defined in RCW 79.02.010, managed by the department of natural resources, or to state forest lands as defined in RCW 79.02.010.

(11) As used in this section and section 3 of this act, "WRIA" means a water resource inventory area established in chapter 173-500 WAC.

NEW SECTION. Sec. 3. A new section is added to chapter 90.42 RCW to read as follows:

(1) If the agency's nonuse of a water right meets any of the sufficient cause exceptions listed in RCW 90.14.140(1), the agency is not required to place that specific unused water into the local economy trust water account.

(2) Upon the transfer of a water right under section 2(1) of this act, the department shall establish a local economy trust water account for the WRIA in which the water right had been used. The department shall place and hold the water right in the account pending completion of a transfer to another beneficial use as provided in this section and section 2 of this act.

(3) The department may transfer all or a portion of a water right held in the local economy trust water account to a new water use identified through the process in section 2 of this act upon occurrence of all of the following:

(a) The department receives a request from a qualified applicant identified pursuant to section 2 of this act for transfer of a water right or portion thereof; and

(b) The request is reviewed and approved under RCW 90.03.380 or 90.44.100, as applicable, for the new beneficial use or uses. The department may not authorize the use of a water right if it causes detriment or injury to existing rights.

(4) The priority date of the water right or portion thereof transferred by the department from the local economy trust water account shall be the priority date of the underlying water right that had been transferred into the local economy trust water account, but as between the underlying water right and the new transferred right, the underlying water right shall be deemed to be senior in priority unless otherwise specified by agreement between the agency holding the underlying water right and the new water right holder.

(5) The department shall issue documentation for that water right or portion thereof to the new water right holder based on the requirements applicable to the transfer of other water rights from the trust water program, as provided under this chapter or chapter 90.38 RCW, as applicable. Documentation must include a description of the property to which the water right will be appurtenant after the water right or portion thereof is transferred from local economy trust water account to the new water right holder.

(6) The department's decision on the transfer of a water right or portion thereof from the local economy trust water account may be appealed to the pollution control hearings board under RCW 43.21B.230 or to a superior court conducting a general adjudication under RCW 90.03.210.

(7) Notice of application for transfer of a water right under this section must be published by the applicant as provided under RCW 90.03.380. The department must provide electronic notice and opportunity to comment to affected local governments and affected federally recognized tribal governments before initiating use of the local economy trust water account for the first time in a WRIA.

(8) Water rights are not subject to loss by statutory relinquishment under RCW 90.14.130 through 90.14.200 while such water rights are:

(a) Waiting for a final determination from the department on a change or transfer application filed under RCW 90.03.250, 90.03.380, or 90.44.100;

(b) In a local economy trust water account while being held by the department as a trust water right under this chapter or chapter 90.38 RCW; or

(c) Within a construction or development schedule period granted in the approved water right transfer document or any development schedule granted under RCW 90.03.320 for the new water right holder to place the water to beneficial use."

Senators Hargrove and Honeyford spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Honeyford to Second Substitute Senate Bill No. 5219.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "economies;" strike the remainder of the title and insert "adding new sections to chapter 90.42 RCW; and creating a new section."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

Senator Nelson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5219.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hill, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Rolfes, Schlicher and Shin

Excused: Senators Baumgartner and Ranker

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5755, by Senators Litzow, McAuliffe, Kohl-Welles, Conway and Kline

Establishing a comprehensive initiative to increase learning opportunities and improve educational outcomes in science, technology, engineering, and mathematics through multiple strategies and statewide partnerships.

MOTIONS

On motion of Senator Dammeier, Substitute Senate Bill No. 5755 was substituted for Senate Bill No. 5755 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Substitute Senate Bill No. 5755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5755.

ROLL CALL

FIFTY SEVENTH DAY, MARCH 11, 2013

2013 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5755 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 5755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:14 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:46 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5195, by Senators Rolfes, Hill, Tom, Bailey and Fain

Allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 5195 was substituted for Senate Bill No. 5195 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5195 was deferred and the bill held its place on the second reading calendar.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 11, 2013."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through March 11, 2013 by voice vote.

SECOND READING

SENATE BILL NO. 5208, by Senators Benton, Hobbs, Nelson, Hatfield, Mullet and Shin

Addressing fees and semiannual assessments, powers, lending limits, and technical amendments related to state-chartered banks, savings banks, savings associations, and trust companies. Revised for 1st Substitute: Concerning banks, trust companies, savings banks, and savings associations, and making technical amendments to the laws governing the department of financial institutions.

MOTION

On motion of Senator Benton, Substitute Senate Bill No. 5208 was substituted for Senate Bill No. 5208 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Hobbs be adopted:

On page 39, after line 12, strike all of section 36

Senator Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Hobbs on page 39, after line 12 to Substitute Senate Bill No. 5208.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 11 of the title, after "32.08.1551;" strike the remainder of the title and insert "providing a contingent effective date; and providing a contingent expiration date."

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute Senate Bill No. 5208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5208.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5208 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Bailey: "Some of you may be aware if you've been following some of the news today that we lost an airplane this morning from Whidbey Island. The latest report I have is that all have been lost in the crash. At this point in time I appreciate the opportunity to ask this body to take a moment and think about the families and the men and women that are involved. Protection of our country doesn't come without great risk. These men and women train and this was a training unit this morning and I'm just heartsick at the loss in our community today. Thank you Mr. President."

SECOND READING

SENATE BILL NO. 5784, by Senators Holmquist Newbry, Hewitt, Harper, Eide, Hobbs, Keiser, Becker, Hasegawa, Shin, Kline, Braun, Fain and Conway

Concerning the joint center for aerospace technology innovation.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Senate Bill No. 5784 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5784.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5784 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5784, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5183, by Senators Padden and Kline

Concerning financing statements to perfect security interests.

The measure was read the second time.

MOTION

Senator Kline moved that the following amendment by Senators Kline and Padden be adopted:

On page 5, after line 4, insert the following:

"NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013."

Senators Kline and Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Padden on page 5, after line 4 to Senate Bill No. 5183.

The motion by Senator Kline carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "interests;" strike "and"

On page 1, line 2 of the title, after "62A.9A-503" insert "; providing an effective date; and declaring an emergency"

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Senate Bill No. 5183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5183.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5183 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5679, by Senators Brown, Chase, King, Litzow, Dammeier, Schoesler, Rivers, Smith, Braun, Hewitt, Sheldon and Tom

Improving the business climate and stimulating job creation by requiring certain agencies to establish a formal review process of existing rules.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5679 was substituted for Senate Bill No. 5679 and the substitute bill was placed on the second reading and read the second time.

FIFTY SEVENTH DAY, MARCH 11, 2013

2013 REGULAR SESSION

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5679 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5679.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5679 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5726, by Senators Braun, Tom, Bailey, Schoesler, Padden and Benton

Placing geographic limitations on local paid sick leave and paid safe leave programs.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following striking amendment by Senator Hatfield and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

(1) No city or town may require an employer to provide paid sick leave or paid safe leave to an employee unless:

(a) The employer has a physical location within the jurisdiction; and

(b) The employee works at or reports to that physical location for at least eighty-five percent of the hours regularly and customarily worked for that employer.

(2) This section applies to any ordinance, code, regulation, or rule enacted on or after the effective date of this section, or in effect on the effective date of this section.

(3) For purposes of this section:

(a) "Paid sick leave" means paid leave:

(i) Due to the employee's mental or physical illness, injury, or health condition; need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or need for preventive medical care; or

(ii) To allow the employee to provide care of a family member with a mental or physical illness, injury, or health condition; who needs medical diagnosis, care, or treatment of a mental or physical

illness, injury, or health condition; or who needs preventive medical care.

(b) "Paid safe leave" means paid leave:

(i) Due to an employee's place of business, or the school or place of care of an employee's child, being closed by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material; or

(ii) Due to an employee or an employee's family member being a victim of domestic violence, sexual assault, or stalking.

(c) "Employer" has the same meaning as provided in RCW 49.12.005.

(d) "Employee" has the same meaning as provided in RCW 49.12.005.

(4) This section may not be construed to impair any provision in a collective bargaining agreement.

NEW SECTION. Sec. 2. A new section is added to chapter 35A.21 RCW to read as follows:

(1) No code city may require an employer to provide paid sick leave or paid safe leave to an employee unless:

(a) The employer has a physical location within the jurisdiction; and

(b) The employee works at or reports to that physical location for at least eighty-five percent of the hours regularly and customarily worked for that employer.

(2) This section applies to any ordinance, code, regulation, or rule enacted on or after the effective date of this section, or in effect on the effective date of this section.

(3) For purposes of this section:

(a) "Paid sick leave" means paid leave:

(i) Due to the employee's mental or physical illness, injury, or health condition; need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or need for preventive medical care; or

(ii) To allow the employee to provide care of a family member with a mental or physical illness, injury, or health condition; who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or who needs preventive medical care.

(b) "Paid safe leave" means paid leave:

(i) Due to an employee's place of business, or the school or place of care of an employee's child, being closed by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material; or

(ii) Due to an employee or an employee's family member being a victim of domestic violence, sexual assault, or stalking.

(c) "Employer" has the same meaning as provided in RCW 49.12.005.

(d) "Employee" has the same meaning as provided in RCW 49.12.005.

(4) This section may not be construed to impair any provision in a collective bargaining agreement.

NEW SECTION. Sec. 3. A new section is added to chapter 36.01 RCW to read as follows:

(1) No county may require an employer to provide paid sick leave or paid safe leave to an employee unless:

(a) The employer has a physical location within the jurisdiction; and

(b) The employee works at or reports to that physical location for at least eighty-five percent of the hours regularly and customarily worked for that employer.

(2) This section applies to any ordinance, code, regulation, or rule enacted on or after the effective date of this section, or in effect on the effective date of this section.

(3) For purposes of this section:

(a) "Paid sick leave" means paid leave:

(i) Due to the employee's mental or physical illness, injury, or health condition; need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or need for preventive medical care; or

(ii) To allow the employee to provide care of a family member with a mental or physical illness, injury, or health condition; who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or who needs preventive medical care.

(b) "Paid safe leave" means paid leave:

(i) Due to an employee's place of business, or the school or place of care of an employee's child, being closed by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material; or

(ii) Due to an employee or an employee's family member being a victim of domestic violence, sexual assault, or stalking.

(c) "Employer" has the same meaning as provided in RCW 49.12.005.

(d) "Employee" has the same meaning as provided in RCW 49.12.005.

(4) This section may not be construed to impair any provision in a collective bargaining agreement."

Senators Hatfield and Braun spoke in favor of adoption of the striking amendment.

Senator Conway spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hatfield and others to Senate Bill No. 5726.

The motion by Senator Hatfield carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW."

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Senate Bill No. 5726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Schoesler, Sheldon, Holmquist Newbry, Tom and Hobbs spoke in favor of passage of the bill.

Senators Keiser, Frockt, Hasegawa, Kohl-Welles, Murray, Kline and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5726.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5726 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

ENGROSSED SENATE BILL NO. 5726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5656, by Senators Braun, Carrell, Rivers, Sheldon, Hobbs and Fain

Revising business licensing systems.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5656 was substituted for Senate Bill No. 5656 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following amendment by Senator Mullet be adopted:

On page 1, line 10, after "RCW" insert "or through a city-developed portal"

On page 1, line 16, after "RCW" insert "or through a city-developed portal"

On page 2, after line 13, strike all of subsection (4) and insert the following:

"(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Business and occupation tax" has the same meaning as in RCW 35.102.030.

(b) "City-developed portal" means a single portal with at least five participating cities that allows for the issuance or renewal of general business licenses for all participating cities."

Senators Mullet and Braun spoke in favor of adoption of the amendment.

Senator Nelson spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mullet on page 1, line 10 to Substitute Senate Bill No. 5656.

The motion by Senator Mullet carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5656 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Mullet spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5656.

ROLL CALL

FIFTY SEVENTH DAY, MARCH 11, 2013

2013 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5656 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Conway, Dammeier, Eide, Ericksen, Fain, Frockt, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Chase, Cleveland, Darneille, Fraser, Harper, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Rolfes and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5158, by Senators Braun, Holmquist Newbry, Becker, Bailey, Roach, Sheldon, Dammeier, Schoesler and Honeyford

Creating a good faith defense for certain minimum wage and overtime compensation complaints.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Holmquist Newbry and Becker spoke in favor of passage of the bill.

Senators Keiser, Conway, Hargrove, Rolfes and Frockt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5158.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5158 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SENATE BILL NO. 5158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5107, by Senators Padden and Holmquist Newbry

Concerning prevailing wages for workers employed in residential construction.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and King spoke in favor of passage of the bill.

Senators Hasegawa, Conway and Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5107.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5107 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SENATE BILL NO. 5107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5686, by Senator King

Requiring surveys to develop data for prevailing wage determinations.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5686 was substituted for Senate Bill No. 5686 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

Senators Conway and Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5686.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5686 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Roach, Rolfes and Schlicher

SUBSTITUTE SENATE BILL NO. 5686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5160, by Senators Holmquist Newbry, Becker, Braun, Carrell, Sheldon, Schoesler, Honeyford and Roach

Creating a process for administrative reassignment of public employees. Revised for 1st Substitute: Creating a process for home assignment of public employees.

MOTIONS

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 5160 was substituted for Senate Bill No. 5160 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute Senate Bill No. 5160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5160.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Just a reminder to the members, it's that time of year and it's soon to be that time of night. The machine is in order. It's over in the what we now call the breath of life. The water of life is available to us now. Just as a reminder to those who are old enough to remember the architectural changes that happened about ten years ago. I'll be sensitive Mr. President in

how I say this. We men members still have a restroom over here but the machine is very close to the restroom. So, guys, remember close the door. Thank you."

PERSONAL PRIVILEGE

Senator Murray: "Thank you Mr. President. I'm not sure if it's a personal privilege. I just want to clarify, since we're on TVW, the member's remarks. He was referring to a coffee machine. And that was a glass and that was a glass, I guess coffee glass he was holding up and not a scotch glass. Thank you."

SECOND READING

SENATE BILL NO. 5355, by Senators Holmquist Newbry, Conway, Kohl-Welles and Keiser

Implementing the unemployment insurance integrity provisions of the federal trade adjustment assistance extension act of 2011.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5355.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Sheldon: "Thank you Mr. President. I think I'm probably, I know I'm a west sider but I haven't seen any east siders. I mean east of the cascades mountain. Perhaps I was off the floor when this occurred but I haven't heard anyone mention the Gonzaga Basketball Team ranked number one in Washington State in the United States. It's the first time that team, any Washington team has ever been ranked number one and they're going into their last game here in Washington with Saint. Mary's here tonight at six o'clock. So, let's go Zags."

PERSONAL PRIVILEGE

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Senator Billig: “Thank you Mr. President. Well, I’m glad the Senator brought that up as I made that, I pointed that out a few days ago about the first number one team in the history of the state of Washington. I appreciate the words of good luck for the Third District’s Gonzaga Bulldogs. And I also wanted to point out that the women’s basketball team from Gonzaga won the West Coast Conference Championship and let’s hope that we sweep it with the men’s victory tonight. Go Zags. Thank you Mr. President.”

MOTION

On motion of Senator Hobbs, Senator Hatfield was excused.

SECOND READING

SENATE BILL NO. 5400, by Senators Honeyford, Ericksen and Hewitt

Allowing utilities serving customers in Washington and in other states to use eligible renewable resources located within the western electricity coordinating council area to comply with chapter 19.285 RCW, the energy independence act. Revised for 1st Substitute: Allowing utilities serving customers in Washington and in other states to use eligible renewable resources in their other states to comply with chapter 19.285 RCW, the energy independence act.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5400 was substituted for Senate Bill No. 5400 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Ericksen spoke in favor of passage of the bill.

Senators Ranker, Frockt and Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5400.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5400 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Hatfield

SUBSTITUTE SENATE BILL NO. 5400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR’S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 6:12 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:50 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5702, by Senators Honeyford, Pearson and Ranker

Concerning aquatic invasive species.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5702 was substituted for Senate Bill No. 5702 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Chase and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5702.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Absent: Senators Hasegawa, McAuliffe and Shin

SUBSTITUTE SENATE BILL NO. 5702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5627, by Senators Eide, Parlette, Ranker, Shin and Litzow

Concerning the taxation of commuter air carriers.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5627 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, Fain and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5627.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5627 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Roach, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Baumgartner, Benton, Brown, Holmquist Newbry, Padden, Rivers, Rolfes and Smith

SENATE BILL NO. 5627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5200, by Senators Hatfield and Shin

Concerning consolidating a new exempt withdrawal of groundwater into an existing public water system.

MOTION

On motion of Senator Hatfield, Substitute Senate Bill No. 5200 was substituted for Senate Bill No. 5200 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hatfield moved that the following striking amendment by Senator Hatfield be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.44.105 and 1997 c 446 s 1 are each amended to read as follows:

(1)(a) Upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may consolidate that right with a groundwater right exempt from the permit requirement under RCW 90.44.050, without affecting the priority of either of the water rights being consolidated. Such a consolidation amendment shall be issued only after publication of a notice of the application, a comment period, and a determination made by the department, in lieu of meeting the conditions required for an amendment under RCW 90.44.100, that:

((4)) (i) The exempt well taps the same body of public groundwater as the well to which the water right of the exempt well is to be consolidated;

((2)) (ii) Use of the exempt well shall be discontinued upon approval of the consolidation amendment to the permit or certificate;

((3)) (iii) Legally enforceable agreements have been entered to prohibit the construction of another exempt well to serve the area previously served by the exempt well to be discontinued, and such agreements are binding upon subsequent owners of the land through appropriate binding limitations on the title to the land;

((4)) (iv) The exempt well or wells the use of which is to be discontinued will be properly decommissioned in accordance with chapter 18.104 RCW and the rules of the department; and

((5)) (v) Other existing rights, including ground and surface water rights and minimum stream flows adopted by rule, shall not be impaired.

(b) The notice required by this section shall be published by the applicant in a newspaper of general circulation in the county or counties in which the wells for the rights to be consolidated are located once a week for two consecutive weeks. The applicant shall provide evidence of the publication of the notice to the department. The comment period shall be for thirty days beginning on the date the second notice is published.

(2) The amount of the water to be added to the holder's permit or certificate upon discontinuance of the exempt well or approval of a consolidation under subsection (3) of this section shall be the average withdrawal from the well, in gallons per day, for the most recent five-year period preceding the date of the application, except that the amount shall not be less than eight hundred gallons per day for each residential connection or such alternative minimum amount as may be established by the department in consultation with the department of health, and shall not exceed five thousand gallons per day. The department shall presume that an amount identified by the applicant as being the average withdrawal from the well during the most recent five-year period is accurate if the applicant establishes that the amount identified for the use or uses of water from the exempt well is consistent with the average amount of water used for similar use or uses in the general area in which the exempt well is located. The department shall develop, in consultation with the department of health, a schedule of average household and small-area landscaping water usages in various regions of the state to aid the department and applicants in identifying average amounts used for these purposes. The presumption does not apply if the department finds credible evidence of nonuse of the well during the required period or credible evidence that the use of water from the exempt well or the intensity of the use of the land supported by water from the exempt well is substantially different than such uses in the general area in which the exempt well is located. The department shall also accord a presumption in favor of approval of such consolidation if the requirements of this subsection are met and the discontinuance of the exempt well is consistent with an adopted coordinated water system plan under chapter 70.116 RCW, an adopted comprehensive land use plan under chapter 36.70A RCW, or other comprehensive watershed management plan applicable to the area containing an objective of decreasing the number of existing and newly developed small groundwater withdrawal wells. The department shall provide a priority to reviewing and deciding upon applications subject to this subsection, and shall make its decision within sixty days of the end of the comment period following publication of the notice by the applicant or within sixty days of the date on which compliance with the state environmental policy act, chapter 43.21C RCW, is completed, whichever is later. The applicant and the department may by prior mutual agreement extend the time for making a decision.

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(3) An existing publicly owned and operated group A or group B water system, as those terms are defined in RCW 70.119A.020, may serve a proposed new development with a quantity of water that otherwise would be withdrawn for beneficial use under the permit exemption in RCW 90.44.050. However, not more than five thousand gallons per day may be provided in this manner by any water system. The existing water rights for a water system will be increased by the amount of water beneficially used for that purpose if the following conditions are met:

(a) A determination is made under RCW 58.17.110 or 19.27.097 that potable water is legally available for single or group domestic use under the permit exemption in RCW 90.44.050 and that provision of this water by the existing water system would comply with water resource rules adopted by the department under chapter 90.54 RCW;

(b) The existing water system does not have water rights in sufficient quantities to serve the proposed new development and withdraws water from the same body of public groundwater as would a new well constructed to serve the proposed new development;

(c) The water system is in compliance with the water use efficiency requirements of RCW 70.119A.180(4), drinking water rules adopted by the department of health under RCW 43.70.040, and rules adopted by the state board of health under RCW 43.20.050(2)(a); and

(d) Within five years of providing a water supply under this subsection, the water system complies with the applicable requirements of subsections (1) and (2) of this section and, at such time, provides the department with metered water use information for the new development to serve as the basis for quantifying the consolidation."

Senator Hatfield spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hatfield to Substitute Senate Bill No. 5200.

The motion by Senator Hatfield carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "system;" strike the remainder of the title and insert "and amending RCW 90.44.105."

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Substitute Senate Bill No. 5200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield, Honeyford and Sheldon spoke in favor of passage of the bill.

Senator Nelson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5200.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5200 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Dammeier, Eide, Erickson, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Conway, Darneille, Fraser, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray and Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5568, by Senators Hobbs, Kohl-Welles, Billig, Frockt, Chase, Harper, Hasegawa, Keiser, Shin, Kline and Nelson

Concerning the disclosure of certain information when screening tenants.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5568 was substituted for Senate Bill No. 5568 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, Frockt and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5568.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5568 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Holmquist Newbry, Padden and Parlette

SUBSTITUTE SENATE BILL NO. 5568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5092, by Senators Benton, Shin, Braun, Roach and Honeyford

Providing an exemption from continuing competency requirements for registered nurses who seek advanced nursing degrees.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5092.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5389, by Senators Billig, Fain, Hargrove, Litzow, Murray, Tom, Kohl-Welles, Rolfes, Harper and Chase

Concerning sibling visitation for children in foster care.
Revised for 2nd Substitute: Concerning sibling visitation and sibling contact for children in foster care.

MOTION

On motion of Senator Billig, Second Substitute Senate Bill No. 5389 was substituted for Senate Bill No. 5389 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Billig moved that the following striking amendment by Senators Billig and Carrell be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The Washington state legislature recognizes the importance of frequent and meaningful contact for siblings separated due to involvement in the foster care system. The legislature also recognizes that children and youth in foster care have not always been provided adequate opportunities for visitation with their siblings. It is the intent of the legislature to encourage appropriate facilitation of sibling visits.

Sec. 2. RCW 13.34.136 and 2011 c 309 s 29 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's or supervising agency's proposed permanency plan must be provided to the department or supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(6)~~) (8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the supervising agency or the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department or supervising agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's or supervising agency's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The supervising agency or department shall encourage the maximum parent and child (~~and sibling~~) contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the department or supervising agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

~~((iv))~~ (v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department or supervising agency.

~~((v))~~ (vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

~~((vi))~~ (vii) The supervising agency or department shall provide all reasonable services that are available within the department or supervising agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130~~((6))~~ (8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department or supervising agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department or supervising agency to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130~~((4))~~ (6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other supervising agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings.

To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department of social and health services or other supervising agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe."

Senators Billig and Carrell spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Billig and Carrell to Second Substitute Senate Bill No. 5389.

The motion by Senator Billig carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 13.34.136; and creating a new section."

MOTION

On motion of Senator Billig, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5389.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5389 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5541, by Senators Hobbs, Fain, Hatfield and Harper

Concerning the redemption of real property.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 5541 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5541.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5541 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Frockt and Kohl-Welles

SENATE BILL NO. 5541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5025, by Senators Roach, Conway and Shin

Providing that a proclamation of a state of emergency is effective upon the governor's signature.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke on passage of the bill.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5025.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5025 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Roach and Smith

SENATE BILL NO. 5025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5106, by Senator Delvin

Concerning the operation of county budgets.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5480, by Senators Keiser, Kohl-Welles, Darneille, Nelson, McAuliffe and Kline

Accelerating changes to mental health involuntary commitment laws.

MOTION

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On motion of Senator Keiser, Substitute Senate Bill No. 5480 was substituted for Senate Bill No. 5480 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schlicher moved that the following amendment by Senator Schlicher and others be adopted:

On page 2, after line 2, insert the following:

"Sec. 4. RCW 71.05.040 and 2004 c 166 s 2 are each amended to read as follows:

(1) Persons (~~who are developmentally disabled~~) with developmental disabilities, impaired by chronic alcoholism or drug abuse, or suffering from dementia shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or as a result of a mental disorder such condition exists that constitutes a likelihood of serious harm: Provided however, That persons (~~who are developmentally disabled~~) with developmental disabilities, impaired by chronic alcoholism or drug abuse, or suffering from dementia and who otherwise meet the criteria for detention or judicial commitment are not ineligible for detention or commitment based on this condition alone.

(2) The fact that a mental disorder within the definition of RCW 71.05.020 is caused by an underlying medical condition does not provide a reason to withhold detention under this chapter. The fact that a person has been involuntarily detained does not give the right to provide medical treatment against the person's will, except as specified in RCW 71.05.217(7) and 71.05.360(10).

NEW SECTION. Sec. 5. A new section is added to chapter 71.05 RCW to read as follows:

A designated mental health professional shall take serious consideration of observations and opinions by examining physicians in determining whether detention under this chapter is appropriate. An examining physician who disagrees with a determination not to initiate detention under RCW 71.05.150 or 71.05.153 may submit a declaration describing the reasons why, in the view of the physician, detention is appropriate and stating whether the physician is willing, if necessary, to testify to the physician's observations in court. A designated mental health professional who receives such a declaration and does not initiate detention must provide a written response stating with particularity the reason or reasons why the person has not been detained.

NEW SECTION. Sec. 6. A new section is added to chapter 71.05 RCW to read as follows:

A designated mental health professional who conducts an evaluation for imminent likelihood of serious harm or imminent danger because of being gravely disabled under RCW 71.05.153 must also evaluate the person under RCW 71.05.150 for likelihood of serious harm or grave disability that does not meet the imminent standard for emergency detention."

Senators Schlicher and Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schlicher and others on page 2, after line 2 to Substitute Senate Bill No. 5480.

The motion by Senator Schlicher carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "mental health involuntary

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commitment laws; amending RCW 71.05.040; amending 2011 2nd sp.s. c 6 ss 1 and 3 (uncodified); adding new sections to chapter 71.05 RCW; creating a new section; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5480.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5480 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5605, by Senators Becker, Sheldon, Hatfield and Parlette

Addressing health plans provided through associations or member-governed groups. Revised for 1st Substitute: Clarifying association health plans provisions.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5605 was substituted for Senate Bill No. 5605 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker spoke in favor of passage of the bill.

Senator Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5605.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5605 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Conway, Dammeier, Ericksen, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Darneille, Eide, Fraser, Hasegawa, Keiser, Kline, Kohl-Welles, Murray and Nelson

SUBSTITUTE SENATE BILL NO. 5605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5494, by Senators Hobbs, Fain, Holmquist Newbry, Mullet, Dammeier and McAuliffe

Concerning carbon monoxide alarms.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5494 was substituted for Senate Bill No. 5494 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, Benton, Hatfield and Tom spoke in favor of passage of the bill.

Senators Kline, Rolfes, Kohl-Welles and Frockt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5494.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5494 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, McAuliffe, Mullet, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Hasegawa, Keiser, Kline, Kohl-Welles, Murray, Nelson, Padden, Ranker, Rolfes, Schlicher and Shin

SUBSTITUTE SENATE BILL NO. 5494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5030, by Senators Roach and Shin

Extending the Chinook scenic byway.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senators Kline and Murray were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5030.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5030 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Rolfes

Excused: Senator Kline

SENATE BILL NO. 5030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5318, by Senators Bailey, Becker, Roach, Hobbs, Holmquist Newbry, Honeyford, Hill, Chase, Billig, Kline, Cleveland, Carrell and Shin

Removing the one-year waiting period for veterans or active members of the military for purposes of eligibility for resident tuition.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey, Shin, Kohl-Welles and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5318.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt,

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Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5616, by Senators Sheldon, Smith, Schoesler, Hargrove, Hatfield, Hewitt and Shin

Concerning the use of farm vehicles on public highways.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon and others be adopted:

On page 2, line 31, after "operated" strike all material through "vicinity" on line 32 and insert "within a radius of ((fifteen)) twenty-five miles"

Senators Sheldon and Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon and others on page 2, line 31 to Senate Bill No. 5616.

The motion by Senator Sheldon carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Senate Bill No. 5616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5616.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5616 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

SENATE BILL NO. 5010, by Senators Padden, Sheldon and Carrell

Establishing that courts may order an offender to refrain from the consumption of marijuana as a part of community custody conditions.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5010 was substituted for Senate Bill No. 5010 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Kline and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5010.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5010 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5744, by Senators Hargrove, Hatfield and Conway

Creating an industrial insurance high risk premium subsidy program. Revised for 1st Substitute: Monitoring the progress of the logger safety initiative.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5744 was substituted for Senate Bill No. 5744 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Becker moved that the following amendment by Senator Becker and others be adopted:

On page 2, beginning at line 17, insert "The Department of Labor and Industries shall reach out to employers in the logging industry having one or more on the job fatalities in the last five years and invite them to participate in the logger safety initiative."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Becker and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Becker and others on page 2, line 17 to Substitute Senate Bill No. 5744.

The motion by Senator Becker carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5744.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5744 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8007, by Senators Shin, Conway, Harper, Nelson, Kline, Becker, Hobbs, King, Eide, McAuliffe, Bailey, Hasegawa, Honeyford, Chase and Kohl-Welles

Requesting Congress pass legislation imposing a fee on United States bound cargo when it crosses the Canadian border. Revised for 1st Substitute: Requesting that congress pass legislation reforming the harbor maintenance tax.

MOTIONS

On motion of Senator Shin, Substitute Senate Joint Memorial No. 8007 was substituted for Senate Joint Memorial No. 8007 and the substitute memorial was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Joint Memorial No. 8007 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Shin and Braun spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8007.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8007 and the memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8007, having received the constitutional majority, was declared passed.

The Senate resumed consideration of Substitute Senate Bill No. 5195 which had been deferred earlier in the day.

MOTION

Senator Murray moved that the following striking amendment by Senator Murray be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Western Governors University-Washington, recognized by the state of Washington under RCW 28B.77.240, serves a student population that is nontraditional and geographically diverse. Enrollment in Western Governors University-Washington has grown steadily since 2011 reaching over four thousand three hundred students. These students represent an average age of thirty-seven, sixty-nine percent of whom are classified as underserved, including low-income, ethnic minority, rural, and first-generation students.

The legislature also finds that tuition at Western Governors University-Washington has remained static since 2008 at five thousand seven hundred eighty dollars per year.

Further, the legislature finds that the population served by Western Governors University-Washington deserves to have access to affordable postsecondary education, including baccalaureate degree-granting institutions. Therefore, the legislature intends to provide access to the state need grant program for eligible students attending Western Governors University-Washington.

The legislature also intends that Western Governors University-Washington comply with all reporting requirements established by the student achievement council for state need grant participation, including financial information about students, enrollment, graduation and placement rates, and the institution's standing with its accrediting agency, the Northwest Commission on Colleges and Universities, and the United States department of education.

Sec. 2. RCW 28B.92.030 and 2012 c 229 s 557 are each amended to read as follows:

As used in this chapter:

(1) "Council" means the student achievement council.

(2) "Disadvantaged student" means a posthigh school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full-time student in an institution of higher education, who would otherwise qualify as a needy student, and who is attending an institution of higher education under an

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established program designed to qualify the student for enrollment as a full-time student.

(3) "Financial aid" means loans and/or grants to needy students enrolled or accepted for enrollment as a student at institutions of higher education.

(4) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level (~~which~~) that is a member institution of an accrediting association recognized by rule of the council for the purposes of this section (~~(= PROVIDED, That)) and that agrees to and complies with program rules adopted pursuant to RCW 28B.92.150. However, any institution, branch, extension or facility operating within the state of Washington~~ (~~which~~) that is affiliated with an institution operating in another state must be:

(i) A separately accredited member institution of any such accrediting association (~~(=or)~~);

(ii) A branch of a member institution of an accrediting association recognized by rule of the council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students (~~(= PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.92.150))~~; or

(iii) A nonprofit institution recognized by the state of Washington as provided in RCW 28B.77.240.

(5) "Needy student" means a posthigh school student of an institution of higher education who demonstrates to the office the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter. "Needy student" also means an opportunity internship graduate as defined by RCW 28C.18.162 who enrolls in a postsecondary program of study as defined in RCW 28C.18.162 within one year of high school graduation.

(6) "Office" means the office of student financial assistance.

(7) "Placebound student" means a student who (a) is unable to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors; and (b) may be influenced by the receipt of an enhanced student financial aid award to complete a baccalaureate degree at an eligible institution.

Sec. 3. RCW 28B.105.020 and 2011 1st sp.s. c 11 s 183 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "GET units" means tuition units under the advanced college tuition payment program in chapter 28B.95 RCW.

(2) "Institution of higher education" has the same meaning as in RCW 28B.92.030(4) (a) and (b) (i) and (ii).

(3) "Office" means the office of student financial assistance.

(4) "Program administrator" means the private nonprofit corporation that is registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code, that will serve as the private partner in the public-private partnership under this chapter.

(5) "Qualified program" or "qualified major" means a mathematics, science, or related degree program or major line of

study offered by an institution of higher education that is included on the list of programs or majors selected by the (~~board~~) office and the program administrator under RCW 28B.105.100.

Sec. 4. RCW 28B.133.010 and 2004 c 275 s 72 are each amended to read as follows:

The educational assistance grant program for students with dependents is hereby created, subject to the availability of receipts of gifts, grants, or endowments from private sources. The program is created to serve financially needy students with dependents eighteen years of age or younger, by assisting them directly through a grant program to pursue a degree or certificate at public or private institutions of higher education, as defined in RCW 28B.92.030(4) (a) and (b) (i) and (ii), that participate in the state need grant program.

Sec. 5. RCW 28B.133.050 and 2011 1st sp.s. c 11 s 238 are each amended to read as follows:

The educational assistance grant program for students with dependents grants may be used by eligible participants to attend any public or private college or university in the state of Washington as defined in RCW 28B.92.030(4) (a) and (b) (i) and (ii). Each participating student may receive an amount to be determined by the office of student financial assistance, with a minimum amount of one thousand dollars per academic year, not to exceed the student's documented financial need for the course of study as determined by the institution.

Educational assistance grants for students with dependents are not intended to supplant any grant scholarship or tax program related to postsecondary education. If the office of student financial assistance finds that the educational assistance grants for students with dependents supplant or reduce any grant, scholarship, or tax program for categories of students, then the office shall adjust the financial eligibility criteria or the amount of the grant to the level necessary to avoid supplanting.

NEW SECTION. Sec. 6. The legislature finds that many American youth arrive in this country and this state through the decision of their parents to relocate in search of opportunities to improve their lives and futures.

On June 15, 2012, President Obama introduced the deferred action for childhood arrivals process. Building on this directive, this section and section 7 of this act are intended to provide a more affordable and attainable route to college for children granted deferred action for childhood arrival status who reside in Washington state. While extending in-state tuition to these youth has helped them better afford higher education in this state, financial aid is necessary to extend to them the full American dream. The extension of financial aid to these aspiring young Americans is also necessary to position everyone for economic success and strengthen Washington state's competitive edge in the world economy.

Sec. 7. RCW 28B.92.010 and 2004 c 275 s 34 are each amended to read as follows:

The purposes of this chapter are to establish the principles upon which the state financial aid programs will be based and to establish the state of Washington state need grant program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education. State need grants under this chapter are available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (d) or any person who has completed the full senior year of high school and obtained a high school diploma, either at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington state for at least three years immediately before receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its

equivalent and until such time as the individual is admitted to an eligible institution of higher education and has been granted deferred action for childhood arrival status pursuant to the rules and regulations adopted by the United States citizenship and immigration services.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act take effect August 1, 2013."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "expanding access to the state need grant; amending RCW 28B.92.030, 28B.105.020, 28B.133.010, 28B.133.050, and 28B.92.010; creating new sections; and providing an effective date."

POINT OF ORDER

Senator Bailey: "That the striking amendment 189 to Substitute Senate Bill No. 5195 is beyond the scope and object of the bill. The bill was introduced into the Senate, allows one non-profit institution recognized by Washington State under current law to be eligible to participate in the state need grant program, Western Washington Governor's University. Thus, the same student receiving a state need grant award while attending a Washington Community College would also be eligible to receive a state need grant award if he or she is attending WGU-Washington. By contrast, the striking amendment does not address the type of higher education institution that is eligible to participate in the state need grant program but rather it expands the class of eligible students by attempting to hang, verbatim, a bill that was introduced in the House, Substitute House Bill No. 1817. Specifically the striking amendment expands the class by allowing undocumented immigrants to be eligible for the state need grant award. Because the striking amendment exceeds the scope and object of the underlying bill I respectfully request a ruling accordingly."

Senator Frockt spoke against the point of order.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5195 was deferred and the bill held its place on the second reading calendar.

MOTION

At 9:07 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Tuesday, March 12, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTY EIGHTH DAY, MARCH 12, 2013

2013 REGULAR SESSION

FIFTY EIGHTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, March 12, 2013

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Olivia Banks and Brooklyn Lynch, presented the Colors. Senator Pearson offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 2013

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1108,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1114,

HOUSE BILL NO. 1182,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1383,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1399,

SUBSTITUTE HOUSE BILL NO. 1422,

SUBSTITUTE HOUSE BILL NO. 1435,

HOUSE BILL NO. 1471,

SUBSTITUTE HOUSE BILL NO. 1499,

SECOND SUBSTITUTE HOUSE BILL NO. 1518,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1522,

SUBSTITUTE HOUSE BILL NO. 1527,

HOUSE BILL NO. 1531,

HOUSE BILL NO. 1534,

HOUSE BILL NO. 1565,

SUBSTITUTE HOUSE BILL NO. 1613,

SECOND SUBSTITUTE HOUSE BILL NO. 1627,

SUBSTITUTE HOUSE BILL NO. 1737,

SECOND SUBSTITUTE HOUSE BILL NO. 1777,

HOUSE BILL NO. 1795,

HOUSE BILL NO. 1800,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING**SB 5868**

by Senator Fraser

AN ACT Relating to increasing nonhighway fuel tax refunds; amending RCW 46.10.530 and 79A.25.070; reenacting and amending RCW 46.09.520; and creating a new section.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1007 by House Committee on Transportation (originally sponsored by Representatives Kagi, Clibborn, Stanford, Ryu, Moscoso, Hudgins, Reykdal, Fitzgibbon, Appleton, Maxwell, Green and Fey)

AN ACT Relating to covering loads on public highways; amending RCW 46.61.655; and providing an effective date.

Referred to Committee on Transportation.

HB 1008 by Representatives Hunt, Appleton, Hurst, McCoy, Condotta, Fitzgibbon, Tharinger, Upthegrove, Reykdal and Magendanz

AN ACT Relating to allowing sales of growlers of cider; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Labor.

EHB 1013 by Representatives Appleton, Seaquist, Ryu and Hansen

AN ACT Relating to authorizing regular meetings of county legislative authorities to be held at alternate locations within the county; and amending RCW 36.32.080.

Referred to Committee on Governmental Operations.

HB 1028 by Representatives Dahlquist, Hurst and Clibborn

AN ACT Relating to the scenic and recreational highway on state route number 410; and amending RCW 47.39.020.

Referred to Committee on Transportation.

SHB 1068 by House Committee on Finance (originally sponsored by Representatives Manweller and Warnick)

AN ACT Relating to the television reception improvement district excise tax; and amending RCW 36.95.100, 36.95.130, 36.95.160, and 36.95.180.

Referred to Committee on Governmental Operations.

ESHB 1090 by House Committee on Local Government (originally sponsored by Representatives Shea, Reykdal, Crouse, Holy, Springer and Dahlquist)

AN ACT Relating to increasing the dollar amount for construction of a dock that does not qualify as a substantial development under the shoreline management act; and reenacting and amending RCW 90.58.030.

Referred to Committee on Natural Resources & Parks.

ESHB 1117 by House Committee on Judiciary (originally sponsored by Representatives Hansen, Rodne and Pedersen)

AN ACT Relating to the transfer of real property by deed taking effect at the grantor's death; amending RCW 11.07.010, 11.11.010, 11.18.200, 11.86.011, 11.94.050, 82.45.010, 82.45.197, 82.45.150, and 84.33.140; reenacting and amending RCW 11.02.005 and 84.34.108; adding a new chapter to Title 64 RCW; and providing a contingent effective date.

Referred to Committee on Law & Justice.

HB 1124 by Representatives Hurst and Condotta

AN ACT Relating to recommendations for streamlining reporting requirements for taxes and fees on spirits; adding a new section to chapter 66.08 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

E2SHB 1134 by House Committee on Appropriations (originally sponsored by Representatives McCoy, Santos, Appleton, Lytton, Ryu, Stanford, Roberts, Jinkins, Haigh, Freeman and Hunt)

AN ACT Relating to state-tribal education compact schools; amending RCW 49.60.400 and 84.52.0531; adding a new section to chapter 28A.642 RCW; adding a new chapter to Title 28A RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

2SHB 1158 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Kirby, Green, O'Ban, Sawyer, Ryu and Morrell)

AN ACT Relating to the annexation of property owned by the state for military purposes; and amending RCW 43.41.100, 35.13.125, 35.13.130, and 35A.14.120.

Referred to Committee on Governmental Operations.

HB 1159 by Representatives Lytton, Buys, Morris and Ryu

AN ACT Relating to increasing the number of superior court judges in Whatcom county; amending RCW 2.08.063; and creating a new section.

Referred to Committee on Law & Justice.

ESHB 1247 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Hansen, Warnick, Smith, Zeiger, Fey, Springer, Tharinger and Santos)

AN ACT Relating to the job skills program; and amending RCW 28C.04.420.

Referred to Committee on Higher Education.

ESHB 1252 by House Committee on Appropriations (originally sponsored by Representatives Stonier, Carlyle, Sullivan, Lytton, Hunt, Maxwell, Harris, Takko, Fitzgibbon,

Morrell, Tarleton, Jinkins, Hawkins, Haigh, Bergquist, Dahlquist, Tharinger, Freeman and Roberts)

AN ACT Relating to K-12 professional development for teachers and principals; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28A.415 RCW; and creating new sections.

Referred to Committee on Ways & Means.

HB 1269 by Representatives Smith, Takko and Upthegrove

AN ACT Relating to legal entities casting votes in diking districts; and amending RCW 85.38.010, 85.38.105, and 85.38.110.

Referred to Committee on Governmental Operations.

EHB 1276 by Representatives Reykdal, Hunt, Tharinger, Wylie, Pollet, Jinkins, Ryu, Roberts, Morrell and Bergquist

AN ACT Relating to dropout prevention through engaging youth in farming; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SHB 1283 by House Committee on Education (originally sponsored by Representatives Maxwell, Stonier, Johnson, Hunt, Reykdal, Bergquist, Sawyer, Pollet, Cody, Kagi, Roberts, Orwall, Lytton, Jinkins and Ryu)

AN ACT Relating to changing compulsory school attendance requirements for children six and seven years of age; amending RCW 28A.225.010, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035, 28A.225.090, and 28A.200.010; and repealing RCW 28A.225.015.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1290 by House Committee on Government Operations & Elections (originally sponsored by Representatives Orwall, Hunt, Bergquist, Fitzgibbon, Maxwell, Lytton, McCoy, Ryu, Riccelli, Hudgins, Pollet, Zeiger, Farrell and Ormsby)

AN ACT Relating to placement of ballot drop boxes; adding new sections to chapter 29A.40 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

E2SHB 1301 by House Committee on Finance (originally sponsored by Representatives Morris, Ryu, McCoy, Hudgins, Morrell and Pollet)

AN ACT Relating to creating clean energy jobs in Washington state through renewable energy incentives; amending RCW 82.16.120 and 82.16.130; adding new sections to chapter 82.16 RCW; adding a new section to chapter 80.28 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

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Referred to Committee on Energy, Environment & Telecommunications.

E2SHB 1302 by House Committee on Appropriations (originally sponsored by Representatives Roberts, Walsh, Kagi, Goodman, Carlyle, Freeman, Stonier, Reykdal, Lytton, Jinkins, Ryu, Maxwell, Tharinger, Santos and Pollet)

AN ACT Relating to extended foster care services; amending RCW 13.34.145, 13.34.267, 74.13.020, and 74.13.031; reenacting and amending RCW 13.34.030, 74.13.020, and 74.13.031; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

E2SHB 1306 by House Committee on Finance (originally sponsored by Representatives Wylie, Moeller, Harris, Pike, Johnson, Chandler, Sells, Pollet, Upthegrove and Moscoso)

AN ACT Relating to extending the expiration dates of the local infrastructure financing tool program; amending RCW 82.14.475, 39.102.150, and 39.102.020; reenacting and amending RCW 39.102.140; adding a new section to chapter 39.102 RCW; repealing RCW 39.102.904; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 1314 by House Committee on Environment (originally sponsored by Representatives Green, O'Ban, Zeiger, Fey, Upthegrove and Jinkins)

AN ACT Relating to municipally produced class A biosolids; reenacting and amending RCW 15.54.270; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 1341 by House Committee on Judiciary (originally sponsored by Representatives Orwall, Goodman, Pollet, Jinkins, Carlyle, Roberts, Appleton, Hunt, Upthegrove, Green, Kagi, Seaquist, Moeller, Kirby, Santos, Ryu, Pedersen and Moscoso)

AN ACT Relating to creating a claim for compensation for wrongful conviction and imprisonment; amending RCW 4.92.130; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 72.09 RCW; and adding a new chapter to Title 4 RCW.

Referred to Committee on Ways & Means.

HB 1348 by Representatives Reykdal, Hope, Stanford, Pollet, Hunt, Ryu, Seaquist, Goodman, Haigh, Wylie, Fitzgibbon, Santos, Pettigrew, Lytton, Blake, Moscoso, Sells, Orwall, Liias, Roberts, Carlyle, Sullivan, Upthegrove, Dunshee, Maxwell, Green, Riccelli, Ormsby, Springer, Appleton, McCoy, Van De Wege, Bergquist, Tarleton, Fey and Hudgins

AN ACT Relating to modifying collective bargaining law related to providing additional compensation for academic employees at community and technical colleges; amending RCW 28B.52.035 and 28B.50.140; and creating a new section.

Referred to Committee on Commerce & Labor.

E2SHB 1374 by House Committee on Appropriations (originally sponsored by Representatives Morris and Fey)

AN ACT Relating to the energy facility site evaluation council; amending RCW 80.50.010, 80.50.040, 80.50.045, 80.50.060, 80.50.071, 80.50.075, 80.50.085, 80.50.100, 80.50.105, 80.50.110, and 80.50.120; reenacting and amending RCW 80.50.020 and 80.50.030; adding new sections to chapter 80.50 RCW; adding a new section to chapter 43.21C RCW; and repealing RCW 80.50.080, 80.50.090, and 80.50.320.

Referred to Committee on Energy, Environment & Telecommunications.

EHB 1395 by Representatives Sells, Manweller, Reykdal, Wylie, Chandler, Condotta, Hunt, Van De Wege, Green, Warnick, Appleton and Morrell

AN ACT Relating to implementing the unemployment insurance integrity provisions of the federal trade adjustment assistance extension act of 2011; amending RCW 50.16.010, 50.20.070, and 50.29.021; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

EHB 1396 by Representatives Manweller, Sells, Chandler, Reykdal, Condotta, Hunt, Wylie, Van De Wege, Green, Appleton and Morrell

AN ACT Relating to changing the unemployment insurance shared work program by adopting short-time compensation provisions in the federal middle class tax relief and job creation act of 2012; amending RCW 50.60.030, 50.60.090, and 50.60.110; reenacting and amending RCW 50.60.020; and creating a new section.

Referred to Committee on Commerce & Labor.

ESHB 1401 by House Committee on Local Government (originally sponsored by Representatives Fitzgibbon, Dahlquist, Takko, Fey, Wilcox, Kochmar, Magendanz, O'Ban, Morrell and Jinkins)

AN ACT Relating to the timing of penalties under the growth management act; and amending RCW 36.70A.300, 43.17.250, 43.155.070, 70.146.070, and 36.70A.200.

Referred to Committee on Governmental Operations.

ESHB 1403 by House Committee on Technology & Economic Development (originally sponsored by Representatives Smith, Morris, Short, Ryu, Magendanz, Blake, Walsh, Hansen, Dahlquist and Maxwell)

AN ACT Relating to promoting economic development by providing information to businesses; amending RCW 19.02.050 and 19.02.030; and adding a new section to chapter 19.02 RCW.

Referred to Committee on Trade & Economic Development.

2SHB 1416 by House Committee on Finance (originally sponsored by Representatives Warnick, Manweller, Takko, Fagan and Schmick)

AN ACT Relating to the financing of irrigation district improvements; amending RCW 84.34.310, 87.03.480, 87.03.485, 87.03.490, 87.03.495, 87.03.510, 87.03.515, 87.03.527, 87.06.020, 87.28.103, 87.28.200, and 89.12.050; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Governmental Operations.

SHB 1420 by House Committee on Finance (originally sponsored by Representatives Liias, Orcutt, Clibborn and Fey)

AN ACT Relating to public contracts for transportation improvement projects; amending RCW 60.28.011, 39.08.030, 39.08.030, 39.12.040, 47.04.082, and 47.28.140; reenacting and amending RCW 39.08.010; adding a new section to chapter 47.28 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

2SHB 1424 by House Committee on Appropriations (originally sponsored by Representatives Haigh, Santos, Sullivan, Maxwell, Ryu, Freeman, Stonier, Seaquist, McCoy, Fey, Roberts, Morrell, Kagi, Bergquist and Jenkins)

AN ACT Relating to enhancing the statewide K-12 dropout prevention, intervention, and reengagement system; amending RCW 28A.175.025, 28A.175.035, 28A.175.045, 28A.175.055, 28A.175.074, 28A.175.075, 28A.150.260, 28A.310.350, 28A.230.125, and 28A.175.145; adding new sections to chapter 28A.175 RCW; adding new sections to chapter 28A.310 RCW; creating new sections; and repealing RCW 28A.175.150.

Referred to Committee on Ways & Means.

SHB 1459 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Haler, Springer, Walsh, Wylie, Seaquist, Wilcox, Johnson, Condotta, Fagan, Maxwell and Pollet)

AN ACT Relating to authorizing students under the age of twenty-one to taste wine in viticulture and enology programs; amending RCW 66.20.010 and 66.44.270; and adding a new section to chapter 66.20 RCW.

Referred to Committee on Commerce & Labor.

SHB 1466 by House Committee on Capital Budget (originally sponsored by Representatives Haigh, Warnick, Dunshee, Fey, Kristiansen and Reykdal)

AN ACT Relating to revisions to alternative public works contracting procedures; amending RCW 39.10.220, 39.10.230, 39.10.240, 39.10.250, 39.10.260, 39.10.270, 39.10.280, 39.10.300, 39.10.320, 39.10.330, 39.10.340, 39.10.360, 39.10.380, 39.10.385, 39.10.390, 39.10.400, 39.10.420, 39.10.440, 39.10.490, 43.131.407, and 43.131.408; reenacting and amending RCW 39.10.210; adding a new section to chapter 43.131 RCW; repealing RCW 39.10.500 and 39.10.510; providing an effective date;

providing a contingent effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1467 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Green, Sells, Reykdal, Ormsby, McCoy, Van De Wege, Appleton and Bergquist)

AN ACT Relating to the collection of unpaid wages; amending RCW 49.48.086 and 82.32.235.

Referred to Committee on Ways & Means.

HB 1468 by Representatives Sells, Reykdal, Manweller, Condotta, Ormsby, Van De Wege, Fagan and Green

AN ACT Relating to payment methods on certain claimants' benefits; and amending RCW 7.68.031, 7.68.033, 7.68.034, 51.04.080, 51.28.060, 51.32.040, 51.32.045, and 51.44.110.

Referred to Committee on Commerce & Labor.

SHB 1472 by House Committee on Education (originally sponsored by Representatives Hansen, Habib, Freeman and Magendanz)

AN ACT Relating to initiatives to improve and expand access to computer science education; amending RCW 28A.230.097; and creating a new section.

Referred to Committee on Ways & Means.

EHB 1473 by Representatives Sells, McCoy, Morrell, Roberts, Takko, Lytton, Green, Ormsby, Bergquist, Freeman, Pollet and Tarleton

AN ACT Relating to reporting payments for construction services; amending RCW 39.12.055 and 39.12.080; adding a new section to chapter 51.04 RCW; adding a new section to chapter 42.56 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1486 by Representatives Fitzgibbon, Stanford, Bergquist, Roberts, Van De Wege, Ryu and Santos

AN ACT Relating to voter-approved benefit charges for regional fire protection service authorities; and amending RCW 52.26.220, 52.26.230, and 84.55.092.

Referred to Committee on Governmental Operations.

SHB 1501 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lytton, Kretz and Ryu)

AN ACT Relating to building upon the existing wildlife interaction program to establish the mechanisms behind an uncapped funding source for implementing the provisions of the Washington wolf conservation and management plan adopted by the fish and wildlife commission in 2011 in a way that does not change the management provisions of the plan; amending RCW 77.36.100, 77.36.130, 46.18.200, 46.17.220, 46.68.425, and 46.18.060; adding new sections to chapter

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77.36 RCW; and adding a new section to chapter 46.04 RCW.

adding a new section to chapter 82.12 RCW; adding a new section to chapter 43.136 RCW; creating new sections; repealing 2008 c 314 s 7 (uncodified); providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

Referred to Committee on Ways & Means.

E2SHB 1526 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Orwall, Reykdal, Santos, Goodman, Upthegrove, Maxwell, Seaquist, Freeman, Bergquist, Lytton, Ryu, Kagi, Tarleton, Jinkins, Fey and Pollet)

2SHB 1566 by House Committee on Appropriations (originally sponsored by Representatives Carlyle, Kagi, Ryu, Roberts, Moscoso and Pollet)

AN ACT Relating to increasing enrollment of underrepresented students in running start through a middle school, high school, and running start college partnership pilot project; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

AN ACT Relating to educational outcomes of youth in out-of-home care; amending RCW 13.34.069, 28B.117.030, and 28A.225.330; reenacting and amending RCW 13.34.030; adding new sections to chapter 13.34 RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 28A.225 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

HB 1544 by Representatives Lytton, Seaquist, Johnson, Smith, Sells, Ryu, Morrell, Roberts, Bergquist, Springer, Pollet and Santos

SHB 1568 by House Committee on Finance (originally sponsored by Representatives Carlyle, Nealey and Ryu)

AN ACT Relating to educational specialist degrees at regional universities; and amending RCW 28B.35.202.

AN ACT Relating to the business licensing service program administered by the department of revenue; amending RCW 15.13.250, 15.13.250, 15.13.280, 15.13.290, 15.49.011, 15.49.380, 15.49.390, 15.54.275, 15.58.180, 15.58.235, 18.44.031, 18.64.044, 19.02.010, 19.02.030, 19.02.035, 19.02.070, 19.02.075, 19.02.080, 19.02.085, 19.02.090, 19.02.100, 19.02.110, 19.02.115, 19.02.210, 19.02.310, 19.02.800, 19.02.890, 19.80.010, 19.80.075, 19.94.2582, 35.21.392, 35A.21.340, 36.110.130, 43.22.035, 46.72A.020, 50.12.290, 59.30.050, 59.30.090, 69.25.050, 69.25.060, 70.290.030, 76.48.121, 82.24.510, 82.24.520, 82.26.150, 90.76.010, and 90.76.020; reenacting and amending RCW 15.58.030, 18.64.011, 19.02.020, 19.94.015, and 69.25.020; adding a new section to chapter 19.80 RCW; adding a new section to chapter 70.290 RCW; creating a new section; repealing RCW 19.02.220, 19.02.810, 19.80.065, and 43.24.160; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

Referred to Committee on Ways & Means.

ESHB 1552 by House Committee on Public Safety (originally sponsored by Representatives Goodman, Klippert, Freeman, Kirby, Morrell, Seaquist, Sullivan, Appleton, Ryu, Hunt, Stanford, Kochmar, Maxwell, Takko, Bergquist, Warnick, Manweller, Green and Fey)

AN ACT Relating to the reduction of metal theft; amending RCW 9A.48.100, 9A.56.030, 9A.56.040, 19.290.010, 19.290.020, 19.290.030, 19.290.040, 19.290.050, 19.290.060, 19.290.070, 19.290.090, 18.235.020, and 43.24.150; reenacting and amending RCW 9.94A.515; adding new sections to chapter 19.290 RCW; adding a new section to chapter 36.28A RCW; adding new sections to chapter 43.43 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

HB 1587 by Representatives Cody, Van De Wege, Morrell, Jinkins, Ryu and Holy

SHB 1556 by House Committee on Education (originally sponsored by Representatives Van De Wege, Dahlquist, Morrell, Hayes, Cody, Pettigrew, Habib, McCoy, Ryu, Angel, Hunt, Goodman, Pollet, Fitzgibbon, Stonier, Dunshee and Fey)

AN ACT Relating to public employee benefits; amending RCW 41.05.009, 41.05.011, 41.05.065, 41.05.066, 41.05.095, and 41.05.195; and reenacting and amending RCW 41.05.080.

AN ACT Relating to initiatives in high schools to save lives in the event of cardiac arrest; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Health Care.

Referred to Committee on Early Learning & K-12 Education.

HB 1608 by Representatives Appleton, Angel, Sells, Fitzgibbon, Seaquist, Ryu, Stanford and Hansen

SHB 1558 by House Committee on Finance (originally sponsored by Representatives Warnick, Manweller, Taylor and Morrell)

AN ACT Relating to the marine employees' commission; amending RCW 47.64.280 and 41.58.065; amending 2011 1st sp.s. c 16 s 28 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

AN ACT Relating to the taxation of honey beekeepers; amending RCW 82.04.629, 82.04.630, 82.08.0204, and 82.12.0204; adding a new section to chapter 82.08 RCW;

ESHB 1625 by House Committee on Transportation (originally sponsored by Representatives Pollet, Clibborn, Kagi,

Pedersen, Hunt, Riccelli, Appleton, Hudgins, Moscoso, Fitzgibbon, Morrell, Sells and Bergquist)

AN ACT Relating to consumer protection for tow truck services; adding a new section to chapter 46.55 RCW; and creating a new section.

Referred to Committee on Transportation.

ESHB 1633 by House Committee on Capital Budget (originally sponsored by Representatives Magendanz, Haigh, Dahlquist, Santos, Pollet, Smith, Wylie, Takko, Angel, Clibborn, Condotta and Scott)

AN ACT Relating to modifying school district bidding requirements for improvement and repair projects; and amending RCW 28A.335.190.

Referred to Committee on Early Learning & K-12 Education.

SHB 1638 by House Committee on Business & Financial Services (originally sponsored by Representatives Ryu, Kirby, Cody and Morrell)

AN ACT Relating to insurance; amending RCW 48.02.060, 48.02.120, 48.15.050, 48.16.030, 48.20.435, 48.21.157, 48.43.700, 48.43.705, 48.46.040, 48.140.040, 48.140.050, 48.155.010, 48.175.005, and 48.175.020; and repealing RCW 48.140.070.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 1642 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Springer, Habib, Holy, Ryu and Magendanz)

AN ACT Relating to establishing policies to support academic acceleration for high school students; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Ways & Means.

HB 1644 by Representatives Fey, Klippert, Ryu, Clibborn, Rodne, Hargrove, Moscoso and Pollet

AN ACT Relating to transportation planning objectives and performance measures for local and regional agencies; and amending RCW 47.04.280.

Referred to Committee on Transportation.

E2SHB 1648 by House Committee on Capital Budget (originally sponsored by Representatives Appleton, Johnson, McCoy, Pike, Ryu, Moscoso and Hansen)

AN ACT Relating to community economic revitalization in incorporated areas; and adding a new section to chapter 43.160 RCW.

Referred to Committee on Trade & Economic Development.

SHB 1654 by House Committee on Local Government (originally sponsored by Representatives Riccelli, Ormsby, Fitzgibbon, Tarleton, Van De Wege and Ryu)

AN ACT Relating to establishing a regional fire protection service authority within the boundaries of a single city; amending RCW 52.26.010, 52.26.030, 52.26.040, and 52.26.060; and reenacting and amending RCW 52.26.020.

Referred to Committee on Governmental Operations.

SHB 1674 by House Committee on Technology & Economic Development (originally sponsored by Representatives Santos, Morris and Maxwell)

AN ACT Relating to increasing the regulatory oversight and accountability of the office of minority and women's business enterprises; amending RCW 39.19.020, 39.19.060, 39.19.080, 39.19.090, 39.19.200, and 39.19.250; and prescribing penalties.

Referred to Committee on Ways & Means.

2SHB 1680 by House Committee on Appropriations (originally sponsored by Representatives Santos, Upthegrove, Maxwell, Ryu and Bergquist)

AN ACT Relating to implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee; amending RCW 28A.600.015, 28A.600.020, 28A.600.460, 43.41.400, 28A.405.106, 28A.405.120, 28A.660.045, 28A.660.050, and 28A.180.040; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.657 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28B.50 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

SHB 1686 by House Committee on Higher Education (originally sponsored by Representatives Seaquist, Haler, Roberts, Zeiger, Reykdal, Springer, Pettigrew, Pollet, Dahlquist, McCoy, Maxwell, Fagan, Morrell and Ryu)

AN ACT Relating to high school equivalency certificates; amending RCW 18.55.040, 28A.150.305, 28A.175.105, 28A.205.040, 28A.305.190, 28B.50.536, 28B.116.010, 28B.117.005, 28B.119.010, 28B.145.010, 28B.145.060, 28C.10.050, 35.21.333, 36.110.140, 41.04.015, 43.215.510, 70.128.120, 72.09.410, 72.09.460, 72.09.670, 74.04.535, 74.08A.250, 74.08A.380, 74.12.035, 74.13.540, and 74.15.230; amending 2011 c 330 s 1 (uncodified); amending 2010 c 20 s 1 (uncodified); and reenacting and amending RCW 28A.205.030, 28C.18.010, and 72.09.015.

Referred to Committee on Higher Education.

HB 1710 by Representatives Springer, Walsh, Sells, Chandler, Morris and Kagi

AN ACT Relating to the taxation of commuter air carriers; amending RCW 84.12.200, 82.48.010, and 82.48.030; adding a new section to chapter 84.36 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

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ESHB 1717 by House Committee on Local Government (originally sponsored by Representatives Fitzgibbon, Jinkins, Liias, Maxwell, Roberts, Pollet, Upthegrove, Morrell and Springer)

AN ACT Relating to incentivizing up-front environmental planning, review, and infrastructure construction actions; amending RCW 82.02.020; reenacting and amending RCW 35.91.020; adding a new section to chapter 43.21C RCW; adding a new section to chapter 35.91 RCW; and providing an effective date.

Referred to Committee on Governmental Operations.

HB 1768 by Representatives Moscoso, Liias, Ryu, Moeller, Johnson, Kochmar and McCoy

AN ACT Relating to use of the job order contracting procedure by the department of transportation; and amending RCW 39.10.420 and 43.131.408.

Referred to Committee on Transportation.

ESHB 1769 by House Committee on Capital Budget (originally sponsored by Representatives Stonier, Zeiger, Stanford, Warnick, Seaquist, Haler, Ryu, Springer, Morrell, Fey, Pollet, Riccelli and Fagan)

AN ACT Relating to creating efficiencies for institutions of higher education; and amending RCW 43.88.110.

Referred to Committee on Ways & Means.

SHB 1779 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Ryu)

AN ACT Relating to esthetics; and amending RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.130, 18.16.170, 18.16.175, 18.16.180, 18.16.190, 18.16.200, 18.16.260, and 18.16.290.

Referred to Committee on Commerce & Labor.

HB 1790 by Representatives Parker, Ormsby, Riccelli and Ryu

AN ACT Relating to the use of traffic school fees; and amending RCW 46.83.070.

Referred to Committee on Transportation.

HB 1797 by Representatives Haler and Hunt

AN ACT Relating to tax collection by the county treasurer; and amending RCW 84.56.020 and 84.56.070.

Referred to Committee on Governmental Operations.

EHB 1808 by Representatives Nealey and Hurst

AN ACT Relating to the proper disposal of legal amounts of marijuana inadvertently left at retail stores holding a pharmacy license; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Health Care.

HB 1818 by Representatives Smith, Maxwell, Magendanz, Morris, Hargrove, Sells, Angel, Ryu, Hayes, Zeiger, Vick, O'Ban, Morrell, Bergquist, Stonier and Fey

AN ACT Relating to promoting economic development through business and government streamlining projects; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 1819 by House Committee on Technology & Economic Development (originally sponsored by Representatives Tarleton, Habib, Maxwell, Orwall, Morris, Farrell, Sells, Fitzgibbon and Tharinger)

AN ACT Relating to creating and using digital infrastructure maps to inform economic development decisions; amending RCW 43.330.010; and adding new sections to chapter 43.330 RCW.

Referred to Committee on Trade & Economic Development.

SHB 1822 by House Committee on Judiciary (originally sponsored by Representative Stanford)

AN ACT Relating to debt collection practices; amending RCW 19.16.100, 19.16.250, and 19.16.260; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 1826 by Representative Morris

AN ACT Relating to updating integrated resource plan requirements to address changing energy markets; and amending RCW 19.280.010, 19.280.020, 19.280.030, and 19.280.060.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1841 by House Committee on Capital Budget (originally sponsored by Representatives Stonier, Warnick, Dunshee, Morrell, Ryu and Freeman)

AN ACT Relating to electronic competitive bidding for state public works contracting; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Governmental Operations.

SHB 1843 by House Committee on Higher Education (originally sponsored by Representatives Pollet, Seaquist, Tarleton, Ryu and Tharinger)

AN ACT Relating to evaluating compliance and performance for participation in financial aid programs; and amending RCW 28B.92.050.

Referred to Committee on Higher Education.

SHB 1866 by House Committee on Appropriations (originally sponsored by Representatives Morris, Smith, Lias, Maxwell, Morrell, Habib, Ryu, Sells, Hansen and Hudgins)

AN ACT Relating to the joint center for aerospace technology innovation; and amending RCW 43.330.250, 43.131.417, and 43.131.418.

Referred to Committee on Ways & Means.

E2SHB 1872 by House Committee on Appropriations (originally sponsored by Representatives Maxwell, Dahlquist, Lytton, Sullivan, McCoy, Upthegrove, Bergquist, Seaquist, Morrell, Wylie, Goodman, Ryu, Tarleton, Tharinger, Springer, Stonier, Jinkins, Orwall, Pollet, Fey, Hansen, Lias and Freeman)

AN ACT Relating to establishing a comprehensive initiative to increase learning opportunities and improve educational outcomes in science, technology, engineering, and mathematics through multiple strategies and statewide partnerships; amending RCW 28B.77.020 and 28A.290.010; adding a new chapter to Title 28A RCW; and recodifying RCW 28A.300.515, 28A.630.065, 28A.630.066, 28A.700.120, 28A.625.200, 28A.625.210, 28A.625.220, 28A.625.230, and 28A.625.240.

Referred to Committee on Ways & Means.

SHB 1884 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Sells, Hope, Dunshee, Rodne, Riccelli and Ryu)

AN ACT Relating to the rate of compensation for occupational diseases; and amending RCW 51.32.180.

Referred to Committee on Commerce & Labor.

EHB 1891 by Representatives Reykdal, Ormsby, Sells, Moeller, Ryu, Green and Freeman

AN ACT Relating to increasing protections for employees under the Washington industrial safety and health act of 1973; amending RCW 49.17.160; adding new sections to chapter 49.17 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1892 by Representatives Reykdal, Hunt, Lias, Ryu and Fey

AN ACT Relating to modifying certain provisions regarding transportation benefit districts; and amending RCW 36.73.065, 82.80.140, and 36.73.015.

Referred to Committee on Transportation.

EHB 1900 by Representatives Stonier, Magendanz, Hunter, Ryu, Maxwell and Pollet

AN ACT Relating to caseload forecasts of common school students; amending RCW 43.88C.010; and creating new sections.

Referred to Committee on Ways & Means.

HB 1903 by Representatives Fitzgibbon and Ryu

AN ACT Relating to unemployment insurance benefit charging relief for part-time employers who continue to employ a claimant on a part-time basis and the claimant qualified for two consecutive claims with wages attributable to at least one employer who employed the claimant in both base years; amending RCW 50.29.021; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

ESHB 1922 by House Committee on Transportation (originally sponsored by Representatives Moscoso, Angel, Sells, Ryu, Upthegrove, Fitzgibbon, Zeiger, Freeman, Bergquist, Farrell, Takko, Tarleton, Kochmar, Riccelli, Moeller, Fey, Santos and Pollet)

AN ACT Relating to highway construction workforce development; and amending RCW 47.01.435.

Referred to Committee on Transportation.

EHB 1923 by Representatives Ormsby, Sullivan, Hayes, Pollet, Blake, Hope, Orcutt, Alexander, Moscoso, Bergquist, Santos and Freeman

AN ACT Relating to membership in the Washington public safety employees' retirement system for employees at city and county corrections departments, public corrections entities, the department of corrections, and the department of social and health services who provide direct care to, or ensure the custody and safety of, offender and patient populations; amending RCW 41.37.010; adding a new section to chapter 41.37 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1941 by House Committee on Transportation (originally sponsored by Representatives Habib, Clibborn and Springer)

AN ACT Relating to the adjudication of tolls and accompanying civil penalties; and amending RCW 46.63.160.

Referred to Committee on Transportation.

ESHB 1944 by House Committee on Transportation (originally sponsored by Representative Haler)

AN ACT Relating to vehicle license plate and registration fraud; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.37 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SHB 1946 by House Committee on Transportation (originally sponsored by Representatives Hunt and Reykdal)

AN ACT Relating to special parking privileges for persons with disabilities; amending RCW 46.19.030, 46.19.050, and 46.19.020; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

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HCR 4403 by Representatives Sells, Seaquist, Manweller, Haler, Moscoso, Hansen, Reykdal, Wylie, Santos, Hayes, Fagan, Condotta, Smith, Pollet, Maxwell, Ormsby, Ryu, Morrell, Parker and Riccelli

Concerning the workforce training and education coordinating board's high skills high wages plan.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Padden moved adoption of the following resolution:

SENATE RESOLUTION
8626

By Senators Padden, Frockt, Brown, Braun, Holmquist Newbry, Dammeier, Eide, Bailey, Rivers, King, Fraser, Carrell, Schlicher, Roach, Parlette, Conway, Pearson, Fain, Chase, Honeyford, Mullet, Sheldon, Nelson, Cleveland, Darneille, Billig, Smith, Baumgartner, Hewitt, and Hargrove

WHEREAS, The Special Olympics is an organization of excellent repute dedicated to promoting competitive sports for all citizens of the United States; and

WHEREAS, In 2013, the United States delegation to the Special Olympics in Pyeongchang, South Korea was comprised of 200 athletes, coaches, and trainers; and

WHEREAS, Six of these dedicated and determined athletes who traveled halfway around the world to uphold the honor of our illustrious nation were from Washington state; and

WHEREAS, Zachary Nelson, representing the great city of Pasco, competed in Alpine Skiing and flew to victory with a bronze medal in the Advanced Super G event; and

WHEREAS, Ben Green, representing the beautiful city of Seattle, competed in Cross Country Skiing and completed the incredible accomplishment of achieving one gold and one bronze medal for the glory of his state and nation; and

WHEREAS, Michelle Jay, representing the exceptional city of Sammamish, competed in Cross Country Skiing and achieved the estimable accomplishment of a silver medal in the 4x1 kilometer relay race; and

WHEREAS, David Bishop, representing the illustrious city of Seattle, competed in Cross Country Skiing and beat back the competition to achieve three silver medals; and

WHEREAS, Heather Comer, representing the admirable city of Spokane Valley, competed in Alpine Skiing and surmounted all odds to rise through the ranks of competitors who were determined to prevent her from attaining her goal of winning the gold medal for the honor of her country, state, and city; and

WHEREAS, Heather Comer achieved lasting greatness, following in the footsteps of storied Olympic skiers who have won a gold and silver medal in Alpine Skiing; and

WHEREAS, Michelle Stedman, representing the close neighbor of Washington state, the abundant state of Idaho, competed in Cross Country Skiing and achieved a silver medal that brought honor and glory to her state;

NOW, THEREFORE, BE IT RESOLVED, That it is with great respect that the Washington State Senate honor the accomplishments and excellence exemplified by Zachary Nelson, Ben Green, Michelle Jay, Heather Comer, David Bishop, and Michelle Stedman; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Zachary Nelson, Ben Green, Michelle Jay, Heather Comer, David Bishop, Michelle Stedman, Beth Wojick, President and CEO of the Special Olympics, and John Borgognoni, Vice President of Sports and Programing for the Special Olympics.

Senator Padden spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8626.

The motion by Senator Padden carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives from the Special Olympics: Roger Schramm, Program Coordinator for the Spokane Powderhounds; Norm Smith, Board member Special Olympics Washington; athletes, David Bishop; Michelle Jay; Michele Stedman, and friends and family Mike Jay; Theresa Kare; Mary Godett and Emanuele Portolese who were seated in the gallery.

MOTION

At 9:21 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:56 a.m. by President Owen.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 12, 2013."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

PARLIAMENTARY INQUIRY

Senator Frockt: "Mr. President, under Rule 29, are we allowed, does the rule contemplate yielding to the purpose of questions with that rule in place?"

REPLY BY THE PRESIDENT

President Owen: "You can yield to a question but it does apply to your three minutes. Senator Frockt, just to make that clear, if you are asking Senator Fain a question it would apply to your three minutes."

The motion by Senator Fain carried and debate was limited through March 12, 2013 by voice vote.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5471, by Senators Nelson, Mullet, Hobbs, Fain and Keiser

Addressing insurance, generally.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5471 was substituted for Senate Bill No. 5471 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5471 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5471.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5471 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 5471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5767, by Senators Hatfield and Hobbs

Concerning inspection of dairy cattle.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5767 was substituted for Senate Bill No. 5767 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5767 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5767.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5767 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Holmquist Newbry and Padden

SUBSTITUTE SENATE BILL NO. 5767, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5210, by Senators Nelson and Hatfield

Regulating mortgage brokers.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5210 was substituted for Senate Bill No. 5210 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5210.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5210 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Holmquist Newbry, Padden and Smith
SUBSTITUTE SENATE BILL NO. 5210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5770, by Senators Honeyford, Hatfield and Hobbs

Permitting conservation districts to use electronic deposits for employee pay and compensation.

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The measure was read the second time.

SENATE BILL NO. 5257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Fain, the Senate reverted to the fourth order of business.

Senator Honeyford spoke in favor of passage of the bill.

MESSAGE FROM THE HOUSE

The President declared the question before the Senate to be the final passage of Senate Bill No. 5770.

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ROLL CALL

MR. PRESIDENT:

The Secretary called the roll on the final passage of Senate Bill No. 5770 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

The House has passed:

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1000,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1381,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1445,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1727,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1773,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1828,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846,
ENGROSSED HOUSE BILL NO. 1887,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947,
and the same are herewith transmitted.

SENATE BILL NO. 5770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

BARBARA BAKER, Chief Clerk

SENATE BILL NO. 5257, by Senators Roach, Benton, Rivers, Conway and Fraser

MOTION

Modifying time frames applicable to certain public disclosure commission requirements.

On motion of Senator Fain, the Senate advanced to the sixth order of business.

The measure was read the second time.

MOTION

SECOND READING

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SENATE BILL NO. 5452, by Senators Conway, Carrell, Darneille and Kohl-Welles

Senator Roach spoke in favor of passage of the bill.

Modifying stalking and harassment protection order provisions. Revised for 1st Substitute: Concerning no-contact and protection orders for stalking and harassment.

Senator Hasegawa spoke on final passage of the bill.

MOTIONS

The President declared the question before the Senate to be the final passage of Senate Bill No. 5257.

On motion of Senator Carrell, Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 and the substitute bill was placed on the second reading and read the second time.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5257 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Senators Conway and Carrell spoke in favor of passage of the bill.

Voting nay: Senators Chase, Frockt, Hasegawa and Nelson

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5452.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5215, by Senators Becker, Holmquist Newbry, Ericksen, Dammeier, Honeyford and Schlicher

Providing that health care professional licensees may not be required to participate in any public or private third-party reimbursement program. Revised for 2nd Substitute: Concerning health care professionals contracting with public and private payors.

MOTION

On motion of Senator Becker, Second Substitute Senate Bill No. 5215 was substituted for Senate Bill No. 5215 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Becker moved that the following striking amendment by Senators Becker and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that Washington state is a provider friendly state within which to practice medicine. As part of health care reform, Washington state endeavors to establish and operate a state-based health benefits exchange wherein insurance products will be offered for sale and add potentially three hundred thousand patients to commercial insurance, and to expand access to medicaid for potentially three hundred thousand new enrollees. Such a successful and new insurance market in Washington state will require the willing participation of all categories of health care providers. The legislature further finds that principles of fair contracting apply to all contracts between health care providers and health insurance carriers offering insurance within Washington state and that fair dealings and transparency in expectations should be present in interactions between all third-party payors and health care providers.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005 and, for the purposes of this chapter, includes facilities licensed under chapter 70.41 RCW.

(2) "Payor" or "third-party payor" means carriers licensed under chapters 48.20, 48.21, 48.44, and 48.46 RCW, and managed health care systems as defined in RCW 74.09.522.

(3) "Material amendment" means an amendment to a contract between a payor and health care provider that would result in requiring a health care provider to participate in a health plan, product, or line of business with a lower fee schedule in order to continue to participate in a health plan, product, or line of business with a higher fee schedule. A material amendment does not include any of the following:

(a) A decrease in payment or compensation resulting from a change in a fee schedule published by the payor upon which the payment or compensation is based and the date of applicability is clearly identified in the contract, compensation addendum, or fee schedule notice;

(b) A decrease in payment or compensation that was anticipated under the terms of the contract, if the amount and date of applicability of the decrease is clearly identified in the contract; or

(c) Changes unrelated to compensation so long as reasonable notice of not less than sixty days is provided.

NEW SECTION. Sec. 3. (1) A third-party payor shall provide no less than sixty days' notice to the health care provider of any proposed material amendments to a health care provider's contract with the third-party payor.

(2) Any material amendment to a contract must be clearly defined in a notice to the provider from the third-party payor as being a material change to the contract before the provider's notice period begins. The notice must also inform the providers that they may choose to reject the terms of the proposed material amendment through written or electronic means at any time during the notice period and that such rejection may not affect the terms of the health care provider's existing contract with the third-party payor.

(3) A health care provider's rejection of the material amendment does not affect the terms of the health care provider's existing contract with the third-party payor.

(4) A failure to comply with the terms of subsections (1), (2), and (3) of this section shall void the effectiveness of the material amendment.

NEW SECTION. Sec. 4. A payor may not, without the express written agreement of the health care provider, require a health care provider to extend the payor's medicaid rates, or some percentage above the payor's medicaid rates, that govern a health benefit program administered by a public purchaser to a commercial plan or line of business offered by a payor that is not administered by a public purchaser. For the purposes of this section, "administered by a public purchaser" does not include commercial coverage offered through the Washington health benefit exchange.

NEW SECTION. Sec. 5. A new section is added to chapter 18.130 RCW to read as follows:

No licensee subject to this chapter may be required to participate in any public or private third-party reimbursement program or any plans or products offered by a payor as a condition of licensure.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act constitute a new chapter in Title 48 RCW."

Senators Becker and Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Becker and Keiser to Second Substitute Senate Bill No. 5215.

The motion by Senator Becker carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5215 was advanced

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to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5215.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5215 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5279, by Senators Carrell, Baumgartner, Smith, Becker, Schoesler, Sheldon, Rivers, Delvin, Tom, Braun, Padden, Bailey and Hill

Limiting use of public assistance benefits.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 5279 was substituted for Senate Bill No. 5279 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Darneille moved that the following amendment by Senator Darneille be adopted:

On page 2, line 3, after "marijuana" insert "unless the purchase is for medical use to a person who is a qualifying patient as provided in chapter 69.51A RCW"

Senator Darneille spoke in favor of adoption of the amendment.

Senator Carrell spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Kohl-Welles: "Would Senator Carrell yield to a question? Senator Carrell, I do not know the answer to my question but under the bill would individuals be able to purchase prescriptions through a Pharmacist that is for themselves and not for their children?"

Senator Carrell: "They probably would specifically if it was for children because the cash portion is for children."

Senator Kohl-Welles: "Do you know if they would be able to purchase prescriptions for themselves and not their children?"

Senator Carrell: "I would guess they might be able to but again this is an illegal substance under federal law so you cannot prescribe this so you cannot get a prescription for medical marijuana or any other type of schedule one drug."

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille on page 2, line 3 to Substitute Senate Bill No. 5279.

The motion by Senator Darneille failed and the amendment was not adopted by voice vote.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted:

On page 2, line 5, after "(2)" strike "or (3)"

Senator Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 2, line 5 to Substitute Senate Bill No. 5279.

The motion by Senator Carrell carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 5279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

Senator Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5279.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5279 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Conway, Dammeier, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Darneille, Fraser, Keiser, Kline, Kohl-Welles, McAuliffe, Murray and Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5396, by Senators Hewitt, Holmquist Newbry, Conway, Kohl-Welles, Hatfield, Hobbs, Schoesler, Delvin and Kline

Concerning limited on-premise spirits sampling.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 5396 was substituted for Senate Bill No. 5396 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 5396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Conway spoke in favor of passage of the bill.

Senator Hargrove spoke against passage of the bill.

POINT OF ORDER

Senator Darneille: "Mr. President, I believe that Senate Bill No. 5396 requires a two-thirds vote on final passage because it amends Initiative 1183 passed by the voters in 2011. Initiative 1183 privatized the sale of liquor. It created a program called the responsible vendor program. This bill changes that program therefore changes the initiative. I believe that a two-thirds super majority IS required on final passage."

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5396 was deferred and the bill held its place on the second reading calendar.

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:29 p.m. by President Owen.

PARLIAMENTARY INQUIRY

Senator Fain: "What order of business are we on?"

REPLY BY THE PRESIDENT

President Owen: "We're in the sixth."

SECOND READING

SENATE BILL NO. 5596, by Senator Carrell

Regarding certain lake management activities on lands owned by the state of Washington.

The measure was read the second time.

MOTION

Senator Carrell moved that the following striking amendment by Senators Carrell and Pearson be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that as a result of excessive internal (sediments) and external loading of nutrients, persistent toxic algae have developed in certain lakes. The legislature further finds that an effort should be made to prevent toxic algae blooms and restore lakes to a healthful condition that is suitable for human recreational use and aquatic wildlife habitat. Restoring lakes to a healthy condition is of paramount importance to the health and safety of fish, waterfowl, and terrestrial mammals, including humans. It is the legislature's intent to restore all such lakes to safe and healthy conditions.

NEW SECTION. Sec. 2. A new section is added to chapter 35A.21 RCW to read as follows:

(1) A code city authorized under this title may take action to address toxic algae blooms for any lake located within the boundaries of the code city and entirely on lands belonging to the state of Washington.

(2) This section applies only to lakes with less than thirty-four acres surface area and a mean depth of ten feet or less. A code city may only take action as authorized under this section consistent with applicable environmental and permitting requirements."

Senators Carrell and Rolfes spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Carrell and Pearson to Senate Bill No. 5596.

The motion by Senator Carrell carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "Washington;" strike the remainder of the title and insert "adding a new section to chapter 35A.21 RCW; and creating a new section."

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Senate Bill No. 5596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5596.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5596 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5596, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5444, by Senators Hasegawa, Nelson, Kohl-Welles, Hobbs, Chase, Keiser and Kline

Creating greater efficiency in the offices of county assessor by eliminating the requirement to annually appraise tax-exempt government properties. Revised for 1st Substitute: Concerning the administration of taxes regarding publicly owned property.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5444 was substituted for Senate Bill No. 5444 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5444 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5444.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5444 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Holmquist Newbry and Honeyford

SUBSTITUTE SENATE BILL NO. 5444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5178, by Senators Carrell, Rolfes, Roach, Becker, Padden, Pearson and Conway

Modifying organized retail theft provisions.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 5178 was substituted for Senate Bill No. 5178 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kline moved that the following amendment by Senators Kline and Carrell be adopted:

On page 1, line 19, after "communication" strike "regarding" and insert "seeking participation in"

Senators Kline and Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Carrell on page 1, line 19 to Substitute Senate Bill No. 5178.

The motion by Senator Kline carried and the amendment was adopted by voice vote.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted:

On page 2, line 12, after "(4)" insert "A first offense of organized retail theft under subsection (1)(d) of this section is a gross misdemeanor. A second or subsequent offense of organized retail theft under subsection (1)(d) of this section is a class C felony punishable under RCW 9A.20.021.

(5)"

On page 2, at the beginning of line 24, strike "(5)" and insert ((5))(6)"

Senator Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 2, line 12 to Substitute Senate Bill No. 5178.

The motion by Senator Carrell carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 5178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell, Kline and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5178.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5178 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5132, by Senators Honeyford, Dammeier and Padden

Concerning the disclosure of estimated debt service costs.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5132.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5510, by Senators Becker, Keiser, Kohl-Welles, McAuliffe and Conway

Concerning the abuse of vulnerable adults.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5510.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Holmquist Newbry

SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Holmquist Newbry was excused.

MOTION

Senator Frockt moved that the senate immediately consider Senate Bill No. 5592.

Senator Frockt spoke in favor of the motion.
Senator Fain spoke against the motion.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Frockt that the senate immediately consider Senate Bill No. 5592.

ROLL CALL

The Secretary called the roll on the motion by Senator Frockt and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

MOTION

At 3:10 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:43 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5359, by Senator Carrell

Concerning mandatory reporting of child abuse or neglect by supervised persons.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Darneille spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 5359.

MOTIONS

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5083, by Senators Benton, Shin, Carrell, Kline and Hasegawa

Concerning the display of political yard signs in homeowners' associations.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5083.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5083 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5518, by Senators Roach, Darneille, Sheldon and Hatfield

Making nonsubstantive changes to election laws.

On motion of Senator Roach, Substitute Senate Bill No. 5518 was substituted for Senate Bill No. 5518 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5518.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5518 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Hasegawa and Kline

SUBSTITUTE SENATE BILL NO. 5518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5674, by Senators Kohl-Welles, Smith, Hatfield, Conway, Schoesler, King, Hobbs, Murray, Keiser, Ranker, Harper, Hewitt and Rolfes

Allowing wine and beer sampling at farmers markets.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5674 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5674.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5674 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray,

Nelson, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Benton, Dammeier, Darneille, Hargrove, Padden, Parlette, Pearson and Roach

SENATE BILL NO. 5674, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5162, by Senators Roach, Carrell, Rivers, Benton, Sheldon, Dammeier, Holmquist Newbry, Padden, Fraser, Frockt and Chase

Prohibiting a child custody award to a suspect in an active murder investigation.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5162 was substituted for Senate Bill No. 5162 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5162.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5162 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Kline

SUBSTITUTE SENATE BILL NO. 5162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5766, by Senators Hobbs, Hatfield, Honeyford, Schoesler and Brown

Improving relationships between agricultural producers and state regulatory staff.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5766 was substituted for Senate Bill No. 5766 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5766 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5766.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5766 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5688, by Senators Braun, Carrell, Dammeier, Rivers, Sheldon and Hobbs

Simplifying definitions and classifications concerning state and local tax systems.

MOTION

On motion of Senator Braun, Second Substitute Senate Bill No. 5688 was substituted for Senate Bill No. 5688 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Braun moved that the following striking amendment by Senators Braun and Smith be adopted:

Strike everything after the enacting clause and insert the following:

"PART I INCREASING UNIFORMITY BETWEEN STATE AND LOCAL B&O TAXES

Sec. 101. RCW 35.102.030 and 2003 c 79 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter (~~(79, Laws of 2003,)~~) unless the context clearly requires otherwise.

(1) "Business" has the same meaning as given in chapter 82.04 RCW.

(2) "City" means a city, town, or code city.

(3) "Business and occupation tax" or "gross receipts tax" means a tax imposed on or measured by the value of products, the gross income of the business, or the gross proceeds of sales, as the case may be, and that is the legal liability of the business.

(4) "Value of products" has the same meaning as given in chapter 82.04 RCW.

(5) "Gross income of the business" has the same meaning as given in chapter 82.04 RCW.

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(6) "Gross proceeds of sales" has the same meaning as given in chapter 82.04 RCW.

(7) "Department" means the department of revenue.

(8) "State business and occupation tax" means the tax imposed in chapter 82.04 RCW.

(9) "State business and occupation tax definitions" means the definitions in chapter 82.04 RCW, rules adopted by the department to administer chapter 82.04 RCW, and interpretive statements or other public guidance issued by the department relating to the tax imposed in chapter 82.04 RCW.

(10) "City business and occupation tax" means a business and occupation tax imposed by a city.

(11) "Service and other business activities classification" means the classification under which an activity is taxed if it is not taxed under some other classification.

Sec. 102. RCW 35.102.040 and 2010 c 271 s 706 are each amended to read as follows:

(1)(a) ((The cities, working through the association of Washington cities, shall form a model ordinance development committee made up of a representative sampling of cities that as of July 27, 2003, impose a business and occupation tax. This committee shall work through the association of Washington cities to adopt a model ordinance on municipal gross receipts business and occupation tax. The model ordinance and subsequent amendments shall) After December 31, 2013, only the department may amend the city business and occupation tax model ordinance. Beginning January 1, 2014, the department may amend the model ordinance as it deems appropriate. Amendments, other than those required to conform with changes to state law, must be adopted using a process that includes opportunity for substantial input from cities, individually or through the association of Washington cities, business stakeholders, and other members of the public. Input ((shall) must be solicited from statewide business associations and from local chambers of commerce and downtown business associations in cities that levy a business and occupation tax.

(b) The department of commerce ((shall) must contract to post the model ordinance on an internet web site and to make paper copies available for inspection upon request. The department of revenue and the department of licensing ((shall) must post copies of or links to the model ordinance on their internet web sites. Additionally, a city that imposes a business and occupation tax must make copies of its ordinance available for inspection and copying as provided in chapter 42.56 RCW.

((c) The definitions and tax classifications in the model ordinance may not be amended more frequently than once every four years, however the model ordinance may be amended at any time to comply with changes in state law. Any amendment to a mandatory provision of the model ordinance must be adopted with the same effective date by all cities.))

(2) A city that imposes a business and occupation tax must adopt the mandatory provisions of the model ordinance. The following provisions are mandatory:

(a) ~~((A system of credits that meets the requirements of RCW 35.102.060 and a form for such use;~~

~~(b))~~ A uniform, minimum small business tax threshold of at least the equivalent of twenty thousand dollars in gross income annually. A city may elect to deviate from this requirement by creating a higher threshold or exemption but it shall not deviate lower than the level required in this subsection. If a city has a small business threshold or exemption in excess of that provided in this subsection as of January 1, 2003, and chooses to deviate below the threshold or exemption level that was in place as of January 1, 2003, the city must notify all businesses licensed to do business within the city at least one hundred twenty days prior to the potential implementation of a lower threshold or exemption amount;

~~((e))~~ (b) Tax reporting frequencies that meet the requirements of RCW 35.102.070;

~~((d))~~ (c) Penalty and interest provisions that meet the requirements of RCW 35.102.080 and 35.102.090;

~~((e))~~ (d) Claim periods that meet the requirements of RCW 35.102.100;

~~((f))~~ (e) Refund provisions that meet the requirements of RCW 35.102.110; ((and

(g) Definitions, which at a minimum, must include the definitions enumerated in RCW 35.102.030 and 35.102.120. The definitions in chapter 82.04 RCW shall be used as the baseline for all definitions in the model ordinance, and any deviation in the model ordinance from these definitions must be described by a comment in the model ordinance.

(3)) (f) Provisions consistent with RCW 82.04.480 and 82.04.520;

(g)(i) Tax classifications for reporting purposes that include all of the state business and occupation tax classifications, including those created in RCW 82.04.230 through 82.04.298, classifications created after the effective date of this section and codified outside of those statutes, and any classifications created by the department under the authority of section 202 of this act.

(ii) The model ordinance may not include:

(A) Any classifications that are not used for state business and occupation tax purposes;

(B) Any classifications for persons taxable under the state public utility tax classification engaging in the following activities: Hauling persons or property for hire by watercraft between points in Washington; operating tugboats of any size and income from the sale of transportation services by vessels over sixty-five feet; sales of transportation services using vessels under sixty-five feet, other than tugboats; or persons engaged in chartering or transporting persons by water from one location in Washington to another location within this state. This subsection (2)(g)(i)(B) does not include sightseeing tours or activities that are in the nature of guided tours where the tour may include some water transportation; and

(C) Any classifications for persons taxable under the state public utility tax classifications of motor transportation or urban transportation; and

(h)(i) A provision stating that the state business and occupation tax definitions apply to the model ordinance and any city's business and occupation tax in the same manner as they apply for purposes of chapter 82.04 RCW. Any deviation in the model ordinance from these definitions is only permitted when expressly provided for by statute. If a deviation is allowed by statute, such definition must be stated in full in the model ordinance. Further, any deviation in the definitions allowed is subject to the publication requirements in subsection (5) of this section.

(ii) Except as provided otherwise in this subsection, a city may not, for purposes of its business and occupation tax, deviate from the state business and occupation tax definitions in its ordinances, rules, other public guidance, and interpretations.

(iii) For purposes of complying with this subsection (2)(h), references to the department in state business and occupation tax definitions must be construed as references to the city or cities, unless the context clearly requires otherwise.

(iv) For purposes of complying with this subsection (2)(h), references to the state in state business and occupation tax definitions must be construed as references to the city or cities, unless the context clearly requires otherwise.

(v) Any portion of a state business and occupation tax definition that relates solely to sales or use tax or otherwise does not apply to the tax imposed in chapter 82.04 RCW does not apply to the model ordinance or business and occupation taxes imposed by the cities.

(vi) Except as otherwise provided in this section, the cities and

the model ordinance need not adopt any exclusionary language contained in a state business and occupation tax definition, but only if the exclusionary language has the effect of exempting a person, activity, or income from the tax imposed in chapter 82.04 RCW.

(vii) Notwithstanding (h)(vi) of this subsection (2), a city may not deviate from the exclusion in RCW 82.04.062 from the definitions of "wholesale sale," "sale at wholesale," "retail sale," and "sale at retail." Cities imposing a business and occupation tax must compute tax on the business of making sales of precious metal bullion or monetized bullion consistent with RCW 82.04.062.

(viii) Notwithstanding (h)(vii) of this subsection (2), cities may not deviate from the exclusion in RCW 82.04.216 of steam, electricity, and electrical energy from various terms denoting tangible items that may be used, sold, or consumed.

(ix) Language in a state business and occupation tax definition governing how the defined term is to be applied for state business and occupation tax purposes also applies for purposes of city business and occupation taxes.

(3) Tax classifications must be uniform among all cities and with state business and occupation tax classifications.

(4) Except for the deduction required by RCW 35.102.160 and the system of credits developed to address multiple taxation (~~under subsection (2)(a) of this section~~), a city may adopt its own provisions for tax rates, tax exemptions, tax credits, and tax deductions.

~~((4))~~ (5) Any city that adopts an ordinance that deviates from the nonmandatory provisions of the model ordinance (~~shall~~) must make a description of such differences available to the department for publication by the department to the public (~~in written and electronic form~~).

Sec. 103. RCW 35.102.140 and 2003 c 79 s 14 are each amended to read as follows:

(Cities imposing business and occupation taxes must comply with all requirements of RCW 35.102.020 through 35.102.130 by December 31, 2004. A city that has not complied with the requirements of RCW 35.102.020 through 35.102.130 by December 31, 2004, may not impose a tax that is imposed by a city on the privilege of engaging in business activities.) (1) Cities imposing business and occupation taxes after December 31, 2004, must comply with (RCW 35.102.020 through 35.102.130) this chapter.

(2) The department may issue official written guidance on any provision of a city's business and occupation tax that is required by this chapter to be administered consistently with the state business and occupation tax. Any such official public guidance issued by the department preempts any conflicting interpretation of the city. Likewise, any official public guidance issued by the department on a state business and occupation tax matter preempts any conflicting interpretation by the city on a matter involving a provision of the city's business and occupation tax that is required by this chapter to be administered consistently with the state business and occupation tax. Nothing in this subsection is intended to affect the interpretation or application of a city's business and occupation tax for periods before the effective date of this section.

Sec. 104. RCW 35.102.160 and 2006 c 301 s 6 are each amended to read as follows:

(1) The provision of professional employer services by a professional employer organization is taxable under a city's service and other business activities classification. A city that imposes its business and occupation tax on professional employer services performed by a professional employer organization (~~regardless of the tax classification applicable to such services, shall~~) must provide a deduction identical to the deduction in RCW 82.04.540(2).

(2) For the purposes of this section, "professional employer organization" and "professional employer services" have the same meanings as in RCW 82.04.540.

NEW SECTION. Sec. 105. A new section is added to chapter 35.102 RCW to read as follows:

Beginning on the effective date of this section, the department may adopt rules and issue interpretive and policy statements in accordance with the administrative procedure act, chapter 34.05 RCW, as it considers necessary or useful in enhancing uniformity between state and city business and occupation taxes and in carrying out the department's duties under this chapter. Such rules and interpretive and policy statements take precedence over any conflicting rules and interpretive or policy guidance issued by the cities. The department must seek input from affected cities before issuing any rules and interpretive and policy statements concerning city business and occupation taxes to the extent required by chapter 34.05 RCW.

NEW SECTION. Sec. 106. A new section is added to chapter 35.102 RCW to read as follows:

For purposes of city business and occupation taxes, a person may meet its burden of proving that a sale is a wholesale sale rather than a retail sale as provided in RCW 82.04.470. Upon request of a city, the department must assist the city in determining whether a person has met the requirements of RCW 82.04.470(6).

PART II REDUCING STATE B&O TAX CLASSIFICATIONS

NEW SECTION. Sec. 201. (1) The legislature finds that there are currently over fifty tax classifications for purposes of the state business and occupation tax. Most of these tax classifications were created to provide a reduced tax rate to certain business activities.

(2) The legislature further finds that the considerable number of state business and occupation tax classifications creates complexity for taxpayers, increases opportunities for disputes between taxpayers and the department of revenue, and is a major barrier to achieving significant uniformity between state and local business and occupation tax systems.

(3) Therefore, the legislature intends Part II of this act to significantly reduce state business and occupation tax classifications by:

(a) Consolidating the extracting and extracting for hire classifications;

(b) Consolidating the public road construction and government contracting classifications into the wholesaling classification; and

(c) Consolidating the public and nonprofit hospital and real estate broker classifications into the catch-all service and other business activities classification.

(4) Parts II and III of this act is not intended to materially affect the tax burden of any person. If any provision of part II or III of this act would, under a plain meaning analysis, materially impact a person's tax liability, the legislature expresses its intent that such provision should be deemed a mistake and interpreted to achieve a result that is consistent with the legislature's intent as described in this section.

NEW SECTION. Sec. 202. A new section is added to chapter 82.04 RCW to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, for purposes of reporting the tax due under this chapter in a way that provides taxpayers with more consistency between state and city-imposed business and occupation taxes or for ease of administration for the department or taxpayers, the department may classify business activities other than as provided in RCW 82.04.230 through 82.04.298. However, new classifications created under the authority of this section do not affect the tax rates applicable to the activities that come within the new classifications.

(2) The department may not consolidate the manufacturing and processing for hire classifications.

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Sec. 203. RCW 82.04.060 and 2010 c 106 s 203 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means:

(1) Any sale, which is not a sale at retail, of:

(a) Tangible personal property;

(b) Services defined as a retail sale in RCW 82.04.050(2) (a) or (g);

(c) Amusement or recreation services as defined in RCW 82.04.050(3)(a);

(d) Prewritten computer software;

(e) Services described in RCW 82.04.050(6)(b);

(f) Extended warranties as defined in RCW 82.04.050(7);

(g) Competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065; or

(h) Digital goods, digital codes, or digital automated services;

(2) Any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers. For the purposes of this subsection (2), "real or personal property" does not include any natural products named in RCW 82.04.100; ~~(and)~~

(3) The sale of any service for resale, if the sale is excluded from the definition of "sale at retail" and "retail sale" in RCW 82.04.050(14); and

(4) Any sale of or charge made for labor and services if the sale or charge is excluded from the definition of retail sale in RCW 82.04.050 (10) or (12). Nothing in this subsection may be construed as affecting the status of persons providing such services to consumers as provided in RCW 82.04.190.

Sec. 204. RCW 82.04.230 and 2006 c 300 s 5 are each amended to read as follows:

(1) Upon every person engaging within this state in business as an extractor or extractor for hire, except persons taxable as an extractor or extractor for hire under any other provision in this chapter; as to such persons the amount of the tax with respect to such business ~~((shall be))~~ is, in the case of extractors, equal to the value of the products, including by-products, extracted for sale or for commercial or industrial use, and, in the case of extractors for hire, the gross income of the business of extracting for hire, multiplied by the rate of 0.484 percent.

(2) The measure of the tax on extractors is the value of the products, including by-products, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 205. RCW 82.04.250 and 2010 1st sp.s. c 23 s 509 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail, except persons taxable ~~((as retailers))~~ under other provisions of this chapter on the business of making sales at retail, as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260~~((40))~~ (7) or subsection (3) of this section, as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3) Until July 1, 2024, upon every person classified by the federal aviation administration as a federal aviation regulation part 145 certificated repair station and that is engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261,

82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of .2904 percent.

Sec. 206. RCW 82.04.255 and 2011 c 322 s 2 are each amended to read as follows:

(1) ((Upon every person engaging within the state in)) The business of providing real estate brokerage services((; as to such persons, the amount of the tax with respect to such business is equal to the gross income of the business, multiplied by the rate of 1.5 percent)) is subject to tax under RCW 82.04.290.

(2) The measure of the tax on real estate commissions earned by the real estate firm is the gross commission earned by the particular real estate firm including that portion of the commission paid to brokers, including designated and managing brokers, in the same firm on a particular transaction. However, when a real estate commission on a particular transaction is divided among real estate firms at the closing of the transaction, including a firm located out of state, each firm must pay the tax only upon its respective shares of said commission. Moreover, when the real estate firm has paid the tax as provided herein, brokers, including designated and managing brokers, within the same real estate firm may not be required to pay a similar tax upon the same transaction. If any firm located out of state receives a share of commission on a particular transaction, that company or broker must pay the tax based on the requirements of this section and RCW 82.04.067.

(3) For the purposes of this section, "broker," "designated broker," "managing broker," and "real estate firm" have the same meaning as provided in RCW 18.85.011.

Sec. 207. RCW 82.04.260 and 2012 2nd sp.s. c 6 s 602 and 2012 2nd sp.s. c 6 s 204 are each reenacted and amended to read as follows:

(1) ((Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2015, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c) Beginning July 1, 2015, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d) Beginning July 1, 2015, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured

by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Wood biomass fuel as defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3)) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

((4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5)) (2) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

((6)) (3) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

((7)) (4) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this

definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

((8)) (5)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

((9)) (6) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

((10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

((11)) (7)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection ((4)) (7) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection ((4)) (7), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection ((4)) (7) must file a complete annual report with the department under RCW 82.32.534.

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(e) This subsection ~~((44))~~ (7) does not apply on and after July 1, 2024.

~~((42))~~ (8)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting timber for hire ~~((timber))~~; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection ~~((42))~~ (8)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection ~~((42))~~ (8)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection ~~((42))~~ (8) must file a complete annual survey with the department under RCW 82.32.585.

~~((43))~~ (9) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

~~((44))~~ (10)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.365 percent through June 30, 2013, and beginning July 1, 2013, multiplied by the rate of 0.35 percent.

(b) A person reporting under the tax rate provided in this subsection ~~((44))~~ (10) must file a complete annual report with the department under RCW 82.32.534.

Sec. 208. RCW 82.04.260 and 2012 2nd sp.s. c 6 s 204 are each amended to read as follows:

(1) ((Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2015, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c) Beginning July 1, 2015, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and

preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d) Beginning July 1, 2015, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Wood biomass fuel as defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3)) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

((4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5)) (2) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

((6)) (3) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

((7)) (4) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar

structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

((8)) (5)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

((9)) (6) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

((10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

((11)) (7)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection ((14)) (7) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

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(c) For the purposes of this subsection ~~((44))~~ (7), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection ~~((44))~~ (7) must file a complete annual report with the department under RCW 82.32.534.

(e) This subsection ~~((44))~~ (7) does not apply on and after July 1, 2024.

~~((42))~~ (8)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting timber for hire (~~timber~~); as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection ~~((42))~~ (8)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers,

magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection ~~((42))~~ (8)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection ~~((42))~~ (8) must file a complete annual survey with the department under RCW 82.32.585.

~~((43))~~ (9) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

~~((44))~~ (10)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent.

(b) A person reporting under the tax rate provided in this subsection ~~((44))~~ (10) must file a complete annual report with the department under RCW 82.32.534.

Sec. 209. RCW 82.04.280 and 2010 c 106 s 205 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of: (a) Printing materials other than newspapers, and of publishing periodicals or magazines; (b) ~~((building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (c) extracting for hire or))~~ processing for hire ~~((, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (d))~~ or operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; ~~((e))~~ (c) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the

provisions of chapter 48.17 RCW; ~~((f))~~ or (d) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the federal communications commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; ~~((g) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6);)~~ as to such persons, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise.

(a) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(b) "Storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

(c) "Periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

NEW SECTION. Sec. 210. The following acts or parts of acts are each repealed:

(1) RCW 82.04.272 (Tax on warehousing and reselling prescription drugs) and 2003 c 168 s 401 & 1998 c 343 s 1;

(2) RCW 82.04.2909 (Tax on aluminum smelters) and 2011 c 174 s 301;

(3) RCW 82.04.294 (Tax on manufacturers or wholesalers of solar energy systems) and 2011 c 179 s 1, 2010 c 114 s 109, 2009 c 469 s 501, 2007 c 54 s 8, & 2005 c 301 s 2;

(4) RCW 35.102.120 (Definitions--Tax classifications) and 2003 c 79 s 12;

(5) 2010 c 114 s 104;

(6) 2003 c 149 s 3;

(7) 2010 c 106 s 206;

(8) 2009 c 461 s 3;

(9) 2006 c 300 s 7; and

(10) 2003 c 149 s 4.

Sec. 211. RCW 35.102.150 and 2011 c 174 s 201 are each amended to read as follows:

Notwithstanding RCW 35.102.130, a city that imposes a business and occupation tax must allocate a person's gross income from the activities of printing, and of publishing newspapers, periodicals, or magazines, to the principal place in this state from which the taxpayer's business is directed or managed. As used in this section, the activities of printing, and of publishing newspapers, periodicals, or magazines are those activities to which the tax rates in RCW 82.04.260(~~((13))~~) (10) and 82.04.280(1)(a) apply.

Sec. 212. RCW 48.14.080 and 2010 1st sp.s. c 23 s 520 are each amended to read as follows:

(1) As to insurers, other than title insurers and taxpayers under RCW 48.14.0201, the taxes imposed by this title are in lieu of all other taxes, except as otherwise provided in this section.

(2) Subsection (1) of this section does not apply with respect to:

(a) Taxes on real and tangible personal property;

(b) Excise taxes on the sale, purchase, use, or possession of (i) real property; (ii) tangible personal property; (iii) extended warranties; (iv) services, including digital automated services as defined in RCW 82.04.192; and (v) digital goods and digital codes as those terms are defined in RCW 82.04.192; and

(c) The tax imposed in ~~((RCW 82.04.260(9), regarding))~~ chapter 82.04 RCW on public and nonprofit hospitals.

(3) For the purposes of this section, the term "taxes" includes taxes imposed by the state or any county, city, town, municipal corporation, quasi-municipal corporation, or other political subdivision.

Sec. 213. RCW 82.04.261 and 2010 1st sp.s. c 23 s 510 are each amended to read as follows:

(1) In addition to the taxes imposed under RCW 82.04.260(~~((14))~~) (8), a surcharge is imposed on those persons who are subject to any of the taxes imposed under RCW 82.04.260(~~((14))~~) (8). Except as otherwise provided in this section, the surcharge is equal to 0.052 percent. The surcharge is added to the rates provided in RCW 82.04.260(~~((14))~~) (8) (a), (b), (c), and (d). The surcharge and this section expire July 1, 2024.

(2) All receipts from the surcharge imposed under this section must be deposited into the forest and fish support account created in RCW 76.09.405.

(3)(a) The surcharge imposed under this section is suspended if:

(i) Receipts from the surcharge total at least eight million dollars during any fiscal biennium; or

(ii) The office of financial management certifies to the department that the federal government has appropriated at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington for any federal fiscal year.

(b)(i) The suspension of the surcharge under (a)(i) of this subsection (3) takes effect on the first day of the calendar month that is at least thirty days after the end of the month during which the department determines that receipts from the surcharge total at least eight million dollars during the fiscal biennium. The surcharge is imposed again at the beginning of the following fiscal biennium.

(ii) The suspension of the surcharge under (a)(ii) of this subsection (3) takes effect on the later of the first day of October of any federal fiscal year for which the federal government appropriates at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington, or the first day of a calendar month that is at least thirty days following the date that the office of financial management makes a certification to the department under subsection (5) of this section. The surcharge is imposed again on the first day of the following July.

(4)(a) If, by October 1st of any federal fiscal year, the office of financial management certifies to the department that the federal government has appropriated funds for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington but the amount of the appropriation is less than two million dollars, the department must adjust the surcharge in accordance with this subsection.

(b) The department must adjust the surcharge by an amount that the department estimates will cause the amount of funds deposited into the forest and fish support account for the state fiscal year that begins July 1st and that includes the beginning of the federal fiscal year for which the federal appropriation is made, to be reduced by twice the amount of the federal appropriation for participation in forest and fish report-related activities by federally recognized

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Indian tribes located within the geographical boundaries of the state of Washington.

(c) Any adjustment in the surcharge takes effect at the beginning of a calendar month that is at least thirty days after the date that the office of financial management makes the certification under subsection (5) of this section.

(d) The surcharge is imposed again at the rate provided in subsection (1) of this section on the first day of the following state fiscal year unless the surcharge is suspended under subsection (3) of this section or adjusted for that fiscal year under this subsection.

(e) Adjustments of the amount of the surcharge by the department are final and may not be used to challenge the validity of the surcharge imposed under this section.

(f) The department must provide timely notice to affected taxpayers of the suspension of the surcharge or an adjustment of the surcharge.

(5) The office of financial management must make the certification to the department as to the status of federal appropriations for tribal participation in forest and fish report-related activities.

Sec. 214. RCW 82.04.270 and 2004 c 24 s 5 are each amended to read as follows:

Upon every person engaging within this state in the business of making sales at wholesale, except persons taxable ~~((as wholesalers))~~ under other provisions of this chapter on the business of making sales at wholesale; as to such persons the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds of sales of such business multiplied by the rate of 0.484 percent.

Sec. 215. RCW 82.04.29002 and 2010 1st sp.s. c 23 s 1101 are each amended to read as follows:

(1) Beginning May 1, 2010, through June 30, 2013, an additional rate of tax of 0.30 percent is added to the rate provided for in RCW ~~((82.04.255,))~~ 82.04.285~~((;))~~ and 82.04.290~~((2))~~(a).

~~((2))~~~~((a))~~ The additional rate in subsection (1) of this section does not apply to:

(a) Persons engaging within this state in business as a hospital. "Hospital" has the meaning provided in chapter 70.41 RCW but also includes any hospital that comes within the scope of chapter 71.12 RCW if the hospital is also licensed under chapter 70.41 RCW~~((;))~~; and

~~((The additional rate in subsection (1) of this section does not apply to))~~ (b) Amounts received from performing scientific research and development services including but not limited to research and development in the physical, engineering, and life sciences (such as agriculture, bacteriological, biotechnology, chemical, life sciences, and physical science research and development laboratories or services).

Sec. 216. RCW 82.04.298 and 2011 c 2 s 204 are each amended to read as follows:

(1) The amount of tax with respect to a qualified grocery distribution cooperative's sales of groceries or related goods for resale, excluding ~~((items subject to tax under RCW 82.04.260(4)))~~ qualifying meat products, to customer-owners of the grocery distribution cooperative is equal to the gross proceeds of sales of the grocery distribution cooperative multiplied by the rate of one and one-half percent.

(2) A qualified grocery distribution cooperative is allowed a deduction from the gross proceeds of sales of groceries or related goods for resale, excluding ~~((items subject to tax under RCW 82.04.260(4)))~~ qualifying meat products, to customer-owners of the grocery distribution cooperative that is equal to the portion of the gross proceeds of sales for resale that represents the actual cost of the merchandise sold by the grocery distribution cooperative to customer-owners.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Grocery distribution cooperative" means an entity that sells groceries and related items to customer-owners of the grocery distribution cooperative and has customer-owners, in the aggregate, who own a majority of the outstanding ownership interests of the grocery distribution cooperative or of the entity controlling the grocery distribution cooperative. "Grocery distribution cooperative" includes an entity that controls a grocery distribution cooperative.

(b) "Qualified grocery distribution cooperative" means:

(i) A grocery distribution cooperative that has been determined by a court of record of the state of Washington to be not engaged in wholesaling or making sales at wholesale, within the meaning of RCW 82.04.270 or any similar provision of a municipal ordinance that imposes a tax on gross receipts, gross proceeds of sales, or gross income, with respect to purchases made by customer-owners, and subsequently changes its form of doing business to make sales at wholesale of groceries or related items to its customer-owners; or

(ii) A grocery distribution cooperative that has acquired substantially all of the assets of a grocery distribution cooperative described in (b)(i) of this subsection.

(c) "Customer-owner" means a person who has an ownership interest in a grocery distribution cooperative and purchases groceries and related items at wholesale from that grocery distribution cooperative.

(d) "Controlling" means holding fifty percent or more of the voting interests of an entity and having at least equal power to direct or cause the direction of the management and policies of the entity, whether through the ownership of voting securities, by contract, or otherwise.

(e) "Qualifying meat product" has the same meaning as provided in section 306 of this act.

Sec. 217. RCW 82.04.334 and 2010 1st sp.s. c 23 s 512 are each amended to read as follows:

This chapter does not apply to any sale of standing timber excluded from the definition of "sale" in RCW 82.45.010(3). The definitions in RCW 82.04.260~~((4))~~ ~~((8))~~ apply to this section.

Sec. 218. RCW 82.04.440 and 2011 c 2 s 205 are each amended to read as follows:

(1) Every person engaged in activities that are subject to tax under two or more provisions of RCW 82.04.230 through 82.04.298, inclusive, is taxable under each provision applicable to those activities.

(2) Persons taxable under RCW ~~((82.04.290(2,))~~ 82.04.250, 82.04.270, ~~((82.04.294(2,))~~ or 82.04.260 ~~((1)(b), (c), or (d), (4), (11), or (12)))~~ (7) or (8)(c) with respect to selling products in this state, including those persons who are also taxable under RCW 82.04.261, are allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit may not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable as manufacturers under RCW 82.04.240 or 82.04.260 ~~((1)(b) or (12))~~ (8), including those persons who are also taxable under RCW 82.04.261, are allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit may not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, (~~(82.04.290(1), 82.04.294(1), 82.04.240(4),~~) or 82.04.260 (~~((1), (2), (4), (11), or (12))~~) (7) or (8), including those persons who are also taxable under RCW 82.04.261, with respect to extracting or manufacturing products in this state are allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit may not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed on persons who are engaged in business as a manufacturer in RCW 82.04.240(~~(82.04.240, 82.04.290(1),~~) and 82.04.260 (~~((1), (2), (4), (11), and (12), and 82.04.294(1))~~) (7) or (8); (ii) the tax imposed under RCW 82.04.261 on persons who are engaged in business as a manufacturer; and (iii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes (i) the tax imposed on extractors in RCW 82.04.230 and 82.04.260(~~((12))~~) (8); (ii) the tax imposed under RCW 82.04.261 on persons who are engaged in business as an extractor; and (iii) similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through (~~(82.04.212-82.04.217))~~ 82.04.217, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

Sec. 219. RCW 82.04.4451 and 2010 1st sp.s. c 23 s 1102 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed against the amount of tax otherwise due under this chapter, as provided in this section. Except for taxpayers that report at least fifty percent of their taxable amount under RCW (~~(82.04.255,)~~) 82.04.290(2)(a)(~~(3)~~) and 82.04.285, the maximum credit for a taxpayer for a reporting period is thirty-five dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045. For a taxpayer that reports at least fifty percent of its taxable amount under RCW (~~(82.04.255,)~~) 82.04.290(2)(a)(~~(3)~~) and 82.04.285, the maximum credit for a reporting period is seventy dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045.

(2) When the amount of tax otherwise due under this chapter is equal to or less than the maximum credit, a credit is allowed equal to the amount of tax otherwise due under this chapter.

(3) When the amount of tax otherwise due under this chapter exceeds the maximum credit, a reduced credit is allowed equal to twice the maximum credit, minus the tax otherwise due under this chapter, but not less than zero.

(4) The department may prepare a tax credit table consisting of tax ranges using increments of no more than five dollars and a corresponding tax credit to be applied to those tax ranges. The table (~~(shall)~~ must) be prepared in such a manner that no taxpayer will owe a greater amount of tax by using the table than would be owed by performing the calculation under subsections (1) through (3) of this section. A table prepared by the department under this subsection must be used by all taxpayers in taking the credit provided in this section.

Sec. 220. RCW 82.04.4463 and 2010 1st sp.s. c 23 s 515 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes and leasehold excise taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i)(A) Property taxes paid on buildings, and land upon which the buildings are located, constructed after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(B) Leasehold excise taxes paid with respect to buildings constructed after January 1, 2006, the land upon which the buildings are located, or both, if the buildings are used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(C) Property taxes or leasehold excise taxes paid on, or with respect to, buildings constructed after June 30, 2008, the land upon which the buildings are located, or both, and used exclusively for aerospace product development, manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components, or in providing aerospace services, by persons not within the scope of (a)(i)(A) and (B) of this subsection (2) and are taxable under RCW 82.04.290(3), 82.04.260(~~((10))~~) (7)(b), or 82.04.250(3); or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after: (A) December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and (B) June 30, 2008, of buildings used exclusively for aerospace product development, manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components, or in providing aerospace services, by persons not within the scope of (a)(ii)(A) of this subsection (2) and are taxable under RCW 82.04.290(3), 82.04.260(~~((10))~~) (7)(b), or 82.04.250(3); and

(b) An amount equal to:

(i)(A) Property taxes paid, by persons taxable under RCW 82.04.260(~~((10))~~) (7)(a), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after December 1, 2003;

(B) Property taxes paid, by persons taxable under RCW 82.04.260(~~((10))~~) (7)(b), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after June 30, 2008; or

(C) Property taxes paid, by persons taxable under RCW 82.04.250(3) or 82.04.290(3), on computer hardware, computer peripherals, and software exempt under RCW 82.08.975 or 82.12.975 and acquired after June 30, 2008.

(ii) For purposes of determining the amount eligible for credit under (i)(A) and (B) of this subsection (2)(b), the amount of property taxes paid is multiplied by a fraction.

(A) The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260(~~((10))~~) (7) (a) or (b) on the applicable business activities of manufacturing commercial airplanes, components of such airplanes, or tooling specifically designed for use in the manufacturing of commercial airplanes or components of such airplanes.

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(B) The denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW.

(C) For purposes of both the numerator and denominator of the fraction, the total taxable amount refers to the total taxable amount required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. The department may provide for an alternative method for calculating the numerator in cases where the tax rate provided in RCW 82.04.260(~~((40))~~) (7) for manufacturing was not in effect during the full calendar year before the calendar year in which the credit under this section is earned.

(D) No credit is available under (b)(i)(A) or (B) of this subsection (2) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one.

(E) As used in (b)(ii)(C) of this subsection (2), "returns" means the tax returns for which the tax imposed under this chapter is reported to the department.

(3) The definitions in this subsection apply throughout this section, unless the context clearly indicates otherwise.

(a) "Aerospace product development" has the same meaning as provided in RCW 82.04.4461.

(b) "Aerospace services" has the same meaning given in RCW 82.08.975.

(c) "Commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(4) A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person claiming the credit under this section must file a complete annual report with the department under RCW 82.32.534.

(6) This section expires July 1, 2024.

Sec. 221. RCW 82.04.460 and 2011 c 174 s 203 are each amended to read as follows:

(1) Except as otherwise provided in this section, any person earning apportionable income taxable under this chapter and also taxable in another state must, for the purpose of computing tax liability under this chapter, apportion to this state, in accordance with RCW 82.04.462, that portion of the person's apportionable income derived from business activities performed within this state.

(2) The department must by rule provide a method of apportioning the apportionable income of financial institutions, where such apportionable income is taxable under RCW 82.04.290. The rule adopted by the department must, to the extent feasible, be consistent with the multistate tax commission's recommended formula for the apportionment and allocation of net income of financial institutions as existing on June 1, 2010, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, except that:

(a) The department's rule must provide for a single factor apportionment method based on the receipts factor; and

(b) The definition of "financial institution" contained in appendix A to the multistate tax commission's recommended formula for the apportionment and allocation of net income of financial institutions is advisory only.

(3) The department may by rule provide a method or methods of apportioning or allocating gross income derived from sales of telecommunications service and competitive telephone service taxed under this chapter, if the gross proceeds of sales subject to tax under this chapter do not fairly represent the extent of the taxpayer's income attributable to this state. The rule must provide for an equitable and constitutionally permissible division of the tax base.

(4) For purposes of this section, the following definitions apply unless the context clearly requires otherwise:

(a) "Apportionable income" means gross income of the business generated from engaging in apportionable activities, including income received from apportionable activities performed outside this state if the income would be taxable under this chapter if received from activities in this state, less the exemptions and deductions allowable under this chapter. For purposes of this subsection, "apportionable activities" means only those activities taxed under:

(i) ~~((RCW 82.04.255;~~

(ii) ~~RCW 82.04.260~~ ~~((3), (4), (5), (6), (7), (8), (9), and (12)))~~ ~~(2) through (7) and (10);~~

~~((iii))~~ (ii) RCW 82.04.280(1)~~((e))~~ (c);

~~((iv))~~ (iii) RCW 82.04.285;

~~((v))~~ (iv) RCW 82.04.286;

~~((vi))~~ (v) RCW 82.04.290;

~~((vii))~~ (vi) RCW 82.04.2907;

~~((viii))~~ (vii) RCW 82.04.2908;

~~((ix))~~ (viii) RCW 82.04.263, but only to the extent of any activity that would be taxable under any of the provisions enumerated under (a)(i) through ~~((ix))~~ (vii) of this subsection (4) if the tax classification in RCW 82.04.263 did not exist; and

~~((x))~~ (ix) RCW 82.04.260(~~((13))~~) (10) and 82.04.280(1)(a), but only with respect to advertising.

(b)(i) "Taxable in another state" means that the taxpayer is subject to a business activities tax by another state on its income received from engaging in apportionable activities; or the taxpayer is not subject to a business activities tax by another state on its income received from engaging in apportionable activities, but any other state has jurisdiction to subject the taxpayer to a business activities tax on such income under the substantial nexus standards in RCW 82.04.067(1).

(ii) For purposes of this subsection (4)(b), "business activities tax" and "state" have the same meaning as in RCW 82.04.462.

Sec. 222. RCW 82.08.806 and 2011 c 174 s 204 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales, to a printer or publisher, of computer equipment, including repair parts and replacement parts for such equipment, when the computer equipment is used primarily in the printing or publishing of any printed material, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the computer equipment. This exemption applies only to computer equipment not otherwise exempt under RCW 82.08.02565.

(2) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. This exemption is available only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection (3) apply throughout this section, unless the context clearly requires otherwise.

(a) "Computer" has the same meaning as in RCW 82.04.215.

(b) "Computer equipment" means a computer and the associated physical components that constitute a computer system, including monitors, keyboards, printers, modems, scanners, pointing devices, and other computer peripheral equipment, cables, servers, and routers. "Computer equipment" also includes digital cameras and computer software.

(c) "Computer software" has the same meaning as in RCW 82.04.215.

(d) "Primarily" means greater than fifty percent as measured by time.

(e) "Printer or publisher" means a person, as defined in RCW 82.04.030, who is subject to tax under RCW 82.04.260(~~((43))~~) (10) or 82.04.280(1)(a).

(4) "Computer equipment" does not include computer equipment that is used primarily for administrative purposes including but not limited to payroll processing, accounting, customer service, telemarketing, and collection. If computer equipment is used simultaneously for administrative and nonadministrative purposes, the administrative use must be disregarded during the period of simultaneous use for purposes of determining whether the computer equipment is used primarily for administrative purposes.

Sec. 223. RCW 82.32.045 and 2010 1st sp.s. c 23 s 1103 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than:

(i) Twenty-eight thousand dollars per year; or

(ii) Forty-six thousand six hundred sixty-seven dollars per year for persons generating at least fifty percent of their taxable amount from activities taxable under RCW ~~((82.04.255,))~~ 82.04.290(2)(a)(~~(i)~~) and 82.04.285;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

Sec. 224. RCW 82.45.195 and 2010 1st sp.s. c 23 s 518 are each amended to read as follows:

A sale of standing timber is exempt from tax under this chapter if the gross income from such sale is taxable under RCW 82.04.260(~~((44))~~) (8)(d).

PART III CREDITS

NEW SECTION. Sec. 301. A new section is added to chapter 82.04 RCW to read as follows:

WOOD BIOMASS. (1) In computing the tax imposed under RCW 82.04.240 on the business of manufacturing wood biomass fuel, a person is entitled to a credit as determined in subsection (2) of this section.

(2) The amount of the credit under this section is determined by multiplying 0.71488 by the tax otherwise due during the reporting period on the business of manufacturing wood biomass fuel. The department must administer the credit in this section in a way that results in a tax liability that is comparable to what it would have been under the tax rate in effect for the business of

manufacturing wood biomass fuel immediately preceding the effective date of this section.

(3) "Wood biomass fuel" has the same meaning as in RCW 82.29A.135.

(4) The credit in this section may only be claimed on a return filed electronically using the department's online tax filing service.

NEW SECTION. Sec. 302. A new section is added to chapter 82.04 RCW to read as follows:

ALUMINUM SMELTERS. (1)(a) In computing the tax imposed under RCW 82.04.270 on the business of making wholesale sales of aluminum manufactured by the seller, an aluminum smelter is entitled to a credit as determined in (b) of this subsection (1).

(b) The amount of the credit under this subsection (1) is determined by multiplying 0.4 by the tax otherwise due on the business of making wholesale sales by the taxpayer, during the reporting period, of aluminum manufactured by the taxpayer. The department must administer the credit in this subsection in a way that results in a tax liability that is comparable to what it would have been under the tax rate in effect for the business of making wholesale sales, during the reporting period, of aluminum by the manufacturer, immediately preceding the effective date of this section.

(2)(a) In computing the tax imposed under RCW 82.04.240 on the business of manufacturing aluminum, an aluminum smelter is entitled to a credit as determined in (b) of this subsection (2).

(b) The amount of the credit under this subsection (2) is determined by multiplying 0.4 by the tax otherwise due during the reporting period on the business of manufacturing aluminum, which includes the activities of both manufacturers and processors for hire. The department must administer the credit in this subsection in a way that results in a tax liability that is comparable to what it would have been under the tax rate in effect for the business of manufacturing aluminum.

(3) A person claiming a credit under this section must file a complete annual report with the department under RCW 82.32.534. However, if legislation is enacted after 2013 that replaces the annual report under RCW 82.32.534 with the annual survey under RCW 82.32.585, a person claiming a credit under this section must file a complete annual survey with the department under RCW 82.32.585.

(4) The credits in this section may only be claimed on a return filed electronically using the department's online tax filing service.

(5) No credit may be claimed under this section for reporting periods beginning January 1, 2017.

NEW SECTION. Sec. 303. A new section is added to chapter 82.04 RCW to read as follows:

WHOLESALE/MANUFACTURING OF SOLAR ENERGY SYSTEMS. (1)(a) In computing the tax imposed under RCW 82.04.270 on the business of making wholesale sales of qualifying solar energy systems or qualifying components by the manufacturer of the system or component, a person is entitled to a credit as determined in (b) of this subsection (1).

(b) The amount of the credit under this subsection (1) is determined by multiplying 0.43183 by the tax otherwise due, during the reporting period, on the business of making wholesale sales of qualifying solar energy products or qualifying components, manufactured by the person. The department must administer the credit in this subsection in a way that results in a tax liability that is comparable to what it would have been under the tax rate in effect for the business of making wholesale sales, during the reporting period, of qualifying solar energy products or qualifying components, manufactured by the taxpayer.

(2)(a) In computing the tax imposed under RCW 82.04.240 on the business of manufacturing qualifying solar energy systems or qualifying components, a person is entitled to a credit as determined in (b) of this subsection (2).

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(b) The amount of the credit under this subsection (2) is determined by multiplying 0.43183 by the tax otherwise due on the business of manufacturing qualifying solar energy systems or qualifying components during the reporting period. The department must administer the credit in this subsection in a way that results in a tax liability that is comparable to what it would have been under the tax rate in effect for the business of manufacturing qualifying solar energy products or qualifying components during the reporting period.

(3) The definitions in this subsection apply throughout this section.

(a) "Compound semiconductor solar wafers" means a semiconductor solar wafer composed of elements from two or more different groups of the periodic table.

(b) "Module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

(c) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(d) "Qualifying component" means the following products to be used exclusively in components of qualifying solar energy systems: Solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers.

(e) "Qualifying solar energy system" means a solar energy system using photovoltaic modules or stirling converters.

(f) "Silicon solar cells" means a photovoltaic cell manufactured from a silicon solar wafer.

(g) "Silicon solar wafers" means a silicon wafer manufactured for solar conversion purposes.

(h) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(i) "Solar grade silicon" means high purity silicon used exclusively in components of solar energy systems using photovoltaic modules to capture direct sunlight. "Solar grade silicon" does not include silicon used in semiconductors.

(j) "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

(k) "Thin film solar devices" means a nonparticipating substrate on which various semiconducting materials are deposited to produce a photovoltaic cell that is used to generate electricity.

(4) A person claiming a credit under this section must file a complete annual report with the department under RCW 82.32.534. However, if legislation is enacted after 2013 that replaces the annual report under RCW 82.32.534 with the annual survey under RCW 82.32.585, a person claiming a credit under this section must file a complete annual survey with the department under RCW 82.32.585.

(5) No credit may be claimed under this section for reporting periods beginning July 1, 2014.

(6) The credit in this section may only be claimed on a return filed electronically using the department's online tax filing service.

NEW SECTION. Sec. 304. A new section is added to chapter 82.04 RCW to read as follows:

SPLITTING/PROCESSING DRIED PEAS AND MANUFACTURERS OF FLOUR AND OIL. (1) In computing the tax imposed under RCW 82.04.240 on the business of splitting or processing dried peas or of manufacturing wheat into flour; barley into pearl barley; soybeans into soybean oil; canola into canola oil, canola meal, or canola by-products; or sunflower seeds into sunflower oil; a person is entitled to a credit as determined in subsection (2) of this section.

(2) The amount of the credit under this section is determined by multiplying 0.71488 by the tax otherwise due on the manufacturing of the product or products described in subsection (1) of this section during the reporting period. The department must administer the

credit in this subsection in a way that results in a tax liability that is comparable to what it would have been under the tax rate in effect for the business of manufacturing the product or products described in subsection (1) of this section during the reporting period.

(3) The credit in this section may only be claimed on a return filed electronically using the department's online tax filing service.

NEW SECTION. Sec. 305. A new section is added to chapter 82.04 RCW to read as follows:

PRESCRIPTION DRUG RESELLING AT RETAIL AND PRESCRIPTION DRUG WAREHOUSING AND RESELLING AT WHOLESALE. (1)(a) The credit under this subsection from the gross proceeds of retail sales of prescription drugs is determined by multiplying 0.70701 by:

(i) The gross proceeds of retail sales of prescription drugs by the eligible person during the reporting period; or

(ii) If the eligible person is entitled to one or more credits under any other statute in this chapter in computing the tax imposed under RCW 82.04.250 on the business of making retail sales of prescription drugs, the difference resulting from subtracting all other deductible amounts from the gross proceeds of retail sales of prescription drugs by the eligible person during the reporting period.

(b) The credit under this subsection from the gross proceeds of wholesale sales of prescription drugs is determined by multiplying 0.71488 by:

(i) The gross proceeds of wholesale sales of prescription drugs by the eligible person during the reporting period; or

(ii) If the eligible person is entitled to one or more credits under any other statute in this chapter in computing the tax imposed under RCW 82.04.270 on the business of making wholesale sales of prescription drugs, the difference resulting from subtracting all other deductible amounts from the gross proceeds of wholesale sales of prescription drugs by the eligible person during the reporting period.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible person" means a person who:

(i) Is registered with the federal drug enforcement administration and licensed by the state board of pharmacy;

(ii) Buys prescription drugs from a manufacturer or another wholesaler and resells the drugs to persons selling at retail or to hospitals, clinics, health care providers, or other providers of health care services; and

(iii) Owns or operates a warehouse inside or outside of this state where the person's prescription drugs are stored pending delivery to buyers.

(b) "Prescription drugs" means drugs intended for human use pursuant to a prescription.

(c) "Prescription" and "drug" have the same meaning as in RCW 82.08.0281.

(3) The credit in this section may only be claimed on a return filed electronically using the department's online tax filing service.

NEW SECTION. Sec. 306. A new section is added to chapter 82.04 RCW to read as follows:

MEAT PRODUCTS--PROCESSING PERISHABLE AND WHOLESALE SALES OF QUALIFYING. (1)(a) In computing the tax imposed under RCW 82.04.270 on the business of making wholesale sales of qualifying meat products, an eligible person is entitled to a credit as determined in (b) of this subsection (1).

(b) The amount of the credit under this subsection (1) is determined by multiplying 0.71488 by the tax otherwise due on wholesale sales of qualifying meat products made during the reporting period by the eligible person. The department must administer the credit in this subsection in a way that results in a tax liability that is comparable to what it would have been under the tax rate in effect for the business of making wholesale sales of qualifying meat products during the reporting period.

(2)(a) In computing the tax imposed under RCW 82.04.240 on the business of processing perishable meat products, a person is entitled to a credit as determined in (b) of this subsection (2).

(b) The amount of the credit under this subsection (2) is determined by multiplying 0.71488 by:

(i) The value of the meat product processed by the person for the reporting period, in the case of manufacturers, or, in the case of processors for hire, the gross income of the business for the reporting period from processing meat products for hire; or

(ii) If the person is entitled to one or more credits under any other statute in this chapter in computing the tax imposed under RCW 82.04.240 on the business of processing perishable meat products, the difference resulting from subtracting all other deductible amounts from the value of the meat product processed by the person for the reporting period, in the case of manufacturers, or, in the case of processors for hire, the gross income of the business for the reporting period from processing meat products for hire.

(3) The definitions in this subsection apply throughout this section.

(a) "Eligible person" means any person who sells perishable meat products at wholesale or any person who takes an animal or a perishable meat product, processes it, and sells the resulting qualifying meat product at wholesale.

(b) "Meat product" means a product derived in whole or in part from any part of an animal carcass, except products derived from seafood or insects. The term includes only products that are intended for human consumption as food or animal consumption as feed.

(c) "Perishable meat product" means a meat product having a high risk of spoilage within a period of thirty days without refrigeration or freezing.

(d) "Processed," "processes," or "processing" means to engage in one or more of the following activities: Slaughtering an animal, breaking an animal carcass or part of an animal carcass into any type of smaller unit, or engaging in any other manufacturing activity when perishable meat is either the finished product or an ingredient or component of the finished product.

(e) "Qualifying meat product" means:

(i) With respect to any person, a perishable meat product; and

(ii) Any meat product, perishable or not, that is the result of the seller taking an animal or a perishable meat product, processing it, and selling the resulting meat product at wholesale, even if meat is only a component of the finished product.

(4) The credit in this section may only be claimed on a return filed electronically using the department's online tax filing service.

NEW SECTION. Sec. 307. A new section is added to chapter 82.04 RCW to read as follows:

MANUFACTURING, WHOLESALING, AND RETAILING--SEAFOOD PRODUCTS AND DAIRY PRODUCTS--MANUFACTURING AND WHOLESALING--FRESH FRUITS AND VEGETABLES.

(1)(a) In computing the tax imposed under RCW 82.04.240 on qualifying manufacturing activities, a person is entitled to a credit as determined in (b) of this subsection (1).

(b) The amount of the credit under this subsection is determined by multiplying 0.71488 by the tax otherwise due on the manufacturing of eligible products by the person during the reporting period. The department must administer the credit in this subsection in a way that results in a tax liability that is comparable to what it would have been under the tax rate in effect for the business of manufacturing eligible products during the reporting period.

(2) In computing the tax imposed under RCW 82.04.250 on the business of making qualifying retail sales, a person is entitled to a credit as determined in (b) of this subsection (2).

(a) The amount of the credit under this subsection (2) is determined by multiplying 0.70701 by the tax otherwise due on

making qualifying retail sales by the person during the reporting period. The department must administer the credit in this subsection in a way that results in a tax liability that is comparable to what it would have been under the tax rate in effect for the business of making qualifying retail sales during the reporting period.

(b) Persons claiming a credit under this subsection (2) must keep and preserve records for the period required by RCW 82.32.070 establishing that the qualifying retail sales were for eligible products that were transported by the purchaser in the ordinary course of business out of this state.

(3) In computing the tax imposed under RCW 82.04.270 on the business of making qualifying wholesale sales, a person is entitled to a credit as determined in (b) of this subsection (3).

(a) The amount of the credit under this subsection (3) is determined by multiplying 0.71488 by the tax otherwise due on making qualifying wholesale sales by the person during the reporting period. The department must administer the credit in this subsection in a way that results in a tax liability that is comparable to what it would have been under the tax rate in effect for the business of making qualifying wholesale sales during the reporting period.

(b) Persons claiming a credit under this subsection (3) must keep and preserve records for the period required by RCW 82.32.070 establishing that the qualifying wholesale sales were for eligible products transported by the purchaser in the ordinary course of business out of this state.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible product" means:

(i) Seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing;

(ii) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing process, such as whey and casein; and

(iii) Fruits and vegetables that have been manufactured by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables.

(b) "Qualifying manufacturing" means manufacturing an eligible product.

(c) "Qualifying retail sales" means retail sales of an eligible product described in (a)(i) or (ii) of this subsection (4) by the manufacturer of the product, but only when the product is delivered to purchasers who transport the product out of this state in the ordinary course of business.

(d) "Qualifying wholesale sales" means wholesale sales of an eligible product described in (a) of this subsection (4) by the manufacturer of the product, but only when the product is delivered to purchasers who transport the product out of this state in the ordinary course of business.

(5) The credit in this section may only be claimed on a return filed electronically using the department's online tax filing service.

PART IV MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 401. The department of revenue must convene a group of affected stakeholders to develop recommendations to further reduce, refine, and simplify the number of tax classifications under chapter 82.04 RCW, the business and occupation tax. By January 1, 2014, and in compliance with RCW 43.01.036, the department must report the group's recommendations to the governor, the senate committee on trade and economic development, and the house of representatives committee on technology and economic development.

NEW SECTION. Sec. 402. (1) Except as provided otherwise in this section, this act takes effect January 1, 2014.

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(2) Section 208 of this act takes effect July 1, 2015.

(3) Section 401 of this act takes effect August 1, 2013.

NEW SECTION. Sec. 403. Section 207 of this act expires July 1, 2015.

NEW SECTION. Sec. 404. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purpose of this act to reduce the complexity of state and local business and occupation taxes and to make it easier for businesses to meet their local licensing and business and occupation tax filing obligations.

NEW SECTION. Sec. 405. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 35.102.030, 35.102.040, 35.102.140, 35.102.160, 82.04.060, 82.04.230, 82.04.255, 82.04.260, 82.04.280, 35.102.150, 48.14.080, 82.04.261, 82.04.270, 82.04.29002, 82.04.298, 82.04.334, 82.04.440, 82.04.4451, 82.04.4463, 82.04.460, 82.08.806, 82.32.045, and 82.45.195; reenacting and amending RCW 82.04.250 and 82.04.260; adding new sections to chapter 35.102 RCW; adding new sections to chapter 82.04 RCW; creating new sections; repealing RCW 82.04.272, 82.04.2909, 82.04.294, and 35.102.120; repealing 2010 c 114 s 104; repealing 2003 c 149 s 3; repealing 2010 c 106 s 206; repealing 2009 c 461 s 3; repealing 2006 c 300 s 7; repealing 2003 c 149 s 4; providing effective dates; and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun, the striking amendment by Senators Braun and Smith to Second Substitute Senate Bill No. 5688 was withdrawn.

MOTION

Senator Braun moved that the following striking amendment by Senators Braun and Holmquist Newbry be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The department of revenue must establish a work group to evaluate and develop recommendations on issues related to simplifying existing law in regards to city and state business and occupation tax uniformity, classifications, apportionment, and nexus. The work group must consist of members representing: The department of revenue; the association of Washington cities; Seattle, Bellevue, Bellingham, Tacoma, and Everett; policy groups that have evaluated the state's tax system; and statewide business organizations. Further, any city imposing a local business and occupation tax may opt to have members participate in the work group.

(2) By December 15, 2013, and in compliance with RCW 43.01.036, the department of revenue must submit a report to the appropriate legislative committees that details the work group's recommendations under this section."

Senators Braun, Fraser and Mullet spoke in favor of adoption of the striking amendment.

Senator Chase spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Braun and Holmquist Newbry to Second Substitute Senate Bill No. 5688.

The motion by Senator Braun carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "and creating a new section."

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Mullet spoke in favor of passage of the bill.

Senators Chase and Kohl-Welles spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5688.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5688 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Chase, Conway, Darneille, Harper, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker and Shin

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5684, by Senator King

Addressing the prevailing rate of wage paid on public works.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5684 was substituted for Senate Bill No. 5684 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and King be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 39.12.020 and 2007 c 169 s 1 are each amended to read as follows:

The hourly wages to be paid to laborers, workers, or mechanics, upon all public works and under all public building service maintenance contracts of the state or any county, municipality or

political subdivision created by its laws, shall be not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality within the state where such labor is performed. For a contract in excess of ten thousand dollars, a contractor required to pay the prevailing rate of wage shall post in a location readily visible to workers at the job site: PROVIDED, That on road construction, sewer line, pipeline, transmission line, street, or alley improvement projects for which no field office is needed or established, a contractor may post the prevailing rate of wage statement at the contractor's local office, gravel crushing, concrete, or asphalt batch plant as long as the contractor provides a copy of the wage statement to any employee on request:

(1) A copy of a statement of intent to pay prevailing wages approved by the industrial statistician of the department of labor and industries under RCW 39.12.040; and

(2) The address and telephone number of the industrial statistician of the department of labor and industries where a complaint or inquiry concerning prevailing wages may be made.

This chapter shall not apply to workers or other persons regularly employed by the state, or any county, municipality, or political subdivision created by its laws; or to workers or other persons who only deliver and unload standard materials, supplies, or equipment to a staging or stockpiling area without installing, fabricating, incorporating, or consuming the materials or supplies on or at the job site, or using the equipment to perform work on or at the public work site.

Senators Hargrove and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and King to Substitute Senate Bill No. 5684.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Holmquist Newbry and Hargrove spoke in favor of passage of the bill.

Senators Conway and Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5684.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5684 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5716, by Senators Baumgartner, Honeyford, Benton, Ericksen, Delvin, Padden, Holmquist Newbry, Braun, Smith, Brown, Bailey and Roach

Requiring a summary of capital appropriations by legislative district to accompany each capital appropriations bill.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Senate Bill No. 5716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5716.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5716 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5411, by Senators Rolfes, Holmquist Newbry, Hatfield, Honeyford and Conway

Requiring the ballot proposition to reduce the terms of office of port commissioners to be submitted at the next general election.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5411.

ROLL CALL

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The Secretary called the roll on the final passage of Senate Bill No. 5411 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Mullet

SENATE BILL NO. 5411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:03 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:47 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5751, by Senators Schoesler, Rivers, Smith, Braun, Baumgartner, Hasegawa, Parlette, Hewitt, Brown and Holmquist Newbry

Requiring an inventory of state fees.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5751.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5751 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5751, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5123, by Senators Ranker, Hatfield, Hobbs, Parlette and Conway

Establishing a farm internship program.

MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 5123 was substituted for Senate Bill No. 5123 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 5123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Holmquist Newbry spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5123.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5123 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5699, by Senators Ericksen and Kline

Concerning electronic product recycling.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following striking amendment by Senators Ericksen and Billig be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.95N.020 and 2006 c 183 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington materials management and financing authority created under RCW 70.95N.280.

(2) "Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

(3) "Board" means the board of directors of the Washington materials management and financing authority created under RCW 70.95N.290.

(4) "Collector" means an entity licensed to do business in the state that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets minimum standards that may be developed by the department.

(5) "Contract for services" means an instrument executed by the authority and one or more persons or entities that delineates collection, transportation, and recycling services, in whole or in part, that will be provided to the citizens of the state within service areas as described in the approved standard plan.

(6) "Covered electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally, a desktop computer, a laptop or a portable computer, or a cathode ray tube or flat panel television having a viewable area greater than four inches when measured diagonally that has been used in the state by any covered entity regardless of original point of purchase. "Covered electronic product" does not include: (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft; (b) monitoring and control instruments or systems; (c) medical devices; (d) products including materials intended for use as ingredients in those products as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts; (e) equipment used in the delivery of patient care in a health care setting; (f) a computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (g) hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

(7) "Covered entity" means any household, charity, school district, small business, or small government located in Washington state.

(8) "Curbside service" means a collection service providing regularly scheduled pickup of covered electronic products from households or other covered entities in quantities generated from households.

(9) "Department" means the department of ecology.

(10) "Electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally; a desktop computer; a laptop or a portable computer; or a cathode ray tube or flat screen television having a viewable area greater than four inches when measured diagonally.

(11) "Equivalent share" means the weight in pounds of covered electronic products identified for an individual manufacturer under this chapter as determined by the department under RCW 70.95N.200.

(12) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(13) "Independent plan" means a plan for the collection, transportation, and recycling of unwanted covered electronic products that is developed, implemented, and financed by an individual manufacturer or by an authorized party.

(14) "Manufacturer" means any person, in business or no longer in business but having a successor in interest, who, irrespective of the selling technique used, including by means of distance or remote sale:

(a) Manufactures or has manufactured a covered electronic product under its own brand names or under a brand it is licensed to use for sale in or into this state;

(b) Assembles or has assembled a covered electronic product that uses parts manufactured by others for sale in or into this state under the assembler's brand names;

(c) Resells or has resold in or into this state under its own brand names a covered electronic product produced by other suppliers, including retail establishments that sell covered electronic products under their own brand names;

(d) Manufactures or manufactured a cobranded product for sale in or into this state that carries the name of both the manufacturer and a retailer;

(e) Imports or has imported a covered electronic product into the United States that is sold in or into this state. However, if the imported covered electronic product is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under (a) through (d) of this subsection, that person is the manufacturer. For purposes of this subsection, "presence" means any person that performs activities conducted under the standards established for interstate commerce under the commerce clause of the United States Constitution; ~~((e))~~

(f) Sells at retail a covered electronic product acquired from an importer that is the manufacturer as described in (e) of this subsection, and elects to register in lieu of the importer as the manufacturer for those products; or

(g) Assumes the responsibilities of a manufacturer under this section. In the event the entity who assumes responsibility fails to comply, the manufacturer as defined under (a) through (f) of this subsection remains fully responsible.

(15) "New entrant" means: (a) A manufacturer of televisions that have been sold in the state for less than ten years; or (b) a manufacturer of desktop computers, laptop and portable computers, or computer monitors that have been sold in the state for less than five years. However, a manufacturer of both televisions and computers or a manufacturer of both televisions and computer monitors that is deemed a new entrant under either only (a) or (b) of this subsection is not considered a new entrant for purposes of this chapter.

(16) "Orphan product" means a covered electronic product that lacks a manufacturer's brand or for which the manufacturer is no longer in business and has no successor in interest.

(17) "Plan's equivalent share" means the weight in pounds of covered electronic products for which a plan is responsible. A plan's equivalent share is equal to the sum of the equivalent shares of each manufacturer participating in that plan.

(18) "Plan's return share" means the sum of the return shares of each manufacturer participating in that plan.

(19) "Premium service" means services such as at-location system upgrade services provided to covered entities and at-home pickup services offered to households. "Premium service" does not include curbside service.

(20) "Processor" means an entity engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and prepare those materials for reclaiming or reuse in new products in accordance with processing standards established by this chapter and by the department. A processor may also salvage parts to be used in new products.

(21) "Product type" means one of the following categories: Computer monitors; desktop computers; laptop and portable computers; and televisions.

(22) "Program" means the collection, transportation, and recycling activities conducted to implement an independent plan or the standard plan.

(23) "Program year" means each full calendar year after the program has been initiated.

(24) "Recycling" means transforming or remanufacturing unwanted electronic products, components, and by-products into usable or marketable materials for use other than landfill disposal or

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incineration. "Recycling" does not include energy recovery or energy generation by means of combusting unwanted electronic products, components, and by-products with or without other waste. Smelting of electronic materials to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(25) "Retailer" means a person who offers covered electronic products for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(26) "Return share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by the department under RCW 70.95N.190.

(27) "Reuse" means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.

(28) "Small business" means a business employing less than fifty people.

(29) "Small government" means a city in the state with a population less than fifty thousand, a county in the state with a population less than one hundred twenty-five thousand, and special purpose districts in the state.

(30) "Standard plan" means the plan for the collection, transportation, and recycling of unwanted covered electronic products developed, implemented, and financed by the authority on behalf of manufacturers participating in the authority.

(31) "Transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.

(32) "Unwanted electronic product" means a covered electronic product that has been discarded or is intended to be discarded by its owner.

(33) "White box manufacturer" means a person who manufactured unbranded covered electronic products offered for sale in the state within ten years prior to a program year for televisions or within five years prior to a program year for desktop computers, laptop or portable computers, or computer monitors.

(34) "Market share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by the department under RCW 70.95N.190.

(35) "Plan's market share" means the sum of the market shares of each manufacturer participating in that plan.

Sec. 2. RCW 70.95N.040 and 2006 c 183 s 4 are each amended to read as follows:

(1) By January 1, 2007, and annually thereafter, each manufacturer must register with the department.

(2) A manufacturer must submit to the department with each registration or annual renewal a fee to cover the administrative costs of this chapter as determined by the department under RCW 70.95N.230.

(3) The department shall review the registration or renewal application and notify the manufacturer if their registration does not meet the requirements of this section. Within thirty days of receipt of such a notification from the department, the manufacturer must file with the department a revised registration addressing the requirements noted by the department.

(4) The registration must include the following information:

(a) The name and contact information of the manufacturer submitting the registration;

(b) The manufacturer's brand names of covered electronic products, including all brand names sold in the state in the past, all brand names currently being sold in the state, and all brand names

for which the manufacturer has legal responsibility under RCW 70.95N.100;

(c) The method or methods of sale used in the state; and

(d) Whether the registrant will be participating in the standard plan or submitting an independent plan to the department for approval.

(5) The registrant shall submit any changes to the information provided in the registration to the department within fourteen days of such change.

(6) The department shall identify, using all reasonable means, manufacturers that are in business or that are no longer in business but that have a successor in interest by examining best available return share data, product advertisements, and other pertinent data. The department shall notify manufacturers that have been identified and for whom an address has been found of the requirements of this chapter, including registration and plan requirements under this section and RCW 70.95N.050.

Sec. 3. RCW 70.95N.050 and 2006 c 183 s 5 are each amended to read as follows:

(1) A manufacturer must participate in the standard plan administered by the authority, unless the manufacturer obtains department approval for an independent plan for the collection, transportation, and recycling of unwanted electronic products.

(2) An independent plan may be submitted by an individual manufacturer or by a group of manufacturers, provided that:

(a) For program years 2009 through 2014, each independent plan represents at least a five percent return share of covered electronic products. For program year 2015 and all subsequent program years, each independent plan represents at least a five percent market share of covered electronic products; and

(b) No manufacturer may participate in an independent plan if it is a new entrant or a white box manufacturer.

(3) An individual manufacturer submitting an independent plan to the department is responsible for collecting, transporting, and recycling its equivalent share of covered electronic products.

(4)(a) Manufacturers collectively submitting an independent plan are responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer.

(b) Each group of manufacturers submitting an independent plan must designate a party authorized to file the plan with the department on their behalf. A letter of certification from each of the manufacturers designating the authorized party must be submitted to the department together with the plan.

(5) Each manufacturer in the standard plan or in an independent plan retains responsibility and liability under this chapter in the event that the plan fails to meet the manufacturer's obligations under this chapter.

Sec. 4. RCW 70.95N.090 and 2006 c 183 s 9 are each amended to read as follows:

(1) A program must provide collection services for covered electronic products of all product types and produced by any manufacturer that are reasonably convenient and available to all citizens of the state residing within its geographic boundaries, including both rural and urban areas. Each program must provide collection service in every county of the state. A program may provide collection services jointly with another plan or plans.

(a) For any city or town with a population of greater than ten thousand, each program shall provide a minimum of one collection site or alternate collection service described in subsection (3) of this section or a combination of sites and alternate service that together provide at least one collection opportunity for all product types. A collection site for a county may be the same as a collection site for a city or town in the county.

(b) Collection sites may include electronics recyclers and repair shops, recyclers of other commodities, reuse organizations,

charities, retailers, government recycling sites, or other suitable locations.

(c) Collection sites must be staffed, open to the public at a frequency adequate to meet the needs of the area being served, and on an on-going basis.

(2) A program may limit the number of covered electronic products or covered electronic products by product type accepted per customer per day or per delivery at a collection site or service. All covered entities may use a collection site as long as the covered entities adhere to any restrictions established in the plans.

(3) A program may provide collection services in forms different than collection sites, such as curbside services, if those alternate services provide equal or better convenience to citizens and equal or increased recovery of unwanted covered electronic products.

(4) For rural areas without commercial centers or areas with widely dispersed population, a program may provide collection at the nearest commercial centers or solid waste sites, collection events, mail-back systems, or a combination of these options.

(5) For small businesses, small governments, charities, and school districts that may have large quantities of covered electronic products that cannot be handled at collection sites or curbside services, a program may provide alternate services. At a minimum, a program must provide for processing of these large quantities of covered electronic products at no charge to the small businesses, small governments, charities, and school districts.

Sec. 5. RCW 70.95N.110 and 2006 c 183 s 11 are each amended to read as follows:

(1) For program years 2009 through 2014, an independent plan and the standard plan must implement and finance an auditable, statistically significant sampling of covered electronic products entering its program every program year. The information collected must include a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, the total weight of the sample by product type, and any additional information needed to assign return share.

(2) For program years 2009 through 2014, the sampling must be conducted in the presence of the department or a third-party organization approved by the department. The department may, at its discretion, audit the methodology and the results.

(3) After the fifth program year through the 2014 program year, the department may reassess the sampling required in this section. The department may adjust the frequency at which manufacturers must implement the sampling or may adjust the frequency at which manufacturers must provide certain information from the sampling. Prior to making any changes, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any such changes.

Sec. 6. RCW 70.95N.140 and 2006 c 183 s 14 are each amended to read as follows:

(1) By March 1st of the second program year and each program year thereafter, the authority and each authorized party shall file with the department an annual report for the preceding program year.

(2) The annual report must include the following information:

(a) The total weight in pounds of covered electronic products collected and recycled, by county, during the preceding program year including documentation verifying collection and processing of that material. For program years 2009 through 2014, the report must also include the total weight in pounds, ~~(includes)~~ including orphan products. The report must also indicate and document the weight in pounds received from each nonprofit charitable

organization primarily engaged in the business of reuse and resale used by the plan. The report must document the weight in pounds that were received in large quantities from small businesses, small governments, charities and school districts as described in RCW 70.95N.090(5);

(b) The collection services provided in each county and for each city with a population over ten thousand including a list of all collection sites and services operating in the state in the prior program year and the parties who operated them;

(c) A list of processors used, the weight of covered electronic products processed by each direct processor, and a description of the processes and methods used to recycle the covered electronic products including a description of the processing and facility locations. The report must also include a list of subcontractors who further processed or recycled unwanted covered electronic products, electronic components, or electronic scrap ~~((described in section 26(4) of this act))~~, including facility locations;

(d) ~~((Other documentation as established under section 26(3) of this act;~~

~~((e)))~~ Educational and promotional efforts that were undertaken; ~~((#))~~ (e) For program years 2009 through 2014, the results of sampling and sorting as required in RCW 70.95N.110, including a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, and the total weight of the sample by product type;

~~((#))~~ (f) The list of manufacturers that are participating in the standard plan; and

~~((#))~~ (g) Any other information deemed necessary by the department.

(3) The department shall review each report within ninety days of its submission and shall notify the authority or authorized party of any need for additional information or documentation, or any deficiency in its program.

(4) All reports submitted to the department must be available to the general public through the internet. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270.

Sec. 7. RCW 70.95N.180 and 2006 c 183 s 18 are each amended to read as follows:

(1) The department shall maintain on its web site the following information:

(a) The names of the manufacturers and the manufacturer's brands that are registered with the department under RCW 70.95N.040;

(b) The names of the manufacturers and the manufacturer's brands that are participating in an approved plan under RCW 70.95N.050;

(c) The names and addresses of the collectors and transporters that are listed in registrations filed with the department under RCW 70.95N.240;

(d) The names and addresses of the processors used to fulfill the requirements of the plans;

(e) For program years 2009 through 2015, return and equivalent shares for all manufacturers.

(2) The department shall update this web site information promptly upon receipt of a registration or a report.

Sec. 8. RCW 70.95N.190 and 2006 c 183 s 19 are each amended to read as follows:

(1) For program years 2009 through 2014, the department shall determine the return share for each manufacturer in the standard plan or an independent plan by dividing the weight of covered electronic products identified for each manufacturer by the total weight of covered electronic products identified for all

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manufacturers in the standard plan or an independent plan, then multiplying the quotient by one hundred.

(2) For the first program year, the department shall determine the return share for such manufacturers using all reasonable means and based on best available information regarding return share data from other states and other pertinent data.

(3) For ~~((the second and each subsequent program year))~~ 2014, the department shall determine the return share for such manufacturers using all reasonable means and based on the most recent sampling of covered electronic products conducted in the state under RCW 70.95N.110.

(4) For program year 2015 and all subsequent program years, the department shall determine market share for all manufacturers using data reported by manufacturers under (a) of this subsection and publicly available data.

(a) By March 1st of each program year, each manufacturer must report to the department either:

(i) The total weight of covered electronic products sold by that manufacturer nationwide in the prior program year; or

(ii) The total weight of covered electronic products sold by that manufacturer within the state of Washington in the prior program year.

(b) The department shall determine each manufacturer's percentage of market share as follows:

(i) Multiply the total weight reported by each manufacturer under (a)(i) of this subsection by the quotient of Washington's population divided by the total population of the United States;

(ii) Add the result determined in (b)(i) of this subsection plus the total weight under (a)(ii) of this subsection; and

(iii) Divide both the weight in (a)(ii) of this subsection and the weight in (b)(i) of this subsection by the number calculated under (b)(ii) of this subsection.

(5) Data reported by manufacturers under subsection (4) of this section is exempt from public disclosure under chapter 42.56 RCW.

Sec. 9. RCW 70.95N.200 and 2006 c 183 s 20 are each amended to read as follows:

(1) For program years 2009 through 2015, the department shall determine the total equivalent share for each manufacturer in the standard plan or an independent plan by dividing the return share percentage for each manufacturer by one hundred, then multiplying the quotient by the total weight in pounds of covered electronic products collected for that program year, allowing as needed for the additional credit authorized in subsection (3) of this section. For program year 2016 and all subsequent program years, the department shall determine the total equivalent share for each manufacturer in the standard plan or an independent plan by dividing the market share percentage for each manufacturer by one hundred, then multiplying the quotient by the total weight in pounds of covered electronic products collected for that program year, allowing as needed for the additional credit authorized in subsection (3) of this section.

(2)(a) By June 1st of each program year, the department shall notify each manufacturer of the manufacturer's equivalent share of covered electronic products to be applied to the previous program year. The department shall also notify each manufacturer of how its equivalent share was determined.

(b) By June 1st of each program year, the department shall bill any authorized party or authority that has not attained its plan's equivalent share as determined under RCW 70.95N.220. The authorized party or authority shall remit payment to the department within sixty days from the billing date.

(c) By September 1st of each program year, the department shall pay any authorized party or authority that exceeded its plan's equivalent share.

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(3) Plans that utilize the collection services of nonprofit charitable organizations that qualify for a taxation exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) that are primarily engaged in the business of reuse and resale must be given an additional five percent credit to be applied toward a plan's equivalent share for pounds that are received for recycling from those organizations. The department may adjust the percentage of credit annually.

Sec. 10. RCW 70.95N.210 and 2006 c 183 s 21 are each amended to read as follows:

(1) By June 1, 2007, the department shall notify each manufacturer of its preliminary return share of covered electronic products for the first program year.

(2) For program years 2009 through 2014, preliminary return share of covered electronic products must be announced annually by June 1st of each program year for the next program year. For the 2015 program year and all subsequent program years, preliminary market share of covered electronic products must be sent out to each individual manufacturer annually by June 1st of each program year for the next program year.

(3) Manufacturers may challenge the preliminary return or market share by written petition to the department. The petition must be received by the department within thirty days of the date of publication of the preliminary return or market shares.

(4) The petition must contain a detailed explanation of the grounds for the challenge, an alternative calculation, and the basis for such a calculation, documentary evidence supporting the challenge, and complete contact information for requests for additional information or clarification.

(5) Sixty days after the publication of the preliminary return or market share, the department shall make a final decision on return or market share, having fully taken into consideration any and all challenges to its preliminary calculations.

(6) A written record of challenges received and a summary of the bases for the challenges, as well as the department's response, must be published at the same time as the publication of the final return share.

(7) By August 1, 2007, the department shall publish the final return shares for the first program year. For program years 2009 through 2014, by August 1st of each program year, the department shall publish the final return shares for use in the coming program year. For the 2015 program year and all subsequent program years, by August 1st of each program year, the department shall notify each manufacturer of its final market shares for use in the coming program year.

Sec. 11. RCW 70.95N.230 and 2006 c 183 s 23 are each amended to read as follows:

(1) The department shall adopt rules to determine the process for manufacturers to change plans under RCW 70.95N.080.

(2) The department shall establish annual registration and plan review fees for administering this chapter. An initial fee schedule must be established by rule and be adjusted no more often than once every two years. All fees charged must be based on factors relating to administering this chapter and be based on a sliding scale that is representative of annual sales of covered electronic products in the state, either by weight or unit, or by representative market share. Fees must be established in amounts to fully recover and not to exceed expenses incurred by the department to implement this chapter.

(3) The department shall establish an annual process for local governments and local communities to report their satisfaction with the services provided by plans under this chapter. This information must be used by the department in reviewing plan updates and revisions.

(4) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

Sec. 12. RCW 70.95N.290 and 2008 c 79 s 1 are each amended to read as follows:

(1)(a) The authority is governed by a board of directors. The board of directors is comprised of eleven participating manufacturers, appointed by the director of the department. For program years 2009 through 2014, five board positions are reserved for representatives of the top ten brand owners by return share of covered electronic products, and six board positions are reserved for representatives of other brands, including at least one board position reserved for a manufacturer who is also a retailer selling their own private label. The return share of covered electronic products used to determine the top ten brand owners for purposes of electing the board must be determined by the department by January 1, 2007. For program years 2015 and beyond, five board positions are reserved for representatives of the top ten brand owners by market share of covered electronic products, and six board positions are reserved for representatives of other brands, including at least one board position reserved for a manufacturer who is also a retailer selling its own private label. The market share of covered electronic products used to determine the top ten brand owners for purposes of electing the board must be determined by the department by October 1, 2015.

(b) The board must have representation from both television and computer manufacturers.

(2) The board shall select from its membership the chair of the board and such other officers as it deems appropriate.

(3) A majority of the board constitutes a quorum.

(4) The directors of the department of ~~((community, trade, and economic development))~~ commerce and the department of ecology serve as ex officio members. The state agency directors serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Ex officio designations must be made in writing and communicated to the authority director.

(5) The board shall create its own bylaws in accordance with the laws of the state of Washington.

(6) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(7) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter.

Sec. 13. RCW 70.95N.300 and 2006 c 183 s 31 are each amended to read as follows:

(1) Manufacturers participating in the standard plan shall pay the authority to cover all administrative and operational costs associated with the collection, transportation, and recycling of covered electronic products within the state of Washington incurred by the standard program operated by the authority to meet the standard plan's equivalent share obligation as described in RCW 70.95N.280(5).

(2) The authority shall assess charges on each manufacturer participating in the standard plan and collect funds from each participating manufacturer for the manufacturer's portion of the costs in subsection (1) of this section. For program years 2009 through 2015, such apportionment ((shall)) must be based on return share, market share, any combination of return share and market share, or any other equitable method. For the 2016 program year and all subsequent program years, such apportionment must be based on market share. The authority's apportionment of costs to manufacturers participating in the standard plan may not include nor

be based on electronic products imported through the state and subsequently exported outside the state. Charges assessed under this section must not be formulated in such a way as to create incentives to divert imported electronic products to ports or distribution centers in other states. The authority shall adjust the charges to manufacturers participating in the standard plan as necessary in order to ensure that all costs associated with the identified activities are covered.

(3) The authority may require financial assurances or performance bonds for manufacturers participating in the standard plan, including but not limited to new entrants and white box manufacturers, when determining equitable methods for apportioning costs to ensure that the long-term costs for collecting, transporting, and recycling of a covered electronic product are borne by the appropriate manufacturer in the event that the manufacturer ceases to participate in the program.

(4) Nothing in this section authorizes the authority to assess fees or levy taxes directly on the sale or possession of electronic products.

(5) If a manufacturer has not met its financial obligations as determined by the authority under this section, the authority shall notify the department that the manufacturer is no longer participating in the standard plan.

(6) For program years 2009 through 2015, the authority shall submit its plan for assessing charges and apportioning cost on manufacturers participating in the standard plan to the department for review and approval along with the standard plan as provided in RCW 70.95N.060.

(7)(a) Any manufacturer participating in the standard plan may appeal an assessment of charges or apportionment of costs levied by the authority under this section by written petition to the director of the department. The director of the department or the director's designee shall review all appeals within timelines established by the department and shall reverse any assessments of charges or apportionment of costs if the director finds that the authority's assessments or apportionment of costs was an arbitrary administrative decision, an abuse of administrative discretion, or is not an equitable assessment or apportionment of costs. The director shall make a fair and impartial decision based on sound data. If the director of the department reverses an assessment of charges, the authority must redetermine the assessment or apportionment of costs.

(b) Disputes regarding a final decision made by the director or director's designee may be challenged through arbitration. The director shall appoint one member to serve on the arbitration panel and the challenging party shall appoint one other. These two persons shall choose a third person to serve. If the two persons cannot agree on a third person, the presiding judge of the Thurston county superior court shall choose a third person. The decision of the arbitration panel shall be final and binding, subject to review by the superior court solely upon the question of whether the decision of the panel was arbitrary or capricious.

Sec. 14. RCW 42.56.270 and 2011 1st sp.s. c 14 s 15 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

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(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information; ~~(and)~~

(21) Financial, commercial, operations, and technical and research information and data submitted to or obtained by innovate Washington in applications for, or delivery of, grants and loans under chapter 43.333 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information; and

(22) Market share data submitted by a manufacturer under RCW 70.95N.190(4).

NEW SECTION. Sec. 15. This act takes effect January 1, 2014."

Senator Ericksen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Ericksen and Billig to Senate Bill No. 5699.

The motion by Senator Ericksen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "recycling;" strike the remainder of the title and insert "amending RCW 70.95N.020, 70.95N.040, 70.95N.050, 70.95N.090, 70.95N.110, 70.95N.140, 70.95N.180, 70.95N.190, 70.95N.200, 70.95N.210, 70.95N.230, 70.95N.290, 70.95N.300, and 42.56.270; and providing an effective date."

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Senate Bill No. 5699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Ranker spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5699.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Frockt and Kohl-Welles

ENGROSSED SENATE BILL NO. 5699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5425, by Senators Benton and Roach

Concerning the entering of monetary judgments against defendants under the residential and manufactured/mobile home landlord-tenant acts.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5425 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

Senator Nelson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5425.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5425 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes and Schlicher

SENATE BILL NO. 5425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5624, by Senators McAuliffe, Litzow, Shin, Kohl-Welles, Hasegawa, Rolfes, Hobbs, Becker, Frockt, Chase, Eide and Conway

Aligning high-demand secondary STEM or career and technical education programs with applied baccalaureate programs.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 5624 was substituted for Senate Bill No. 5624 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Second Substitute Senate Bill No. 5624 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5624.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5624 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Benton

SECOND SUBSTITUTE SENATE BILL NO. 5624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:19 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, March 13, 2013.

FIFTY EIGHTH DAY, MARCH 12, 2013

2013 REGULAR SESSION

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 13, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Sophie O'Neill and Levi Hubbard, presented the Colors. Pastor Jim Erlandson of Community of Christ Church of Olympia offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1352,
 SUBSTITUTE HOUSE BILL NO. 1542,
 SUBSTITUTE HOUSE BILL NO. 1580,
 SUBSTITUTE HOUSE BILL NO. 1601,
 SUBSTITUTE HOUSE BILL NO. 1612,
 HOUSE BILL NO. 1715,
 SUBSTITUTE HOUSE BILL NO. 1836,
 SUBSTITUTE HOUSE BILL NO. 1840,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Nelson moved adoption of the following resolution:

SENATE RESOLUTION
 8629

By Senators Nelson, Rolfes, Frockt, Harper, Darneille, Hargrove, Mullet, Keiser, Shin, McAuliffe, Murray, Hobbs, Conway, Ranker, Chase, Kline, Eide, Kohl-Welles, Cleveland, Schlicher, Fraser, Hasegawa, and Billig

WHEREAS, The Seattle Raging Grannies are deeply concerned about the world we are leaving for our grandchildren; and

WHEREAS, The Raging Grannies mission statement reads as follows: "In the tradition of wise women elders, the mission of the Seattle Raging Grannies is to promote global peace, justice, and social and economic equality by raising public awareness through

the medium of song, humor, and education. Our goal is to challenge our audience to work to bring about the social changes that are required in order to end economic oppression of workers, particularly of women and children, and to end racial inequality, environmental destruction, human rights violations, arms proliferation, and war"; and

WHEREAS, The international Raging Grannies organization began in 1987, and the Seattle Raging Grannies have been raging through singing, protesting, and theater work since 1996; and

WHEREAS, In August 2013, Raging Grannies groups from 27 cities unanimously passed a Resolution regarding climate change because every single one of them feels that climate change is a grave and imminent threat which must be dealt with immediately; and

WHEREAS, The Raging Grannies have a long history of being a leader in green energy and addressing climate change; and

WHEREAS, The Washington State Senate agree with the Seattle Raging Grannies' pursuit to leave a better world to all our grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Seattle Raging Grannies for their work to create a better world for future generations, and encourage support for pursuing policies that support a sustainable economy and a vibrant, democratic, and egalitarian society which places our natural world, on which we all depend, in a central place; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate and the Seattle Raging Grannies.

Senator Nelson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8629.

The motion by Senator Nelson carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Seattle Raging Grannies who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Nelson: "I just wanted to let folks know the Raging Grannies are going to be performing over in Senate Hearing Room 2 I believe after they leave the senate so if you want to have some fun and you can leave the floor they will be there. Thank you."

PERSONAL PRIVILEGE

Senator Padden: "Thank you Mr. President, just wanted to remind the body today is the two year anniversary of my predecessor, Senator Bob McCaslin passing and I know a lot of you were very close. I remember at the services Senator Kline was there and a number of people. Anyway, I think it's important on things like this to celebrate his life and we probably could use some of his jokes around here right now. He is a great guy and I just wanted to call your attention that this is the two year anniversary of his passing. Thank you Mr. President."

MOTION

At 10:14 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

FIFTY NINTH DAY, MARCH 13, 2013

2013 REGULAR SESSION

The Senate was called to order at 10:35 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5806, by Senators Smith, Rolfes, Pearson and Hargrove

Repealing an obsolete provision for a credit against property taxes paid on timber on public land.

The measure was read the second time.

MOTION

On motion of Senator Smith, the rules were suspended, Senate Bill No. 5806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Smith and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5806.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5806 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5239, by Senators Eide, Benton, King, Hobbs, Mullet and Shin

Addressing project selection by the freight mobility strategic investment board.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5239 was substituted for Senate Bill No. 5239 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, King and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5239.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5824, by Senators Honeyford, Hatfield, Schoesler and Shin

Regarding the financing of irrigation district improvements.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5824 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5824.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5824 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5824, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5015, by Senator Benton

Including a child fourteen or younger in the aggravated first degree murder provisions.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5015.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5015 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Darneille, Fraser, Frockt, Kline, Kohl-Welles, McAuliffe, Murray and Nelson

Absent: Senator Baumgartner

SENATE BILL NO. 5015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5484, by Senators Kline, Frockt, Ranker, Rolfes, Padden, Fain and Kohl-Welles

Concerning assault in the third degree occurring in areas used in connection with court proceedings.

The measure was read the second time.

MOTION

Senator Kline moved that the following amendment by Senators Kline and Padden be adopted:

On page 3, line 3, after "proceedings." insert "Where a building, or part of a building, is used at certain times for judicial purposes and at other times for other governmental purposes, this section shall apply only during the times when it is being used for judicial purposes."

Senators Kline and Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Padden on page 3, line 3 to Senate Bill No. 5484.

The motion by Senator Kline carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Senate Bill No. 5484 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5484.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Rolfes, Schlicher, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Dammeier, Hasegawa, Holmquist Newbry, Honeyford, Roach and Schoesler

ENGROSSED SENATE BILL NO. 5484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5290, by Senators Delvin, Ericksen, Sheldon, Roach, Becker, Bailey, Rivers, Honeyford, Braun, Carrell, Schoesler, Parlette and Hewitt

Allowing hydroelectric energy generation on irrigation district facilities to qualify for renewable energy credit. Revised for 1st Substitute: Designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW.

MOTION

On motion of Senator Ericksen, Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 3, line 1, after "facility is" strike "located" and insert "; (i) Located"

On page 3, line 3, after "impoundments; or" insert "(ii) located in or uses water from a water pipe whose primary purpose is for the conveyance of water for domestic use, provided the water that is used for generation remains in or is diverted back into the water pipe from which it originated and does not otherwise result in new water diversions or impoundments; or"

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, water pipes whose primary purpose is for conveyance of water for domestic use, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW; and reenacting and amending RCW 19.285.030."

WITHDRAWAL OF AMENDMENT

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On motion of Senator Ericksen, the amendment by Senator Ericksen on page 3, line 1 to Substitute Senate Bill No. 5290 was withdrawn.

MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 3, line 2, after "canals," insert "water pipes whose primary purpose is for conveyance of water for domestic use,"

Senator Ericksen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 3, line 2 to Substitute Senate Bill No. 5290.

The motion by Senator Ericksen carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "Relating to" strike all material through "19.285 RCW" on line 4 and insert "designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, water pipes whose primary purpose is for conveyance of water for domestic use, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW"

MOITON

On motion of Senator Ericksen, the rules were suspended, Engrossed Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Ranker and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5290.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5802, by Senators Ranker, Litzow, Frockt, Cleveland, Billig, Kohl-Welles, Murray and McAuliffe

Developing recommendations to achieve the state's greenhouse gas emissions limits. Revised for 2nd Substitute: Developing recommendations to achieve the state's greenhouse gas emissions targets.

MOTION

On motion of Senator Ericksen, Second Substitute Senate Bill No. 5802 was substituted for Senate Bill No. 5802 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen and Ranker be adopted:

On page 4, line 29, after "by", strike "July 15", and insert "May 1"

On page 4, line 30, after "first meeting by", strike "August 1" and insert "May 15"

On page 5, after line 8, insert the following:

"NEW SECTION.**Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Ericksen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ericksen and Ranker on page 4, line 29 to Second Substitute Senate Bill No. 5802.

The motion by Senator Ericksen carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "targets;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Ranker and Litzow spoke in favor of passage of the bill.

Senator Carrell spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5802.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5802 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow,

McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Shin and Tom

Voting nay: Senators Becker, Braun, Brown, Carrell, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Padden, Pearson, Sheldon and Smith

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5458, by Senators Billig, Ranker, Kohl-Welles and Kline

Concerning the labeling of certain asbestos-containing building materials.

MOTION

On motion of Senator Billig, Substitute Senate Bill No. 5458 was substituted for Senate Bill No. 5458 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Billig moved that the following striking amendment by Senator Billig be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Asbestos is a known human carcinogen that causes painful, premature deaths due to diseases such as asbestosis, mesothelioma, lung and gastrointestinal cancers, and other diseases and cancers. Activities that can lead to the release of asbestos fibers include installation, use, maintenance, repair, removal, and disposal of asbestos-containing building materials.

Many people are unaware that asbestos-containing building materials are still imported, sold, and used in the United States. Because few regulations exist that require the disclosure of asbestos in building materials, people can unknowingly be exposed to asbestos. Asbestos is generally invisible, odorless, very durable, and highly aerodynamic. Exposure can occur well after it has been disturbed and long distances from where the asbestos release occurred.

The purpose of this chapter is to allow people to make informed decisions regarding whether or not they purchase or use building materials containing asbestos. More specifically, building materials that contain asbestos must be clearly labeled as such by manufacturers, wholesalers, and distributors.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Asbestos" includes the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), anthophyllite, and any of these minerals that have been chemically treated or altered. The chemical abstracts service registry number for each is as follows: Asbestos (1332-21-4), actinolite (13768-00-8), amosite (12172-73-5), tremolite (14567-73-8), chrysotile (12001-29-5), crocidolite (12001-28-4), and anthophyllite (17068-78-9).

(2) "Asbestos-containing building material" means any building material to which asbestos is deliberately added in any concentration or that contains more than one percent asbestos by weight or area as determined using the United States environmental protection

agency method for the determination of asbestos in building materials, EPA/600/R-93/116, July 1993.

(3) "Building material" includes materials designed for, or used in, construction, renovation, repair, or maintenance of institutional, commercial, public, industrial, or residential buildings and structures. The term does not include automobiles, recreational vehicles, boats, or other mobile means of transportation.

(4) "Consumer" means any person that acquires a building material for direct use or ownership, rather than for resale or use in production and manufacturing.

(5) "Department" means the department of ecology.

(6) "Person" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(7) "Retailer" means any person that sells goods or commodities directly to consumers.

NEW SECTION. Sec. 3. (1) Effective January 1, 2014, it is unlawful to manufacture, wholesale, or distribute for sale an asbestos-containing building material that is not labeled as required by section 4 of this act or as required under federal law, 40 C.F.R. part 763, subpart I, Sec. 173.171 (1994). The labeling requirement also applies to stock-on-hand, meaning any asbestos-containing building material in their possession or control after December 31, 2013, must be labeled. Retailers that do not manufacture, wholesale, or distribute asbestos-containing building materials are exempt from this chapter.

(2)(a) Subsection (1) of this section does not apply to asbestos-containing building materials that have already been installed, applied, or used by the consumer.

(b) Subsection (1) of this section does not apply to asbestos-containing building materials used solely for United States military purposes.

(3) Any manufacturer, wholesaler, or distributor may submit a written request for an exemption from the labeling requirements of this chapter, and the department may grant such an exemption if it determines that the labeling requirements are technically infeasible or create an undue economic hardship. Each exemption is in effect for a period not to exceed three years from the date issued and is subject to the terms and conditions prescribed by the department.

NEW SECTION. Sec. 4. (1) A label must be placed in a prominent location adjacent to the product name or description on the exterior of the wrapping and packaging in which the asbestos-containing building material is placed for storage, shipment, and sale.

(2) A label must also be placed on the exterior surface of the asbestos-containing building material itself unless it is sold as a liquid or paste, is sand or gravel, or an exemption is granted pursuant to section 3(3) of this act.

(3) Asbestos-containing building materials must have a legible label that clearly identifies it as containing asbestos. The department may adopt rules regarding the implementation of this chapter. At a minimum, the label must state the following:

CAUTION!

This product contains ASBESTOS which is known to cause cancer and lung disease. Avoid creating dust. Intentionally removing or tampering with this label is a violation of state law.

(4) It is unlawful for any person to remove, deface, cover, or otherwise obscure or tamper with a label or sticker that has been applied in compliance with this section, unless the asbestos-containing building material is in the possession of the end user.

NEW SECTION. Sec. 5. (1) The provisions of this chapter may be enforced by the department, local air authorities, or their designees.

(2) A person found in violation of this chapter is subject to the penalties provided under RCW 70.94.431.

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Sec. 6. RCW 70.94.431 and 1995 c 403 s 630 are each amended to read as follows:

(1) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter ((70.94 RCW)), chapter 70.120 RCW, chapter 70.-- RCW (the new chapter created in section 7 of this act), or any of the rules in force under such chapters may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) By January 1, 1992, the department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW."

Senator Billig spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Billig to Substitute Senate Bill No. 5458.

The motion by Senator Billig carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "materials;" strike the remainder of the title and insert "amending RCW 70.94.431; adding a new chapter to Title 70 RCW; and prescribing penalties."

MOTION

On motion of Senator Billig, the rules were suspended, Engrossed Substitute Senate Bill No. 5458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5458.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5458 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Brown and Smith

ENGROSSED SUBSTITUTE SENATE BILL NO. 5458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5551, by Senators Conway, Carrell and Shin

Concerning competency to stand trial evaluations.

MOTION

On motion of Senator Conway, Substitute Senate Bill No. 5551 was substituted for Senate Bill No. 5551 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Darneille moved that the following amendment by Senator Darneille be adopted:

On page 2, after line 12, insert the following:

"NEW SECTION. **Sec. 2.** Within current resources, the office of the state human resources director shall gather market

salary data related to psychologists and psychiatrists employed by the department of social and health services and department of corrections and report to the governor and relevant committees of the legislature by June 30, 2013."

Senators Darneille and Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille on page 2, after line 12 to Substitute Senate Bill No. 5551.

The motion by Senator Darneille carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "10.77 RCW;" insert "creating a new section;"

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 5551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5551.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5551 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE SENATE BILL NO. 5551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5059, by Senators Carrell, Hewitt, Pearson, Roach, Delvin, Benton, Hargrove, Harper and Shin

Concerning the crime of rendering criminal assistance.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Padden spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5059.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5059 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Darneille, Hasegawa and Kline

SENATE BILL NO. 5059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. Governor Jay Inslee signed a proclamation honoring Washington State Classified School Employees declaring March 11 through March 15 as Classified School Employee Week so, today I would like to recognize these dedicated individuals. They deserve our recognition and thanks for the work they do in our public schools. There are nearly fifty thousand classified school employees in our state and they are crucial partners with teachers, parents and administrators in supporting the learning environment for our children. They are the bus driver, first person to greet our children in the morning and to welcome them to school; they are the staff in our cafeterias, they prepare our students healthy meals with a caring smile and sometimes children end up working in the kitchens and learning how to cook; they are staff in the class rooms assisting and tutoring our students and they give care and concern to assist our special education children with their needs. They are the custodians and they keep our schools clean and orderly. I would like to share with you my son's story. When he was in fourth grade he was struggling with school. He didn't feel like he belonged. He wasn't being very successful academically and a grounds keeper, a classified employee, began exchanging drawings with my son and recognized his talent as an artist and that made my son feel like somebody cared about him at school. So, today I'd like to recognize the contribution our classified employees make and thank them for the outstanding work they do in our schools on behalf of our children. Thank you so much Mr. President."

PERSONAL PRIVILEGE

Senator Shin: "I would like to express my profound thank you to Senator McAuliffe for the job well done especially all the folks and employees working in schools and cafeteria to nursing and all the things they do. They are doing for the benefit of our children, so, thank you so much. Appreciate it."

MOTION

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At 11:56 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

participants in the program do not have the legal authority to provide spirits sampling without this bill.

AFTERNOON SESSION

The Senate was called to order at 2:18 p.m. by President Owen.

Substitute Senate Bill No. 5396 does not directly alter any of the language found in I-1183, and only refers to the initiative's provisions by reference. However, the President has previously acknowledged that a 2/3 vote may be required even without a direct change to an initiative, and that he will look to the substance of the bill, rather than its form, in determining whether a bill amends an initiative. (SSB 5929, 1999.)

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

In this instance, although in its form the bill does not directly amend the words found in the initiative, the bill has only one effect: it grants sampling authority to participants in the responsible vendor program, a program that exists only because of the initiative. The inescapable conclusion is that a program established by initiative less than two years ago would be altered by this bill. Had a limited spirits sampling program been established independent of the responsible vendor program, the initiative would not be impacted.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hill moved that Bruce Reid, Gubernatorial Appointment No. 9063, be confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26. Senator Hill spoke in favor of the motion.

For these reasons, the President finds that SB 5396 would amend Initiative 1183, and will require a two-thirds constitutional supermajority for final passage as required by Article II, Section 1 of the Washington state constitution. Senator Darneille's point is well-taken."

APPOINTMENT OF BRUCE REID

The President declared the question before the Senate to be the confirmation of Bruce Reid, Gubernatorial Appointment No. 9063, as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

The Senate resumed consideration of Substitute Senate Bill No. 5396 which had been deferred the previous day.

THIRD READING

The Secretary called the roll on the confirmation of Bruce Reid, Gubernatorial Appointment No. 9063, as a member of the Board of Trustees, Lake Washington Technical College District No. 26 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

SUBSTITUTE SENATE BILL NO. 5396, by Senate Committee on Commerce & Labor (originally sponsored by Senators Hewitt, Holmquist Newbry, Conway, Kohl-Welles, Hatfield, Hobbs, Schoesler, Delvin and Kline).

Concerning limited on-premise spirits sampling.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

The bill was read on Third Reading.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5396.

Bruce Reid, Gubernatorial Appointment No. 9063, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

ROLL CALL

RULING BY THE PRESIDENT

President Owen: "In ruling on the Point of Order raised by Senator Darneille as to whether SB 5396 amends Initiative 1183 so as to require a 2/3 vote on final passage, the President finds and rules as follows:

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5396 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Shin, Smith and Tom

Substitute Senate Bill No. 5396 allows certain vendors of alcoholic spirits to provide limited sampling of those spirits. The vendors affected are those participating in the "responsible vendors program." The responsible vendor program participants must provide ongoing training to employees, accept only certain forms of identification for alcohol sales, adopt policies on alcohol sales and checking identification, post specific signs in the business, and keep records verifying compliance with the program's requirements. Two additional factors are most significant: the program itself was created in Initiative 1183, and

Voting nay: Senators Benton, Carrell, Dammeier, Darneille, Hargrove, Hasegawa, Hill, McAuliffe, Nelson, Padden, Parlette, Pearson, Roach and Sheldon

SUBSTITUTE SENATE BILL NO. 5396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. I would like to tell you why I voted no today. I am enraged, enraged that we have a two-thirds vote for us to sample spirits or for people to

sample spirits and we can't get a two-thirds vote to fund education for our children. I'm enraged and I'm sorry to see this happen on the floor of the senate."

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5211, by Senators Hobbs, Eide, Kline, Ranker, Hatfield, Harper, Billig, Hasegawa, Kohl-Welles, Shin, Keiser, Frockt, Rolfes, Hill, Conway and Nelson

Concerning social networking accounts and profiles.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5211 was substituted for Senate Bill No. 5211 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5211.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5211 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5849, by Senators Tom, Frockt, Keiser, Hatfield and Kline

Concerning electric vehicle charging stations.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 5849 was substituted for Senate Bill No. 5849 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following amendment by Senators Mullet and Tom be adopted:

On page 1, beginning on line 17, after "of", strike everything through "fifty" on line 18, and insert "one hundred twenty-four"

Senators Mullet and Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mullet and Tom on page 1, line 17 to Substitute Senate Bill No. 5849.

The motion by Senator Mullet carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute Senate Bill No. 5849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Mullet and Ericksen spoke in favor of passage of the bill.

Senators Carrell and Honeyford spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5849 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner, Hargrove, Hewitt, Honeyford, Padden and Pearson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5666, by Senator Dammeier

Concerning disclosure of information by health care quality improvement programs, quality assurance programs, and peer review committees.

The measure was read the second time.

MOTION

Senator Dammeier moved that the following striking amendment by Senator Dammeier and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.71.030 and 2012 c 165 s 1 are each amended to read as follows:

(1) If the limitation on damages under RCW 7.71.020 and P.L. 99-660 Sec. 411(1) does not apply, this section shall provide the exclusive (~~remedy~~) remedies in any lawsuit by a health care provider for any action taken by a professional peer review body of

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health care providers as defined in RCW 7.70.020 (~~that is found to be based on matters not related to the competence or professional conduct of a health care provider~~).

(2) ~~((Actions))~~ Remedies shall be limited to appropriate injunctive relief, and damages shall be allowed only for lost earnings directly attributable to the action taken by the professional peer review body, incurred between the date of such action and the date the action is functionally reversed by the professional peer review body.

(3) Reasonable attorneys' fees and costs shall be awarded if approved by the court under RCW 7.71.035.

(4) The statute of limitations for actions under this section shall be one year from the date of the action of the professional peer review body.

Sec. 2. RCW 70.41.200 and 2007 c 273 s 22 and 2007 c 261 s 3 are each reenacted and amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of ~~((#))~~ one or more quality improvement committees with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. ~~((The))~~ Different quality improvement committees may be established as a part of a quality improvement program to review different health care services. Such committees shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A process, including a medical staff privileges sanction procedure which must be conducted substantially in accordance with medical staff bylaws and applicable rules, regulations, or policies of the medical staff through which credentials, physical and mental capacity, professional conduct including disruptive behavior, and competence in delivering health care services initially and are periodically thereafter reviewed as part of an evaluation of staff privileges. For the purposes of this subsection, disruptive behavior is limited to quality improvement review of professional activities and not employment matters that are normally retained in an employee file;

(c) ~~((The))~~ A process for the initial and periodic review of the credentials, physical and mental capacity, professional conduct including disruptive behavior, and competence in delivering health care services of all ~~((persons))~~ other health care providers who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients including health care-associated infections as defined in RCW 43.70.056, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, infection

control, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of

this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510, a coordinated quality improvement committee maintained by an ambulatory surgical facility under RCW 70.230.070, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 74.42.640 (7) and (9), and 4.24.250.

(9) A hospital that operates a nursing home as defined in RCW 18.51.010 may conduct quality improvement activities for both the hospital and the nursing home through a quality improvement committee under this section, and such activities shall be subject to the provisions of subsections (2) through (8) of this section.

(10) Violation of this section shall not be considered negligence per se.

Sec. 3. RCW 70.41.230 and 1994 sp.s. c 9 s 744 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the hospital may request additional information going back further than five years, and the physician shall use his or her best efforts to comply with such a request for additional information;

(b) ~~((If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation))~~ Whether the physician has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity as reported in the Washington practitioner application or successor application or form, or has ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity as reported in the

Washington practitioner application or successor application or form in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.71.0195.

(3) The medical quality assurance commission shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or

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restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical quality assurance commission and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

Sec. 4. RCW 70.230.080 and 2007 c 273 s 9 are each amended to read as follows:

(1) Every ambulatory surgical facility shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of ~~((a))~~ one or more quality improvement committees with the responsibility to review the services rendered in the ambulatory surgical facility, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. ~~((The))~~ Different quality improvement committees may be established as a part of the quality improvement program to review different health care services. Such committees shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise the policies and procedures of the ambulatory surgical facility;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the ambulatory surgical facility;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the ambulatory surgical facility's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the ambulatory surgical facility for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual practitioners within the practitioner's personnel or credential file maintained by the ambulatory surgical facility;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee is not subject to an action for civil damages or other relief as a result of

such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude:

(a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence of information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the management of the ambulatory surgical facility, as identified in the facility's application, in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission, the board of osteopathic medicine and surgery, or the podiatric medical board, as appropriate, may review and audit the records of committee decisions in which a practitioner's privileges are terminated or restricted. Each ambulatory surgical facility shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained is not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of an ambulatory surgical facility to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department and any accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of the ambulatory surgical facility. Information so obtained is not subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each ambulatory surgical facility shall produce and make accessible to

the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510 or 70.41.200, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents are not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 70.41.200(3), 74.42.640 (7) and (9), and 4.24.250.

(9) An ambulatory surgical facility that participates in a coordinated quality improvement program under RCW 43.70.510 shall be deemed to have met the requirements of this section.

(10) Violation of this section shall not be considered negligence per se.

Sec. 5. RCW 70.230.140 and 2007 c 273 s 15 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any practitioner or hiring a practitioner, an ambulatory surgical facility approved pursuant to this chapter shall request from the practitioner and the practitioner shall provide the following information:

(a) The name of any hospital, ambulatory surgical facility, or other facility with or at which the practitioner had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the ambulatory surgical facility may request additional information going back further than five years, and the physician shall use his or her best efforts to comply with such a request for additional information;

(b) ~~((If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation))~~ Whether the physician has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity as reported in the Washington practitioner application or successor application or form, or has ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity as reported in the Washington practitioner application or successor application or form in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the practitioner deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the practitioner deems appropriate;

(e) A waiver by the practitioner of any confidentiality provisions concerning the information required to be provided to ambulatory surgical facilities pursuant to this subsection; and

(f) A verification by the practitioner that the information provided by the practitioner is accurate and complete.

(2) Prior to granting privileges or association to any practitioner or hiring a practitioner, an ambulatory surgical facility approved under this chapter shall request from any hospital or ambulatory surgical facility with or at which the practitioner had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the practitioner:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals or ambulatory surgical facilities pursuant to RCW 18.130.070.

(3) The medical quality assurance commission, board of osteopathic medicine and surgery, podiatric medical board, or dental quality assurance commission, as appropriate, shall be advised within thirty days of the name of any practitioner denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital, ambulatory surgical facility, or other facility that receives a request for information from another hospital, ambulatory surgical facility, or other facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital, ambulatory surgical facility, or other facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital, ambulatory surgical facility, or facility. A hospital, ambulatory surgical facility, other facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude:

(a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required

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by rule of the department to be made regarding the care and treatment received.

(6) Ambulatory surgical facilities shall be granted access to information held by the medical quality assurance commission, board of osteopathic medicine and surgery, or podiatric medical board pertinent to decisions of the ambulatory surgical facility regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Dammeier and others to Senate Bill No. 5666.

The motion by Senator Dammeier carried and the striking amendment was adopted by voice vote.

MOTION FOR IMMEDIATE RECONSIDERATION

On motion of Senator Dammeier, who had voted on the prevailing side, the vote by which the striking amendment by Senator Dammeier and others to Senate Bill No. 5666 was adopted was immediately reconsidered.

MOTION

Senator Padden moved that the following amendment by Senator Padden to the striking amendment be adopted:

On page 1, beginning on line 22 of the amendment, strike all of section 2

Re-number the remaining sections consecutively and correct any internal references accordingly

On page 15, beginning on line 4 of the amendment, after "insert" strike the remainder of the title and insert "and amending RCW 7.71.030, 70.41.230, 70.230.080, and 70.230.140.

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senators Dammeier and Frockt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 1, line 22 to the striking amendment to Senate Bill No. 5666.

The motion by Senator Padden failed and the amendment to the striking amendment was not adopted by voice vote.

Senators Ericksen and Dammeier spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Dammeier and others to Senate Bill No. 5666.

The motion by Senator Dammeier carried and the striking amendment was adopted on reconsideration by a voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "information;" strike the remainder of the title and insert "amending RCW 7.71.030, 70.41.230, 70.230.080, and 70.230.140; and reenacting and amending RCW 70.41.200."

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Senate Bill No. 5666 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier, Keiser and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5666.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5666 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5797, by Senators Hobbs and Padden

Encouraging the establishment of effective specialty courts.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, Padden and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5797.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5811, by Senators Tom, Fain, Hill, Rivers, Baumgartner and Shin

Addressing employee wellness programs.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 5811 was substituted for Senate Bill No. 5811 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Tom moved that the following striking amendment by Senator Tom and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.80.020 and 2011 1st sp.s. c 50 s 939 and 2011 1st sp.s. c 43 s 445 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

(a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;

(b) Any retirement system or retirement benefit; or

(c) Rules of the human resources director, the director of enterprise services, or the Washington personnel resources board adopted under RCW 41.06.157.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and ~~((the dollar amount expended on behalf of each employee for health care benefits))~~ the employer's percentage contribution of the total weighted average of the projected health care premium for each employee eligible for insurance. The projected health care premium is the weighted average across all health care benefit plans and tiers. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the ~~((dollar amount expended on behalf of each employee for health care benefits))~~ employer's percentage contribution of the total weighted average of the projected health care premium for each employee eligible for insurance shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter. The exclusive bargaining representatives for employees that are subject to chapter 47.64 RCW shall bargain the ~~((dollar amount expended on behalf of each employee for health care benefits))~~ employer's percentage contribution of the total weighted average of the projected health care premium for each employee eligible for insurance with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4). For agreements covering the ~~((2011-2013))~~ 2013-2015 fiscal biennium, any agreement between the employer and the coalition regarding ~~((the dollar amount expended on behalf of each employee for))~~ health care benefits is a separate agreement

and shall not be included in the master collective bargaining agreements negotiated by the parties.

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

(7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.

Sec. 2. RCW 47.64.270 and 2011 c 367 s 713 are each amended to read as follows:

(1) The employer and one coalition of all the exclusive bargaining representatives subject to this chapter and chapter 41.80 RCW shall conduct negotiations regarding the ~~((dollar amount expended on behalf of each employee for health care benefits))~~ employer's percentage contribution of the total weighted average of the projected health care premium for each employee eligible for insurance.

(2) Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW.

(3) The employer and employee organizations may collectively bargain for insurance plans other than health care benefits, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050.

(4) For the ~~((2011-2013))~~ 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) ~~((regarding the dollar amount expended on behalf of each employee))~~ must be a separate agreement for which the governor may request funds necessary to implement the agreement. ~~((If such an agreement is negotiated and funded by the legislature, this agreement will supersede any terms and conditions of an expired 2009-2011 biennial collective bargaining agreement under this chapter regarding health care benefits.))~~

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

(1) Beginning no later than January 1, 2014, all state employee health care benefit plans under this chapter must be offered in conjunction with an employee wellness program developed pursuant to RCW 41.05.540. The program must include premium reductions, premium increases, or other financial incentives to promote employee achievement of identified wellness targets or goals.

(2) The governor shall appoint an eight member health and wellness advisory committee to consult with and advise the director regarding the employee wellness program. Three members must be representatives of state employee labor organizations, one member must be a nonrepresented state employee, and four members must be representatives of state agencies or higher education institutions. The members shall serve at the pleasure of the governor. The director shall convene the advisory committee not less than four times a year to discuss the employee wellness

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program design and experience, and to solicit recommendations from the committee.

(3) For employees covered by collective bargaining agreements for the period of July 1, 2011, through June 30, 2013, the employee wellness program must be offered at the end of the time period established in RCW 41.80.010(7).

Sec. 4. RCW 41.05.540 and 2007 c 259 s 40 are each amended to read as follows:

(1) The health care authority, in coordination with the ~~((department of health,))~~ health plans participating in public employees' benefits board programs~~(s))~~ and the ~~((University of Washington's center for health promotion, shall establish))~~ state agencies shall expand and maintain a state employee health and wellness program focused on reducing the health risks and improving the health status of state employees~~(s))~~ and dependents~~((, and retirees))~~ enrolled in the public employees' benefits board. The program shall use public and private sector best practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment. The program shall establish standards for health promotion and disease prevention activities, and develop a mechanism to update standards as evidence-based research brings new information and best practices forward.

(2) The state employee health and wellness program shall:

(a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education by: building on the success with the worksite wellness demonstrations and expanding the Washington worksite wellness program;

(b) Develop effective communication tools and ongoing training for wellness staff;

(c) ~~((Contract))~~ Complete consolidated contracting with outside vendors for ((evaluation of program goals;

(d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:

(i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;

(ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and

(iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks)) worksite wellness activities such as, but not limited to, on-site flu vaccination clinics, mobile mammography, healthy weight control programs, chronic disease management courses, and other evidence-based programs that support employee health and wellness;

(d) Develop and refine common core data elements for health plans and agency worksites to assist with comparable measurement and assessment of outcomes;

(e) Gather and monitor data from agencies on the worksite wellness activities and outcomes including impacts on productivity and employee wellness, and complete an analysis and summary of the outcomes annually;

(f) Coordinate with the public employees benefits board to design a benefit package that more strongly encourages the use of high-value services and member engagement in health assessment and wellness programs. A benefit design must incorporate a financial incentive for completing a health assessment and participating in health activities as an integral structural component in the benefit design rather than as a freestanding assessment tool;

(g) Ensure the design of the health and wellness program and benefit structure complement the development of chronic care management and medical home models consistent with the requirements of RCW 41.05.023 and 41.05.670.

(3) ~~((The health care authority shall report to the legislature on December 2008 and December 2010 on outcome goals for the employee health program.))~~ To expand the employee health and wellness program and build a strategic link with the benefit design and worksite supports, the health care authority must engage in collaborative discussions with enrollees in the public employees benefits board program, the various unions representing employees, and state agencies. Consolidated recommendations from all participants on the benefit design and incentive structure must be shared with the board for consideration."

Senators Tom, Mullet and Keiser spoke in favor of adoption of the striking amendment.

Senators Nelson and Conway spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Tom and others to Substitute Senate Bill No. 5811.

The motion by Senator Tom carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 47.64.270 and 41.05.540; reenacting and amending RCW 41.80.020; and adding a new section to chapter 41.05 RCW."

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute Senate Bill No. 5811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5811.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5811 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Eide, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Roach, Rolfes, Schlicher and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5267, by Senators Becker, Keiser, Conway, Ericksen, Bailey, Dammeier, Frockt and Schlicher

Concerning prior authorization for health care services.
Revised for 2nd Substitute: Developing standardized prior authorization for medical and pharmacy management.

MOTION

On motion of Senator Becker, Second Substitute Senate Bill No. 5267 was substituted for Senate Bill No. 5267 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Becker moved that the following striking amendment by Senators Becker and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A work group is formed to develop criteria to streamline the prior authorization process for prescription drugs, medical procedures, and medical tests, with the goal of simplification and uniformity.

(2) The work group shall be cochaired by the chair of the senate health care committee and the chair of the house of representatives health care committee, and membership of the work group shall be determined by the cochaurs, not to exceed eleven participants.

(3) The work group shall examine elements that may include the following:

(a) National standard transaction information, such as HIPAA 278 standards, for sending or receiving authorizations electronically;

(b) Standard transaction information and uniform prior authorization forms;

(c) Clean, uniform, and readily accessible forms for prior authorization including determining the appropriate number of forms;

(d) A core set of common data requirements for nonclinical information for prior authorization and electronic prescriptions, or both;

(e) The prior authorization process, which considers electronic forms and allows for flexibility for carriers to develop electronic forms; and

(f) Existing prior authorization forms by insurance carriers and by state agencies, in developing the uniform prior authorization forms.

(4) The work group must:

(a) Establish timelines for urgent requests and timeliness for nonurgent requests;

(b) Work on a receipt and missing information time frame;

(c) Determine time limits for a response of acknowledgment of receipts or requests of missing information;

(d) Establish when an authorization request will be deemed as granted when there is no response.

(5) The work group must submit their recommendations to the appropriate committees of the legislature by November 15, 2013.

(6) This section expires January 1, 2014."

Senator Becker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Becker and Keiser to Second Substitute Senate Bill No. 5267.

The motion by Senator Becker carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "management;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5267.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5267 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5735, by Senators Hargrove, Carrell and Darneille

Concerning registered sex or kidnapping offenders.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5735 was substituted for Senate Bill No. 5735 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Carrell be adopted:

On page 25, line 33, after "9A.44.130" strike all material through "9A.44.132"

Senator Hargrove spoke in favor of adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Carrell on page 25, line 33 to Substitute Senate Bill No. 5735.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5735.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5735 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5417, by Senators Mullet, Fain, Hasegawa and Roach

Concerning the annexation of unincorporated territory within a code city.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 5417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Roach and Benton spoke in favor of passage of the bill.

Senators Chase and Frockt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5417.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5417 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Carrell, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Hargrove, Harper, Hatfield, Hill, Hobbs, Keiser, Litzow, Mullet, Nelson, Parlette, Pearson, Ranker, Roach, Schoesler, Shin, Smith and Tom

Voting nay: Senators Bailey, Becker, Benton, Brown, Chase, Ericksen, Fraser, Frockt, Hasegawa, Hewitt, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, McAuliffe, Murray, Padden, Rivers, Rolfes, Schlicher and Sheldon

SENATE BILL NO. 5417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5517, by Senate Committee on Commerce & Labor (originally sponsored by Senators Hobbs, Hewitt, Hatfield, Honeyford and Shin)

Changing the criteria for the beer and wine tasting endorsement for grocery stores.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5517 was substituted for Senate Bill No. 5517 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5517.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Benton, Dammeier, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Padden, Parlette, Pearson and Roach

SUBSTITUTE SENATE BILL NO. 5517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5338, by Senators Hobbs, Mullet, Fain and Benton

Addressing nonprofit debt adjusters.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5338 was substituted for Senate Bill No. 5338 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Nelson moved that the following striking amendment by Senator Nelson be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A stakeholder group comprised of a representative of the office of the attorney general along with debt adjuster stakeholders including, but not limited to, for-profit and nonprofit debt adjusters conducting business in the state of Washington, shall convene to discuss the concept of creditor compensation known as "fair share" and whether debt adjusters may receive such compensation, among other related issues. The stakeholder group must provide any legislative proposals to the legislature by December 1, 2013."

Senators Nelson and Hobbs spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Nelson to Substitute Senate Bill No. 5338.

The motion by Senator Nelson carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "adjusters;" strike the remainder of the title and insert "and creating a new section."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5338.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5338 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5031, by Senator Padden

Requiring actions for damage to real property resulting from construction, alteration, or repair on adjacent property to be commenced within two years after the property owner first discovered or reasonably should have discovered the damage. Revised for 1st Substitute: Concerning actions for damage to real property resulting from construction, alteration, or repair on adjacent property.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5031 was substituted for Senate Bill No. 5031 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5031.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Conway, Frockt, Hasegawa and Holmquist Newbry

SUBSTITUTE SENATE BILL NO. 5031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5381, by Senators Benton and Padden

Concerning cellular telephone use by state employees. Revised for 1st Substitute: Limiting use of cellular devices by state employees.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5381 was substituted for Senate Bill No. 5381 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5381.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Cleveland, Fraser, Keiser and McAuliffe

SUBSTITUTE SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5236, by Senators Kline and Padden

Creating the uniform correction or clarification of defamation act.

The measure was read the second time.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:

On page 3, line 28 after "statement," strike "and"

On page 3, line 30, after "clarification" insert "; and

(d) Accompanies and is an equally prominent part of any electronic publication of the allegedly defamatory statement by the publisher"

Senator Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 3, line 28 to Senate Bill No. 5236.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Roach and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt,

Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5405, by Senators Murray, Tom, Kohl-Welles, Darneille, Hobbs, Harper and Frockt

Concerning extended foster care services.

MOTION

On motion of Senator Murray, Second Substitute Senate Bill No. 5405 was substituted for Senate Bill No. 5405 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Murray moved that the following striking amendment by Senator Murray be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the federal fostering connections to success and increasing adoptions act of 2008 provides important new opportunities to increase the impact of state funding through maximizing the amount of federal funding available to promote permanency and positive outcomes for dependent youth.

(2) The legislature also finds that children and adolescents who are legal dependents of Washington state have experienced significant trauma and loss, putting them at increased risk for poor life outcomes. Longitudinal research on the adult functioning of former foster youth indicates a disproportionate likelihood that youth aging out of foster care and those who spent several years in care will experience poor outcomes in a variety of areas, including limited human capital upon which to build economic security and inability to fully take advantage of secondary and postsecondary educational opportunities, untreated mental or behavioral health problems, involvement in the criminal justice and corrections systems, and early parenthood combined with second-generation child welfare involvement.

(3) The legislature further finds that research also demonstrates that access to adequate and appropriate supports during the period of transition from foster care to independence can have significant positive impacts on adult functioning and can improve outcomes relating to educational attainment and postsecondary enrollment, employment and earnings, and reduced rates of teen pregnancies.

Sec. 2. RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or

responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(9) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(10) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(11) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(12) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(13) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(14) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(15) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(16) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(17) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(18) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health,

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safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(19) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.

(20) "Medical condition" means, for the purpose of qualifying for extended foster care services, a short-term or long-term physical or mental health condition as verified and documented by a health care provider.

(21) "Nonminor dependent" means any individual age eighteen to twenty-one years for whom there was an open dependency proceeding at the time that he or she reached the age of eighteen years, or who is released from the juvenile rehabilitation administration and had an open dependency proceeding at the time of his or her commitment, and who meets the eligibility requirements for extended foster care services authorized under RCW 74.13.031.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings.

Sec. 3. RCW 13.34.145 and 2011 c 330 s 6 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) Subject to the availability of amounts appropriated for this specific purpose, when the youth is at least age seventeen years but not older than seventeen years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age eighteen years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department or supervising agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department or supervising agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department or supervising agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department or supervising agency to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause

exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(ii) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(i) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(ii) If the department or supervising agency is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

~~((4))~~ (5) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the supervising agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((5))~~ (6) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

~~((6))~~ (7) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

~~((7))~~ (8) If the court orders the child returned home, casework supervision by the department or supervising agency shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

~~((8))~~ (9) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or

permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

~~((9))~~ (10) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection ~~((8))~~ (9) of this section are met.

~~((10))~~ (11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department or supervising agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((11))~~ (12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

~~((12))~~ (13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 4. RCW 13.34.267 and 2012 c 52 s 4 are each amended to read as follows:

(1) In order to facilitate the delivery of extended foster care services, the court shall postpone for six months the dismissal of a dependency proceeding for any ~~((child))~~ youth who is a dependent child in foster care at the age of eighteen years and who, at the time of his or her eighteenth birthday, is:

(a) Enrolled in a secondary education program or a secondary education equivalency program; ~~((or))~~

(b) Enrolled and participating in a postsecondary academic or postsecondary vocational program, or has applied for and can demonstrate that he or she intends to timely enroll in a postsecondary academic or postsecondary vocational program;

(c) Participating in a program or activity designed to promote employment or remove barriers to employment;

(d) Engaging in employment for eighty hours or more per month; or

(e) Incapable of engaging in any of the activities described in (a) or (d) of this subsection due to a medical condition that is supported by regularly updated information.

(2)(a) ~~((The six-month postponement under this subsection is intended to allow a reasonable window of opportunity for an eligible youth who reaches the age of eighteen to request extended foster care services from the department or supervising agency. The court shall dismiss the dependency if the youth:~~

(i) Has not requested extended foster care services from the department by the end of the six-month period; or

(ii) Is no longer eligible for extended foster care services under RCW 74.13.031(10) at any point during the six-month period.

(b) Until the youth requests to participate in the extended foster care program, the department is relieved of any supervisory responsibility for the youth.

(3) A youth who participates in extended foster care while completing a secondary education or equivalency program may continue to receive extended foster care services for the purpose of participating in a postsecondary academic or postsecondary vocational education program if, at the time the secondary education or equivalency program is completed, the youth has applied to and can demonstrate that he or she intends to timely enroll in a

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postsecondary academic or vocational education program. The dependency shall be dismissed if the youth fails to timely enroll or continue in the postsecondary program, or reaches age twenty-one, whichever is earlier.

(4) A youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian shall be dismissed from the dependency proceeding when the youth reaches the age of eighteen years.

(5)) If the court maintains the dependency proceeding of a youth pursuant to subsection (1)(a) or (b) of this section, the youth is eligible to receive extended foster care services pursuant to RCW 74.13.031, subject to the youth's continuing eligibility and agreement to participate.

(b) If the court maintains the dependency proceeding of a youth pursuant to subsection (1)(c) through (e) of this section, the youth may be eligible to receive extended foster care services pursuant to RCW 74.13.031 to the extent funds are specifically appropriated for this purpose and subject to the youth's continuing eligibility and agreement to participate.

(3) A youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian must be dismissed from the dependency proceeding when the youth reaches the age of eighteen.

(4)(a) The court shall dismiss the dependency proceeding for any child who is a dependent child in foster care and who, at the age of eighteen years and six months, does not meet any of the criteria described in subsection (1)(a) or (b) of this section or does not agree to participate in the program.

(b) The court shall also dismiss the dependency proceeding for any child who is a dependent child in foster care and who, at the age of eighteen years and six months, does not meet any of the criteria described in subsection (1)(c) through (e) of this section, does not agree to participate in the program, or if services are not available due to funding not being appropriated specifically for this purpose.

(5) The court shall order a youth participating in extended foster care services to be under the placement and care authority of the department, subject to the youth's continuing agreement to participate in extended foster care services. The department may establish foster care rates appropriate to the needs of the youth participating in extended foster care services.

(6) The court shall appoint counsel to represent a youth, as defined in RCW 13.34.030(2)(b), in dependency proceedings under this section.

(7) The case plan for and delivery of services to a youth receiving extended foster care services is subject to the review requirements set forth in RCW 13.34.138 and 13.34.145, and should be applied in a developmentally appropriate manner, as they relate to youth age eighteen to twenty-one years. Additionally, the court shall consider:

(a) Whether the youth is safe in his or her placement;

(b) Whether the youth continues to be eligible for extended foster care services;

(c) Whether the current placement is developmentally appropriate for the youth;

(d) The youth's development of independent living skills; and

(e) The youth's overall progress toward transitioning to full independence and the projected date for achieving such transition.

(8) Prior to the review hearing, the youth's attorney shall indicate whether there are any contested issues and may provide additional information necessary for the court's review.

(9) Upon the request of the youth, or when the youth is no longer eligible to receive extended foster care services according to rules adopted by the department, the court shall dismiss the dependency.

Sec. 5. RCW 74.13.020 and 2012 c 205 s 12 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services may include ~~(, but are not limited to,)~~ placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(9) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(10) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the

work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(11) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(12) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(13) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(14) "Medical condition" means, for the purpose of qualifying for extended foster care services, a short-term or long-term physical or mental health condition as verified and documented by a health care provider.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years for whom there was an open dependency proceeding at the time that he or she reached the age of eighteen years, or who is released from the juvenile rehabilitation administration and had an open dependency proceeding at the time of his or her commitment, and who meets the eligibility requirements for extended foster care services authorized under RCW 74.13.031.

(16) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings.

Sec. 6. RCW 74.13.020 and 2012 c 259 s 7 and 2012 c 205 s 12 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(14) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(15) "Medical condition" means, for the purpose of qualifying for extended foster care services, a short-term or long-term physical

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or mental health condition as verified and documented by a health care provider.

(16) "Nonminor dependent" means any individual age eighteen to twenty-one years for whom there was an open dependency proceeding at the time that he or she reached the age of eighteen years, or who is released from the juvenile rehabilitation administration and had an open dependency proceeding at the time of his or her commitment, and who meets the eligibility requirements for extended foster care services authorized under RCW 74.13.031.

(17) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings.

Sec. 7. RCW 74.13.031 and 2012 c 52 s 2 are each amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so,

that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(6) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) The department and supervising agency shall have authority to purchase care for children.

(9) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) The department and supervising agencies shall ~~((have authority to))~~ provide continued extended foster care services to ~~((youth ages eighteen to twenty one years to participate in or complete))~~ nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program((s)); or

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program.

(b) Subject to the availability of amounts appropriated for this specific purpose, the department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

(i) Participating in a program or activity designed to promote employment or remove barriers to employment;

(ii) Engaged in employment for eighty hours or more per month; or

(iii) Incapable of engaging in any of the activities described in (a)(i) or (ii) and (b)(i) through (iii) of this subsection due to a medical condition that is supported by regularly updated information.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(11) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (10) of this section.

(12) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care

and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(13) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(14) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(15) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(16) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(17)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

Sec. 8. RCW 74.13.031 and 2012 c 259 s 8 and 2012 c 52 s 2 are each reenacted and amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive

and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department

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shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department and supervising agency shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11)(a) The department and supervising agencies shall ~~((have authority to))~~ provide continued extended foster care services to ~~((youth ages eighteen to twenty-one years to participate in or complete))~~ nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program~~((;))~~; or

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program.

(b) Subject to the availability of funds appropriated for this specific purpose, the department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

(i) Participating in a program or activity designed to promote employment or remove barriers to employment;

(ii) Engaged in employment for eighty hours or more per month; or

(iii) Incapable of engaging in any of the activities described in (a)(i) or (ii) and (b)(i) through (iii) of this subsection due to a medical condition that is supported by regularly updated information.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such

services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION. Sec. 9. This act applies prospectively only and not retroactively. It applies to:

(1) Dependency matters that have an open court case on the effective date of this section; and

(2) Dependency matters for which a petition is filed on or after the effective date of this section.

NEW SECTION. Sec. 10. Sections 5 and 7 of this act expire December 1, 2013.

NEW SECTION. Sec. 11. Sections 6 and 8 of this act take effect December 1, 2013."

Senators Murray and Carrell spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Murray to Second Substitute Senate Bill No. 5405.

The motion by Senator Murray carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.34.145, 13.34.267, 74.13.020, and 74.13.031; reenacting and amending RCW 13.34.030, 74.13.020, and 74.13.031; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5405.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5405 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5603, by Senators Hatfield, Kohl-Welles, Shin and Ranker

Establishing the Washington coastal marine advisory council.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following amendment by Senators Hatfield and Ericksen be adopted:

On page 3, strike all material from "in" on line 29 through "policies" on line 30

On page 3, line 31, after "management;", strike "fisheries;"

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Hatfield spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hatfield and Ericksen on page 3, line 29 to Senate Bill No. 5603.

The motion by Senator Hatfield carried and the amendment was adopted by voice vote.

MOTION

Senator Ranker moved that the following amendment by Senator Ranker and others be adopted:

On page 5, after line 28, insert the following:

NEW SECTION. **Sec. 4.** (1) The Washington marine resources advisory council is created within the office of the governor.

(2) The council shall be composed of:

(a) The governor, or the governor's designee, who shall serve as the chair of the council;

(b) The commissioner of public lands, or the commissioner's designee;

(c) Two members of the senate, appointed by the president of the senate, one from each of the two largest caucuses in the senate;

(d) Two members of the house of representatives, appointed by the speaker of the house of representatives, one from each of the two largest caucuses in the house of representatives;

(e) One representative of federally recognized Indian tribes with reservations lying within or partially within counties bordering the outer coast, if selected by action of all of the governing bodies of all federally recognized Indian tribes in such an area;

(f) One representative of federally recognized Indian tribes with reservations lying within or partially within counties bordering Puget Sound, if selected by action of all of the governing bodies of all federally recognized Indian tribes in such an area;

(g) One representative of each of the following sectors, appointed by the governor;

(i) Commercial fishing;

(ii) Recreational fishing;

(iii) Marine recreation and tourism, other than fishing;

(iv) Coastal shellfish growers;

(v) Puget Sound shellfish growers;

(vi) Marine businesses; and

(vii) Conservation organizations;

(h) The chair of the Washington state conservation commission, or the chair's designee;

(i) One representative appointed by the largest statewide general agricultural association;

(j) One representative appointed by the largest statewide business association;

(k) The chair of the Washington coastal marine advisory council;

(l) The chair of the leadership council of the Puget Sound partnership;

(m) The director of the department of ecology;

(n) The director of the department of fish and wildlife; and

(o) The chair of the Northwest Straits commission.

(3) The governor shall invite the participation of the following entities as nonvoting members:

(a) The national oceanic and atmospheric administration; and

(b) Academic institutions conducting scientific research on ocean acidification.

(4) The governor shall make the initial appointments of the members under subsection (2)(g) of this section by September 1, 2013. The initial members appointed under subsection (2)(g) of this section must be appointed as follows:

(a) Two of the members must be appointed for a term of two years;

(b) Two of the members must be appointed for a term of three years; and

(c) Three of the members must be appointed for a term of four years.

(5) With the exception of the terms of the initial members, each member must be appointed for terms of four years, except that a person chosen to fill a vacancy must be appointed only for the unexpired term of the vacant position.

(6) Any member appointed by the governor may be removed by the governor for cause.

(7) Members whose terms expire continue to serve until reappointed or replaced by a new member.

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(8) A majority of the voting members of the council constitutes a quorum for the transaction of business.

(9) The chair of the council shall schedule meetings and establish the agenda. The first meeting of the council must be scheduled by November 1, 2013. The council shall meet at least twice per calendar year. At each meeting the council shall afford an opportunity to the public to comment upon agenda items and other matters relating to the protection and conservation of the state's ocean resources.

(10) The council shall have the following powers and duties:

(a) To maintain a sustainable coordinated focus, including the involvement of and the collaboration among all levels of government and nongovernmental entities, the private sector, and citizens by increasing the state's ability to work to address impacts of ocean acidification;

(b) To advise and work with the University of Washington and others to conduct ongoing technical analysis on the effects and sources of ocean acidification. The recommendations must identify a range of actions necessary to implement the recommendations, and take into consideration the differences between instate impacts and sources and out of state impacts and sources.

(c) To deliver recommendations to the Governor and appropriate committees in the Washington state Senate and House of Representatives that must include, as necessary, any minority reports requested by a council member;

(d) To seek public and private funding resources necessary, and the commitment of other resources, for ongoing technical analysis to support the council's recommendations; and

(e) To assist in conducting public education activities regarding the impacts of and contributions to ocean acidification, and regarding implementation strategies to support the actions adopted by the Legislature.

On page 1, line 2 of the title, after "council" insert ", and the Washington marine resources advisory council"

On page 1, line 2 after "43.372.070;" strike "and"

On page 1, line 3 of the title, after "RCW" insert "; and creating a new section"

WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker, the amendment by Senator Ranker and others on page 5, line 28 to Senate Bill No. 5603 was withdrawn.

MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen and Ranker be adopted:

On page 5, after line 28, insert the following:

"NEW SECTION. Sec. 4. (1) The Washington marine resources advisory council is created within the office of the governor.

(2) The Washington marine resources advisory council is composed of:

(a) The governor, or the governor's designee, who shall serve as the chair of the council;

(b) The commissioner of public lands, or the commissioner's designee;

(c) Two members of the senate, appointed by the president of the senate, one from each of the two largest caucuses in the senate;

(d) Two members of the house of representatives, appointed by the speaker of the house of representatives, one from each of the two largest caucuses in the house of representatives;

(e) One representative of federally recognized Indian tribes with reservations lying within or partially within counties bordering the outer coast, if selected by action of all of the governing bodies of all federally recognized Indian tribes in such an area;

(f) One representative of federally recognized Indian tribes with reservations lying within or partially within counties bordering Puget Sound, if selected by action of all of the governing bodies of all federally recognized Indian tribes in such an area;

(g) One representative of each of the following sectors, appointed by the governor:

(i) Commercial fishing;

(ii) Recreational fishing;

(iii) Marine recreation and tourism, other than fishing;

(iv) Coastal shellfish growers;

(v) Puget Sound shellfish growers;

(vi) Marine businesses; and

(vii) Conservation organizations;

(h) The chair of the Washington state conservation commission, or the chair's designee;

(i) One representative appointed by the largest statewide general agricultural association;

(j) One representative appointed by the largest statewide business association;

(k) The chair of the Washington coastal marine advisory council;

(l) The chair of the leadership council of the Puget Sound partnership;

(m) The director of the department of ecology;

(n) The director of the department of fish and wildlife; and

(o) The chair of the Northwest Straits commission.

(3) The governor shall invite the participation of the following entities as nonvoting members:

(a) The national oceanic and atmospheric administration; and

(b) Academic institutions conducting scientific research on ocean acidification.

(4) The governor shall make the appointments of the members under subsection (2)(g) of this section by September 1, 2013.

(5) Any member appointed by the governor may be removed by the governor for cause.

(6) A majority of the voting members of the Washington marine resources advisory council constitute a quorum for the transaction of business.

(7) The chair of the Washington marine resources advisory council shall schedule meetings and establish the agenda. The first meeting of the council must be scheduled by November 1, 2013. The council shall meet at least twice per calendar year. At each meeting the council shall afford an opportunity to the public to comment upon agenda items and other matters relating to the protection and conservation of the state's ocean resources.

(8) The Washington marine resources advisory council shall have the following powers and duties:

(a) To maintain a sustainable coordinated focus, including the involvement of and the collaboration among all levels of government and nongovernmental entities, the private sector, and citizens by increasing the state's ability to work to address impacts of ocean acidification;

(b) To advise and work with the University of Washington and others to conduct ongoing technical analysis on the effects and sources of ocean acidification. The recommendations must identify a range of actions necessary to implement the recommendations and take into consideration the differences between instate impacts and sources and out-of-state impacts and sources;

(c) To deliver recommendations to the governor and appropriate committees in the Washington state senate and house of

representatives that must include, as necessary, any minority reports requested by a councilmember;

(d) To seek public and private funding resources necessary, and the commitment of other resources, for ongoing technical analysis to support the council's recommendations; and

(e) To assist in conducting public education activities regarding the impacts of and contributions to ocean acidification and regarding implementation strategies to support the actions adopted by the legislature.

(9) This section expires June 30, 2017."

Senators Ericksen and Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ericksen and Ranker on page 5, after line 28 to Senate Bill No. 5603.

The motion by Senator Ericksen carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "council" strike the remainder of the title and insert "and the Washington marine resources advisory council; amending RCW 43.372.070; adding new sections to chapter 43.143 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Senate Bill No. 5603 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5603.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5603 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Braun, Brown, Hewitt, Holmquist Newbry, Honeyford, Padden, Rivers and Smith

ENGROSSED SENATE BILL NO. 5603, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5456, by Senators Schlicher, Becker, Keiser, Bailey, Frockt, Cleveland, Hargrove, Darneille and McAuliffe

Concerning detentions under the involuntary treatment act.

MOTIONS

On motion of Senator Schlicher, Substitute Senate Bill No. 5456 was substituted for Senate Bill No. 5456 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schlicher, the rules were suspended, Substitute Senate Bill No. 5456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schlicher spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5456.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5456 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5595, by Senators Billig, Litzow, Darneille, Fain, Hargrove, McAuliffe, Harper, Nelson, Hobbs, Mullet, Frockt, Cleveland, Rolfes, Kohl-Welles, Shin, Kline and Conway

Concerning child care reform.

MOTIONS

On motion of Senator Billig, Second Substitute Senate Bill No. 5595 was substituted for Senate Bill No. 5595 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Second Substitute Senate Bill No. 5595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5595.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5595 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow,

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McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Braun and Padden

SECOND SUBSTITUTE SENATE BILL NO. 5595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5658, by Senators Ericksen, McAuliffe and Hobbs

Concerning mercury-containing lights.

The measure was read the second time.

WITHDRAWAL OF AMENDMENTS

On motion of Senator Chase, the amendments by Senator Chase on page 5, line 34 and on page 8, line 18 to Senate Bill No. 5658 were withdrawn.

MOTION

On motion of Senator Ericksen, the rules were suspended, Senate Bill No. 5658 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.
Senator Cleveland spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5658.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5658 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Harper, Hatfield, Hewitt, Hobbs, Honeyford, King, McAuliffe, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hill, Holmquist Newbry, Keiser, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SENATE BILL NO. 5658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5834, by Senators Roach, Holmquist Newbry, Conway and McAuliffe

Concerning veteran-owned businesses.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5834 was substituted for Senate Bill No. 5834 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5834 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5834.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5834 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5195 was the special order of business at 4:59 p.m.

SECOND READING

SENATE BILL NO. 5202, by Senators Chase, Kohl-Welles, Conway, Shin, Nelson, Darneille, Frockt, McAuliffe, Keiser, Kline, Harper and Rolfes

Creating the companion animal safety, population control, and spay/neuter assistance program.

MOTION

On motion of Senator Hatfield, Substitute Senate Bill No. 5202 was substituted for Senate Bill No. 5202 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Chase moved that the following amendment by Senator Chase be adopted:

On page 9, beginning on line 9, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 9, beginning on line 16, after "All" strike all material through "act," on line 17

On page 9, line 18, after "act" strike ","

WITHDRAWAL OF AMENDMENT

On motion of Senator Chase, the amendment by Senator Chase on page 9, line 9 to Substitute Senate Bill No. 5202 was withdrawn.

MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5202.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Billig, Chase, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher, Shin and Tom

Voting nay: Senators Bailey, Baumgartner, Becker, Braun, Brown, Carrell, Dammeier, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Smith

SUBSTITUTE SENATE BILL NO. 5202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

“Concerning Substitute Senate Bill No. 5202: At the very last minute Senator Chase withdrew her amendment that would have removed the fee in this bill. When I voted yes on final passage of the bill I was unaware that the amendment had been withdrawn and not adopted. Had I known the fee had not been removed I would have voted no on the bill. in fact I tried to change my vote to ‘No’ but the roll call had been closed seconds earlier.”

SENATOR BENTON, 17th Legislative District

SECOND READING

SENATE BILL NO. 5193, by Senators Smith, Roach, Honeyford and Delvin

Concerning large wild carnivore conflict management.

MOTION

On motion of Senator Smith, Second Substitute Senate Bill No. 5193 was substituted for Senate Bill No. 5193 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following amendment by Senators Mullet and Smith be adopted:

On page 2, beginning on line 1, strike all of section 2

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mullet and Smith on page 2, line 1 to Second Substitute Senate Bill No. 5193.

The motion by Senator Mullet carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW" strike "77.08.030,"

MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Rolfes be adopted:

On page 4, line 32, after "satisfied" insert ";

(iii) The livestock owner making a claim under this section for livestock that has been killed or injured by a wolf had a cooperative agreement in effect with the department at the time of the incident that included, at minimum, nonlethal wolf management measures to be taken by the owner and information, assistance, or cost-sharing measures to be provided by the department"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

SPECIAL ORDER OF BUSINESS

The hour fixed for the consideration of the special order of business having arrived, the President called the Senate to order. The Senate immediately considered Substitute Senate Bill No. 5195.

RULING BY THE PRESIDENT

President Owen: “In ruling on the Point of Order raised by Senator Bailey as to whether Amendment 189 fits within the scope and object of Substitute Senate Bill 5195, the President finds and rules as follows.

In general, a bill with a single subject can be challenging to amend without raising issues of scope and object, particularly when the amendment raises issues of controversy. The underlying bill expands the use of the state needs grant by allowing students who are currently eligible for the grant to use it if enrolled at Western Governors University – Washington. Currently, those students may be eligible for the state need grant, but may not use it at their institution, because the institution does not meet the statutory criteria. The underlying bill does not alter the eligibility standards of students.

Simply put, the bill determines the institutions at which eligible students may use the grant; the amendment changes the eligibility standards for all students regardless of the institution they attend.

For these reasons, the President finds that Amendment 189 is beyond the scope and object of the underlying bill, and Senator Bailey’s point is well-taken.”

SECOND READING

SUBSTITUTE SENATE BILL NO. 5195, by Senate Committee on Ways & Means (originally sponsored by Senators Rolfes, Hill, Tom, Bailey and Fain)

Allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program.

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The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 5195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Frockt, Murray and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Sheldon, Shin, Smith and Tom

Voting nay: Senators Hasegawa and Schoesler

SUBSTITUTE SENATE BILL NO. 5195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate continued consideration of Second Substitute Senate Bill No. 5193 which had been under consideration earlier in the day.

WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker, the amendment by Senators Ranker and Rolfes on page 4, line 32 to Second Substitute Senate Bill No. 5193 was withdrawn.

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes be adopted:

Beginning on page 6, line 31, strike all of sections 8, 9, and 10

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 77.08.030, 77.36.100, and 77.36.130; reenacting and amending RCW 77.36.010; adding new sections to chapter 77.36 RCW; and creating a new section."

WITHDRAWAL OF AMENDMENT

On motion of Senator Rolfes, the amendment by Senator Rolfes on page 6, line 31 to Second Substitute Senate Bill No. 5193 was withdrawn.

MOTION

Senator Hobbs moved that the following amendment by Senators Hobbs and Smith be adopted:

On page 1, line 1 of the title, after "Relating to" strike "large wild carnivore conflict management" and insert "gray wolf conflict management"

Senator Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hobbs and Smith on page 1, line 1 to Second Substitute Senate Bill No. 5193.

The motion by Senator Hobbs carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Smith, Rolfes and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5193.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Dammeier, Eide, Ericksen, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Shin and Smith

Voting nay: Senators Chase, Cleveland, Conway, Darneille, Fain, Fraser, Frockt, Harper, Hasegawa, Hill, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Ranker, Rolfes, Schlicher and Tom

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5869 by Senators Benton, Bailey, Braun, Padden, Becker, Rivers, Holmquist Newbry, Brown, Carrell, Hewitt and Honeyford

AN ACT Relating to expiration of enactments of the legislature with fiscal impacts; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1000 by House Committee on Judiciary (originally sponsored by Representatives Moeller, Morrell, Wylie, McCoy,

Ryu, Reykdal, Seaquist, Moscoso, Appleton, Green, Cody, Ormsby and Jinkins)

AN ACT Relating to immunity for health care providers following directions contained in a form developed pursuant to RCW 43.70.480; and amending RCW 43.70.480.

Referred to Committee on Law & Justice.

HB 1108 by Representatives Goodman, Jinkins, Wylie, Pedersen, Green, Roberts, Pettigrew, Maxwell, Orwall, Appleton, Ryu, Morrell and Bergquist

AN ACT Relating to rape in the third degree and indecent liberties; and amending RCW 9A.44.060 and 9A.44.100.

Referred to Committee on Law & Justice.

E2SHB 1114 by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Rodne, Morrell, Nealey, Green and Jinkins)

AN ACT Relating to criminal incompetency, civil commitment, and commitments based on criminal insanity; amending RCW 10.77.086, 10.77.270, 71.05.280, 71.05.320, 71.05.425, and 10.77.200; and creating new sections.

Referred to Committee on Ways & Means.

HB 1182 by Representatives Harris, Cody, Vick, Nealey, Ryu and Jinkins

AN ACT Relating to including pharmacists in the legend drug act; and reenacting and amending RCW 69.41.030.

Referred to Committee on Health Care.

ESHB 1381 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Jinkins, Hunt, Wylie, Morrell, Cody, Green, Roberts, Clibborn, Ormsby, Reykdal and Ryu)

AN ACT Relating to administrative adjudicatory proceedings coming before the department of health; amending RCW 18.130.050, 18.130.095, 34.05.425, and 34.12.040; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

ESHB 1383 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Fey, Kirby, Orwall, O'Ban, Roberts, Jinkins, Hope, Angel, Smith, Dahlquist, Wilcox and Kristiansen)

AN ACT Relating to protection orders for stalking and harassment; amending RCW 9A.41.800, 9A.46.535, 9A.46.040, 9A.46.110, 10.14.070, and 10.31.100; reenacting and amending RCW 26.50.110; adding new sections to chapter 10.14 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

ESHB 1399 by House Committee on Public Safety (originally sponsored by Representatives Stanford, Tharinger, Moscoso, Takko, Appleton, Bergquist, Lias and Reykdal)

AN ACT Relating to giving general law enforcement authority to natural resource investigators; amending RCW 10.93.020, 10.93.140, 43.12.065, 43.101.010, and 41.26.030; and adding a new section to chapter 43.12 RCW.

Referred to Committee on Law & Justice.

SHB 1422 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Condotta and Hurst)

AN ACT Relating to the beer and wine tasting endorsement for grocery stores; and amending RCW 66.24.363.

Referred to Committee on Commerce & Labor.

SHB 1435 by House Committee on Judiciary (originally sponsored by Representatives Goodman and Nealey)

AN ACT Relating to clarifying agency relationships in reconveyances of deeds of trust; and amending RCW 61.24.110.

Referred to Committee on Financial Institutions, Housing & Insurance.

E2SHB 1445 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Cody, Green, Jinkins and Morrell)

AN ACT Relating to complex rehabilitation technology products; adding a new section to chapter 74.09 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1471 by Representatives Riccelli, Schmick, Cody, Clibborn, Ross, Short, Rodne, Green, Angel and Morrell

AN ACT Relating to updating and aligning with federal requirements hospital health care-associated infection rate reporting; amending RCW 43.70.056 and 43.70.056; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

SHB 1499 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Jinkins, Harris, Cody, Fitzgibbon, Ryu, Roberts, Fey and Pollet)

AN ACT Relating to the program of all-inclusive care for the elderly; and amending RCW 74.09.523.

Referred to Committee on Health Care.

ESHB 1515 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Green, Morrell and Ryu)

AN ACT Relating to medical assistants; amending RCW 18.360.005, 18.360.040, 18.360.050, 18.360.060, and

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18.360.080; creating a new section; providing an effective date; and declaring an emergency.

HB 1531 by Representatives Hayes, Goodman, Klippert, Hope, Ryu, Holy and Moscoso

Referred to Committee on Health Care.

AN ACT Relating to criminal history record information compliance audits; and amending RCW 10.98.100.

2SHB 1518 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Cody, Schmick, Ryu and Pollet)

Referred to Committee on Human Services & Corrections.

AN ACT Relating to providing certain disciplining authorities with additional authority over budget development, spending, and staffing; amending RCW 18.25.210, 18.71.430, 18.79.390, and 43.70.240; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.79 RCW; repealing RCW 18.71.0191 and 18.79.130; providing an effective date; and declaring an emergency.

HB 1534 by Representatives Riccelli, Harris, Ryu and Jinkins

AN ACT Relating to the license surcharge for the impaired dentist program; and amending RCW 18.32.534.

Referred to Committee on Health Care.

Referred to Committee on Health Care.

ESHB 1519 by House Committee on Appropriations (originally sponsored by Representatives Cody, Green, Jinkins, Ryu and Pollet)

HB 1565 by Representatives Harris, Green, Jinkins, Cody, Ryu and Morrell

AN ACT Relating to funding the prescription monitoring program from the medicaid fraud penalty account; amending RCW 70.225.020 and 74.09.215; and creating a new section.

AN ACT Relating to establishing accountability measures for service coordination organizations; amending RCW 70.96A.320, 71.24.330, and 74.39A.090; adding a new section to chapter 74.09 RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

Referred to Committee on Ways & Means.

SHB 1613 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Hudgins, Parker, Maxwell, Hayes, Moscoso, Ryu and Stanford)

AN ACT Relating to the criminal justice training commission firing range maintenance account; and adding a new section to chapter 43.101 RCW.

E2SHB 1522 by House Committee on Appropriations (originally sponsored by Representatives Green, Ryu and Morrell)

Referred to Committee on Law & Justice.

AN ACT Relating to improving behavioral health services provided to adults in Washington state by defining outcomes for adult behavioral health services, increasing use of evidence-based, research-based, and promising practices for the provision of adult behavioral health services, implementing a strategy for the improvement of the adult behavioral health system, reviewing the provision of forensic mental health services, procuring enhanced services facility services, and requiring timely hospital discharge under the involuntary treatment act when a person no longer requires active psychiatric treatment in a hospital; amending RCW 71.24.025 and 18.19.210; adding new sections to chapter 43.20A RCW; adding a new section to chapter 70.97 RCW; adding a new section to chapter 71.05 RCW; and providing an effective date.

2SHB 1627 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Nealey, Zeiger, Jinkins and Ryu)

AN ACT Relating to competency to stand trial evaluations; adding a new section to chapter 10.77 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

SHB 1527 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Appleton, Green and Johnson)

ESHB 1679 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins and Ryu)

AN ACT Relating to disclosure of health care information; amending RCW 70.02.010, 70.02.020, 70.02.050, 70.02.900, 71.05.660, 71.05.680, 71.05.620, 71.24.035, 43.185C.030, 70.05.070, 70.24.450, 74.13.280, 74.13.289, 71.05.425, 71.05.445, 72.09.585, and 9.94A.500; adding new sections to chapter 70.02 RCW; repealing RCW 70.24.105, 71.05.390, 71.05.640, 71.05.385, 71.05.420, 71.05.440, 71.05.427, 71.05.630, 71.05.690, 71.34.340, 71.34.345, and 71.34.350; prescribing penalties; providing an effective date; and declaring an emergency.

AN ACT Relating to services for people with developmental disabilities; adding new sections to chapter 71A.20 RCW; and providing an expiration date.

Referred to Committee on Health Care.

Referred to Committee on Human Services & Corrections.

E2SHB 1727 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Green, Walsh, Ryu, Appleton, Tharinger and Pollet)

AN ACT Relating to raising licensure limits to allow assisted living facilities to serve a higher acuity resident population; amending RCW 18.20.330, 18.20.160, 18.20.030, and 18.20.090; reenacting and amending RCW 18.20.020; and adding new sections to chapter 18.20 RCW.

Referred to Committee on Ways & Means.

SHB 1737 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Manweller, Clibborn and Moeller)

AN ACT Relating to supervision of physician assistants; amending RCW 18.57A.030, 18.57A.040, 18.57A.080, and 18.71A.030; reenacting and amending RCW 18.71A.040; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71A RCW; and creating new sections.

Referred to Committee on Health Care.

ESHB 1753 by House Committee on Government Operations & Elections (originally sponsored by Representatives Jinkins, Hunt, Cody, Goodman, Freeman, Stanford, Fitzgibbon, Bergquist, Sawyer, Green, Ryu, Hope, Moscoso, Liias, Haler, Hudgins, Sullivan, Appleton and Pollet)

AN ACT Relating to interpreter services; amending RCW 41.56.030 and 41.56.510; adding new sections to chapter 39.26 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

ESHB 1773 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Rodne, Cody, Green, Ryu, Liias, Farrell and Santos)

AN ACT Relating to the practice of midwifery; and amending RCW 18.50.065 and 18.50.102.

Referred to Committee on Health Care.

ESHB 1774 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman, Goodman, Haler, Roberts, Farrell, Kagi, Stanford, Stonier, Bergquist, Ryu, O'Ban, Morrell, Fey, Pollet and Santos)

AN ACT Relating to measuring performance and performance-based contracting of the child welfare system; amending RCW 74.13B.020 and 74.13.360; adding a new section to chapter 74.13 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

2SHB 1777 by House Committee on Appropriations (originally sponsored by Representatives Green, Reykdal, Ryu, Morrell, Roberts, Fey, Pollet and McCoy)

AN ACT Relating to accelerating expansion of mental health involuntary commitment laws; amending 2011 2nd sp.s. c 6 ss 1 and 3 (uncodified); providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1795 by Representatives Jinkins, Schmick, Morrell, Harris, Green, Hope, Pollet and Bergquist

AN ACT Relating to containing the scope and costs of the diabetes epidemic in Washington; and adding a new chapter to Title 70 RCW.

Referred to Committee on Ways & Means.

HB 1800 by Representatives Cody, Morrell and Schmick

AN ACT Relating to compounding of medications; amending RCW 18.64.270; reenacting and amending RCW 18.64.011; and declaring an emergency.

Referred to Committee on Health Care.

E2SHB 1828 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Springer, Wilcox, Takko, Chandler, Hunter, Condotta, Nealey, Fey and Tharinger)

AN ACT Relating to the fiscal conditions of local government; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways & Means.

ESHB 1846 by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick, Cody and Ryu)

AN ACT Relating to stand-alone dental coverage; and amending RCW 48.43.715, 48.46.243, 48.14.0201, and 48.14.020.

Referred to Committee on Ways & Means.

EHB 1887 by Representatives Sawyer, Ryu, Green and Freeman

AN ACT Relating to increasing educational options under vocational rehabilitation plans; and amending RCW 51.32.099.

Referred to Committee on Commerce & Labor.

ESHB 1947 by House Committee on Appropriations (originally sponsored by Representatives Cody, Hunter, Jinkins and Harris)

AN ACT Relating to ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by providing a financing mechanism sufficient to defray the exchange's operating expenses; amending RCW 43.71.010, 43.71.060, and 48.14.0201; adding a new section to chapter 43.71 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

MOTION

FIFTY NINTH DAY, MARCH 13, 2013

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On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1527 which was referred to the Committee on Health Care.

MOTION

At 5:16 p.m., on motion of Senator Fain, the Senate adjourned until 12:15 p.m. Thursday, March 14, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SIXTIETH DAY**AFTERNOON SESSION**

Senate Chamber, Olympia, Thursday, March 14, 2013

The Senate was called to order at 12:15 p.m., by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 13, 2013

MR. PRESIDENT:

The House has passed:

SENATE CONCURRENT RESOLUTION NO. 8402,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,
HOUSE BILL NO. 1109,
ENGROSSED HOUSE BILL NO. 1132,
HOUSE BILL NO. 1145,
SUBSTITUTE HOUSE BILL NO. 1180,
SUBSTITUTE HOUSE BILL NO. 1192,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1253,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412,
SUBSTITUTE HOUSE BILL NO. 1537,
ENGROSSED HOUSE BILL NO. 1554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620,
HOUSE BILL NO. 1683,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688,
HOUSE BILL NO. 1738,
SUBSTITUTE HOUSE BILL NO. 1858,
HOUSE BILL NO. 1859,
SUBSTITUTE HOUSE BILL NO. 1883,
SECOND SUBSTITUTE HOUSE BILL NO. 1909,
SUBSTITUTE HOUSE BILL NO. 1960,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE CONCURRENT RESOLUTION NO. 8402.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1352 by House Committee on Public Safety (originally sponsored by Representatives Holy, Hurst, Shea, Kristiansen, Parker, Warnick, Kochmar, Kretz, Manweller, Johnson, Rodne, Hayes, Schmick, Short, Klippert, Vick, Condotta, Overstreet and Bergquist)

AN ACT Relating to the statute of limitations for sexual abuse against a child; and amending RCW 9A.04.080.

Referred to Committee on Law & Justice.

SHB 1542 by House Committee on Appropriations (originally sponsored by Representatives Santos, Ryu, Moscoso, Kirby, Roberts, Appleton, Upthegrove, Stanford, Goodman, Bergquist, Pollet and Fitzgibbon)

AN ACT Relating to the provision of and reimbursement for certain court interpreter services; and amending RCW 2.43.030, 2.43.040, and 2.42.120.

Referred to Committee on Law & Justice.

SHB 1580 by House Committee on Public Safety (originally sponsored by Representatives Rodne, Goodman and Nealey)

AN ACT Relating to allowing courts to assess additional costs to defendants if they are successful in setting aside a committed finding after failing to respond to an infraction or failing to appear for a hearing; and amending RCW 46.63.151.

Referred to Committee on Law & Justice.

SHB 1601 by House Committee on Public Safety (originally sponsored by Representatives Goodman, Pettigrew, Moscoso, Habib, Pedersen, Jinkins, Roberts, Orwall, Appleton, Upthegrove, Pollet, Freeman and Ryu)

AN ACT Relating to providing alternatives for penalties stemming from traffic infractions; amending RCW 46.63.060, 46.63.110, and 46.63.120; adding a new section to chapter 46.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

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Referred to Committee on Ways & Means.

SHB 1612 by House Committee on Judiciary (originally sponsored by Representatives Hope, Pedersen, Hayes, Buys, Dahlquist, Hargrove, O'Ban, Holy, Goodman, Fagan, Smith, Magendanz, Orcutt, Klippert, Kretz, Warnick, Roberts, Moscoso, Ryu and Bergquist)

AN ACT Relating to felony firearm offenders; amending RCW 42.56.240; reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; adding a new section to chapter 43.43 RCW; and prescribing penalties.

Referred to Committee on Ways & Means.

HB 1715 by Representatives Klippert, Goodman and Moscoso

AN ACT Relating to exemption of information contained in the department of corrections' security threat group database; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services & Corrections.

SHB 1836 by House Committee on Public Safety (originally sponsored by Representatives Holy, Goodman, Roberts, Hope, Hayes and Appleton)

AN ACT Relating to introduction of contraband into or possession of contraband in a secure facility; amending RCW 71.09.800, 9A.76.140, 9A.76.150, and 9A.76.160; reenacting and amending RCW 9A.76.010; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SHB 1840 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Hope, Hunter, Pedersen, Bergquist, Habib, Fey, Ryu, Jinkins, Pollet and Tharinger)

AN ACT Relating to firearms laws concerning persons subject to no-contact orders, protection orders, and restraining orders; amending RCW 9.41.040 and 9.41.800; adding new sections to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Bailey moved adoption of the following resolution:

SENATE RESOLUTION
8636

By Senators Bailey, Parlette, Kohl-Welles, Benton, Tom, Keiser, Schoesler, Sheldon, Becker, Shin, Rolfes, Brown, Baumgartner, Fain, Litzow, Rivers, King, Conway, Hasegawa, Nelson, Cleveland, Mullet, and Smith

WHEREAS, The Peace Corps was established in 1961 by President John F. Kennedy; and

WHEREAS, Currently, the Peace Corps has more than 8,000 volunteers working in 76 different countries; and

WHEREAS, The Peace Corps receives approximately 12,000 applications per year and accepts approximately 4,000 to serve; and

WHEREAS, Service in the Peace Corps is a 27-month commitment; and

WHEREAS, The Peace Corps ranks top colleges annually, in recognition of the schools that contribute the most alumni; and

WHEREAS, Schools are ranked and classified as large, medium, or small according to the size of the student body; and

WHEREAS, The 2013 Top Peace Corps Volunteer-Producing Colleges list was released on February 5, 2013; and

WHEREAS, The State of Washington has a long and distinguished record of volunteerism and community service at the local, national, and international level; and

WHEREAS, The University of Washington ranks number one in the nation among large-sized schools with 107 undergraduate alumni serving in the Peace Corps; and

WHEREAS, Western Washington University ranks number one in the nation among medium-sized schools with 73 undergraduate alumni serving in the Peace Corps; and

WHEREAS, Gonzaga University ranks number one in the nation among small-sized schools with 24 undergraduate alumni serving in the Peace Corps; and

WHEREAS, 2013 marks the first time all three categories are led by schools in the same state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the University of Washington, Western Washington University, Gonzaga University, and the commitment of all those who have served and are currently serving in the Peace Corps; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the University of Washington, Western Washington University, and Gonzaga University.

Senators Bailey and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8636.

The motion by Senator Bailey carried and the resolution was adopted by voice vote.

MOTION

At 12:23 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, March 15, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SIXTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 15, 2013

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 14, 2013

E2SHB 1301 Prime Sponsor, Committee on Finance: Creating clean energy jobs in Washington state through renewable energy incentives. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Schlicher and Shin.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

Passed to Committee on Energy, Environment & Telecommunications.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 14, 2013

SGA 9021 JUDITH L HARTMANN, appointed on January 16, 2013, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 24 (South Puget Sound Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 14, 2013

SGA 9023 TAMRA JACKSON, appointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 15 (Wenatchee Valley College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 14, 2013

SGA 9033 STEPHEN L SMITH, appointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 11 (Pierce College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 14, 2013

SGA 9062 FAALUAINA PRITCHARD, appointed on October 3, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Technical College District #29 (Clover Park). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 14, 2013

SGA 9071 DAVID SCHUMACHER, appointed on January 16, 2013, for the term ending at the governors pleasure, as Director of the Office of Financial Management. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Rivers and Tom.

Passed to Committee on Rules for second reading.

March 14, 2013

SGA 9073 ROBERT C ANDERSON, reappointed on October 11, 2012, for the term ending October 1, 2016, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

March 14, 2013

SGA 9087 JAMES COOK, reappointed on November 30, 2009, for the term ending October 1, 2013, as Member of the Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice

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Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 14, 2013

March 14, 2013

SGA 9088 CAROL DAHL, appointed on January 24, 2012, for the term ending October 1, 2015, as Member of the Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Trade & Economic Development

SGA 9143 BRUCE MONTGOMERY, reappointed on January 24, 2012, for the term ending October 1, 2015, as Member of the Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 14, 2013

March 14, 2013

SGA 9094 STEVEN DRURY, reappointed on March 22, 2011, for the term ending October 1, 2014, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Trade & Economic Development

SGA 9162 TIMOTHY RASMUSSEN, appointed on October 11, 2012, for the term ending October 1, 2016, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 14, 2013

March 14, 2013

SGA 9095 LEWIS EDELHEIT, appointed on January 24, 2012, for the term ending October 1, 2013, as Member of the Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Trade & Economic Development

SGA 9178 STANLEY M SORSCHER, reappointed on March 22, 2011, for the term ending October 1, 2014, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 14, 2013

March 14, 2013

SGA 9105 JAMES GLOVER, appointed on March 22, 2011, for the term ending October 1, 2014, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Trade & Economic Development

SGA 9189 ROBYN J TODD, reappointed on March 22, 2011, for the term ending October 1, 2014, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 14, 2013

March 14, 2013

SGA 9113 TONY HEY, reappointed on November 30, 2009, for the term ending October 1, 2013, as Member of the Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Trade & Economic Development

SGA 9198 ROGER D WOODWORTH, appointed on July 1, 2011, for the term ending at the governors pleasure, as Chair of the Economic Development Commission. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

March 14, 2013

SGA 9202 MAIA D BELLON, appointed on February 11, 2013, for the term ending at the governors pleasure, as Director of the Department of Ecology. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ericksen, Chair; Ranker, Ranking Member; Billig, Brown; Chase; Cleveland and Honeyford

Passed to Committee on Rules for second reading.

March 14, 2013

SGA 9203 DAVID DANNER, appointed on January 16, 2013, for the term ending December 31, 2018, as Member of the Utilities and Transportation Commission. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ericksen, Chair; Ranker, Ranking Member; Billig, Brown; Chase; Cleveland and Honeyford

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 11, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BRIAN BONLENDER, appointed February 1, 2013, for the term ending at the governor's pleasure, as the Director of the Department of Commerce.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Trade & Economic Development.

March 11, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARCIE FROST, appointed January 16, 2013, for the term ending at the governor's pleasure, as the Director of the Department of Retirement Systems.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means.

March 11, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN R. HILL, appointed January 16, 2013, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 6 (Seattle, So. Seattle, and No. Seattle Community Colleges).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

March 11, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SCOTT JARVIS, appointed February 19, 2013, for the term ending at the governor's pleasure, as the Director of the Department of Financial Institutions.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

March 11, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CAROL K. NELSON, appointed February 25, 2013, for the term ending at the governor's pleasure, as the Director of the Department of Revenue.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means.

March 13, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SIXTY FIRST DAY, MARCH 15, 2013

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DOROTHY F. TEETER, appointed March 4, 2013, for the term ending at the governor's pleasure, as the Director of the Washington State Health Care Authority, Administrator.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1004 by House Committee on Finance (originally sponsored by Representatives Moeller, Pedersen, Blake, Hunt, Clibborn, Green, Van De Wege, Fitzgibbon, Lytton, Appleton, Stanford and Pollet)

AN ACT Relating to payment of property taxes; amending RCW 84.56.020 and 84.56.070; and creating a new section.

Referred to Committee on Governmental Operations.

HB 1109 by Representatives Hansen, Haler, Magendanz, Shea, Klippert, Smith, Green, Ormsby, Morrell, Van De Wege, Ryu, Maxwell, Zeiger, Wilcox, Jinkins, Springer, Scott, Freeman, Bergquist, Hargrove and Parker

AN ACT Relating to early registration at institutions of higher education for eligible veterans and national guard members; adding a new section to chapter 28B.15 RCW; and providing an expiration date.

Referred to Committee on Higher Education.

EHB 1132 by Representatives Hayes, Seaquist, Smith, Van De Wege, Kristiansen, Takko, Haler, Rodne, Sells, McCoy, Dunshee, Moscoso, Tharinger, Ryu, Zeiger, Green, Wilcox, Jinkins, Riccelli, Hurst, Morrell, Scott, Freeman, Dahlquist, Bergquist, Hargrove and Parker

AN ACT Relating to gold star license plates; amending RCW 46.18.245; and providing an effective date.

Referred to Committee on Transportation.

HB 1145 by Representatives Goodman, Klippert, Roberts, Orwall, Moscoso, Lias, Upthegrove, Ryu, Green, Morrell and Fey

AN ACT Relating to providing credit towards child support obligations for veterans benefits; and amending RCW 26.18.190.

Referred to Committee on Law & Justice.

SHB 1180 by House Committee on Appropriations (originally sponsored by Representatives Scott, Blake, Kristiansen and Santos)

AN ACT Relating to death benefits for volunteer firefighters and reserve officers; and amending RCW 41.24.160.

Referred to Committee on Ways & Means.

SHB 1192 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Short, Blake, Takko, Taylor, Kretz, Crouse, Springer, Chandler, Ryu and Morrell)

AN ACT Relating to license fees under Title 77 RCW for veterans with disabilities; amending RCW 77.32.480; and providing an effective date.

Referred to Committee on Natural Resources & Parks.

ESHB 1253 by House Committee on Finance (originally sponsored by Representatives Blake, Orcutt, Takko, Dahlquist, Haigh, Hunt, Walsh, Lytton, Nealey, Morris, Hudgins, McCoy, Zeiger, Maxwell, Pettigrew, Bergquist, Van De Wege, Upthegrove and Freeman)

AN ACT Relating to the lodging tax; amending RCW 67.28.1816; reenacting and amending RCW 67.28.080; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1412 by House Committee on Education (originally sponsored by Representatives Bergquist, Zeiger, Maxwell, Reykdal, Kagi, Riccelli, Santos, Fitzgibbon, Tarleton, Lytton, Pollet, Farrell, Freeman, Ryu, Stonier, Stanford, Hunt, Van De Wege, Kochmar, Buys, Magendanz, Hayes, O'Ban, Fey, Morrell and Jinkins)

AN ACT Relating to community service as a high school graduation requirement; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SHB 1537 by House Committee on Government Operations & Elections (originally sponsored by Representatives O'Ban, Angel, Hayes, Green, Zeiger, Bergquist, Johnson, Ryu, Morrell and Shea)

AN ACT Relating to a veteran's preference for the purpose of public employment; and amending RCW 41.04.010.

Referred to Committee on Governmental Operations.

EHB 1554 by Representatives Stonier, Harris, Rodne, Goodman, Ryu, O'Ban, Van De Wege, Moscoso and Pollet

AN ACT Relating to community assistance referral and education services; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Governmental Operations.

ESHB 1620 by House Committee on Transportation (originally sponsored by Representatives Stanford, Zeiger, Takko, Haler, Blake, Lias, Clibborn, Jinkins, Wilcox, Ryu, Ormsby, Sells, Appleton, Pedersen, Upthegrove, Magendanz, Pollet, Orcutt, Johnson, Angel, Condotta, Carlyle, Kristiansen, Moeller, Fitzgibbon, Moscoso, Morrell and Santos)

AN ACT Relating to passenger-carrying vehicles for railroad employees; amending RCW 81.61.010; and adding new sections to chapter 81.61 RCW.

Referred to Committee on Transportation.

HB 1683 by Representatives Reykdal, Haler and Van De Wege

AN ACT Relating to authorizing recognition of institutions of postsecondary study in order to retain federal financial aid eligibility; adding a new section to chapter 18.16 RCW; and creating a new section.

Referred to Committee on Higher Education.

ESHB 1688 by House Committee on Education (originally sponsored by Representatives Stonier, Pike, Santos, Hayes, Orwall, Bergquist, McCoy, Scott, Ryu, Pollet, Freeman, Farrell and Parker)

AN ACT Relating to reporting of incidents of student restraint and isolation in public schools; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 1738 by Representatives Hayes, Sells, Seaquist, Dunshee and Ryu

AN ACT Relating to authorized purchases by political subdivisions; and amending RCW 39.32.090.

Referred to Committee on Governmental Operations.

ESHB 1817 by House Committee on Higher Education (originally sponsored by Representatives Hudgins, Chandler, Pettigrew, Ross, Appleton, Moscoso, Santos, Goodman, McCoy, Hunt, Springer, Pollet, Freeman, Habib, Reykdal, Tarleton, Liias, Sawyer, Wylie, Sells, Fitzgibbon, Pedersen, Ryu, Riccelli, Farrell, Cody, Dunshee, Bergquist, Roberts, Maxwell and Fey)

AN ACT Relating to adding eligibility criteria for higher education financial aid; amending RCW 28B.92.010; and creating a new section.

Referred to Committee on Higher Education.

SHB 1858 by House Committee on Higher Education (originally sponsored by Representatives McCoy, Appleton, Morrell, Ryu and Ormsby)

AN ACT Relating to awarding academic credit for military training; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1859 by Representatives McCoy, Appleton, Morrell, Ryu and Ormsby

AN ACT Relating to evaluating military training and experience toward meeting licensing requirements; amending RCW 18.340.010, 18.340.020, 19.105.570, 42.44.220, 46.82.440, 64.36.350, and 67.08.320; adding new sections to chapter 18.340 RCW; and repealing RCW 18.08.500,

18.11.290, 18.16.300, 18.39.570, 18.43.190, 18.85.490, 18.96.230, 18.140.290, 18.145.150, 18.165.310, 18.170.310, 18.185.310, 18.210.230, 18.220.211, 18.280.200, and 18.300.160.

Referred to Committee on Governmental Operations.

SHB 1883 by House Committee on Transportation (originally sponsored by Representatives Fitzgibbon, Orcutt, Riccelli, Farrell and Liias)

AN ACT Relating to simplifying and updating statutes related to fuel tax administration; amending RCW 82.38.010, 82.38.020, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.060, 82.38.065, 82.38.066, 82.38.075, 82.38.080, 82.38.090, 82.38.110, 82.38.140, 82.38.150, 82.38.160, 82.38.170, 82.38.180, 82.38.190, 82.38.210, 82.38.220, 82.38.230, 82.38.235, 82.38.245, 82.38.260, 82.38.270, 82.38.280, 82.38.290, 82.38.310, 82.38.320, 82.38.360, 82.38.365, 82.38.370, 82.38.380, 82.38.385, 82.42.010, 82.42.020, 82.42.030, 82.42.040, 82.42.090, 82.42.110, 82.42.125, 19.112.110, 19.112.120, 35A.81.010, 36.70A.340, 43.06.400, 46.01.040, 46.09.310, 46.87.080, 47.02.070, 47.02.160, 47.10.040, 47.10.180, 47.10.310, 47.10.440, 47.10.714, 47.10.729, 47.10.756, 47.10.766, 47.10.793, 47.10.804, 47.10.815, 47.10.822, 47.10.838, 47.10.846, 47.10.864, 47.10.876, 47.10.883, 47.26.404, 47.26.424, 47.26.4252, 47.26.4254, 47.26.504, 47.56.771, 47.60.580, 79A.25.010, 79A.25.040, 79A.25.050, 82.04.4285, 82.08.0255, 82.80.010, 82.80.110, 82.80.120, 46.68.080, 46.68.090, and 82.12.0256; reenacting and amending RCW 82.38.120 and 46.09.520; adding new sections to chapter 82.38 RCW; adding new sections to chapter 82.42 RCW; decodifying RCW 82.38.800, 82.38.900, 82.38.910, 82.38.920, 82.38.930, 82.38.940, and 82.38.941; repealing RCW 82.36.010, 82.36.020, 82.36.022, 82.36.025, 82.36.026, 82.36.027, 82.36.028, 82.36.029, 82.36.031, 82.36.032, 82.36.035, 82.36.040, 82.36.044, 82.36.045, 82.36.047, 82.36.050, 82.36.060, 82.36.070, 82.36.075, 82.36.080, 82.36.090, 82.36.095, 82.36.100, 82.36.110, 82.36.120, 82.36.130, 82.36.140, 82.36.150, 82.36.160, 82.36.170, 82.36.180, 82.36.190, 82.36.200, 82.36.210, 82.36.230, 82.36.240, 82.36.245, 82.36.247, 82.36.250, 82.36.260, 82.36.270, 82.36.275, 82.36.280, 82.36.285, 82.36.290, 82.36.300, 82.36.310, 82.36.320, 82.36.330, 82.36.335, 82.36.340, 82.36.350, 82.36.370, 82.36.375, 82.36.380, 82.36.390, 82.36.400, 82.36.410, 82.36.415, 82.36.420, 82.36.430, 82.36.435, 82.36.440, 82.36.450, 82.36.460, 82.36.470, 82.36.475, 82.36.480, 82.36.485, 82.36.490, 82.36.495, 82.36.800, 82.36.900, 82.36.901, 82.38.045, 82.38.047, 82.38.130, 82.38.240, 82.38.250, 82.38.265, 82.38.350, 82.41.060, 82.42.050, 82.42.060, 82.42.070, 82.42.080, and 82.42.120; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

2SHB 1909 by House Committee on Appropriations (originally sponsored by Representatives Hunt, O'Ban, Morrell, Hayes and Bergquist)

AN ACT Relating to veteran-owned businesses; amending RCW 43.60A.190, 43.60A.195, and 43.60A.200; and reenacting and amending RCW 43.60A.010.

Referred to Committee on Governmental Operations.

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SHB 1960 by House Committee on Finance (originally sponsored by Representative Seaquist)

AN ACT Relating to establishing benefit assessment charges for metropolitan park districts; and adding a new chapter to Title 84 RCW.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate reverted to the third order of business.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Dammeier moved adoption of the following resolution:

SENATE RESOLUTION
8637

By Senators Dammeier, Becker, Roach, Carrell, Conway, and Darneille

WHEREAS, The annual Daffodil Festival is a favored tradition for the people of Pierce County and the Northwest; and

WHEREAS, 2013 marks the 80th anniversary of the Daffodil Festival, and the theme of this year's festival is "The Magic of Music"; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a great place to live and visit, to give the citizens of Pierce County a civic endeavor and to foster civic pride, to give young people and organizations in the local area an opportunity to display their abilities and talents, and to give voice to the citizens' enthusiasm in parades, pageantry, and events; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when the daffodil flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Daffodil Festival will be celebrating its 80th year during the 2013 festival season with the Daffodil Parade being the highlight of Festival Week. The parade travels through the four cities of Tacoma, Puyallup, Sumner, and Orting and consists of over 150 entries, including floats, bands, marching, and mounted units.

Floats are decorated with thousands of fresh-cut daffodils, and the parade is a bridge that links one generation to another; and

WHEREAS, When the Daffodil Parade is over, the Royalty and their float will travel to over two dozen out of town parades to represent and celebrate Pierce County; and

WHEREAS, This year's Festival royalty includes Queen McKenna Erhardt, Rogers; and Princesses Kayla Prewitt, Curtis; Grace Collins, Fife; Annie Litzenberger, Eatonville; Amy Bernstein, Graham Kapowsin; Kayla Williams, Orting; Kabrina Kidd, Cascade Christian; Mikayla Flores, Chief Leschi; Cierra McMahon, Emerald Ridge; Bri Pedicone, Puyallup; Shelondra Harris, Henry Foss; Tara Harris, Lincoln; Carly Knox, Stadium; Zoë Mix, Wilson; Noelle Kaku, Bethel; Suga Iopu, Clover Park; Helena Laubach, Lakes; Marissa Gregg, Sumner; Angelica Maria, Mt. Tahoma; Anna Kessner, Spanaway Lake; Lexie Reyes, Washington; Taylor Friend, Bonney Lake; Bobbi McGinnis, Franklin Pierce; and Jessica Gamble, White River;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past eighty years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2013 Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Dammeier and Chase spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8637.

The motion by Senator Dammeier carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Puyallup Valley Daffodil Festival Board of Directors: Brad Stevens, President; Ms. Karen Baskett, Director of Royalty; Ms. Judy Smith, President-Elect; and Mr. Steve Smith, Executive Director – Steve James. The President also welcomed Miss Kenna Erhardt, Queen, and all of the Princesses of the Daffodil Royal Court of Pierce County who were present in the gallery and recognized by the Senate.

MOTION

At 10:08 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, March 18, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SIXTY FOURTH DAY

 NOON SESSION

Senate Chamber, Olympia, Monday, March 18, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

 REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS

March 15, 2013

SGA 9074 BRIAN BAIRD, appointed on August 8, 2012, for the term ending June 30, 2016, as Member of the Washington State Student Achievement Council. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member and Mullet.

Passed to Committee on Higher Education.

March 15, 2013

SGA 9101 JOSE E GAITAN, appointed on August 8, 2012, for the term ending June 30, 2015, as Member of the Washington State Student Achievement Council. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member and Mullet.

Passed to Committee on Higher Education.

March 15, 2013

SGA 9122 LINDSEY JAHN, appointed on August 8, 2012, for the term ending June 30, 2013, as Member of the Washington State Student Achievement Council. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member and Mullet.

Passed to Committee on Higher Education.

March 15, 2013

SGA 9141 JOSEPH E MEYER, appointed on August 6, 2012, for the term ending June 30, 2013, as Member of the Board

of Trustees, Western Washington University. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member and Mullet.

Passed to Committee on Higher Education.

March 15, 2013

SGA 9163 JAY A REICH, appointed on August 8, 2012, for the term ending June 30, 2015, as Member of the Washington State Student Achievement Council. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member and Mullet.

Passed to Committee on Higher Education.

March 15, 2013

SGA 9164 CONSTANCE W RICE, appointed on August 8, 2012, for the term ending June 30, 2016, as Member of the Washington State Student Achievement Council. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member and Mullet.

Passed to Committee on Higher Education.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Smith moved adoption of the following resolution:

 SENATE RESOLUTION
 8632

By Senators Smith, Brown, Pearson, Honeyford, Becker, Fain, Hargrove, Rivers, Tom, Dammeier, Ericksen, Braun, and King

WHEREAS, British Columbia and Washington State share a border, many natural resources, and geological and geographic similarities; and

WHEREAS, British Columbia and Washington State often work together to achieve mutual goals, including British Columbia working together with Whatcom, Okanogan, Ferry, Stevens, and

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Pend Oreille counties to secure and streamline border crossings, facilitating transportation of goods and travelers throughout the region; and

WHEREAS, The paramount duty of Washington State is the education of our youth in order to prepare them to be our leaders in the future; and

WHEREAS, British Columbia recognizes the importance and value of quality civic education; and

WHEREAS, The Legislative Assembly of British Columbia and Washington State Legislature sponsor nationally renowned internship programs meant to educate interns and promote political awareness; and

WHEREAS, Washington State undergraduate interns spend their winter quarter or spring semester working in Olympia with staff and members of the Washington State Senate or House of Representatives; and

WHEREAS, In addition to their office work, interns participate in weekly academic seminars and workshops, learning about the process of a representative democracy with a bicameral legislature; and

WHEREAS, The British Columbia Legislative Internship Program offers an opportunity to university graduates to supplement their academic training by observing the daily workings of the Legislative Assembly firsthand; and

WHEREAS, Interns acquire skills and knowledge that they can apply to chosen careers and future life experiences, which further contributes to a greater public understanding and appreciation of parliamentary government; and

WHEREAS, Part of the internship experience for both programs includes participating in a shadowing exercise where the intern observes a particular organization, office, or aspect of government the intern is interested in learning more about; and

WHEREAS, The exchange program represents a shadowing opportunity by which British Columbia interns can visit the state capitol in Olympia and Washington State interns can visit the provincial capitol in Victoria; and

WHEREAS, For the tenth year, British Columbia and Washington State legislative interns have participated in this exchange program to explore and learn about the history and government processes of a different legislative body; and

WHEREAS, We welcome the British Columbia legislative interns to the Washington State legislature and commend their numerous academic achievements and passion for government;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the hardworking and dedicated British Columbia Legislative Internship Program facilitators: Karen Aitken and Jennifer Ives, as well as the British Columbia legislative interns: Katie Dittrich, Maya Fernandez, Emma Fraser, Thomas Lattimer, Jared Marley, Kate Russell, Stephen Satterfield, Ella Vanesa Tomasino Rodriguez, Rebecca Whitmore, and Braeden Wiens, and extend our deepest gratitude to our own legislative intern coordinators: Judi Best and Paula Rehwaldt for bringing together such an excellent program; and

BE IT FURTHER RESOLVED, That the Washington State Senate hereby honor, thank, and celebrate the British Columbia legislative interns here today.

Senator Smith spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8632.

The motion by Senator Smith carried and the resolution was adopted by voice vote.

MOTION

Senator Padden moved adoption of the following resolution:

SENATE RESOLUTION
8639

By Senators Padden, Conway, Shin, Hargrove, Hill, Brown, Holmquist Newbry, Roach, and Baumgartner

WHEREAS, Across the country, Catholic schools celebrate the 2013 Catholic Schools Week with the theme: Catholic Schools Raise the Standards; and

WHEREAS, A quality education is the foundation of a child's future, and this week recognizes one of the many types of education choices available to our children; and

WHEREAS, The common good of the state of Washington is strengthened through the continued existence of Catholic schools; and

WHEREAS, Washington state has 27,000 students of diverse backgrounds in ninety-three Catholic schools; and

WHEREAS, Catholic schools encourage and prepare students to obtain high levels of achievement through religious, academic, and cocurricular programs; and

WHEREAS, With an emphasis on academic excellence, spirituality, and moral values, Catholic schools and their students attain high achievement, including high school graduation rates of more than ninety-nine percent; and

WHEREAS, The 7,800 Catholic schools in the United States, both elementary and secondary, save almost twenty billion dollars a year in public school expenses; and

WHEREAS, With a commitment to service, Catholic schools have produced many of our state's and nation's finest leaders, including members of this legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Catholic schools of Washington state and honor their dedication to academic excellence and faith-based instruction during the celebration of Catholic Schools Week; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, the Diocese of Yakima, and the Washington State Catholic Conference.

Senator Padden spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8639.

The motion by Senator Padden carried and the resolution was adopted by voice vote.

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, March 19, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SIXTY FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 19, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 18, 2013

HB 1230 Prime Sponsor, Representative Green: Concerning persons who are pursuing a course of study leading to a degree as a physical therapist or physical therapist assistant. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 18, 2013

HB 1339 Prime Sponsor, Representative Tharinger: Clarifying the scope of practice for East Asian medicine practitioners and removing certain referral requirements. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 18, 2013

SHB 1343 Prime Sponsor, Committee on Appropriations Subcommittee on Health & Human Services: Removing the expiration for the additional surcharge imposed on registered nurses and licensed practical nurses. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Passed to Committee on Rules for second reading.

March 18, 2013

SHB 1418 Prime Sponsor, Committee on Government Operations & Elections: Regarding hours of availability of cities, towns, and special purpose districts for inspection and copying of public records. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

March 18, 2013

SHB 1456 Prime Sponsor, Committee on Government Operations & Elections: Authorizing pretax payroll deductions for qualified transit and parking benefits. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

March 18, 2013

HB 1547 Prime Sponsor, Representative Walsh: Concerning entities that provide recreational or educational programming for school-aged children. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Human Services & Corrections.

March 18, 2013

SHB 1806 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Addressing the definition of veteran for purposes of veterans' assistance programs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 18, 2013

SGA 9097 JACK ENG, appointed on October 17, 2011, for the term ending June 17, 2017, as Member of the Board of Industrial Insurance Appeals. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt and Keiser.

Passed to Committee on Rules for second reading.

March 18, 2013

SGA 9158 MARGARITA L PRENTICE, appointed on August 1, 2012, for the term ending June 30, 2018, as Member of the Gambling Commission. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt and Keiser.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5870 by Senator Hill

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 5871 by Senator Hill

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 5872 by Senator Hill

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 5873 by Senator Hill

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 5874 by Senator Hill

AN ACT Relating to human services.

Referred to Committee on Ways & Means.

SB 5875 by Senator Hill

AN ACT Relating to human services.

Referred to Committee on Ways & Means.

SB 5876 by Senator Hill

AN ACT Relating to health care.

Referred to Committee on Ways & Means.

SB 5877 by Senator Hill

AN ACT Relating to health care.

Referred to Committee on Ways & Means.

SB 5878 by Senator Hill

AN ACT Relating to natural resources.

Referred to Committee on Ways & Means.

SB 5879 by Senator Hill

AN ACT Relating to education.

Referred to Committee on Ways & Means.

SB 5880 by Senator Hill

AN ACT Relating to education.

Referred to Committee on Ways & Means.

SB 5881 by Senator Hill

AN ACT Relating to revenue.

Referred to Committee on Ways & Means.

SB 5882 by Senator Hill

AN ACT Relating to revenue.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Rivers moved adoption of the following resolution:

SENATE RESOLUTION
8622

By Senators Rivers, Litzow, Hewitt, Braun, Bailey, Honeyford, Baumgartner, Carrell, Smith, Kohl-Welles, Ericksen, Holmquist Newbry, Hobbs, Fain, Hargrove, Parlette, Fraser, Murray, Darneille, Cleveland, Hill, Schlicher, Hatfield, McAuliffe, Mullet, Padden, Brown, King, Schoesler, Dammeier, Tom,

Pearson, Becker, Nelson, Conway, Benton, Hasegawa, Chase, Billig, Ranker, Frockt, Keiser, Eide, Harper, Kline, Roach, and Rolfes

WHEREAS, One hundred thousand Washington State children and youth are gifted and talented; and

WHEREAS, Without appropriate support, these children have high dropout rates, between 15 and 30%, and a number of other risk factors; and

WHEREAS, K-12 Highly Capable students are present in all cultural and linguistic groups, across all socioeconomic strata, co-exist with all manner of disabling conditions both visible and invisible, and manifest across all areas of human endeavor; and

WHEREAS, Highly Capable students perform, or show potential for performing, at significantly advanced levels when compared with others of their age, experience, or environments. Outstanding capabilities are seen within students' general intellectual aptitudes, specific academic abilities, creative productivities within a specific domain, and leadership skills; and

WHEREAS, Prior to implementation of ESHB 2261, only 181 out of 295 of Washington State's school districts offered Highly Capable services of any kind; and

WHEREAS, For the 2010-11 school year, Highly Capable grant funds alone supported only 22,859 of the estimated 100,000 students who require Highly Capable services; and

WHEREAS, Education for all students must include opportunities to nurture and support learning at the highest levels, laying the foundation for positive outcomes for all students; and

WHEREAS, Research-based teaching practices drawn from gifted education can be used to enhance learning for students in their strength areas, and will have a positive impact on all students; and

WHEREAS, High-end learning with a focus on expanding excellence will lead to a more highly qualified workforce ready to address the challenges we currently face and the ones we will certainly face in the future; and

WHEREAS, Maximum development of each individual's intellectual and creative powers ensures the challenges of the future will more likely be met; and

WHEREAS, Washington has tens of thousands of gifted and talented children, whose full potential can be tapped only through the farsighted cooperation of education, community, and government;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the tens of thousands of gifted and talented children in our State; and

BE IT FURTHER RESOLVED, That the Senate acknowledge that the farsighted cooperation of education, community, and government bodies can enable these highly capable children to reach their full potential and the outcome of this cooperation is of substantial benefit to the people of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington Coalition for Gifted Education.

Senator Rivers spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8622.

The motion by Senator Rivers carried and the resolution was adopted by voice vote.

Senator Fain: "I just want to say for those folks with the highly capable program that are still up in the gallery, we would like to, Senator Rivers and I were talking about it, we would be honored if they would join us for a photograph behind the rostrum. We'll have staff kind of help them down here if the kids want to participate in that after we close the session here in just a moment. I just wanted to make that offer known."

MOTION

At 12:06 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, March 20, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the gifted students and their families who were seated in the gallery.

PERSONAL PRIVILEGE

SIXTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 20, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Carrell, Ericksen, Hargrove and Holmquist Newbry.

The Sergeant at Arms Color Guard consisting of Pages Nathan Bradley and Sandra Maszak, presented the Colors.

Musician 2nd Class Stephanie Brainard, Navy Band Northwest, U.S. Navy Region Northwest based in Silverdale, performed the National Anthem.

Commander Michael Greenwalt, U.S. Coast Guard, Chaplain for District Thirteen, Seattle offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 19, 2013

SHB 1012 Prime Sponsor, Committee on Business & Financial Services: Increasing the penal sum of a surety bond required to be maintained by an appraisal management company. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 19, 2013

SHB 1032 Prime Sponsor, Committee on Business & Financial Services: Addressing portable electronics insurance. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 19, 2013

HB 1045 Prime Sponsor, Representative Ryu: Authorizing certain local authorities to establish maximum speed limits on certain nonarterial highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Litzow; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Rules for second reading.

March 19, 2013

HB 1113 Prime Sponsor, Representative Short: Concerning standards for the use of science to support public policy. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Litzow; Ranker, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 19, 2013

HB 1154 Prime Sponsor, Representative Upthegrove: Modifying the definition of nonpower attributes in the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Litzow; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

March 19, 2013

SHB 1242 Prime Sponsor, Committee on Transportation: Concerning the authority of a vehicle subagent to recommend a successor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Litzow; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Rules for second reading.

March 19, 2013

HB 1251 Prime Sponsor, Representative Stonier: Increasing membership on the opportunity scholarship board. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SHB 1256 Prime Sponsor, Committee on Transportation: Addressing project selection by the freight mobility strategic investment board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Litzow; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Rules for second reading.

March 19, 2013

SHB 1265 Prime Sponsor, Committee on Transportation: Modifying provisions in the forms for traffic infraction notices. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Litzow; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Rules for second reading.

March 19, 2013

SHB 1309 Prime Sponsor, Committee on Environment: Directing state investments of existing litter tax revenues under chapter 82.19 RCW in material waste management efforts without increasing the tax rate. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Litzow; Ranker, Ranking Member.

Passed to Committee on Ways & Means.

March 19, 2013

SHB 1334 Prime Sponsor, Committee on Transportation: Concerning conversion kits on motorcycles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Litzow; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Rules for second reading.

March 19, 2013

EHB 1483 Prime Sponsor, Representative Hunt: Concerning public and private airport parking facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Litzow; Mullet; Rolfes and Schlicher.

MINORITY recommendation: Do not pass. Signed by Senator Smith.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Ericksen.

Passed to Committee on Rules for second reading.

March 19, 2013

HB 1592 Prime Sponsor, Representative McCoy: Concerning the enforcement of speeding violations on certain private roads. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Fain; Hatfield; Nelson and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton, Ranking Member.

Passed to Committee on Rules for second reading.

March 19, 2013

SHB 1614 Prime Sponsor, Committee on Higher Education: Authorizing applied doctorate level degrees in audiology at Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SHB 1617 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Concerning the administrative costs for the allocation, management, and oversight of housing trust fund investments. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 19, 2013

HB 1645 Prime Sponsor, Representative Riccelli: Increasing the number of public members on the Washington higher education facilities authority. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SHB 1669 Prime Sponsor, Committee on Higher Education: Concerning self-supporting, fee-based programs at four-year institutions of higher education. Reported by Committee on Higher Education

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MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SHB 1752 Prime Sponsor, Committee on Transportation: Modifying requirements for the operation of commercial motor vehicles in compliance with federal regulations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Litzow; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 19, 2013

SGA 9066 MICHAEL COCKRILL, appointed on January 23, 2013, for the term ending at the governors pleasure, as Chief of the Office of the Chief Information Officer. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9100 BETTI FUJIKADO, reappointed on October 1, 2012, for the term ending September 30, 2018, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9110 ERIN HARMS, appointed on August 6, 2012, for the term ending June 30, 2013, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

SGA 9114 ROY HEYNDERICKX, appointed on April 2, 2012, for the term ending March 26, 2016, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9121 JEREMY JAECH, appointed on October 1, 2012, for the term ending September 30, 2018, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9135 CHRIS LIU, reappointed on October 1, 2012, for the term ending September 30, 2018, as Member of the Board of Trustees, Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9141 JOSEPH E MEYER, appointed on August 6, 2012, for the term ending June 30, 2013, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9147 RALPH MUNRO, appointed on October 1, 2009, for the term ending September 30, 2015, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9149 JAMES M MURPHY, appointed on October 10, 2012, for the term ending September 30, 2018, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9152 DAVID L NICANDRI, appointed on November 21, 2011, for the term ending September 30, 2014, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9156 MARTA B POWELL, reappointed on March 27, 2012, for the term ending March 1, 2017, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9157 NATASHA K WILLIAMS, reappointed on January 1, 2012, for the term ending December 31, 2014, as Member of the Investment Board. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Parlette; Ranker and Rivers.

MINORITY recommendation: That it not be confirmed recommendation. Signed by Senators Bailey; Hewitt; Padden; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9160 RAFAEL B PRUNEDA, appointed on August 2, 2012, for the term ending June 30, 2013, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9161 MIKE RAGAN, reappointed on March 11, 2011, for the term ending at the governors pleasure, as Member of the Investment Board. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9169 DAN RUBIN, appointed on March 1, 2012, for the term ending January 19, 2016, as Member of the Board of Pharmacy. Reported by Committee on Health Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9174 SUSAN K SHARPE, appointed on October 1, 2012, for the term ending September 30, 2018, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9182 PAUL TANAKA, reappointed on October 10, 2011, for the term ending September 30, 2017, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9199 MICHAEL C WORTHY, reappointed on October 1, 2012, for the term ending September 30, 2018, as

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Member of the Board of Regents, Washington State University.
Reported by Committee on Higher Education

MOTION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

On motion of Senator Fain, the Senate advanced to the fifth order of business.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

March 19, 2013
SGA 9200 EMMA ZAVALA-SUAREZ, appointed on March 1, 2012, for the term ending January 19, 2014, as Member of the Board of Pharmacy. Reported by Committee on Health Care

SB 5883 by Senators Baumgartner, Bailey, Ericksen, Braun, Benton, Tom, Holmquist Newbry, Schoesler, Brown, Hill, Roach and Hewitt

AN ACT Relating to higher education funding; amending RCW 28B.10.776 and 28B.77.090; reenacting and amending RCW 28B.15.067 and 28B.15.068; creating a new section; and repealing RCW 28B.10.778, 28B.10.780, 28B.10.782, 28B.10.784, and 28B.15.101.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Referred to Committee on Higher Education.

Passed to Committee on Rules for second reading.

MOTION

March 19, 2013
SGA 9205 MARCIE FROST, appointed on January 16, 2013, for the term ending at the governors pleasure, as Director of the Department of Retirement Systems. Reported by Committee on Ways & Means

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the Committee on Ways & Means.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

Passed to Committee on Rules for second reading.

MOTION

Senator Bailey moved adoption of the following resolution:

March 19, 2013
SGA 9208 CAROL K NELSON, appointed on February 25, 2013, for the term ending at the governors pleasure, as Director of the Department of Revenue. Reported by Committee on Ways & Means

SENATE RESOLUTION
8641

By Senators Bailey, Schlicher, Cleveland, Becker, Parlette, Honeyford, Baumgartner, Roach, Litzow, Rivers, Keiser, Dammeier, Pearson, Braun, Padden, Benton, Ericksen, Fain, King, Smith, Fraser, Kohl-Welles, and Brown

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

WHEREAS, Washington State has both a strong maritime heritage and a contemporary reliance on the sea; and

WHEREAS, The United States Navy, Marine Corps, Coast Guard, and Merchant Marine work to secure sea lanes, promote the free flow of commerce to and from our state, project power to promote stability and deter aggression, and keep our waterways safe; and

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner, Vice Chair.

WHEREAS, The United States Sea Services have been a presence in Puget Sound since before Washington Statehood; and

WHEREAS, Washington State is today home to the Navy's 3rd largest Fleet concentration area, to the Coast Guard's entire Polar Ice Breaking Fleet, and to two of the West Coast's largest and busiest port facilities; and

Passed to Committee on Rules for second reading.

WHEREAS, Sea Service personnel provide homeland security, disaster assistance, and rescue services to Washington State citizens, and selflessly spend thousands of hours every year volunteering in their communities; and

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

WHEREAS, Tens of thousands of Sea Service personnel and their families consider Washington State home and are community leaders, role models, and mentors; and

WHEREAS, Our State's reliance on the sea for commerce, recreation, defense, and sustenance will only continue to grow in the years ahead;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and express appreciation for all those who have ever served as Sea Service personnel and all the family members and friends who shared their sacrifices with them; and

BE IT FURTHER RESOLVED, That the Senate recognize all the many contributions Sea Service personnel make for everyone living in the United States and the entire global community.

Senators Bailey, Shin, Ranker, Dammeier, Kohl-Welles and Becker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8641.

The motion by Senator Bailey carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced service members of the U.S. Coast Guard: Captain Matthew Miller, Chief of Staff, District 13; Captain Scott Ferguson, commander, Sector Puget Sound; Captain Daniel LeBlanc, commanding officer, Marine Safety Unit, Portland; Commander Eric Belleque, Chief of External Affairs, District 13; Lt. Jayna McCarron, flag aide to the Thirteenth District Commander; and Command Master Chief Jason Vanderhaden, District 13 who were present in the gallery and recognized by the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced service members of the U.S. Navy: Captain Scott Hogan, Chief of Staff, Navy Region Northwest; Captain Pete Dawson, commanding officer, Naval Base Kitsap; Captain Michael J. Coury, commanding officer, Naval Station Everett; Captain Michael Nortier, commanding officer, Naval Air Station Whidbey Island; Commander Gary Martin, Naval Magazine Indian Island; Command Master Chief (SS) Brian Schell, Navy Region Northwest; and Lieutenant Kate Stockton, Naval Aviator, Navy Region Northwest who were present in the gallery and recognized by the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Rear Admiral Mark Rich, commander, Navy Region Northwest; Rear Adm. Dietrich H. Kuhlmann, commander, Submarine Group 9; Rear Admiral Keith Taylor, commander, District 13, U.S. Coast Guard who was present at the rostrum.

The business of the Senate was suspended to allow for remarks by Rear Admiral Keith Taylor, commander, District 13, U.S. Coast Guard.

REMARKS BY REAR ADMIRAL KEITH TAYLOR

Rear Admiral Keith Taylor: "Thank you Mr. President, members of the Senate. Thank you so much for having us here today. It's great to see so many people that we work so closely with and that support our men and women so well. On behalf of the men and women of the United States Navy, the United States Marine Corps, the United States Merchant Marine and the United States Coast Guard, we collectively thank you for what you're doing in this state. The resolution you just passed is very meaningful to us. 'Whereas; Washington State has both a strong

maritime heritage and a contemporary reliance on the sea.' That is a very important set of thoughts. We are a maritime nation. Our safety comes from the sea and by the sea. We need to make sure that our economic vitality is strong and the sea plays an important part in that. We need to do everything we can to protect the sea because it is fragile and we must make sure that our children and their children have the opportunity to enjoy it. All of us in the sea services whether it's the big Navy across the globe making sure that America's interest are upheld; your United States Coast Guard here locally making sure that take care of all the maritime traffic. We take care of mariners who are in distress. We make sure that water is available for everyone to enjoy. We all thank you for what you're doing to help us to our job. And as many of you spoke, it's all about our youngest men and women. They give so much and we need, to everyday, thank them for their service. Thank you very much."

REMARKS BY ADMIRAL MARK RICH

Admiral Mark Rich: "Thank you Mr. President and thank you Senators for allowing me this opportunity and honor to speak to you today. I'll just say on behalf of more than forty thousand active duty reserve service members and government civilians in the state of Washington as well as their eighty thousand plus retirees and family members, I want to thank you for the honor of being here today and for the resolution you just passed. Just before they deployed last summer then Secretary of State, Secretary of Defense Leon Panetta told the crew of the USS John Stennis that when the world calls we have to respond and you're the best that I have. I can tell you that the Sea Services have been here in the Northwest ready to respond for more than one hundred sixty years now and we're proud to make our home ports in what we call the 'Better Washington'. Now we have ensured peace through deterrence, forward presence and engagement and when deterrence's fail, we responded to those crisis and we fought the nations wars. Here in the Puget Sound we built and repair the country's fleet. That fleet has maintained the sea lines of communication that today have made this region into a global hub of commerce and innovation. So, I don't want to talk a whole lot about the budget crisis, because that is a big issue for us, but I will tell that locally here in the state of Washington out of 5.3 billion dollar annual economic impact some of the austerity measures that the Navy is implementing to deal with the three fold crisis that we're facing right now, they're going to total up to about two hundred eighty million dollars. I don't want to short shrift that because the biggest impact of all I think is the fact that we have sixteen thousand civilians, navy civilian's almost all whom will be furloughed. And that is taking a twenty percent pay cut every week for the next twenty two weeks beginning in late April in all likelihood as things stand right now with the budget. So, that's obviously a big deal and a big concern to us. Additionally we're looking at budget cuts on the order of one hundred fifty eight million dollars to our facilities, sustainment and restoration and modernization program that we use to maintain our buildings, utilities systems and major infrastructure. We've cancelled eighty three million dollars' worth of depot level air craft maintenance at Whidbey Island and another thirty million dollars from our base operating support accounts that does things like funds the cleanliness and upkeep of our roads, grounds and buildings as well as operate our ports, air fields and provides security, fire and emergency services. Under these conditions I think we need to think about having a national discussion about U. S. strategy and what the, what role we want our military to play in the security of our nation. As for me Navy Region Northwest provides shore installations support to our operational tenants so that they're trained, ready and able to respond when called. To accomplish

SIXTY SIXTH DAY, MARCH 20, 2013

that mission we have long collaborated with Washington's transportation system, private businesses, NGO's, schools, political leadership and Native American tribes and we're proud to do so. We literally couldn't do our job without you. So, I want to thank you for your support. Some of that support is in the form of legislation. Legislation such as what provides quicker state residency tuition requirements for new veterans, keeps activated reservists from losing college credit and that helps the children of deployed service members. Time precludes me from naming them all but I just want to say thank you for that. So as I said earlier there's been a long standing symbiotic relationship between America's Sea Services and Washington State. And I can think of no better testament than something that I experienced just yesterday that you referred to Senator. I went to the memorial service for Lt. Commander Patterson and Lt. J. G. s Delaney and Will McIlvaine and to see the community out pouring and the support of that event. Those young aviators were known personally to very, very few people in that community but they turned out remarkably strong and it made me proud to be here in Washington. So, thank you."

REMARKS BY REAR ADMIRAL KUHLMANN

Admiral Kuhlmann: "Thank you again for recognizing the great service of the Sea Services here and for especially for those young men and women who serve every day. It is my distinct pleasure to be back here in Washington again. This is my fourth tour here. I've also done multiple tours in DC and I can confirm this is 'the better Washington.' So, it is truly a pleasure to be back here in charge of the submarines in the largest submarine base in the United States and the only submarine base that has all three types of submarines. No other base in the country has our ballistic missile, guided missile, and fast attack submarines that you folks support and I appreciate the support represented by this resolution today and we will get that word out to the troops, the strong support this state has, they do feel privileged to serve you. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "The President would like to recognize, we didn't get a chance to say thank you to the incredible vocalist that sang the National Anthem from the Navy, Musician Second Class Stephanie Brainard. Now, I don't see her here but she was here. Not in the wings? Well, please make sure that you express to her our appreciation and thanks to her for it."

INTRODUCTION OF SPECIAL GUESTS

The President recognized former Secretary of State, Ralph Munro who was seated in the gallery.

MOTION

At 10:36 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, March 21, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SIXTY SEVENTH DAY

 NOON SESSION

Senate Chamber, Olympia, Thursday, March 21, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 19, 2013

ESHB 1432 Prime Sponsor, Committee on Finance: Concerning county property tax levies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 20, 2013

HB 1790 Prime Sponsor, Representative Parker: Concerning the use of traffic school fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

March 20, 2013

ESHB 1944 Prime Sponsor, Committee on Transportation: Addressing vehicle license plate and registration fraud. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

 REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS

March 20, 2013

SGA 9107 ANNE E HALEY, reappointed on July 1, 2012, for the term ending June 30, 2018, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Mullet; Rolfes; Schlicher and Sheldon.

Passed to Committee on Rules for second reading.

March 19, 2013

SGA 9124 ELIZABETH K JENSEN, appointed on March 30, 2011, for the term ending January 19, 2015, as Member of the Board of Pharmacy. Reported by Committee on Health Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Cleveland; Ericksen; Frockt; Keiser, Ranking Member and Schlicher.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey and Parlette.

Passed to Committee on Rules for second reading.

March 20, 2013

SGA 9134 JERALD (JERRY) R LITT, appointed on July 1, 2011, for the term ending June 30, 2017, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Mullet; Rolfes; Schlicher and Sheldon.

Passed to Committee on Rules for second reading.

March 20, 2013

SGA 9168 CHARLES ROYER, appointed on December 1, 2012, for the term ending June 30, 2013, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Mullet; Rolfes; Schlicher and Sheldon.

Passed to Committee on Rules for second reading.

March 20, 2013

SGA 9190 JOE M TORTORELLI, appointed on August 29, 2011, for the term ending June 30, 2014, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Mullet; Rolfes; Schlicher and Sheldon.

SIXTY SEVENTH DAY, MARCH 21, 2013

2013 REGULAR SESSION

MOTION

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 15, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KELLY L. FOX, appointed February 22, 2013, for the term ending December 31, 2015, as Member of the Investment Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means.

March 15, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CARMEN W. GAYTON, appointed October 29, 2012, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 6 (Seattle, So. Seattle, and No. Seattle Community Colleges).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 20, 2013

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8402, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8403 by Senators Tom and Murray

Calling a joint session to honor Governor Booth Gardner.

MOTION

On motion of Senator Fain, the rules were suspended and Senate Concurrent Resolution No. 8402 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8403, by Senators Tom and Murray

Calling a joint session to honor Governor Booth Gardner.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8403.

SENATE CONCURRENT RESOLUTION NO. 8403 was adopted on third reading by voice vote.

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, March 22, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SIXTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 22, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner, Benton, Carrell, Chase Cleveland, Eide, Harper, Hewitt, Ranker, Rolfes and Smith.

The Sergeant at Arms Color Guard consisting of Pages John Hamming and Isabel Vaishampayan presented the Colors.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 21, 2013

HB 1112 Prime Sponsor, Representative Short: Concerning standards for the use of science to support public policy. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

March 21, 2013

HB 1146 Prime Sponsor, Representative Nealey: Concerning certified water right examiner bonding requirements. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

March 21, 2013

SHB 1155 Prime Sponsor, Committee on Health Care & Wellness: Concerning prescription information. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member and Schlicher.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

March 21, 2013

HB 1182 Prime Sponsor, Representative Harris: Including pharmacists in the legend drug act. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 21, 2013

SHB 1200 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning the labeling of seafood. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

March 21, 2013

HB 1209 Prime Sponsor, Representative MacEwen: Extending the program establishing Christmas tree grower licensure. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Rules for second reading.

March 21, 2013

HB 1218 Prime Sponsor, Representative Takko: Concerning department of fish and wildlife license suspensions. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

March 21, 2013

HB 1319 Prime Sponsor, Representative Johnson: Recognizing a welcome home Vietnam veterans day. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

March 21, 2013

SHB 1558 Prime Sponsor, Committee on Finance: Concerning the taxation of honey beekeepers. Reported by Committee on Agriculture, Water & Rural Economic Development

SIXTY EIGHTH DAY, MARCH 22, 2013

2013 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Harper; Mullet; Schlicher; Sheldon and Smith.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

March 21, 2013

March 21, 2013

HB 1587 Prime Sponsor, Representative Cody: Addressing public employee benefits. Reported by Committee on Health Care

EHB 1677 Prime Sponsor, Representative Klippert: Concerning operators of multiple adult family homes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 21, 2013

March 21, 2013

HB 1609 Prime Sponsor, Representative Schmick: Renaming the board of pharmacy. Reported by Committee on Health Care

HB 1770 Prime Sponsor, Representative Buys: Concerning the appointment of nonvoting advisory members to commodity boards. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Shin.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 21, 2013

March 21, 2013

SHB 1629 Prime Sponsor, Committee on Health Care & Wellness: Concerning credentialing and continuing education requirements for long-term care workers. Reported by Committee on Health Care

SHB 1841 Prime Sponsor, Committee on Capital Budget: Authorizing electronic competitive bidding for state public works contracting. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 21, 2013

March 21, 2013

HB 1631 Prime Sponsor, Representative Tharinger: Concerning planning measures to provide long-term care services and supports needs of the aging population. Reported by Committee on Health Care

SHB 1886 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning the recoverable costs of the department of agriculture under chapter 16.36 RCW. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member; Schoesler and Shin.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

March 21, 2013

March 21, 2013

HB 1644 Prime Sponsor, Representative Fey: Concerning transportation planning objectives and performance measures for local and regional agencies. Reported by Committee on Transportation

HB 1896 Prime Sponsor, Representative Lytton: Enhancing compliance with the responsibilities of fishing guides. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King,

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 21, 2013

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8403,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 21, 2013

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4404,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE CONCURRENT RESOLUTION NO. 8403.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5884 by Senators Keiser and Kohl-Welles

AN ACT Relating to dispensing of birth control for medicaid enrollees; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4404 by Representatives Chopp, DeBolt, Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby,

Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Shea, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie and Zeiger

Celebrating the life and legacy of William Booth Gardner.

MOTION

On motion of Senator Fain, the rules were suspended and the measures listed on the Introduction and First Reading report were referred to the committees as follows: Senate Bill No. 5884 which was referred to the Committee on Ways & Means, and House Concurrent Resolution No. 4404 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Chopp, DeBolt, Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Shea, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie and Zeiger

Celebrating the life and legacy of William Booth Gardner.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4404.

HOUSE CONCURRENT RESOLUTION NO. 4404 was adopted on third reading by voice vote.

MOTION

At 10:07 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:20 a.m. by President Owen.

SIXTY EIGHTH DAY, MARCH 22, 2013

2013 REGULAR SESSION

The Sergeant at Arms of the Senate announced the arrival of the members of the House of Representatives at the Senate Chamber doors. The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted The Honorable Pat Sullivan, House Majority Leader; The Honorable Tami Green, House Majority Floor Leader; and the Honorable J.T. Wilcox, House Republican Floor Leader, to seats at the rostrum. The members of the House of Representatives were invited to seats within the Chamber

The Senate was called to order at 10:20 a.m. by President Owen.

The Sergeant at Arms of the Senate announced the arrival of the members of the House of Representatives at the Senate Chamber doors. The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted The Honorable Pat Sullivan, House Majority Leader; The Honorable Tami Green, House Majority Floor Leader; and the Honorable J.T. Wilcox, House Republican Floor Leader, to seats at the rostrum. The members of the House of Representatives were invited to seats within the Chamber.

JOINT SESSION

Pursuant to Senate Concurrent Resolution No. 8403, the President called the Joint Session to order. The Secretary called the roll of the members of the Senate. The Secretary called the roll of the members of the House of Representatives. The President declared that a quorum of the Legislature was present.

The President welcomed and introduced the statewide elected officials: The Honorable Jay Inslee, Governor; The Honorable Kim Wyman, Secretary of State; The Honorable Jim McIntire, State Treasurer; The Honorable Troy Kelley, State Auditor; The Honorable Randy Dorn, State Superintendent of Public Instruction; and Justice Sheryl Gordon McCloud of the Washington State Supreme Court, who were present and seated at the rostrum.

The Washington Youth Academy Honor Guard consisting of Cadet Jacob Hamilton; Cadet Jeremiah Mealeanga; Cadet Nash Muraya; Cadet Keenan Doane and Cadet Cody Dagget presented the Colors. Cadet Jaenora Olive of the Washington Youth Academy performed the National Anthem.

The prayer was offered by Senator Bruce Dammeier.

Senator Dammeier: "So, as we come together today we're honoring a tremendous servant leader from community. He started in these chambers, went on to serve as the leader of my home county and ultimately came back here as our state's leader. As I reflected upon Booth Gardner's life there's some key biblical principles of servant leadership that were very apparent to me. The first is, everybody's familiar I think with Mathew 25 which talks about the parable of the talent. The key element of that is: 'To whom much is given, much is expected.' Booth Gardner lived that. Additionally, in the book of Philippians it talks a lot about putting other interests first, ahead of your own. He was known as kind of an anti-politician and he, you know, shunned the limelight and was always looking out for others certainly before himself. Lastly, in the book of James it talks about the role that trials play in our lives and how they can be used to perfect our character. Booth Gardner had more than his share of trials and he came through it with very, very strong character. If you would bow your head.

"Dear Heavenly Father, we come before You today honoring Booth Gardner. Lord, he was a tremendous example to us all. May all the elected officials in this room be challenged by

that example and live to emulate those standards. Lord, I hope You welcomed him with: 'Well done my good and faithful servant. Enter in to the joy of Your Master' because he labored hard on this earth, Lord, and did good work. Lastly, Lord, I lift up his family. I pray that You continue to comfort them, that You would bless them, that they would remember all the wonderful things that Booth did through his life and the wonderful memories, the father, the son, the grandfather that he was, the brother, that those would be first and foremost in their minds as they go through this grieving process. Thank You Lord for this time. May You use this to Your glory. Amen."

REMARKS BY THE PRESIDENT

President Owen: "This Joint Session has been convened for the purpose of remembering and honoring the life and service of former Governor Booth Gardner. The President believes it was totally appropriate that we had all of this beginning of the ceremony with young people. If you knew Booth as he lived, he was a coach of girls' soccer, he was very strong advocate for young people. And I think we should recognize these young people for the great job that they did. It is a great honor for the President to be able to preside over this important and very serious memorial for Booth Gardner having had the opportunity to serve with him and considering him a friend."

The President introduced Ms. Erica Peterson of Saint Michael Parish, Olympia, who performed "*On Eagles' Wings*."

The President called upon the Secretary to read House Concurrent Resolution No. 4404, celebrating the life and legacy of William Booth Gardner, which had been adopted by the Senate earlier in the day and the House of Representatives previously and the resolution was again read, in full.

REMARKS BY THE PRESIDENT

President Owen: "The President will recognize members of the Senate and House of Representatives to make Points of Personal Privilege. It is not necessary to request the Point of Personal Privilege."

REMARKS BY SENATOR TOM

Senator Tom: "Thank you Mr. President. You know there are a lot of different words to describe Governor Booth Gardner. You could say 'compassionate.' You could say 'warm.' His home town paper called him 'cuddly,' – not too many people here get that reference – 'humble,' 'frugal,' 'funny,' and he always offered 'hope.' But I think the one thing that really stands out with Governor Gardner was 'leadership.' And it wasn't the kind of leadership where you went and you took a public poll. It was the kind of leadership where you did what you did because it was the right thing to do. If you look at where he did and some of his initiatives he really was a front runner and way ahead of his times in a lot of cases. He banned smoking in state work places; if you look at the Growth Management Act; if you look at banning discrimination based upon sexual orientation; Running Start, which is a phenomenal program we have today; and then his signature initiative, the 'Death with Dignity.' In talking with members who worked with Booth, it's always interesting how much they adored him. How much they respected him and what he really brought to them in making them better individuals. Jim Kneeland, his press secretary, said that Booth created an atmosphere where people could grow, where people could thrive, where people could succeed, where they could experiment with new ideas and new thoughts. And I think that's why he was such a leader. You know Booth was, his life was not without challenges or what he calls curve balls. His mom and sister died when he was

fourteen. You know, he lived the end of his life with Parkinson's. I did not have the privilege of working with him but I still remember once when him and I sat down over in the Pritchard Building and had lunch and the thing that I remember so much about him was he was like the funniest guy I ever met. I mean it was like a Johnny Carson-type humor. He was an incredible funny man but I think what stands out, although he was funny, he was serious in his approach. He was serious in his intent but he was always soft in his approach. I think he gives us a great lesson and those lessons are hope, humility, and graciousness. You know he's really left us a great legacy. He's left us a great example. He's left us a great pathway for all of us who are in this state to make sure that we continue that legacy of greatness of sharing, of caring and do it a humble manner. Thank you Mr. President."

REMARKS BY REPRESENTATIVE HUNT

Representative Hunt: "Thank you Mr. President. Well, it is indeed an honor to be able to help memorialize one of our outstanding governors, Booth Gardner. I had the privilege of working with for a couple of years as his education person when we were working on education issues and trying reform, as we always have been it seems in education. If I could Mr. President, I'd like to start with a couple of quotations my some of my fellow people who worked with the Governor? Thank you Mr. President. Denny Heck, who was Chief of Staff and is now a Congressman representing the Tenth District. I took this off Facebook, just so you know. How times change. 'My heart is at half-mast. Booth Gardner will be remembered for many things. He will be remembered for his impish sense of humor and never failing common touch. He will be remembered as the original turnaround expert for a then troubled Pierce County Government. He will be remembered as a Governor who guided an historic amount of progress while never tooting his own horn. Mostly though, he will be remembered as a leader whose natural style of civility, respectfulness and collaboration served our state very well. We could certainly use more Booth Gardeners today.' And from Ann Ryherd, Ann Daley in those days, 'He was so wonderful with children. In fact there were times staff couldn't get him back on schedule because he was taking his time with whatever group of school children stopped by his office. All these years later the schedule seems incredibly unimportant but the way Booth touched all those young lives hopefully lives on.' The Olympian headline this morning called Booth a beloved Governor with a lasting legacy. He governed during a time of relative prosperity in our state which helped but he tackled many policy issues with courage and vision: education reform; health care; and good management throughout state government. We know that he was a state senator. He was an education Governor. He even tackled the difficult subject of tax reform. I know I got sent once on a cold winter day on a plane to Eastern Washington in a snow storm to advocate for Governor Gardner's tax reform. The weather and reception was probably equally as chilling. We heard Frisco Freeze but he was also known as a manager by walking around, that's what he called it management by walking around and he had town halls throughout the state. We were in Wenatchee one day and there were several vans of us after town hall and he said, 'I need to go to a state office.' So we went to this state office in Wenatchee. It was really neat because the road was up on a hill and the office was just down below the grade so we all stayed in the cars looking out the windows as the Governor walked in. There was nobody at the front desk. He stood there. He looked around. And, like many state offices, there were cubicles everywhere. And finally a head shot up, looked around went back down. And then three or four more heads shot up and somebody

came running out to the side. And we never know what was said but he got to meet a bunch of the state employees there and make his little tour of the office. After that we went to lunch. Where? At a hamburger place of course. And his impish style, which Denny Heck referred to, Congressman Heck, there were a group of young people behind the counter and he walks up. He's looking at the menu and he said to the kids; 'Do you know who I am?' And they looked at him and they actually formed a huddle behind the counter and they kept looking at him and finally one of the kids turns around and looks at him and says, 'Yes, we know. You're Brock Adams.' He corrected himself and we had a good meal and everything. I thought that was a great experience. And being an avid Cougar and he was just about as avid as Husky and now we know why Harvard won last night. He was up there coaching I think. But he had a great tie. One side was purple and gold, the other side was crimson and gray. So, whenever he went to the Apple Cup, he could say he always, after the game, had the tie of the winning team. I watched some excerpts last night of the movie, *The Last Campaign of Booth Gardner.* If I could close with a couple quotations from Governor Gardner? Thank you Mr. President. And something that we all think of, he says, 'I automatically thought I had control over the rest of my life.' Goes on to say, 'I won't kid you, not a day goes by that I don't think about death. I kid myself, is this the day? Is this the day when I'm going to be found dead in the bathroom? So I take shorter showers. I just get in and get out.' And finally, he says, in talking about the Death with Dignity Initiative, 'I think I ought to have to make, to have the right to make the last decision. I should decide when it's time for me to go and how to go.' Certainly Booth Gardner went with quality and with leadership and with love for us all and from us to him. Thank you Mr. President."

REMARKS BY SENATOR MURRAY

Senator Murray: "Thank you Mr. President, Governor, members of the Gardner family, On behalf of the Senate Democratic Caucus where Governor Gardner served it's an honor to speak. Let me thank my colleagues in the House for coming to this chamber today, a chamber that meant so much to Governor Gardner. You know Senator Dammeier caught I think in the scripture quotes much of the Booth Gardner we knew. I want to say something about him along those lines as a person and as a public servant. First, on a very personal note, I got to know Governor Gardner, the first time I met him, I was campaign manager for a newly appointed legislator from my district, Cal Anderson and I met Booth and I was just stunned at this casual guy would talk to this sort of kid, kind of nobody but I was more surprised in the 90s when we were working on transportation that he remembered who I was, remembered where he met me and he remembered what I'd been doing in the years between and I think that's an experience people had again and again about Booth Gardner. You know Booth as a person the stories I have heard as well, as the person I got to know over the years, the person who would call me on Christmas Eve and wish me Merry Christmas is also the person Wayne Ehlers, former Speaker of the House, talked about whom his last year in office they were at a restaurant in Chelan County and Booth spent his time, instead of actually eating dinner, going around and talking to everybody else in the restaurant, going back into the kitchen and meeting all the staff. Coming out, the former Speaker asked him 'So do you actually know those people back in the kitchen?' and Booth Gardner replied, 'Yes, those are my friends.' Back when he was at the University of Washington he was coaching a, I think it was a baseball team. Yes, it was a baseball team in the international district. They didn't have any uniforms. They didn't have any equipment. One day the equipment showed up, the uniforms

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showed up. They didn't know it but it was Governor Gardner who paid for them or, you know, a student named Booth Gardner who paid for it. So, that's the person that Booth Gardner was. The statesman that Booth Gardner was you've already heard a little bit about but I think it's worth mentioning. The State Senator, a County Executive, a Governor of the State and what an incredible legacy he left behind — Running Start; the Basic Health Plan; the Growth Management Act; First Steps; and, yes, beginning the process of education reforms by instituting standards — an incredible achievement on the part of Booth Gardner as Governor of this state. Finally, we've heard about his final struggle. I had an opportunity to spend some time with him during those last years and he was in pain but, once again, the person that Senator Dammeier mentioned showed those same qualities, those same scripture qualities. He took that pain and he thought about how he could help other people. How he could make death, the process of dying, be a process of dignity. He really, not just as Governor, but, again, as a person. The person who handed out uniforms, the person who helped people find dignity as they die. That was the same person. In closing, when I think of him I think of a quote of Robert Kennedy that Robert Kennedy often said, and somebody that Governor Gardner admired, Robert Kennedy said, 'Some people see things and say, Why? I dream things that never were and say, Why not?' Certainly whether it was a team that needed equipment, the Basic Health Plan or people who needed the ability to die with dignity. Booth Gardner represented those words. He saw things that never were and said, 'Why not.'"

REMARKS BY REPRESENTATIVE ANGEL

Representative Angel: "Thank you Mr. President, Governor Insee, distinguished guest, ladies and gentleman of the House and the Senate and family. It is my honor today to stand here to celebrate and honor and give thanks to a very influential gentleman and yet very humble, that was a citizen that became a part of the history of our wonderful state, serving as the nineteenth Governor of the State of Washington, Booth Gardner. It is among the greatest honors that I have had and to come here today and to pay tribute to him for the difference he made in our state in the lives of our people. From his advocacy for better public education including early learning, from his love for the environment and our beautiful Puget Sound and to the snowcapped Cascades and his work to protect the waters from the pollution. From the leadership and making sure that Washington citizens had access to affordable health care and from his dedication to civil rights and his belief that at the end of our life, people could ensure that their life could end with dignity. Booth Gardner was a distinguished leader and he was full of compassion, as you've already heard today. The most challenging part for me was in determining what part of Booth's life did we talk about today? You've heard about him being a public servant and in talking and going through his biography that you heard entitled '*Booth who?*' after his 1983 campaign slogan that was written by John Hughes — that's over two hundred twenty pages long in itself, and then the movie that Representative Hunt referred to on HBO that was titled '*The Last Campaign of Governor Booth Gardner*' which was about his efforts to pass the Death with Dignity law here in our state. Everyone that met him, that came in contact with this Governor probably had their own fond memories and stories about him but today I want to talk about the man who was the Senator of the Twenty Sixth District the district which I am proud to represent as well and I want to share a story with you about a helicopter. Yes, a helicopter. Booth's father sent him on an errand to go to the grocery store. They had a vacation home on Vashon Island, which is just across the water from where I live, and he was coming home when a

helicopter buzzed right over his head and he ran to follow it. The tide was out, the helicopter lands on the beach, out of it gets Al Rossellini and Al walks into his home. So Booth goes up to his dad and he said 'Who is John's dad?' He said, 'Well, John's dad is the Governor.' Well, Booth thought that this was pretty cool because this helicopter lands and the Governor gets to get out of it and Booth said to his father, 'I'm going to ride in that helicopter one day.' Well, little did we know that helicopter story gave inspiration to a young fifteen year old that ended up doing just that and becoming our Governor. You know he ran for the Senate, as you know in the Twenty Sixth District, and it was a very hard fought campaign. It was back in 1970 and he ran against an incumbent Republican about the same age as Booth. They were both in their thirties but Booth was elected to the Twenty Sixth District by a fifty six percent vote. When he arrived here in the Olympia in January of 1971, a reporter wrote this about him and Mr. President, may I quote that? Thank you. And I quote: 'Conversing with this thirty-four year old freshman, Tacoma Democrat is akin to filling your lungs with fresh air after spending a day in the smoggiest section of an urban area.' End of quote. During the time that he served as our Twenty Sixth District Senator, he became Chairman of the Manufacturing and Development Committee. He co-sponsored legislation to diversify the state's industrial base and to create more jobs in the rural area — a man after my own heart. He signed onto a bill in the legislature that brought the legislature under the Open Public Meetings Act and he became Chairman of the Senate Education Committee. In the summer of 1971, Senator Gardner was offered a job that he just couldn't turn down and that was President of the Laird Norton Company which owns a network of enterprises of lumber yards to shopping centers. In 1973, he resigned from the Twenty-Sixth District Senate position because he felt pressured with meeting the business and the family responsibilities that he had at that time and he felt that those responsibilities were too great for him to do the justice that he needed to the Senate seat. Back in 1981 he's back to do more public service and, as you heard, serving as our Pierce County Executive and then, of course, he served us as Governor from 1985 to 1993. I want to talk though about the man that people really loved. You know I moved to the state just shortly after, just shortly before actually, he became Governor and he was the very first Governor of the State of Washington that I had the opportunity to meet and when I met him, of course, I'm very intimidated but he made me feel comfortable. He was so easy to be around. And boy he had a great smile. I remember that, and he had a humble nature. He loved to connect with ordinary people. And as you heard he loved children and often when children were visiting in his office, yes, he was delayed because he would be telling stories and he would ruffle up their hair and they too enjoyed him. He loved to laugh. He loved people and, as you heard, his home town paper described him as 'cuddly.' Pretty neat, huh? Booth Gardner inherited a fortune when he was a young man but he never flaunted it. In fact, he was very frugal and he was known to enjoy the very simple things of life. One of his favorite places as you heard was Frisco Freeze in Tacoma. It's a classic 1950's drive in and it's over by the Mary Bridge Hospital. His favorite thing was to go there and get a double burger, a medium sized coke — hold the cheese but put lots of mustard. Governor Gardner could afford to eat at the fanciest restaurant in the State of Washington. However, it was the simple things that tells the story about this man, that he enjoyed a burger and a drink for \$5.25. But in being frugal and in his personal life he was one of the most generous, compassionate people that walked on the Capitol Campus here. He was generous to charities. He gave his heart and his compassion to the state of Washington. When asked how he would like to be remembered

Governor Gardner said, 'I tried to help people and I tried to make a difference.' Well, Governor, you did help people and you did make a difference. And we will miss you as well, the citizens of the State of Washington. Thank you."

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you Mr. President. Well, actually I have been serving ever since Booth was elected to be Governor of the State of Washington. I was elected in 1984 also running on the same ticket as Booth Who?, didn't meet him during the election time but got to know him a little bit right afterwards. He was the first of five governors I have now served under, Governor Inslee being the fifth. I just have a couple of striking memories of Booth. The first one, and I will never forget this one, was I was a freshman legislator in the House and there was his bill on Puget Sound cleanup and I had an amendment that would limit Puget Sound back to where the basically the Keystone Ferry line is because I didn't want it to affect my district and they were very concerned that that amendment might pass so I was invited down to the Governor's office. Well, you could imagine a freshman legislator, never been in any elected office before, and I go down to the Governor's office where they still have the chairs where Dixy Lee Ray cut off so you can sit next to the floor while the Governor and all his staff look over at you and say, 'We really would like you not to introduce that amendment.' I could still remember looking back up at him and saying 'No, I'm going to introduce the amendment.' It was just the start of a career here where I've been a little bit difficult to deal with but, the point is that, I have that striking memory but then, back then, and this is an issue that nobody has mentioned so far. We had very distressed timber counties back in that point and time. I know the Lieutenant Governor worked on that with me and with Booth back in that point in time so even though I was a little difficult to deal with and the fact that we disagreed on some issues he still worked with us on that distressed areas legislation and we still passed things that at the time really helped our area. So, that is something that was striking to me is that, you know, you didn't just have to go along with Booth all the time for him to reach out and say, 'I'm a Governor for the whole state.' The other striking remember that I have is when we signed one of those distressed area bills, my oldest son who is now thirty, was at the bill signing and his head in the picture barely stuck above the edge of the table. And I've still got that picture of me and Booth and my son's head just barely above the edge of the table. But you know another thing that I remember when I came to the legislature in 1985 here's some of the characters that were here from Pierce County: Wayne Ehlers was the Speaker of the House; Ted Bottiger was the Majority Leader of the Senate; Dan Grimm was the Ways & Means Chairman in the House; and George Walk was the Transportation Chair – and I probably missed a few – and Booth Gardner was the head of the 'Pierce County mafia.' So Pierce County carried an incredible amount of weight back then, if you could imagine, all of those different positions being filled by Pierce County legislators – all of whom put their mark on the state and Booth was the head of that group. So, I just wanted to give you those few thoughts and memories that I had of him and, like I said, the biggest thing from my perspective was that he was the Governor for the whole state. He was the Governor for us rural mice as well as for the people who lived in the urban areas and, even though he headed up the 'Pierce County mafia,' he reached out and helped a freshman legislator from Grays Harbor so I'm going to miss him."

REMARKS BY SENATOR SHIN

Senator Shin: "Thank you Mr. President. 1988 I was just an ordinary college teacher. I got a phone call in my office, said, 'This is Booth Gardner, can I see you?' I hadn't the foggiest idea who he was and he came to my office at Shoreline Community College. He said, 'We are leading a trade mission to Asia. I understand you understand Asia. Can you come help us?' 'I'd be honored to help you, Governor.' I was shaking all over. We went to Japan. We went to Korea. We went to China. And all the places he went to – I have never seen white person, Governor of a state, hugging and shaking the hands of the Japanese and Koreans and Chinese, even the ladies. And that really touched me so much, impressed. On top of that, 1988 on the way home from China on a trade mission he came to my economy class, he said, 'Paul, you helped us a lot. I want you to run for state legislature.' 'Governor, are you telling me a story or a joke?' He said, 'I'm serious as can be. You run, I'll help you.' I haven't the foggiest idea what the state legislature was and run for an office but, you know what? He came doorbelled for me and walked with me. I cannot tell you ... man, if a Governor come doorbelling for a very guy like me. And I remember Governor Gardner and, well, because of his influence of love and fairness, I'm here serving in the state legislature. Ladies and Gentleman and members of the Senate and House of Representatives, I just want to say he's one of the greatest persons I have ever met in my life, not only in the United States but also in Asia. Japan, China and Korea, wherever we went to, he was loved and cared for. He goes to the marketplace carrying cherries, Wenatchee-grown cherries, selling to the marketplace. Can you imagine a Governor doing such things? This is a man of humanity. With his just leadership but he's a man of love, dignity and respect and I'm so proud to call him my Governor and it is due to his love for me – and I learned so much here – I'm still learning and if I had one wish I'd like to become almost like Governor Booth Gardner. Thank you Mr. President."

INTRODUCTION OF SPECIAL GUESTS

The President introduced members of Booth Gardner's family: Gail Gant, daughter; Gus Gant, grandson; Doug Gardner, son; Jill Gardner, daughter-in-law; Emily Gardner, granddaughter; Elliot Gardner, grandson; Bryce Gardner, grandson and Jessica Gardner, granddaughter, who were seated in the gallery and recognized by the Senate.

The President Owen introduced Representative Hans Dunshee who performed "*Highland Cathedral*" on the bagpipes.

REMARKS BY THE PRESIDENT

President Owen: "Thank you Representative Dunshee, fine job again for us. Thank you very much. I do want to recognize the Washington Youth Academy one more time because, as we were acknowledging them, they were not in the chambers. They were outside the doors. I did want again to say we are very proud of you and thank you very much for being here and Miss Olive. And Miss Olive, if I say that correctly I hope, but your rendition of '*The Star Spangled Banner*' was exceptional. Thank you very much.

"The President would like to thank everyone for coming and participating in this very special memorial service today. For the information of the members and our guests, there is a reception in the Senate Democratic Caucus Room immediately following the Joint Session."

MOTION

On motion of Senator Fain, the Joint Session was dissolved.

The President called upon the Sergeant at Arms of the Senate and the Sergeant at Arms of the House to escort The

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Honorable Pat Sullivan, House Majority Leader; The Honorable Tami Green, House Majority Floor Leader; The Honorable J.T. Wilcox, House Republican Floor Leader, and the members of the House of Representatives from the Senate Chamber. Governor Inslee and the statewide elected officials were escorted from the rostrum.

MOTION

At 11:20 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, March 25, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SEVENTY FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 25, 2013

The Senate was called to order at 12:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell, Chase and Ericksen.

The Sergeant at Arms Color Guard consisting of Pages Josephine Henderson and Zain Natha, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 21, 2013

SHB 1946 Prime Sponsor, Committee on Transportation: Concerning special parking privileges for persons with disabilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Harper; Mullet; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5885 by Senators Roach, Rivers, Holmquist Newbry, Hasegawa and Chase

AN ACT Relating to instruction in Spanish and Chinese languages; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Parlette moved that Tamra Jackson, Gubernatorial Appointment No. 9023, be confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

Senators Parlette and Frockt spoke in favor of passage of the motion.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

On motion of Senator Billig, Senator Chase was excused.

APPOINTMENT OF TAMRA JACKSON

The President declared the question before the Senate to be the confirmation of Tamra Jackson, Gubernatorial Appointment No. 9023, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

The Secretary called the roll on the confirmation of Tamra Jackson, Gubernatorial Appointment No. 9023, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Ericksen

Excused: Senators Carrell and Chase

Tamra Jackson, Gubernatorial Appointment No. 9023, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that John Stephens, Gubernatorial Appointment No. 9034, be confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF JOHN STEPHENS

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The President declared the question before the Senate to be the confirmation of John Stephens, Gubernatorial Appointment No. 9034, as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of John Stephens, Gubernatorial Appointment No. 9034, as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Chase

John Stephens, Gubernatorial Appointment No. 9034, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide moved that Anne Haley, Gubernatorial Appointment No. 9107, be confirmed as a member of the Transportation Commission.

Senators Eide and Hewitt spoke in favor of passage of the motion.

APPOINTMENT OF ANNE HALEY

The President declared the question before the Senate to be the confirmation of Anne Haley, Gubernatorial Appointment No. 9107, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Anne Haley, Gubernatorial Appointment No. 9107, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Chase

Anne Haley, Gubernatorial Appointment No. 9107, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hill moved that David Schumacher, Gubernatorial Appointment No. 9071, be confirmed as Director of the Office of Financial Management.

Senators Hill and Murray spoke in favor of passage of the motion.

APPOINTMENT OF DAVID SCHUMACHER

The President declared the question before the Senate to be the confirmation of David Schumacher, Gubernatorial Appointment No. 9071, as Director of the Office of Financial Management.

The Secretary called the roll on the confirmation of David Schumacher, Gubernatorial Appointment No. 9071, as Director of the Office of Financial Management and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Chase

David Schumacher, Gubernatorial Appointment No. 9071, having received the constitutional majority was declared confirmed as Director of the Office of Financial Management.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1319, by Representatives Johnson, McCoy, Ross, Hunt, Rodne, Orwall, Green, Jinkins, Upthegrove, Chandler, Orcutt, Pedersen, Vick, Roberts, Alexander, Klippert, Holy, Short, Morrell, Smith, Buys, Kochmar, Lias, Moeller, Appleton, Angel, Zeiger, O'Ban, Wilcox, Hurst, Van De Wege, Shea, Fagan, Bergquist, Moscoso, Tarleton, Freeman and Fey

Recognizing a welcome home Vietnam veterans day.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President, members of the Senate, This bill comes to us, it's a very special one. We're very pleased it's before us at this time, it's the only order of consideration of bills today. More than eleven hundred Washingtonians gave their lives in the service of our country during the Vietnam conflict. At that time it's widely known in all the history books and in the memories of us here that veterans

who came back, who returned from that conflict, were not welcomed home in a positive way, and not to dwell on that, but to say that it's time that they have a bit more recognition in a very positive way here in Washington State. What this bill does, it would declare that March 30th be the 'Welcome Home Vietnam Veterans Day' to be recognized by the state of Washington on March 30th or, if it falls on a weekend, that it be the Friday before March 30th by the posting of the POW/MIA and Missing in Action flag that we see today on several other holidays. In fact, we see that flag on Armed Forces Day. We see it at Memorial Day. We see that special flag, MIA, POW/MIA flag, on Flag Day. We see it Independence Day, National Korean War Veterans Armistice Day. And this, and we also have the National POW/MIA Recognition Day which falls on the 3rd Friday in September. This bill would allow the state of Washington to recognize our Vietnam Veterans on the 30th of March and I think it's a good idea. You know, those of us who have not served in battle or in the service and I'm one of those, I have a husband who served, my son is currently serving in the Air Force, but I think that if you've been in the service and you see that flag, you in your heart remember the sacrifices that were made. If just for a brief moment when you see it as you're driving and you see the flags posted. That's the way all of can feel and should be able to feel when we see the flag. And the more often we see and if we see it on March 30th in our minds we should be thinking of the fact that we have had so many people across the United States of America could give their lives in the service of their country. So, I would commend this bill to you, thank the maker of the bill and the other body for bringing it to us. And I urge your passage of the bill. Thank you."

REMARKS BY SENATOR CONWAY

Senator Conway: "Thank you Mr. President. Standing in support of the bill, you know we are really in the period of celebrating the fiftieth anniversary of the Vietnam War. Actually, President Obama has declared this next almost decade as a celebration of this war. With your permission, I'd like to read a little statement from President Obama that he addressed at his second Memorial address where he was speaking to the unjust blame that was heaped on Vietnam vets on their return from that war?"

REPLY BY THE PRESIDENT

President Owen: "Senator Conway."

REMARKS BY SENATOR CONWAY

Senator Conway: 'It was national shame, a disgrace that should never have happened. That's why we're here to resolve that it will not happen again.' Now, that speaks to why this bill is important because it's a reminder of us. Of this critical feature of welcoming our veterans home, Not only patting them on the back but taking care of them, alright? We all know that we've had a lot of great issues, discussions about our veterans coming back from Afghanistan and Iraq and how we need to provide services to them. That was missing after the Vietnam War. And we are doing better now but naming of this day is a way of remembering that disgrace that happened and making sure that it never happens again to our veterans. Thank you."

REMARKS BY SENATOR BENTON

Senator Benton: "Well, thank you Mr. President, I too rise to this excellent bill and I thank the gentleman from the House that introduced it. Both of my older brothers are Vietnam veterans. And I recall very vivid ally when my oldest brother a Whidbey Island aviator who I thought of often when the Navy was here last week, was actually shot down in Vietnam. He was missing in action on the ground for about seventeen hours. I remember how my folks felt when we were waiting to find out. Of course, my brother told me that he always had a lot of inside rivalry for the Marines but after that Marine chopper came in and picked him up, under fire, and got him and his co-pilot out, after they'd been on the ground running from the VietCong through the jungle for seventeen hours, he always thought, after that, the Marines were ok. So, that ended the rivalry between the Navy and Marines for my brother, Navy combat pilot who flew ninety three missions over Vietnam. My other brother who was in the Army. He wanted to be different than my dad so he didn't want to go in Navy, he went in the Army and he was a platoon Sergeant, -Senator Hobbs, you'd like this,- he was platoon sergeant for the 101st Airborne Division. Those are those crazy guys that jump out of helicopters under fire. And he was awarded the Bronze Star with the 'V' for Valor by the President of the United States for his service in Vietnam and both of those boys came home, thank goodness, but my one brother was killed in a car wreck a few months after he arrived home and this, unfortunately, Senator Conway as you well know, was the fate of many of those young boys who were in the adrenaline rush of war and came home and nothing was really quite like that because they'd never experienced anything like it and many of them was depicted in the famous movie 'The Fourth of July' and many others were looking for that same kind of adrenaline rush that they got from walking in the jungle. And it just wasn't here. That need took a lot of their lives, whether it was speed in a car, whether it was drugs, but a lot of those boys were killed by that war after they came home. And part of it was because of the way they were received when they came. I can remember my brother the pilot saying he came home after being shot down and people at the airport spit on him when he came in in his uniform. Now, how do you think that makes you feel after putting your life on the line for your country? It's not a very good feeling. So, today, we have a chance to honor these young men and women that answered the call. Regardless of the political aspects of that call, the young men and women of this country answered that call. And they did us all very proud. They were fighting for a cause that their government told them was a just cause. And they answered that call and they served us well and they did us all proud. Today I think is a very important day for the Vietnam veteran here in Washington State. That we all recognize that every man and woman that answered that call and served in that war did so because their country called on them and their country needed them and they answered that call. They should be recognized today and every day for the rest of their lives for what they've done for us and our country. Thank you Mr. President."

REMARKS BY SENATOR BECKER

Senator Becker: "Thank you Mr. President. Well, I too stand up and support this resolution. You know I grew up in the time when Vietnam became quite an item, thing in school. You know the draft occurred, the shootings of people at Kent State, etc. And you know, I lost one of my very best friends. We rode horses together as kids and I got word that as he was getting onto the helicopter he got shot and he died. I never believed that he was dead. It was something that you just couldn't accept and I went back to D. C and went to the wall, visited the wall, if you want to call it the wall because so many people were named on

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that wall. I found his name there and I stood there and cried like a baby because at that point the realization was he was really dead to me but, you know, I think of Senator Swecker. He would be standing up right now and talking about being a helicopter pilot in Vietnam and some of the things that he encountered while in Vietnam. I look at my husband, who didn't get to go to Vietnam, that wanted to go to Vietnam but he was an air traffic controller in Lynden Johnson's, on his ranch. He had it pretty easy but my brother-in-law still suffers from some of the effects of what he went through when he was in Vietnam. And you know it's a real trying time. Now, during the time that I was a stewardess I volunteered. I wanted so badly to fly the MAC (Military Airlift Command) flights. And that meant you'd go to Vietnam pick up the folks, coming home. And I was kind of laughed at because I was way to junior to do that. You probably had to be flying fifteen, twenty years to get those flights so I made a vow that any of the military guys coming back from Vietnam would never have to buy a drink on my airplane. I thank you for the airline because they actually supported that vow. I ran into people from all over the states and people from my home town coming back. They were changed and they were changed for not such a good thing. And I can't tell you how much I still appreciate everything that they did for us in that country. That war generated a lot of talk and a lot of fights in between families and a lot of commotion and disruptions in everyone's lives and it's something that I hope we never forget. How important that was. And I stand here and feel very strongly we should honor everybody coming back or came back from Vietnam and those that didn't. Thank you."

REMARKS BY SENATOR HASEGAWA

Senator Hasegawa: "Thank you Mr. President. Speaking as the ranking member of the Governmental Operations Committee, first I want to thank the Chair of the Committee and the committee members, the Rules Committee and this body for expediting the passage of this bill which is we're hoping we'll give full recognition to this coming Friday in a more appropriate ceremony. But in thinking about the times, back then, during Vietnam, that was such a troubled time in our countries history. We were going through so much social change at that time. And it reminds me a story that Senator Daniel told once. You'll recall that during Day of Remembrance, I spoke about the 442 and Senator Inouye told a story about when he was charging machine gun nest in one of those engagements. And he approached the nest and when he reached the nest he saw young German soldiers with terror in their eyes and he came to this epiphany that these are just people. They're doing their duty for their country but it was really a failure of the political leadership at that time and they, in their innocence and in their wanting to support their country and do their duty, were willing to die for that. In thinking about the Vietnam veterans, regardless what you think about the political leadership at that time and the political motivations behind that war, those people, the soldiers were unjustly bearing the burden of the failure of our political leadership. So, the lesson we need to learn, in my opinion, is that we need to challenge that political leadership when issues of conscience demand that we stand up and challenge that political leadership. I hope that this resolution brings some solace to those who unjustly bore that burden for our whole country during that time of change and I whole heartedly support this bill. Thank you Mr. President."

REMARKS BY SENATOR SHIN

Senator Shin: "Thank you Mr. President. Forgive me if this sounds like too much like nepotism but during the Vietnam War

in 1974 United States government asked Korean troops to be sent there as joint partner. And three hundred twenty five thousand soldiers sent. And they fought there from 1974 until the end of the war. After the war, those soldiers in Korea returned home out of which about two thousand have immigrated to the United States sponsored the U. S. Defense Department to show gratitude for what we did as an ally of the country. And for this reason, not only for Vietnam, but also those veterans who fought the Vietnam War, should be commented and recognized. Thought you'd be interested to know that, Mr. President. Thank you."

REMARKS BY SENATOR HOBBS

Senator Hobbs: "Mr. President obviously, I rise in support of House Bill No. 1319. I think what's great about this bill is it honors those men and women that paved the way for future generations of soldiers, Sailors, Airmen, Marines that served in the current war and the war that I served in. When I came home, my family was there to greet me. My youngest son, whom I not seen for several months, just ran right up to me. He just learned how to walk and I missed that. I missed his first steps. I got to wear my uniform when we went from Atlanta Georgia to Fort Benning, we even stopped at a restaurant to eat. Someone paid for my meal because they were thankful for what I'd done. I wasn't ashamed of what I did but, back then, it was a totally different story. Senator Benton even talked about how his brother was spat on. I've heard of stories, I'm sure you have too, of soldiers back then who came back from the war, they took their uniform off before deplaning. I can't image going through that, having to go through a war and being ashamed of what you did. You know, I know that the American public, when it comes to the Iraq war, a majority I saw the polling said that wasn't a just war, we shouldn't have went. You know regardless of what you feel about it it's tough. It's tough for me because I served in that war. I did exactly what I was told to do and I'm proud and I would have done it again. I just hate to think I went there for no reason but imagine those men and women that served in Vietnam where the majority of the country was against them and when they came home they were rejected. At least I know when I came home, though, the American public might of said. 'You know we're not sure about this war,' at least they welcomed home our veterans with open arms and because of those men and women that suffered during Vietnam that came home, We have great programs now. When I was in Iraq, just before I left, I got to talk to psychiatrists just like all the other soldiers did. You know, 'How are you feeling? What's going on? Dealing with PTSD. When I came home I got to see one another. Several months later, I had another visit and every soldier and every service member goes through that now. That didn't happen back then. Imagine an eighteen year old infantry man going battle after battle seeing their buddies die not having any of that when they came home. The culture was totally different back then. You were taught to keep it in. You're not a man if you don't toughen up. You can't talk about it. What was great coming home for me, for my brothers and sisters that came home? You talk to a fellow Legionnaire, you could talk about it. It was ok. It was encouraged to talk about your experiences. So, I have no doubt that this bill is probably going to go out unanimously but I'm really glad that we're doing this to really let our veterans, our Vietnam veterans know because of what you did and some of the pain you went through and because you're talking about it now you're helping the young men and women of today's war cope. So thank you."

REMARKS BY SENATOR HONEYFORD

Senator Honeyford: “Well thank you Mr. President. It’s an honor to stand up in support of this piece of legislation to honor those that are still living that survived this war and have come home but that’s also important for us to remember those that did not come back. One of the things that I do is walk through all our war memorials during the lunch hours to try to visit each one and say a silent prayer of thanks for those that did not come home. Also wanted to remember those that are MIA. Just recently, well, in the last six or seven years, I found out a young man that I used to play tennis with never came home from Vietnam. His name was Joe Echanis, from Ontario, Oregon (Joseph Yanacio “Joe” Echanis, Major U. S. Air Force) I didn’t know that and I’d just like to mention his name too. Thank you Sir.”

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

MOTION

On motion of Senator Roach, the remarks offered during consideration of House Bill No. 1319 were spread upon the Journal.

The President declared the question before the Senate to be the final passage of House Bill No. 1319.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1319 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Conway: “I wanted to let everyone know that on Friday we will have the Vietnam veterans down here with us. We have a resolution that we are circulating today. We hope you all get your signatures on that resolution. What we’ll do immediately after, I know it’s a pro forma day, but the House and the Senate are both considering this resolution at the same time and we are inviting down the Vietnam vets for that purpose and hopefully we’ll be here to honor them. I think there’s some very personal moving statements here today. I also point out that after we’re through with our floor action we’re going down to the Vietnam Memorial for a recognition of this particular day, which is I know the 29th but this as said earlier we will be celebrating on Friday and we’ll have a program down there with the Department of Veterans Affairs and others to officially begin this recognition of this day. Thank you very much. Do sign the resolution, especially if you won’t be with us on Friday.”

MOTION

At 12:54 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, March 26, 2013.

SEVENTY SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 26, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 25, 2013

HB 1179 Prime Sponsor, Representative Morrell: Revising the lien for collection of sewer charges by counties. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

March 25, 2013

SHB 1216 Prime Sponsor, Committee on Health Care & Wellness: Concerning sunrise review for a proposal to establish a mandated benefit of treatment of eosinophilia gastrointestinal associated disorders. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 25, 2013

SHB 1382 Prime Sponsor, Committee on Health Care & Wellness: Allowing for redistribution of medications under certain conditions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 25, 2013

SHB 1537 Prime Sponsor, Committee on Government Operations & Elections: Addressing a veteran's preference for the purpose of public employment. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 25, 2013

SGA 9065 JOHN R BATISTE, reappointed on January 16, 2013, for the term ending at the governors pleasure, as Chief of the Washington State Patrol. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 25, 2013

SGA 9069 KEVIN QUIGLEY, appointed on January 16, 2013, for the term ending at the governors pleasure, as Secretary of the Department of Social and Health Services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Darneille, Ranking Member; Baumgartner; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

March 25, 2013

SGA 9111 CLARENCE M HENDERSON, appointed on June 11, 2012, for the term ending June 17, 2015, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 25, 2013

SGA 9171 DANIEL T SATTERBERG, reappointed on February 10, 2012, for the term ending August 2, 2013, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 25, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5802, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 26, 2013

MR. PRESIDENT:

The Speaker has signed

SENATE CONCURRENT RESOLUTION NO. 8403, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 26, 2013

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1319,
HOUSE CONCURRENT RESOLUTION NO. 4404,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5802.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 1319,
HOUSE CONCURRENT RESOLUTION NO. 4404.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Fain, the rules were suspended and the following measures, listed on the "Disposition of Bills" report and on the Second Reading Calendar were referred to the

Committee on Rules and placed in the Committee's "X" file: SB 5124, SB 5126, SB 5061, SB 5013, SB 5068, SB 5037, SB 5415, SB 5233, SB 5805, SB 5280, SB 5713, SB 5231, SB 5736, SB 5796, SB 5499, SB 5272, SB 5528, SB 5262, SB 5209, SB 5664, SB 5298, SB 5562, SB 5310, SB 5454, SB 5552, SB 5592, SB 5682, SB 5689, SB 5590, SB 5365, SB 5066, SB 5637, SB 5776, SB 5572, SB 5731, SB 5273, SB 5676, SB 5597, SB 5646, B 5238, SB 5184, B 5728, SB 5543, SB 5403, SB 5509, S B 5275, SB 5508, SJM 8003, SB 5734, SB 5743, SB 5727, SB 5836, SB 5648, SB 5560, SB 5175, SJM 8000, SJM 8004, SB 5633, SB 5636, SB 5418, SB 5696, SB 5661, SB 5550, SB 5014, SB 5006

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8644

By Senators Kohl-Welles, Bailey, Baumgartner, Nelson, Hargrove, Hobbs, Conway, Becker, Hill, Hatfield, Padden, Kline, Darneille, and Fraser

WHEREAS, The Independent Colleges of Washington is a nonprofit organization composed of ten independent nonprofit liberal arts colleges that provide educational opportunity, choice, and success to 40,000 students, two-thirds of whom are Washington residents; and

WHEREAS, ICW is passionate about ensuring students enjoy maximum access to a transformative educational experience from a diverse and affordable set of options, in keeping with its vision of providing Washington with college graduates who are critical thinkers, ethical leaders, and engaged citizens by virtue of a rigorous education grounded in the liberal arts; and

WHEREAS, ICW member colleges produce one in five baccalaureate and advanced degrees conferred in Washington at a cost to the state of just two percent of the higher education budget, all in the form of student financial assistance; and

WHEREAS, ICW member colleges produce 35 percent of math degrees awarded in Washington, 23 percent of science degrees, 20 percent of engineering degrees, and 34 percent of nursing degrees in Washington, helping the state address the need for more degrees in high-demand fields of study; and

WHEREAS, ICW colleges employ 7,000 people, contribute nearly \$2.5 billion to state and local economies, and provide communities in Washington with over 500,000 hours of volunteer service each year; and

WHEREAS, ICW colleges provide access to high quality, rigorous higher education opportunities, enrolling a diverse population of students, including 25 percent first-generation and 31 percent low-income students; and

WHEREAS, ICW colleges are providing over \$324 million in grant aid to students this academic year to help keep college affordable for students and their families; and

WHEREAS, ICW raised over \$1.3 million in 2011 and 2012 to fund scholarships for students attending ICW member colleges, further supporting access to higher education for students; and

WHEREAS, Since November 30, 1953, ICW has served member colleges and their students and has worked to improve

SEVENTY SECOND DAY, MARCH 26, 2013

collaborative partnerships among the colleges, with the State of Washington, and with Washington's public colleges and universities, thus earning the motto "Better Together: Partners in Student Success for 60 Years";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Independent Colleges of Washington on the occasion of its 60th anniversary and commend the Independent Colleges of Washington for its excellent service to the State and its tireless efforts to support students and to strengthen all sectors of the higher education system in Washington.

Senators Kohl-Welles, Fraser and Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8644.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President introduced and welcomed representatives of Independent Colleges of Washington, Ms. Violet Boyer, President and Chief Executive Officer, and Mr. Chris Thompson, Vice President for Government and Public Relations, who were seated in the gallery.

MOTION

At 12:10 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, March 27, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SEVENTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 27, 2013

The Senate was called to order at 10:00 a.m. by the President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 26, 2013

SHB 1034 Prime Sponsor, Committee on Business & Financial Services: Regulating the licensing of escrow agents. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 26, 2013

HB 1035 Prime Sponsor, Representative Kirby: Addressing title insurance rate filings. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 26, 2013

SHB 1071 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding state and private partnerships for managing salmonid hatcheries. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Kline; Rolfes, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hewitt and Parlette.

Passed to Committee on Rules for second reading.

March 26, 2013

SHB 1074 Prime Sponsor, Committee on Local Government: Concerning requirements governing and associated with plat approvals. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

March 26, 2013

SHB 1075 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning the number of Puget Sound Dungeness crab fishery licenses that one vessel may be designated to carry. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

March 26, 2013

HB 1109 Prime Sponsor, Representative Hansen: Requiring institutions of higher education that offer an early course registration period to provide early registration for eligible veterans and national guard members. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SHB 1172 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the children of family day care providers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

March 26, 2013

HB 1207 Prime Sponsor, Representative Haigh: Concerning cemetery district formation requirements. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Chair; Conway; Fraser; Hasegawa, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach, Chair; Braun and Rivers.

Passed to Committee on Rules for second reading.

March 26, 2013

HB 1213 Prime Sponsor, Representative Orwall: Concerning social worker licensing. Reported by Committee on Human Services & Corrections

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MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 26, 2013

March 26, 2013

ESHB 1245 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding derelict and abandoned vessels in state waters. Reported by Committee on Natural Resources & Parks

SHB 1327 Prime Sponsor, Committee on Business & Financial Services: Addressing licensing and enforcement provisions applicable to money transmitters. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 26, 2013

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ESHB 1247 Prime Sponsor, Committee on Labor & Workforce Development: Modifying job skills program provisions. Reported by Committee on Higher Education

SHB 1370 Prime Sponsor, Committee on Judiciary: Concerning notice requirements for homeowners' associations meetings. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

March 26, 2013

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SHB 1261 Prime Sponsor, Committee on Early Learning & Human Services: Establishing a resource and assessment center license for agencies to provide short-term emergency and crisis care for children removed from their homes. Reported by Committee on Human Services & Corrections

HB 1402 Prime Sponsor, Representative Stanford: Adopting the insurer state of entry model act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 26, 2013

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ESHB 1274 Prime Sponsor, Committee on Local Government: Concerning local government practices and procedures. Reported by Committee on Governmental Operations

ESHB 1403 Prime Sponsor, Committee on Technology & Economic Development: Promoting economic development by providing information to businesses. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Fraser; Hasegawa, Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Rivers.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 26, 2013

March 26, 2013

SHB 1307 Prime Sponsor, Committee on Judiciary: Concerning sexual assault protection orders. Reported by Committee on Human Services & Corrections

HB 1419 Prime Sponsor, Representative Warnick: Expanding membership of the Washington state horse park authority. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

March 26, 2013

SHB 1420 Prime Sponsor, Committee on Finance: Concerning public contracts for transportation improvement projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Ways & Means.

March 26, 2013

SHB 1435 Prime Sponsor, Committee on Judiciary: Clarifying agency relationships in reconveyances of deeds of trust. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 26, 2013

SHB 1466 Prime Sponsor, Committee on Capital Budget: Revising alternative public works contracting procedures. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Fraser; Hasegawa, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Rivers.

Passed to Committee on Ways & Means.

March 26, 2013

HB 1471 Prime Sponsor, Representative Riccelli: Updating and aligning with federal requirements hospital health care-associated infection rate reporting. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Cleveland.

Passed to Committee on Rules for second reading.

March 26, 2013

SHB 1499 Prime Sponsor, Committee on Appropriations Subcommittee on Health & Human Services: Concerning the program of all-inclusive care for the elderly. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 26, 2013

ESHB 1519 Prime Sponsor, Committee on Appropriations: Establishing accountability measures for service coordination organizations. (REVISED FOR ENGROSSED: Establishing accountability measures for certain health care coordination services.) Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member and Parlette.

Passed to Committee on Ways & Means.

March 26, 2013

HB 1544 Prime Sponsor, Representative Lytton: Authorizing educational specialist degrees at Central Washington University and Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

HB 1565 Prime Sponsor, Representative Harris: Funding the prescription monitoring program from the medicaid fraud penalty account. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 26, 2013

ESHB 1625 Prime Sponsor, Committee on Transportation: Concerning limitations on certain tow truck operator rates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Mullet; Schlicher and Smith.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes.

Passed to Committee on Rules for second reading.

March 26, 2013

HB 1639 Prime Sponsor, Representative Bergquist: Adjusting presidential elector compensation. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

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ESHB 1647 Prime Sponsor, Committee on Judiciary: Requiring landlords to maintain and safeguard keys to dwelling units. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 26, 2013

HB 1683 Prime Sponsor, Representative Reykdal: Authorizing recognition of institutions of postsecondary study in order to retain federal financial aid eligibility. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SHB 1686 Prime Sponsor, Committee on Higher Education: Concerning high school equivalency certificates. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

HB 1736 Prime Sponsor, Representative Zeiger: Concerning higher education operating efficiencies. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SHB 1740 Prime Sponsor, Committee on Business & Financial Services: Concerning fingerprint-based background checks for state-registered appraiser trainee applicants and existing credential holders. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 26, 2013

HB 1768 Prime Sponsor, Representative Moscoso: Authorizing use of the job order contracting procedure by the

department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Mullet; Rolfes; Schlicher and Smith.

Passed to Committee on Rules for second reading.

March 26, 2013

HB 1818 Prime Sponsor, Representative Smith: Promoting economic development through business and government streamlining projects. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner; Chase, Ranking Member; Holmquist Newbry; Schlicher and Shin.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 26, 2013

SGA 9003 PHILLIP L BARRETT, appointed on March 8, 2010, for the term ending September 30, 2014, as Member of the Board of Trustees, Community College District No. 7 (Shoreline Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9011 DIANA CLAY, appointed on October 3, 2011, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9018 LAWRENCE M GLENN, appointed on October 6, 2009, for the term ending September 30, 2014, as Member of the Board of Trustees, Peninsula Community College District No. 1. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9025 ANGELA G ROARTY, appointed on June 6, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 11 (Pierce College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9042 NEIL JOHNSON, appointed on October 25, 2012, for the term ending September 30, 2016, as Member of the Board of Trustees, Technical College District #26 (Lake Washington Institute of Technology). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9044 JANET M KUSLER, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 5 (Everett Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9048 JANET M MCDANIEL, appointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 30 (Cascadia Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9049 DONALD R MCQUARY, appointed on March 22, 2012, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 20 (Walla Walla Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9055 JIM PAGE, appointed on June 15, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Community College District No. 3 (Olympic Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9090 GRANT DEGGINGER, appointed on July 3, 2012, for the term ending December 31, 2016, as Member of the Public Disclosure Commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9093 DAN DIXON, reappointed on October 1, 2012, for the term ending September 30, 2018, as Member of the Board of Trustees, Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9164 CONSTANCE W RICE, appointed on August 8, 2012, for the term ending June 30, 2016, as Member of the Washington State Student Achievement Council. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 26, 2013

SGA 9175 LINDSEY J SIRES, appointed on August 6, 2012, for the term ending June 30, 2013, as Member of the Board of Trustees, Central Washington University. Reported by Committee on Higher Education

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MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

On motion of Senator Fain, the Senate advanced to the eighth order of business.

Passed to Committee on Rules for second reading.

MOTION

Senator Roach moved adoption of the following resolution:

March 26, 2013

SENATE RESOLUTION

SGA 9191 KATHY R TURNER, appointed on November 20, 2012, for the term ending December 31, 2014, as Member of the Public Disclosure Commission. Reported by Committee on Governmental Operations

8635

By Senators Roach, Chase, Kline, Fraser, Conway, Hasegawa, Holmquist Newbry, Baumgartner, Becker, Brown, and Braun

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through an individual's lifespan; and

MINORITY recommendation: That it not be confirmed. Signed by Senator Benton, Vice Chair.

WHEREAS, Autism is the fastest growing developmental disability in the United States, affecting over 2 million Americans, 1 in 88 babies born; and

Passed to Committee on Rules for second reading.

WHEREAS, 1 in 54 boys are affected, as opposed to 1 in 252 girls; and

March 26, 2013

SGA 9207 SCOTT JARVIS, reappointed on February 19, 2013, for the term ending at the governors pleasure, as Director of the Department of Financial Institutions. Reported by Committee on Financial Institutions, Housing & Insurance

WHEREAS, Many children are not diagnosed until after 4 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

WHEREAS, There are many different characteristics in individuals with autism, including delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

Passed to Committee on Rules for second reading.

WHEREAS, There is no known cause and no known cure for autism, however with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

MOTION

WHEREAS, Applied Behavior Analysis has become widely accepted among health care professionals and used in many schools and treatment clinics. Applied Behavior Analysis encourages positive behaviors and discourages negative behaviors in order to improve a variety of skills and tracks and measures a child's progress; and

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1247 which was referred to the Committee on Rules and House Bill No. 1818 which was referred to the Committee on Ways & Means.

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

INTRODUCTION AND FIRST READING

SB 5886 by Senators King and Eide

WHEREAS, Families, caregivers, advocates, and organizations, such as the Autism Society of Washington, Northwest Autism Center, Families for Effective Autism Treatment, Washington Autism Alliance & Advocacy, and The Arc of Washington State, are striving to bring about positive changes for children and adults with autism; and

AN ACT Relating to department of transportation surplus property; and amending RCW 47.12.283.

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better equipped to support the growing number of individuals with autism and their families;

Referred to Committee on Transportation.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Jay Inslee.

MOTION

Senators Roach, Keiser, Mullet and Darneille spoke in favor of adoption of the resolution.

Senator Shin assumed the chair.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8635.

The motion by Senator Roach carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore introduced representatives of individuals, families and organizations coping and managing autism: Ms. Dawn Sidell, Executive Director, and Ms. Dana Stevens, Clinical Director of Northwest Autism Center in Spokane; Ms. Diana Stadden, Policy and Advocacy Coordinator, The Arc of Washington; Ms. Darla Helt and Ms. Sandy Silvera, Parent Coalition Coordinators of Clark County & Southwest Washington for Washington Parent Coalitions for Developmental Disabilities; Ms. Donna Patrick, Public Policy Director, WA State Developmental Disabilities Council and Mr. Jonathon Isom, self-advocate and Board of Directors member, The Arc Yakima County.

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore introduced Mr. & Mrs. Jack and Maria White, and sons First Lieutenant Kirby White, U.S. Air Force, and Cadet Fourth Class Andrew White, U.S. Air Force Academy, guests of Senator Braun, who were seated in the gallery and recognized by the Senate.

MOTION

At 10:21 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, March 28, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SEVENTY FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 28, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 27, 2013

HB 1006 Prime Sponsor, Representative Schmick: Removing the requirement that earnings from the Washington horse racing commission operating account be credited to the Washington horse racing commission class C purse fund account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 27, 2013

SHB 1021 Prime Sponsor, Committee on Judiciary: Educating parents of the harmful effects of parental abduction. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 27, 2013

SHB 1038 Prime Sponsor, Committee on Business & Financial Services: Requiring the department of licensing to adopt rules regarding online learning for training in cosmetology, manicuring, barbering, esthetics, and instruction. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

March 27, 2013

HB 1065 Prime Sponsor, Representative Goodman: Addressing the applicability of statutes of limitation in arbitration proceedings. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 27, 2013

SHB 1115 Prime Sponsor, Committee on Judiciary: Concerning the Uniform Commercial code. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 27, 2013

HB 1124 Prime Sponsor, Representative Hurst: Concerning recommendations for streamlining reporting requirements for taxes and fees on spirits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

March 27, 2013

E2SHB 1134 Prime Sponsor, Committee on Appropriations: Authorizing state-tribal education compact schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

March 27, 2013

SHB 1141 Prime Sponsor, Committee on Capital Budget: Establishing a water pollution control revolving loan administration charge. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 27, 2013

HB 1148 Prime Sponsor, Representative Pedersen: Addressing dissenters' rights under the Washington business corporation act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 27, 2013

HB 1173 Prime Sponsor, Representative Santos: Regarding the financial education public-private partnership. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

March 27, 2013

HB 1178 Prime Sponsor, Representative Lytton: Authorizing alternative assessments of basic skills for teacher certification. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

March 27, 2013

HB 1311 Prime Sponsor, Representative Chandler: Making coverage of certain maritime service elective for purposes of unemployment compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

March 27, 2013

ESHB 1336 Prime Sponsor, Committee on Education: Increasing the capacity of school districts to recognize and respond to troubled youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

March 27, 2013

SHB 1352 Prime Sponsor, Committee on Public Safety: Addressing the statute of limitations for sexual abuse against a child. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 27, 2013

EHB 1394 Prime Sponsor, Representative Reykdal: Changing the employment security department's settlement authority. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

March 27, 2013

EHB 1396 Prime Sponsor, Representative Manweller: Changing the unemployment insurance shared work program by adopting short-time compensation provisions in the federal middle class tax relief and job creation act of 2012. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

March 27, 2013

HB 1442 Prime Sponsor, Representative Schmick: Providing increased access to parimutuel satellite locations in counties with a population exceeding one million. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

March 27, 2013

HB 1468 Prime Sponsor, Representative Sells: Modifying payment methods on certain claimants' benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

March 27, 2013

SEVENTY FOURTH DAY, MARCH 28, 2013

2013 REGULAR SESSION

HB 1469 Prime Sponsor, Representative Schmick: Addressing industrial insurance for horse racing employment. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Billig; Cleveland; Fain; Hill; McAuliffe, Ranking Member and Mullet.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

MINORITY recommendation: Do not pass. Signed by Senators Dammeier, Vice Chair; Brown; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 27, 2013

March 27, 2013

EHB 1470 Prime Sponsor, Representative Ormsby: Addressing the recommendations of the vocational rehabilitation subcommittee for workers' compensation. Reported by Committee on Commerce & Labor

SHB 1635 Prime Sponsor, Committee on Appropriations: Concerning disproportionate share hospital adjustments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 27, 2013

March 27, 2013

E2SHB 1526 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Creating a pilot project to increase enrollment of underrepresented students in the running start program. Reported by Committee on Early Learning & K-12 Education

HB 1684 Prime Sponsor, Representative Reykdal: Defining suitable work to include a minimum age requirement. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rolfes, Assistant Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa and Keiser.

MINORITY recommendation: Do not pass. Signed by Senator Brown.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

March 27, 2013

March 27, 2013

SHB 1541 Prime Sponsor, Committee on Health Care & Wellness: Expanding the types of medications that a public or private school employee may administer to include nasal spray. Reported by Committee on Early Learning & K-12 Education

SHB 1812 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Extending the time frame for making expenditures under the urban school turnaround initiative. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rolfes, Assistant Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 27, 2013

March 27, 2013

ESHB 1633 Prime Sponsor, Committee on Capital Budget: Modifying school district bidding requirements for improvement and repair projects. Reported by Committee on Early Learning & K-12 Education

HB 1863 Prime Sponsor, Representative Stonier: Allowing the department of labor and industries to provide information about certain scholarships. Reported by Committee on Commerce & Labor

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

March 27, 2013

SHB 1889 Prime Sponsor, Committee on Appropriations Subcommittee on General Government: Concerning the fruit and vegetable district fund. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 27, 2013

HB 1903 Prime Sponsor, Representative Fitzgibbon: Providing unemployment insurance benefit charging relief for part-time employers who continue to employ a claimant on a part-time basis and the claimant qualified for two consecutive claims with wages attributable to at least one employer who employed the claimant in both base years. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt and King.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 27, 2013

SGA 9077 ARIELE BELO, reappointed on October 11, 2011, for the term ending July 1, 2016, as Member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

March 27, 2013

SGA 9085 JUNE CANTY, reappointed on July 19, 2010, for the term ending June 30, 2014, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

March 27, 2013

SGA 9104 JOHN GLENN, appointed on August 17, 2011, for the term ending July 1, 2016, as Member of the State School

for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

March 27, 2013

SGA 9112 LESTER T HERNDON, appointed on July 26, 2012, for the term ending June 30, 2015, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

March 27, 2013

SGA 9119 STEPHEN J HUNT, appointed on March 6, 2012, for the term ending June 17, 2014, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 27, 2013

SGA 9129 JAMES L KEMP, reappointed on July 2, 2012, for the term ending July 1, 2017, as Member of the State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

March 27, 2013

SGA 9131 KATHLEEN M KYLE, appointed on November 28, 2012, for the term ending August 2, 2015, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 27, 2013

SGA 9139 KRISTINA MAYER, reappointed on November 8, 2011, for the term ending January 30, 2015, as

SEVENTY FOURTH DAY, MARCH 28, 2013

2013 REGULAR SESSION

Member of the State Board of Education. Reported by
Committee on Early Learning & K-12 Education

MOTION

Senator Fraser moved adoption of the following resolution:

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

SENATE RESOLUTION

8645

By Senators Fraser, Hatfield, Eide, Hargrove, Braun, and Keiser

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1812 which was referred to the Committee on Ways & Means.

WHEREAS, In 1963, a group of courageous and committed families, concerned about the lack of community-based alternatives to placement in state institutions for their children with disabilities, joined together and formed the Lower Puget Sound Development Center; and

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

WHEREAS, One year later, the Lower Puget Sound Development Center joined with three other local organizations and formed Morningside with the purpose of advancing the employment and self-sufficiency of persons with disabilities; and

MESSAGE FROM THE HOUSE

March 27, 2013

MR. PRESIDENT:

The Speaker has signed

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5802, and the same is herewith transmitted.

WHEREAS, Over fifty years Morningside's employment services have evolved - from assisting clients to produce arts and crafts, to providing business services to the public and private sector, and helping persons with disabilities secure and maintain employment - always with belief that work is important to a fulfilling life and that inclusiveness strengthens and enriches our communities; and

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

WHEREAS, Morningside now reaches beyond the South Sound, serving hundreds of clients in five counties in Southwest Washington and the Olympic Peninsula, working to ensure that Washingtonians with disabilities are integrated into our communities, and giving them the opportunity for work and to contribute to our state; and

INTRODUCTION AND FIRST READING

SB 5887 by Senators Rivers, Tom and Litzow

AN ACT Relating to the medical use of cannabis; amending RCW 69.51A.010, 69.51A.020, 69.51A.030, 69.51A.040, 69.51A.047, 69.51A.055, 69.51A.060, 69.51A.085, and 69.51A.140; adding new sections to chapter 69.51A RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; repealing RCW 69.51A.043; prescribing penalties; providing an effective date; and providing a contingent effective date.

WHEREAS, Morningside today has 85 employees whose goal remains the same as the goal of those who founded the organization - to provide innovative, caring, and successful employment services to persons with disabilities; and

WHEREAS, Morningside has demonstrated success in partnering with businesses, school districts, and state and local government to create employment opportunities for persons with disabilities, as reflected by the best supported employment outcomes in the state;

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate Morningside, its employees, clients, and volunteers on the organization's fiftieth anniversary and its contributions to enriching the lives of persons with disabilities in Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Jim Larson, President and Chief Executive Officer of Morningside, and to Kris Tefft, Chair of the Morningside Board of Trustees.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

Senator Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8645.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President introduced representatives of the Morningside Community Rehabilitation Program: Mr. Jim Larson, President and Chief Executive Officer; and volunteer members of the Board of Trustees, Mr. Kris Tefft, Board Chair, and Mr. Tom Hoemann, who were seated in the gallery.

MOTION

At 12:06 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, March 29, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SEVENTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 29, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner, Billig, Brown Carrell, Darneille, Eide, Ericksen, Hargrove, Hewitt, Kohl-Welles, Litzow, McAuliffe, Nelson, Padden, Parlette, Ranker, Rivers, Rolfes, Schlicher, Sheldon, Smith and Tom.

The Sergeant At Arms Color Guard consisting of Pages Ryan Oda and Kayla Ramez, presented the Colors. In recognition of Senate Resolution No. 8643 and passage and signing of House Bill No. 1319 establishing "Welcome Home Vietnam Veterans Day," the Color Guard was joined by flag bearers representing the Yakama Warriors Association. Page Brittany Cartwright performed the National Anthem.

Present at the rostrum, wearing full traditional war bonnets, were U.S. Air Force veteran and Yakama Elder Mr. Corky Ambrose and U.S. Marine Corps veteran and Yakama Elder Mr. Jake Mann and Miss Jeannetta Garcia, Yakama Nation Treaty Days Pow Wow Queen. A Yakama song of gratitude was performed by Mr. Mike Squeochs, Wanapum Spiritual Leader of Priest Rapids. Mr. Squeochs presented Mr. Ambrose to the Senate.

REMARKS BY MR. CORKY AMBROSE

Mr. Ambrose: "Good Morning everybody in the Senate. You know, when we sing that song, we sing it, when our men got on, they went around the whole encampment. They sang, sent them off to the war. And when they come back, there was one or two horses that didn't have a rider. We sang the same song to welcome them back. And the maidens knew who was missing by what was painted on the horses and what was brought back. They had passed on with the Creator and had gone up to a better world. We honor all our veterans. Don't make much difference who they are. We started our organization as tribal members. We opened it up. As long as you have an honorable discharge and a two-fourteen, we honor you to come to join us. We have traveled many places. We have honored the women veterans in Wisconsin. We have went, down Arizona, to honor our heritage, World War II vets that raised the American flag with the other veterans, the Navy and them. We go down, quickly, every year to honor our native people that have traveled and have been deceased. Thank you. Jake."

REMARKS BY MR. JAKE MANN

Mr. Mann: "Corky told you about the places we've traveled but he failed to mention that we've been back to Washington, D.C. twice to honor the Vietnam vets. We stood honor guard at the wall. We pulled three shifts each trip and that was a real honor. Like he said, we opened our organization to everybody. At first it was just the Yakama members but we had so many brothers coming home from Vietnam and other wars that wanted to join us. So we opened our organization to where we honored everybody, give them the honor they deserve. Thank you."

A traditional tribal prayer was offered by Mr. Mike Squeochs, Wanapum Spiritual Leader of Priest Rapids.

REMARKS BY THE PRESIDENT

President Owen: "The President would like to thank the veterans from the Yakama Warriors Association for being with us today."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced veterans of various organizations including: the Vietnam Veterans of America; the Governor's Veterans Affairs Advisory Committee; the Veterans Legislative Coalition; and Korean veterans of the Vietnam War who were present in the gallery and recognized by the Senate.

REMARKS BY THE PRESIDENT

President Owen: "And, once again, Brittany Cartwright from Lacey who sang our National Anthem demonstrates what amazing talent these young Americans we have in the state of Washington. And thank you to Brittany for such a wonderful job."

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 28, 2013

HB 1003 Prime Sponsor, Representative Moeller: Concerning disciplinary actions against the health professions license of the subject of a department of social and health services' finding. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

SHB 1183 Prime Sponsor, Committee on Technology & Economic Development: Regarding wireless communications structures. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Billig; Brown; Cleveland; Honeyford; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

March 27, 2013

ESHB 1252 Prime Sponsor, Committee on Appropriations: Establishing the Washington K-12 online professional development project. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

March 28, 2013

SHB 1270 Prime Sponsor, Committee on Health Care & Wellness: Making the board of denturists the disciplining authority for licensed denturists. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

SHB 1271 Prime Sponsor, Committee on Health Care & Wellness: Concerning the practice of denturism. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

ESHB 1325 Prime Sponsor, Committee on Business & Financial Services: Concerning banks, trust companies, savings banks, and savings associations, and making technical amendments to the laws governing the department of financial institutions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 28, 2013

SHB 1328 Prime Sponsor, Committee on Business & Financial Services: Regulating mortgage brokers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 28, 2013

HB 1330 Prime Sponsor, Representative Moeller: Allowing dental hygienists and dental assistants to provide certain services under the supervision of a dentist. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey;

Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

HB 1361 Prime Sponsor, Representative Kagi: Modifying the requirements for purchase of care for Indian children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

March 28, 2013

SHB 1376 Prime Sponsor, Committee on Health Care & Wellness: Clarifying the requirement that certain health professionals complete training in suicide assessment, treatment, and management. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

ESHB 1381 Prime Sponsor, Committee on Government Accountability & Oversight: Regarding administrative adjudicatory proceedings coming before the department of health. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

SHB 1409 Prime Sponsor, Committee on Health Care & Wellness: Regarding the requirements of allopathic physician licensure. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 27, 2013

2SHB 1424 Prime Sponsor, Committee on Appropriations: Enhancing the statewide K-12 dropout prevention, intervention, and reengagement system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

March 28, 2013

E2SHB 1445 Prime Sponsor, Committee on Appropriations Subcommittee on Health & Human Services: Concerning complex rehabilitation technology products. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Cleveland; Ericksen; Frockt; Parlette and Schlicher.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Bailey.

Passed to Committee on Ways & Means.

March 28, 2013

ESHB 1480 Prime Sponsor, Committee on Health Care & Wellness: Concerning the provision of prescription drugs by direct practice providers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

ESHB 1515 Prime Sponsor, Committee on Health Care & Wellness: Concerning medical assistants. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

2SHB 1518 Prime Sponsor, Committee on Appropriations Subcommittee on Health & Human Services: Providing certain disciplining authorities with additional authority over budget development, spending, and staffing. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

SHB 1527 Prime Sponsor, Committee on Early Learning & Human Services: Concerning residential habilitation center residents' transition to the community. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

HB 1531 Prime Sponsor, Representative Hayes: Modifying criminal history record information compliance audit provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

March 28, 2013

HB 1534 Prime Sponsor, Representative Riccelli: Increasing the impaired dentist program license or renewal surcharge. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Cleveland; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and Ericksen.

Passed to Committee on Rules for second reading.

March 28, 2013

EBH 1538 Prime Sponsor, Representative Morrell: Encouraging the safe practice of public health nurses dispensing certain medications. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

HB 1547 Prime Sponsor, Representative Walsh: Concerning entities that provide recreational or educational programming for school-aged children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

March 28, 2013

E2SHB 1563 Prime Sponsor, Committee on Capital Budget: Concerning the disposition of surplus property for the development of affordable housing. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Fain; Hatfield and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Benton, Ranking Member.

Passed to Committee on Rules for second reading.

March 28, 2013

SHB 1574 Prime Sponsor, Committee on Early Learning & Human Services: Establishing a fee for certification for the residential services and supports program to cover investigative costs. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

March 28, 2013

2SHB 1627 Prime Sponsor, Committee on Appropriations: Regarding competency to stand trial evaluations. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

March 28, 2013

SHB 1638 Prime Sponsor, Committee on Business & Financial Services: Addressing insurance, generally. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 27, 2013

2SHB 1642 Prime Sponsor, Committee on Appropriations: Establishing policies to support academic acceleration for high school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator McAuliffe, Ranking Member.

Passed to Committee on Ways & Means.

March 28, 2013

ESHB 1651 Prime Sponsor, Committee on Early Learning & Human Services: Concerning access to juvenile records. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

March 28, 2013

HB 1715 Prime Sponsor, Representative Klippert: Allowing the department of corrections to exempt information contained in the internal database on security threat group data from dissemination under the public records act. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

March 27, 2013

2SHB 1723 Prime Sponsor, Committee on Appropriations: Concerning early learning opportunities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

March 28, 2013

SHB 1737 Prime Sponsor, Committee on Health Care & Wellness: Concerning supervision of physician assistants. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

ESHB 1773 Prime Sponsor, Committee on Health Care & Wellness: Concerning the practice of midwifery. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

2SHB 1777 Prime Sponsor, Committee on Appropriations: Accelerating changes to mental health involuntary commitment laws. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

March 28, 2013

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HB 1795 Prime Sponsor, Representative Jinkins: Concerning the scope and costs of the diabetes epidemic in Washington. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

March 28, 2013

HB 1800 Prime Sponsor, Representative Cody: Concerning the compounding of medications for physician offices or ambulatory surgical centers or facilities to be used by a physician for ophthalmic purposes for nonspecific patients. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

EHB 1808 Prime Sponsor, Representative Nealey: Addressing the proper disposal of legal amounts of marijuana inadvertently left at retail stores holding a pharmacy license. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

SHB 1822 Prime Sponsor, Committee on Judiciary: Concerning debt collection practices. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 28, 2013

SHB 1836 Prime Sponsor, Committee on Public Safety: Concerning the introduction of contraband into or possession of contraband in a secure facility. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

March 28, 2013

ESHB 1846 Prime Sponsor, Committee on Health Care & Wellness: Concerning stand-alone dental coverage. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Ways & Means.

March 27, 2013

E2SHB 1872 Prime Sponsor, Committee on Appropriations: Establishing a comprehensive initiative to increase learning opportunities and improve educational outcomes in science, technology, engineering, and mathematics through multiple strategies and statewide partnerships. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

March 28, 2013

ESHB 1947 Prime Sponsor, Committee on Appropriations: Concerning the operating expenses of the Washington health benefit exchange. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Cleveland; Frockt; Keiser, Ranking Member and Schlicher.

MINORITY recommendation: Do not pass. Signed by Senators Bailey and Ericksen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 28, 2013

SGA 9017 DARCEY FUGMAN-SMALL, appointed on November 21, 2011, for the term ending September 30, 2014, as Member of the Board of Trustees, Community College District No. 20 (Walla Walla Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9019 COURTNEY GREGOIRE, appointed on October 29, 2012, for the term ending September 30, 2014, as Member of the Board of Trustees, Community College District No. 6 (Seattle, So. Seattle, and No. Seattle Community Colleges). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9035 AMADEO TIAM, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 11 (Pierce College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9037 MIGUEL A VILLARREAL, appointed on November 16, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 18 (Big Bend Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9050 LOUIS A MENDOZA, reappointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 30 (Cascadia Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9052 EDWIN W MORGAN, appointed on October 1, 2011, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9076 ELIZABETH L BAUM, appointed on November 1, 2011, for the term ending June 30, 2015, as Member

of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9130 DENNIS KLOIDA, reappointed on September 14, 2009, for the term ending June 30, 2013, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9132 M.A. LEONARD, reappointed on July 11, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9146 STEVEN MOSS, appointed on November 1, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9172 FAOUZI SEFRIQUI, reappointed on September 14, 2009, for the term ending June 30, 2013, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 28, 2013

SGA 9179 GABE P SPENCER, appointed on March 31, 2011, for the term ending June 30, 2013, as Member of the

SEVENTY FIFTH DAY, MARCH 29, 2013

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Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

I have the honor to submit the following reappointment, subject to your confirmation.

MARY MEINIG, reappointed March 11, 2013, for the term ending at the governor's pleasure, as Director of the Office of the Family and Children Ombudsman.

Passed to Committee on Rules for second reading.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services & Corrections.

March 28, 2013

SGA 9188 PAMELA J TIETZ, appointed on October 1, 2009, for the term ending June 30, 2013, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MOTION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

Passed to Committee on Rules for second reading.

On motion of Senator Fain, the Senate advanced to the fifth order of business.

March 28, 2013

SGA 9192 MARIO M VILLANUEVA, reappointed on July 11, 2011, for the term ending June 30, 2015, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

INTRODUCTION AND FIRST READING

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

SB 5888 by Senators Litzow, Hobbs, Benton, Fraser, Schlicher, Mullet, Sheldon, Harper and Fain

AN ACT Relating to the fuel tax used to determine fuel tax distributions to certain accounts; amending RCW 46.10.530 and 79A.25.070; reenacting and amending RCW 46.09.520; providing an effective date; and declaring an emergency.

Passed to Committee on Rules for second reading.

Referred to Committee on Transportation.

March 28, 2013

SGA 9195 ROBERT H WHALEY, appointed on October 10, 2011, for the term ending September 30, 2017, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

SB 5889 by Senators Nelson, Schlicher, Fain, Hatfield, Hewitt, Fraser and Kohl-Welles

AN ACT Relating to snowmobile parking permit and license fees; amending RCW 79A.05.230, 46.17.350, and 46.17.350; providing an effective date; and providing an expiration date.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Referred to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

MOTION

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 1563 which was referred to the Committee on Transportation.

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5889 which was referred to the Committee on Ways & Means.

MOTION

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Conway moved adoption of the following resolution:

SENATE RESOLUTION

8643

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

By Senators Conway, Schlicher, Hobbs, Shin, Bailey, Honeyford, Hewitt, Harper, Litzow, Tom, Chase, King, Murray,

March 25, 2013

Hasegawa, Roach, Becker, Rolfes, Hatfield, Ericksen, Keiser, Kohl-Welles, Nelson, Pearson, Braun, Holmquist Newbry, and Sheldon

WHEREAS, The Second Indochina War, also known as the Vietnam War, was predominantly fought in Vietnam from 1959-1973, involving the North Vietnamese in armed conflict with United States forces, the South Vietnamese Army, and allies from many other nations; and

WHEREAS, The United States Armed Forces became involved in Vietnam in order to provide direct military support for the government of South Vietnam in defending itself against the encroachment of Communism; and

WHEREAS, United States combat troops, primarily comprised of volunteers, arrived in Vietnam on a peacekeeping mission in 1965, and by 1968 reached a peak of nearly 543,000 troops, including significant numbers of draftees; and

WHEREAS, American armed forces fought with characteristic courage, honor, and valor on unfamiliar terrain, against escalating odds, under hostile conditions, and often outnumbered; and

WHEREAS, On January 27, 1973, the Treaty of Paris was signed, requiring the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

WHEREAS, The United States Armed Forces completed the withdrawal of combat units from South Vietnam by March 30, 1973; and

WHEREAS, North Vietnamese regular forces captured Saigon, the capital of South Vietnam, marking the end of the Vietnam War and establishing Communist rule on April 30, 1975; and

WHEREAS, More than 58,000 American service men and women lost their lives in Vietnam, and more than 300,000 were wounded in combat; and

WHEREAS, 1,653 Americans are still listed as missing and unaccounted for by the United States Department of Defense, and their families, friends, and fellow veterans yet endure uncertainty concerning their ultimate fate; and

WHEREAS, The State of Washington counts from among her sons and daughters some tens of thousands of those brave souls deployed to Vietnam in defense of our great nation; and

WHEREAS, The State of Washington will forever remember those who served so honorably, with great personal sacrifice; and

WHEREAS, The Washington State Senate recognizes that the Vietnam War was a war of great debate and an issue of deep division among the people of the United States, and that members of the United States Armed Forces who served bravely and faithfully were often wrongly criticized for policy decisions beyond their control;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, in recognition and gratitude for the service of American fighting men and women, invite all citizens to acknowledge and thank our Vietnam Veterans, both at home and abroad, for their many sacrifices and selfless contributions to their nation, their state, and their communities, and celebrate the date of March 30, 2013, as

WELCOME HOME VIETNAM VETERANS DAY

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Veterans of Foreign Wars #10018 the Narrows Bridge Post and Auxiliary.

REMARKS BY SENATOR CONWAY

Senator Conway: "Thank you Mr. President. I am really deeply humbled to be offering this resolution today. I, this resolution has a very concise message, it says, 'Welcome home Vietnam Veterans' and I only wish, we have, that the veterans who are here could have been here on Monday when we actually passed House Bill No. 1319 establishing March 30 as 'Welcome Home Vietnam Veterans Day.' The speeches that were given that day I think for all of us will be memorable. And, in fact, were put by resolution permanently into the journals of the Senate. I think the reason for that is that we are beginning to awake to trying once again trying to revisit the Vietnam War. And, of course, we recognize that we are truly, under President Obama has established the next decade and half as Veterans History or Vietnam War remembrance period. Surprising to me those of you, some of us, many of us were down signing House Bill No. 1319 and it was a huge crowd down there. I've been to a lot of bill signing in my years but never quite as big as that signing. It reflects a simple fact and this is what the Department of Veterans Affairs shared with us, we have two hundred twenty thousand Vietnam Veterans in this state. Two hundred twenty thousand and you know I think with this day incidentally that was recognized, eight others states have already recognize this and three other states are considering it. So, there's a kind of an awakening in the land here about the Vietnam War and its meaning and I think one of the very important pieces of that was what I shared with you, with your permission Mr. President, from President Obama second memorial address if I could share that language again?"

REPLY BY THE PRESIDENT

President Owen: "Senator Conway."

REMARKS BY SENATOR CONWAY

Senator Conway: "It was a National, in speaking to the wrong that was given Vietnam veterans upon their return he said, 'It was national shame. A disgrace that never should of happened. That's why today we resolve that it will not happen again. You were blamed for a war you didn't start when you should have been commended for serving your country with valor.' You know, I am hoping, when the Governor signed House Bill No. 1319 our state now officially has March 30th as 'Welcome home Veterans Day.' I was, the axillary that brought me this resolution is in the gallery here, the Veterans of Foreign Wars, and its mentioned in the resolution at Narrows Bridge. I went down there on Saturday for their celebration and what is witnessed was a gathering of about I would say, about one hundred families and they were talking about their experiences in the Vietnam War and they were beginning to revisit their experiences. I think you know that this kind of change that I see coming across our land with this 'Welcome Home Vietnam Veterans Day' is a recognition that many of our veterans who served in that war are now willing to start talking about it and start revisiting it. You know, and that is important because as we know it is a healing process. Today after this event I invite all of you to come down to the Vietnam War Memorial because the Department of Veterans Affairs will be meeting with all the veterans who are here to commemorate this 'Welcome Home Veterans Day.' You know, we all know that war memorial was a healing process, right, for so many families and so I kind of see this 'Welcome Home Veterans Day' as a healing process for those who served in the war and their families. I think that President Obama said something that was critically important here and that was let us resolve that we never again treat our veterans like we did after the Vietnam War. I believe that I see us trying hard with our veterans coming back from Afghanistan and Iraq to do that. Although we could do more. So, I am very

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humbled to be here offering this resolution and offering the Senate maybe annually be able to come back and remember this date, March 30th as ‘Welcome home Vietnam Veterans Day.’ Thank you.”

REMARKS BY SENATOR SHIN

Senator Shin: “Thank you Mr. President. I too rise in support of this resolution. There is a reason for that, between 1955 and 1975, United States was the first nation to send 2.3 million Americans soldiers to Vietnam. In defense of freedom, fight for their freedom however small the nation may be. I tip my hats to them. As a result Vietnam is a free country today. American’s have traditionally been very small but make it great and we was very small too. Myself, it was 1950, I was drafted into the U. S. Army, went to Germany, then 1950 Lebanon crisis, I was sent to Lebanon sitting on a duffle bag for six months. It was horrible but let me tell you looking back was so humbling. The gratitude to serve the country that I have been blessed with. I was adopted in this country, this is my country as well and I love this country. The veterans of the Vietnam War, thank you so much. Welcome home Vietnam Veterans. We welcome you and we don’t know what’s going to happen in the future. Whatever happens we’re there in the front line to defend on behalf of freedom. Governor, if I may say, there is Korean Veterans serving the Vietnam War. They fought side by side with the American soldiers at the request of the U. S. Government, three hundred twenty eight thousand Korean soldiers went to Vietnam, fought side by side against communism and I’m proud to introduce them to you and proud to say that my birth country, even though a small country, they remember the blessings that they have received from the United States. Therefore they were really happy to send troops and many died and didn’t come home. Over fifty thousand did not come home. This is the fact of life and I offer congratulations to this Veterans Memorial Day and welcome home day and join with you and this is a happy day today. Thank you.”

REMARKS BY SENATOR BAILEY

Senator Bailey: “Thank you Mr. President. I rise in support of this resolution and I thank the good gentleman for bringing this resolution forward. There are a couple of things that I could say, ‘It’s about time.’ Many of us that have experienced various things that relate back to that era when we were in a war that was not a popular war. In fact it was one of those things that many of us at that time, some of on this floor was probably in college or just starting our lives, I remember distinctly when my husband at that time was just completing some of his preliminary training and about to go to Vietnam. The last minute he had a change of orders and was sent a different command but still his next set of orders was to Vietnam. I remember during that period of time when the word came that the war was ending and how everyone felt a sigh of relief. However, for many the sigh of relief was those that were there and those that were coming back and those that would not go, such as my husband. He has since fought in several wars since then but the thing that struck me most was when people started coming home and how they were treated. So, I’ll say again ‘It’s about time.’ I saw that repeated because of the leftover disdain for war and what was going on during that period of time. I saw that carried over several times in conflicts since then and working with many colleagues in the private sector that had never experienced military or war was a real eye opening experience as a young military wife. I saw the great, the things that were given at that time. The sacrifice of families of people who didn’t come

home, men and women who gave their lives and children that never knew their mother or their father. I saw all of those things and yet those that came home were rewarded with sometimes with utter disdain. It was a sad moment in our country. One that most of us would like to forget. For those, some of those that are here today, can’t forget. It will still be in their memories. The bill that we passed earlier I hope will be of significance in this state and we will constantly remember those that are still missing in action and those that were taken prisoner. Many of our friends were in the POW group. Only now some of those things are being shared but make no mistake those of us here today and many around this country want to make sure that the men and women that served bravely during this time will always be remembered for their bravery and this is a very small token of our appreciation for what they have done in service to our country but I say to everybody today I wish it would have been sooner and it’s about time. Thank you Mr. President.”

REMARKS BY SENATOR HOBBS

Senator Hobbs: “Mr. President, I would like to thank the prime sponsor for putting this resolution here today. I know he asked me to say a few words and if the members would forgive me I’m basically going to repeat what I said on Monday. But I rise to thank those Vietnam veterans that paved the way for future veterans like myself who served in the Iraq War and those that served in the war at Afghanistan. I don’t know you did it. I mean in terms of both wars, Iraq and Vietnam, both relatively unpopular, I know that I saw a poll just recently that said fifty five percent of the American public think that the Iraq war wasn’t even worth it. And as a Veteran of that war that’s pretty hard to take in because I served in that war. I did what I believe is right and I think I made the place a little better. What is really difficult to fathom, and I really don’t know how you did it, is not only was it unpopular when you came home there were no parades, not really any thank yous and even disdain. My experience coming home from the Iraq War is completely different. I was greeted when I came off the plane, I saw my family there. I actually wore my uniform from the airport drove all the way to Fort Binning Georgia, which is about you know forty five to an hour drive, stopped at a restaurant in my uniform, somebody bought my meal and my families meal and thanked me. You didn’t have that but you paved the way for others. And even though it was a painful experience for you, know that you helped your sons and daughters and your grandchildren that fought and are fighting in this war. When I was in Iraq and ready to leave I got to see a psychiatrist. I got to see a doctor. You got on a plane and went home. When I came home, again interviewed again by a doctor and a psychiatrist. This is to every soldier. Things have changed so much. PTSD is treated immediately and searched out. Soldiers should not be ashamed and are encouraged to talk about their experiences. You couldn’t, you wouldn’t. TBI is being addressed. You know, most people here know what TBI is. You know I’m pretty sure is was around Vietnam too. There were mortars, rocket fire, there were mines. That was never addressed. Way better conditions for Veterans now, the benefits much improved. VA hospitals, if a VA hospital is not servicing their veterans there is a public outcry and immediate correction. The previous speaker is right. It’s about time and I hope that we can always remember this day and thank our Vietnam veterans for paving the way for the veterans of today who are serving in your nations military, defending our country. Again, I want to thank you, my hats off to you. You made my life and my brothers and sisters lives better for your sacrifice. Thank you.”

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8643.

The motion by Senator Conway carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Benton, the remarks offered during consideration of Senate Resolution No. 8643 were spread upon the Journal.

MOTION

At 10:42 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, April 1, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SEVENTY EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, April 1, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 29, 2013

SHB 1107 Prime Sponsor, Committee on Judiciary: Regarding residential provisions for children of parents with military duties. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 29, 2013

HB 1175 Prime Sponsor, Representative Nealey: Increasing the number of superior court judges in Benton and Franklin counties jointly. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 29, 2013

EHB 1400 Prime Sponsor, Representative Bergquist: Clarifying that service includes electronic distribution of hearing notices and orders in administrative proceedings. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

March 28, 2013

ESHB 1679 Prime Sponsor, Committee on Health Care & Wellness: Regarding the disclosure of health care information. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair;

Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

March 28, 2013

E2SHB 1727 Prime Sponsor, Committee on Appropriations: Raising licensure limits to allow assisted living facilities to serve a higher acuity resident population. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Ericksen; Frockt; Keiser, Ranking Member and Schlicher.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Ways & Means.

March 29, 2013

HB 1937 Prime Sponsor, Representative Ross: Prohibiting a person from selling or giving a vapor product designed solely for smoking or ingesting tobacco to a minor. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5890 by Senators Ericksen, King, Rolfes and Eide

AN ACT Relating to supporting the titling and registration of vehicles; amending RCW 46.16A.200, 46.16A.020, 46.17.200, 46.18.130, 46.68.400, 46.01.240, 46.17.040, 46.17.050, 46.17.060, 46.12.650, 46.12.555, and 46.01.140; reenacting and amending RCW 46.16A.110 and 46.18.140; adding a new section to chapter 46.01 RCW; adding a new section to chapter 46.68 RCW; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8633

By Senator Roach

WHEREAS, The city of Enumclaw, incorporated in 1913, is 100 years old this year; and

WHEREAS, Enumclaw serves as King County's gateway to Mount Rainier, Crystal Mountain, and Chinook Pass; and

WHEREAS, Enumclaw has created economic strength as a community, while maintaining its rural and small town charm; and

WHEREAS, Enumclaw is the home of the King County Fair and the Scottish Games; and

WHEREAS, Today's population of Enumclaw is 10,669, and in 1910 it was 1,129; and

WHEREAS, Enumclaw and its environs have a diverse base of agricultural producers including corn, pumpkins, fruit, berries, vegetables, dairy, cattle, hay, horses, alpaca, llamas, nursery stock, flowers, honey, and farmed fish; and

WHEREAS, In its earliest days, Enumclaw was a significant producer of hops; and

WHEREAS, Enumclaw was informally known as Stevensonville and originally settled by Frank and Mary Stevenson, who settled on 160 acres in 1879. The area became a town in 1885, and was named after Mount Enumclaw; and

WHEREAS, The Northern Pacific Railroad built a transcontinental line through the area in 1885 that was significant to the trade and economic development of Enumclaw from its earliest years; and

WHEREAS, Enumclaw is bordered by the White River and Green River; and

WHEREAS, Enumclaw is home to a satellite campus of Green River Community College; and

WHEREAS, Enumclaw is home to significant business interests, including Weyerhaeuser's White River Timber Company, Mutual of Enumclaw Insurance, Helac Corporation, and Liberty Safes; and

WHEREAS, Enumclaw is home to a high school, two middle schools, and five elementary schools; and

WHEREAS, Enumclaw features the massive Bronze Logging Memorial Legacy commemorative work honoring the area's history and dedication to the logging industry, its role in Enumclaw's economic development, the dedication of the area's people, and lives lost; and

WHEREAS, Enumclaw maintains an excellent working relationship with the people who work for governmental park and forest agencies, including Mount Rainier National Park, the United States Forest Service, and the State Department of Natural Resources; and

WHEREAS, Enumclaw offers nearby recreational opportunities, including skiing at Crystal Mountain, lowland forest

recreation, rafting, hiking, bird watching, snowmobiling, and riding recreational vehicles;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the city of Enumclaw's 100th anniversary.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8633.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, April 2, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SEVENTY NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, April 2, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 1, 2013

SHB 1001 Prime Sponsor, Committee on Government Accountability & Oversight: Concerning beer and wine theater licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 1, 2013

ESHB 1004 Prime Sponsor, Committee on Finance: Concerning payment of property taxes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

April 1, 2013

SHB 1009 Prime Sponsor, Committee on Government Accountability & Oversight: Concerning liquor self-checkout machines. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 1, 2013

SHB 1010 Prime Sponsor, Committee on Business & Financial Services: Concerning antifreeze products. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 1, 2013

HB 1014 Prime Sponsor, Representative McCoy: Recognizing "Native American Heritage Day." Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

April 1, 2013

SHB 1016 Prime Sponsor, Committee on Local Government: Designating facilities and infrastructure of water purveyors as essential public facilities under growth management planning requirements. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

April 1, 2013

HB 1036 Prime Sponsor, Representative Kirby: Regulating service contracts. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 1, 2013

HB 1056 Prime Sponsor, Representative Angel: Authorizing certain corporate officers to receive unemployment benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt and King.

Passed to Committee on Rules for second reading.

April 1, 2013

SHB 1068 Prime Sponsor, Committee on Finance: Concerning the television reception improvement district excise tax. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

April 1, 2013

SHB 1093 Prime Sponsor, Committee on Government Operations & Elections: Regarding state agency lobbying activities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

April 1, 2013

E2SHB 1114 Prime Sponsor, Committee on Appropriations: Addressing criminal incompetency and civil commitment. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Harper and Padden.

Passed to Committee on Ways & Means.

April 1, 2013

SHB 1116 Prime Sponsor, Committee on Judiciary: Adopting the uniform collaborative law act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

April 1, 2013

HB 1149 Prime Sponsor, Representative Hurst: Increasing the volume of spirits that may be sold per day to a customer of a craft distillery. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 1, 2013

2SHB 1158 Prime Sponsor, Committee on Appropriations Subcommittee on General Government: Concerning the annexation of property owned by the state for military purposes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

April 1, 2013

HB 1203 Prime Sponsor, Representative Farrell: Exempting personal information relating to children from public inspection and copying. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

April 1, 2013

ESHB 1204 Prime Sponsor, Committee on Early Learning & Human Services: Concerning sibling visitation for children in foster care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

April 1, 2013

HB 1266 Prime Sponsor, Representative Rodne: Modifying the mandatory retirement provision for district judges. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

April 1, 2013

HB 1269 Prime Sponsor, Representative Smith: Allowing legal entities to cast votes in diking district elections. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Braun; Conway and Fraser.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

April 1, 2013

SHB 1284 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the rights of parents who are incarcerated or in residential substance abuse treatment. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

April 1, 2013

SHB 1285 Prime Sponsor, Committee on Judiciary: Modifying provisions regarding the representation of children in dependency matters. Reported by Committee on Human Services & Corrections

SEVENTY NINTH DAY, APRIL 2, 2013

2013 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Harper and Padden.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

MINORITY recommendation: Do not pass. Signed by Senator Hargrove.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

April 1, 2013

SHB 1298 Prime Sponsor, Committee on Government Operations & Elections: Implementing the recommendations of the sunshine committee. Reported by Committee on Governmental Operations

ESHB 1383 Prime Sponsor, Committee on Judiciary: Modifying stalking and harassment protection order provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa, Ranking Member.

April 1, 2013

Passed to Committee on Rules for second reading.

ESHB 1401 Prime Sponsor, Committee on Local Government: Addressing the timing of penalties under the growth management act. Reported by Committee on Governmental Operations

April 1, 2013
E2SHB 1302 Prime Sponsor, Committee on Appropriations: Concerning extended foster care services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

April 1, 2013

Passed to Committee on Ways & Means.

2SHB 1416 Prime Sponsor, Committee on Finance: Concerning the financing of irrigation district improvements. Reported by Committee on Governmental Operations

April 1, 2013
SHB 1332 Prime Sponsor, Committee on Government Accountability & Oversight: Concerning limited on-premise spirits sampling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt and Keiser.

April 1, 2013

Passed to Committee on Rules for second reading.

SHB 1422 Prime Sponsor, Committee on Government Accountability & Oversight: Changing the criteria for the beer and wine tasting endorsement for grocery stores. Reported by Committee on Commerce & Labor

April 1, 2013
ESHB 1341 Prime Sponsor, Committee on Judiciary: Creating a claim for compensation for wrongful conviction and imprisonment. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

April 1, 2013

Passed to Committee on Ways & Means.

HB 1474 Prime Sponsor, Representative Pedersen: Giving general election voters the power to choose between the top two candidates for nonpartisan offices. Reported by Committee on Governmental Operations

April 1, 2013
HB 1351 Prime Sponsor, Representative Condotta: Concerning the identification of wineries, breweries, and microbreweries on private labels. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Ways & Means.

April 1, 2013
SHB 1487 Prime Sponsor, Committee on Business & Financial Services: Clarifying the terminology and duties of the real estate agency relationship law to be consistent with other existing laws. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 1, 2013
SHB 1512 Prime Sponsor, Committee on Local Government: Concerning fire suppression water facilities and services provided by municipal and other water purveyors. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

April 1, 2013
E2SHB 1522 Prime Sponsor, Committee on Appropriations: Improving behavioral health services provided to adults in Washington state. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

April 1, 2013
ESHB 1524 Prime Sponsor, Committee on Early Learning & Human Services: Providing for juvenile mental health diversion and disposition strategies. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Rules for second reading.

April 1, 2013
SHB 1525 Prime Sponsor, Committee on Judiciary: Concerning birth certificates and other birth-related information. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Baumgartner; Darneille, Ranking Member and Harper.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove and Padden.

Passed to Committee on Rules for second reading.

April 1, 2013

HB 1533 Prime Sponsor, Representative Rodne: Clarifying notice of claims in health care actions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

April 1, 2013
ESHB 1552 Prime Sponsor, Committee on Public Safety: Reducing scrap metal theft. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Ways & Means.

April 1, 2013
2SHB 1566 Prime Sponsor, Committee on Appropriations: Concerning educational outcomes of youth in out-of-home care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

Passed to Committee on Ways & Means.

April 1, 2013
HB 1576 Prime Sponsor, Representative Springer: Creating greater efficiency in the offices of county assessors by allowing notification via electronic means. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

April 1, 2013
HB 1608 Prime Sponsor, Representative Appleton: Concerning the marine employees' commission. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt and Keiser.

MINORITY recommendation: Do not pass. Signed by Senator King.

Passed to Committee on Rules for second reading.

April 1, 2013
ESHB 1652 Prime Sponsor, Committee on Local Government: Establishing a process for the payment of impact fees through provisions stipulated in recorded covenants. Reported by Committee on Governmental Operations

SEVENTY NINTH DAY, APRIL 2, 2013

2013 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

SHB 1853 Prime Sponsor, Committee on Labor & Workforce Development: Clarifying that real estate brokers licensed under chapter 18.85 RCW are independent contractors. Reported by Committee on Commerce & Labor

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Hasegawa, Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Conway.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 1, 2013

April 1, 2013

ESHB 1717 Prime Sponsor, Committee on Local Government: Incentivizing up-front environmental planning, review, and infrastructure construction actions. Reported by Committee on Governmental Operations

HB 1859 Prime Sponsor, Representative McCoy: Evaluating military training and experience toward meeting licensing requirements. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser Hasegawa, Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 1, 2013

April 1, 2013

HB 1738 Prime Sponsor, Representative Hayes: Authorizing political subdivisions to purchase certain technology and services from the United States government. Reported by Committee on Governmental Operations

HB 1860 Prime Sponsor, Representative Alexander: Continuing the use of the legislature's sunset review process. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 1, 2013

April 1, 2013

ESHB 1774 Prime Sponsor, Committee on Early Learning & Human Services: Measuring performance of the child welfare system. Reported by Committee on Human Services & Corrections

ESHB 1968 Prime Sponsor, Committee on Appropriations: Changing licensing provisions for certain before and after-school programs in school buildings. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Harper and Padden.

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Braun; Conway; Fraser; Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1552 which was referred to the Committee on Rules and House Bill No. 1608 which was referred to the Committee on Transportation.

April 1, 2013

April 1, 2013

SHB 1821 Prime Sponsor, Committee on Early Learning & Human Services: Concerning good cause exceptions during permanency hearings. Reported by Committee on Human Services & Corrections

MOTION

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Vice Chair; Darneille, Ranking Member; Hargrove; Harper and Padden.

On motion of Senator Fain, the Senate advanced to the eighth order of business.

Passed to Committee on Ways & Means.

MOTION

Senator Fraser moved adoption of the following resolution:

April 1, 2013

By Senators Fraser, Hasegawa, Shin, Hobbs, Conway, Bailey, Roach, Frockt, Kline, Murray, Kohl-Welles, Ranker, Cleveland, Chase, McAuliffe, Hatfield, Harper, Darneille, Mullet, Billig, Schlicher, Pearson, Keiser, Rolfes, and Nelson

WHEREAS, Consul General Kiyokazu Ota of Japan, who has served with distinction in the State of Washington, recently returned to Japan; and

WHEREAS, During his three-year tenure in Washington State, he was always appreciated for his thoughtful and gracious style and for significantly deepening ties between Washington State and Japan that promote lasting friendships, further cultural exchanges, and stronger economic relationships; and

WHEREAS, He was greatly appreciated for his active and sincere interest in the people and communities of the State of Washington, including his participation in cherry tree planting ceremonies which symbolize the warm friendships between the peoples of Washington and Japan and took place in Seattle, Tacoma, Everett, Vancouver, and other areas; and

WHEREAS, Officials of the State of Washington appreciated his active interest in state government, his willingness to come to the State Capitol to visit the Governor and Legislators, his effectiveness in information exchange, and his effective role as a liaison between Washington State and Japan regarding after effects of the Tohoku Earthquake and Tsunami; and

WHEREAS, He brought a very knowledgeable and broad perspective to his service here in the State of Washington from his prior assignments around the world, including The Netherlands, Zambia, Austria, Africa, Middle East, Australia, and Japan; and

WHEREAS, He will be long appreciated and remembered by all who had the pleasure of association with him;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its sincere appreciation for Consul General Kiyokazu Ota's thoughtful, invaluable service and sincere acts of friendship toward Washingtonians during his tenure in the State of Washington.

Senators Fraser, Shin and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8648.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION 8649

By Senators Kohl-Welles, Rolfes, Fraser, Becker, McAuliffe, Parlette, Pearson, Kline, Nelson, Eide, Murray, Frockt, Cleveland, and Padden

WHEREAS, People of all ethnic and cultural heritage live in Washington State, sharing their traditions, histories, and cultures with the citizens of our state; and

WHEREAS, The State of Washington recognizes the great cultural contributions made by the many generations and individuals of Norwegian descent residing in our state, particularly in Ballard; and

WHEREAS, Since 1889, the greater Seattle area and beyond have joined in celebrating Norway's Constitution Day on the 17th of May by hosting a 17th of May, or "Syttende Mai," Festival and

parade in Ballard to honor the day in 1814 when Norway declared its independence by signing its constitution; and

WHEREAS, The Ballard May 17th parade is one of the largest ethnic parades in the United States and the largest May 17th parade outside of Oslo, Norway; and

WHEREAS, On the 17th of May, the Ballard community will join together to participate in a wide range of cultural festivities and events in celebration of all that is Norwegian;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Norway's Constitution Day, May 17, 2013, and encourage all citizens of Washington State to join in celebrating the culture and heritage of Norway; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Norwegian 17th of May Committee and to the Nordic Heritage Museum.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8649.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

At 12:07 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, April 3, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 3, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell and Frockt.

The Sergeant At Arms Color Guard consisting of sea cadets from the Capitol Battalion of the U.S. Naval Sea Cadets Corps, a joint unit of the United States Naval Sea Cadet Corps and the United States Navy League Cadet Corps, which are congressionally chartered, U.S. Navy-based organizations serving 11 to 17 year-old youths, including: Chief Petty Officer Svetlana (Lana) Sergojan; Seaman Apprentice Thomas Green; Seaman Recruit Cassandra Hager; and Seaman Recruit Alek Shackell presented the Colors.

The Reverend Stan Fowler of Edmonds, retired, former rector of St. Andrew's Episcopal Church, Seattle and serving as Associate Pastor at Trinity Episcopal Parish, Seattle offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 2, 2013

SB 5857 Prime Sponsor, Senator King: Concerning vehicle-related fees. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5857 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Brown; Ericksen; Schlicher and Smith.

Passed to Committee on Rules for second reading.

April 2, 2013

ESHB 1090 Prime Sponsor, Committee on Local Government: Increasing the dollar amount for construction of a dock that does not qualify as a substantial development under the shoreline management act. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

April 2, 2013

SHB 1130 Prime Sponsor, Committee on Business & Financial Services: Modifying who is authorized to redeem an impounded vehicle. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Nelson.

Passed to Committee on Rules for second reading.

April 2, 2013

EHB 1132 Prime Sponsor, Representative Hayes: Authorizing spouses of United States armed forces members who died while in service or as a result of service to apply for gold star license plates. (REVISED FOR ENGROSSED: Authorizing certain family members of United States armed forces members who died while in service or as a result of service to apply for gold star license plates.) Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

April 2, 2013

SHB 1192 Prime Sponsor, Committee on Appropriations Subcommittee on General Government: Regarding license fees under Title 77 RCW for veterans with disabilities. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

April 2, 2013

ESHB 1199 Prime Sponsor, Committee on Agriculture & Natural Resources: Ensuring hunter safety. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

April 2, 2013

HB 1277 Prime Sponsor, Representative Sawyer: Concerning tribes holding conservation easements. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hewitt; Kline; Rolfes, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

April 2, 2013

ESHB 1294 Prime Sponsor, Committee on Environment: Concerning flame retardants. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Chase; Cleveland; Honeyford and Litzow.

MINORITY recommendation: Do not pass. Signed by Senator Brown.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

April 2, 2013

SHB 1323 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding the sea cucumber dive fishery. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

April 2, 2013

HB 1326 Prime Sponsor, Representative Ryu: Addressing the consumer loan act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield and Nelson.

Passed to Committee on Rules for second reading.

April 2, 2013

HB 1447 Prime Sponsor, Representative Fey: Modifying the boundaries of certain heavy haul corridors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

April 2, 2013

EHB 1493 Prime Sponsor, Representative Springer: Concerning the property taxation of mobile homes and park model trailers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain and Nelson.

Passed to Committee on Rules for second reading.

April 2, 2013

ESHB 1496 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Concerning hunting-related enforcement actions involving tribal members. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hewitt; Kline; Rolfes, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

April 2, 2013

SHB 1498 Prime Sponsor, Committee on Environment: Improving reports on electronic waste collection. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Honeyford; Litzow; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

April 2, 2013

HB 1570 Prime Sponsor, Representative Kretz: Concerning filing requirements for property tax exemption claims for certain improvements to benefit fish and wildlife habitat, water quality, or water quantity. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

April 2, 2013

2SHB 1764 Prime Sponsor, Committee on Appropriations: Concerning geoduck diver licenses. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hewitt; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Ways & Means.

April 2, 2013

EHB 1826 Prime Sponsor, Representative Morris: Updating integrated resource plan requirements to address changing energy markets. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair;

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Billig; Brown; Chase; Cleveland; Honeyford; Litzow; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

April 2, 2013

SHB 1866 Prime Sponsor, Committee on Appropriations: Concerning the joint center for aerospace technology innovation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Smith, Vice Chair; Baumgartner; Holmquist Newbry; Schlicher and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Chase, Ranking Member.

Passed to Committee on Ways & Means.

April 2, 2013

SHB 1883 Prime Sponsor, Committee on Transportation: Simplifying and updating statutes related to fuel tax administration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes and Schlicher.

MINORITY recommendation: Do not pass. Signed by Senator Smith.

Passed to Committee on Rules for second reading.

April 2, 2013

HB 1892 Prime Sponsor, Representative Reykdal: Modifying certain provisions regarding transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Benton, Vice Co-Chair; Brown and Smith.

Passed to Committee on Rules for second reading.

April 2, 2013

SHB 1941 Prime Sponsor, Committee on Transportation: Concerning the adjudication of tolls and accompanying civil penalties. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Erickson; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

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ESHB 1950 Prime Sponsor, Committee on Environment: Designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW. (REVISED FOR ENGROSSED: Designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, water pipes whose primary purpose is for conveyance of water for domestic use, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW.) Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Erickson, Chair; Sheldon, Vice Chair; Brown; Chase and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Cleveland; Litzow; Ranker, Ranking Member.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 2, 2013

SGA 9089 MARC DAUDON, appointed on May 18, 2011, for the term ending June 30, 2014, as Member of the Energy Northwest. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Sheldon, Vice Chair; Billig; Brown; Chase; Cleveland; Litzow; Ranker, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Erickson, Chair and Honeyford.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5891 by Senators Hill and Hargrove

AN ACT Relating to state technology expenditures; amending RCW 41.06.142, 43.41A.075, 43.41A.025, 39.26.100, 43.41A.010, and 43.88.092; adding a new section to chapter 43.41 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SB 5892 by Senators Hargrove and Kline

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AN ACT Relating to reducing corrections costs; amending RCW 9.94A.517, 9.94A.190, 9.94A.729, and 70.48.130; adding a new section to chapter 9.94A RCW; adding a new section to chapter 70.41 RCW; creating new sections; providing effective dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5893 by Senators Hill, Tom and Bailey

AN ACT Relating to a surcharge on tuition fees charged to international students; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Ways & Means.

SB 5894 by Senator Becker

AN ACT Relating to authorizing the medicaid expansion while ensuring state financial protections, increasing consumer engagement and choice, and establishing expectations for improved health outcomes; amending RCW 74.09.055; reenacting and amending RCW 74.09.010, 74.09.510, 74.09.522, and 74.09.053; adding new sections to chapter 74.09 RCW; creating a new section; repealing RCW 74.09.035, 70.47.002, 70.47.005, 70.47.010, 70.47.015, 70.47.020, 70.47.030, 70.47.040, 70.47.050, 70.47.060, 70.47.0601, 70.47.070, 70.47.080, 70.47.090, 70.47.100, 70.47.110, 70.47.115, 70.47.120, 70.47.130, 70.47.140, 70.47.150, 70.47.160, 70.47.170, 70.47.200, 70.47.201, 70.47.210, 70.47.220, 70.47.230, 70.47.240, 70.47.250, 70.47.900, 70.47.901, and 70.47.902; and providing effective dates.

Referred to Committee on Ways & Means.

SB 5895 by Senators Hill and Hargrove

AN ACT Relating to education funding; amending RCW 43.135.025, 43.135.034, 82.45.100, 82.16.020, 82.18.040, 67.70.190, 28A.525.010, 28A.525.020, 28A.515.320, 39.42.140, and 84.52.067; reenacting and amending RCW 82.45.060 and 43.135.045; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 82.08 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Baumgartner moved adoption of the following resolution:

By Senators Baumgartner, Schoesler, Padden, Smith, Billig, and Holmquist Newbry

WHEREAS, The annual Spokane Lilac Festival is a favored tradition of the people of Spokane County and the Inland Northwest; and

WHEREAS, 2013 marks the 75th anniversary of the Spokane Lilac Festival, which embraces the theme of "Lilac Legacy--Alive at 75"; and

WHEREAS, The Lilac Festival began in 1938 under the guidance of the Associated Garden Clubs and the Spokane Floral Association as a way to celebrate the beautiful Lilac City, Spokane, and its growing popularity as a Washington destination; and

WHEREAS, In 1950, after the establishment of Armed Forces Day, the 92nd Bomb Wing of Geiger Field joined the festival parade as the official color guard of the Lilac Festival. This partnership with the Armed Forces continues today and is the nation's largest Armed Forces Parade; and

WHEREAS, The missions and goals of the Spokane Lilac Festival are to honor local military personnel, recognize outstanding area youth, showcase and celebrate Spokane and the Inland Northwest community, foster goodwill with other Northwest communities, give our youth and local organizations in the area an opportunity to display their abilities and talents, and act as a business stimulus both during the festival and throughout the year; and

WHEREAS, The Spokane Lilac Festival, a nonprofit organization operated entirely by volunteers, provides over 18,000 dollars in scholarships to members of the Royalty program and trains the members of the Royalty program in speech, military protocol, etiquette, self-defense, intercultural exchange, modeling, and the importance of volunteerism; and

WHEREAS, The volunteer aspect of the Spokane Lilac Festival continues to expand each year with projects such as visiting and serving at area hospitals, including Shriners Hospital for Children, veterans centers, retirement centers, and homeless shelters; reading at elementary schools, including Read Across America; participating in the Salvation Army's Clothe-a-Child program; working at Santa Express, a fund-raising arm of the Vanessa Behan Crisis Nursery; supporting the airmen and airwomen at Fairchild Air Force Base through Operation Cookie Drop; and participating in Make-a-Wish, Bloomsday, and the Associated Garden Club Annual Plant Sale; and

WHEREAS, Each year, thousands of volunteer hours are donated to the success of the festival including the "Lilac Loons" who discretely paint lilac blossoms on numerous streets and intersections to promote the festival, the "Float Toads" who design, build, and decorate each year's float, the "Parade Krewe" who oversee and produce the nation's largest Armed Forces Torchlight Parade, and the "Purple Coaters" who make up the Board of Directors of the festival and along with the Royalty Court serve as ambassadors to over 20 outlying parades and festivals each year; and

WHEREAS, This year's Festival Royalty Court includes Queen Brett Rountree of Central Valley High School and Princesses Katie Heitkemper of Lewis and Clark High School, Devyn Russell of Northwest Christian High School, Michelle Tatko of Ferris High School, Hailey Hyde of Saint George's High School, Emily Staker of Gonzaga Prep, and Savannah Sundseth of Mead High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the many contributions made to our state by the Spokane Lilac Festival, its

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organizers both past and present, and the Royalty Courts for the past seventy-five years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2013 Lilac Festival Officers and the Festival Royalty Court.

Senators Baumgartner, Billig and Smith spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8646.

The motion by Senator Baumgartner carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Queen Brett Rountree, Central Valley High School, the City of Spokane's 2013 Lilac Festival Queen who was seated at the rostrum.

REMARKS BY MISS BRETT ROUNTREE

Miss Brett Rountree: "Good morning, Mr. President, members of the Washington State Senate, guests, family and friends. My name is Brett Rountree and I have the distinct privilege of being the 2013 Spokane Lilac Festival Queen. It's a huge honor to be here today on behalf of the Spokane Lilac Festival. So far in my brief time as queen I've learned that my job goes so far deeper than just wearing a crown and waving in a parade. Every event in which the Royal Court and I participate reflects some portion of the Lilac Festival mission statement: Honoring our military; Recognizing our youth; and Showcasing Spokane in our region throughout the Northwest and beyond. Yes, we do have a parade. As you heard earlier it's the largest Armed Forces Torchlight Parade in the country. But what sets our festival apart is our commitment to the military and this commitment, it doesn't begin and end on the third Saturday in May. This past Christmas, for example, we bagged hundreds of cookies for 'Operation Cookie Drop.' These bags were given to Fairchild Airmen who wouldn't be going home for the holidays. We spent time talking to Fairchild Air Force Base officers and enlisted airmen, reading to first and second graders at Michael Anderson Elementary, touring the maintenance and medical facility as well as the base tower. We were also given the opportunity to see a static display of K-135 and, later, discover what it felt like to fly that plane while refueling another plane in the flight simulator. And most recently we attended 92nd Air Refueling Wing Command Chief Rudy Lopez's retirement ceremony. At every turn we saw the men and women of Fairchild giving of themselves to offer us the freedoms that we take for granted every day. Now, early on in our Royal journey we were challenged to reflect on the quote by James Fraude, 'The essence of true nobility is neglect itself.' This statement has become our personal guide. We have done a lot of volunteering around Spokane including serving with Santa Express which is the fundraising arm of the Vanessa Behan Crisis Nursery. We helped underprivileged children pick out clothing during Salvation Army Cloth a Child. We served dinner at the Union Gospel Mission. We've read to elementary schools everywhere in Spokane during 'Read Across America.' We've also been given the opportunity to sing the National Anthem at the Spokane Veterans Home as well as all four State B National Boys Basketball Games. But my favorite, a little while ago we teamed up with Make A Wish Foundation and we were able to fulfill a little girl with a terminally ill disease, to fulfill her princess dreams and she was granted a trip to Walt Disney World. The Spokane Lilac Festival and the Royal Court are Spokane's

ambassadors as we travel during the parade season but most of our parades are right here in Washington and we would love it to see most of you at one of those parades and for a second year in a row, our role as ambassadors is taking us wide and far. After last year's successful trip to Jilin City in China, this year we are going to be joining the 2013 Lilac President Christine Leva as well as Mayor David Condon on a trip to Limerick Ireland. But, before we do any traveling we have a parade to do so now I would like to personally invite all of you to the Spokane Lilac Festival Parade, Seventy Fifty Diamond Anniversary, Saturday, May 18 to experience the Lilac legacy for yourself. Alive at seventy five. Thank you so much for this amazing opportunity today and for the recognition and honor of the Spokane Lilac Festival."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Lilac Festival Royal Court: Princess Devyn Russell, Northwest Christian High School; Princess Hailey Hyde, Saint George's High School; and Princess Savannah Sundseth, Mead High School and representatives of the Spokane Lilac Festival Association: Mrs. Christine Leva, 2013 President; Mrs. Claire Patton, 2012 First Lady and Chaperone; Ms. Shelley Sholl, Chaperone; Ms. Keisha Rountree, Queen Mum and Chaperone who were present in the gallery and recognized by the Senate.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Mullet moved that Scott Jarvis, Gubernatorial Appointment No. 9207, be confirmed as Director of the Department of Financial Institutions.

Senators Mullet, Hobbs and Benton spoke in favor of passage of the motion.

MOTION

On motion of Senator Rivers, Senator Carrell was excused.

MOTION

On motion of Senator Billig, Senator Frockt was excused.

APPOINTMENT OF SCOTT JARVIS

The President declared the question before the Senate to be the confirmation of Scott Jarvis, Gubernatorial Appointment No. 9207, as Director of the Department of Financial Institutions.

The Secretary called the roll on the confirmation of Scott Jarvis, Gubernatorial Appointment No. 9207, as Director of the Department of Financial Institutions and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow,

McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Frockt

Scott Jarvis, Gubernatorial Appointment No. 9207, having received the constitutional majority was declared confirmed as Director of the Department of Financial Institutions.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Donald McQuary, Gubernatorial Appointment No. 9049, be confirmed as a member of the Board of Trustees, Walla Walla Community College District No. 20.

Senator Schoesler spoke in favor of the motion.

APPOINTMENT OF DONALD MCQUARY

The President declared the question before the Senate to be the confirmation of Donald McQuary, Gubernatorial Appointment No. 9049, as a member of the Board of Trustees, Walla Walla Community College District No. 20.

The Secretary called the roll on the confirmation of Donald McQuary, Gubernatorial Appointment No. 9049, as a member of the Board of Trustees, Walla Walla Community College District No. 20 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Frockt

Donald McQuary, Gubernatorial Appointment No. 9049, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Walla Walla Community College District No. 20.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rolfes moved that Darlene Peters, Gubernatorial Appointment No. 9059, be confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

Senators Rolfes and Schlicher spoke in favor of passage of the motion.

MOTION

On motion of Senator Billig, Senator Murray was excused.

APPOINTMENT OF DARLENE PETERS

The President declared the question before the Senate to be the confirmation of Darlene Peters, Gubernatorial Appointment No. 9059, as a member of the Board of Trustees, Olympic Community College District No. 3.

The Secretary called the roll on the confirmation of Darlene Peters, Gubernatorial Appointment No. 9059, as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Murray

Darlene Peters, Gubernatorial Appointment No. 9059, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Julie McCulloch, Gubernatorial Appointment No. 9047, be confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

Senator Kohl-Welles spoke in favor of the motion.

APPOINTMENT OF JULIE MCCULLOCH

The President declared the question before the Senate to be the confirmation of Julie McCulloch, Gubernatorial Appointment No. 9047, as a member of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Julie McCulloch, Gubernatorial Appointment No. 9047, as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Murray

Julie McCulloch, Gubernatorial Appointment No. 9047, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Thuy Vo, Gubernatorial Appointment No. 9039, be confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

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Senator Hatfield spoke in favor of the motion.

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

APPOINTMENT OF THUY VO

The President declared the question before the Senate to be the confirmation of Thuy Vo, Gubernatorial Appointment No. 9039, as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

Passed to Committee on Rules for second reading.

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The Secretary called the roll on the confirmation of Thuy Vo, Gubernatorial Appointment No. 9039, as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

HB 1108 Prime Sponsor, Representative Goodman: Modifying the definition of rape in the third degree and indecent liberties. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

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Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ESHB 1117 Prime Sponsor, Committee on Judiciary: Concerning the transfer of real property by deed taking effect at the grantor's death. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

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Excused: Senators Carrell and Murray

Thuy Vo, Gubernatorial Appointment No. 9039, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

HB 1119 Prime Sponsor, Representative Goodman: Allowing the sheriff to waive fees associated with the service of a writ of habeas corpus under certain circumstances. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

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MOTION

At 10:50 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:26 p.m. by Senator Litzow.

SHB 1144 Prime Sponsor, Committee on Education: Regarding qualifications for educational interpreters. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Fain; Hill; Mullet and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Cleveland.

Passed to Committee on Rules for second reading.

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MOTION

There being no objection, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

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SHB 1076 Prime Sponsor, Committee on Education: Expanding participation in innovation academy cooperatives. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

ESHB 1083 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Authorizing judges of tribal courts and administrative law judges to solemnize marriages. Reported by Committee on Law & Justice

HB 1145 Prime Sponsor, Representative Goodman: Providing credit towards child support obligations for veterans benefits. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

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HB 1194 Prime Sponsor, Representative Stanford: Limiting liability for habitat projects. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

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2SHB 1195 Prime Sponsor, Committee on Appropriations Subcommittee on General Government: Concerning primaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Fraser; Hasegawa, Ranking Member and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Passed to Committee on Rules for second reading.

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HB 1227 Prime Sponsor, Representative Hunt: Regarding cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles and Pearson.

Passed to Committee on Rules for second reading.

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ESHB 1253 Prime Sponsor, Committee on Finance: Concerning the lodging tax. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Schlicher and Shin.

Passed to Committee on Ways & Means.

April 2, 2013

ESHB 1291 Prime Sponsor, Committee on Public Safety: Concerning services for victims of the sex trade. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

April 3, 2013

EHB 1395 Prime Sponsor, Representative Sells: Implementing the unemployment insurance integrity provisions of the federal trade adjustment assistance extension act of 2011. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; Keiser and King.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

April 3, 2013

SHB 1397 Prime Sponsor, Committee on Education: Adding a requirement to sexual health education to include elements of and consequences for conviction of sexual offenses where the victim is a minor. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

April 2, 2013

HB 1404 Prime Sponsor, Representative Liias: Preventing alcohol poisoning deaths. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

April 3, 2013

ESHB 1412 Prime Sponsor, Committee on Education: Making community service a high school graduation requirement. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

April 2, 2013

HB 1436 Prime Sponsor, Representative Rodne: Concerning privileging and professional conduct reviews by health care professional review bodies. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles and Pearson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

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SHB 1459 Prime Sponsor, Committee on Government Accountability & Oversight: Authorizing students under the age of twenty-one to taste wine in viticulture and enology programs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 3, 2013

ESHB 1467 Prime Sponsor, Committee on Labor & Workforce Development: Addressing the collection of unpaid wages. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Ways & Means.

April 3, 2013

SHB 1472 Prime Sponsor, Committee on Education: Providing initiatives to improve and expand access to computer science education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

April 3, 2013

SHB 1556 Prime Sponsor, Committee on Education: Creating initiatives in high schools to save lives in the event of cardiac arrest. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers Rolfes, Assistant Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Dammeier, Vice Chair.

Passed to Committee on Rules for second reading.

April 2, 2013

SHB 1601 Prime Sponsor, Committee on Public Safety: Providing alternatives for penalties stemming from traffic infractions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles and Pearson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Ways & Means.

April 2, 2013

SHB 1612 Prime Sponsor, Committee on Judiciary: Concerning information on firearm offenders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Ways & Means.

April 2, 2013

SHB 1613 Prime Sponsor, Committee on Appropriations Subcommittee on General Government: Establishing the criminal justice training commission firing range maintenance account. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Rules for second reading.

April 3, 2013

ESHB 1620 Prime Sponsor, Committee on Transportation: Concerning passenger-carrying vehicles for railroad employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 3, 2013

SHB 1674 Prime Sponsor, Committee on Technology & Economic Development: Increasing the regulatory oversight and accountability of the office of minority and women's business enterprises. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Smith, Vice Chair; Chase, Ranking Member; Schlicher and Shin.

Passed to Committee on Ways & Means.

April 3, 2013

ESHB 1688 Prime Sponsor, Committee on Education: Establishing a requirement and system for reporting incidents of student restraint and isolation in public schools. (REVISED FOR ENGROSSED: Establishing a requirement and system for reporting incidents of student restraint and isolation in public schools for students who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973.) Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

April 3, 2013

SHB 1779 Prime Sponsor, Committee on Business & Financial Services: Concerning esthetics. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

April 2, 2013

SHB 1840 Prime Sponsor, Committee on Judiciary: Concerning firearms laws for persons subject to no-contact orders, protection orders, and restraining orders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles and Pearson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

April 3, 2013

ESHB 1870 Prime Sponsor, Committee on Business & Financial Services: Addressing methods of payment. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 3, 2013

EHB 1887 Prime Sponsor, Representative Sawyer: Increasing educational options under vocational rehabilitation plans. (REVISED FOR ENGROSSED: Ordering consideration of increased educational options under vocational rehabilitation plans.) Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 3, 2013

SGA 9068 DALE R PEINECKE, appointed on January 16, 2013, for the term ending at the governors pleasure, as Commissioner of the Employment Security Department. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 3, 2013

SGA 9070 JOEL SACKS, appointed on January 16, 2013, for the term ending at the governor's pleasure, as Director of the Department of Labor and Industries. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 3, 2013

SGA 9103 MARILYN GLENN SAYAN, reappointed on November 21, 2011, for the term ending September 8, 2016, as Chair of the Public Employment Relations Commission. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

April 3, 2013

SGA 9106 KELSEY GRAY, appointed on January 23, 2012, for the term ending June 30, 2017, as Member of the Gambling Commission. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway, Ranking Member; Hasegawa and Keiser.

Passed to Committee on Rules for second reading.

April 3, 2013

SGA 9115 NANCY J HOLLAND YOUNG, appointed on June 19, 2012, for the term ending January 4, 2017, as Member of the Personnel Resources Board. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; Keiser and King.

Passed to Committee on Rules for second reading.

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MOTION

On motion of Fain, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Second Substitute House Bill No. 1195 and Engrossed Substitute House Bill No. 1688 which were referred to the Committee on Ways & Means and Engrossed Substitute House Bill No. 1620 which was referred to the Committee on Transportation.

MOTION

At 5:27 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Thursday, April 4, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 4, 2013

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 3, 2013

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5139,
SENATE BILL NO. 5216,
SENATE BILL NO. 5488,
SUBSTITUTE SENATE BILL NO. 5518,
SUBSTITUTE SENATE BILL NO. 5524,
SENATE BILL NO. 5558,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5563,
ENGROSSED SENATE BILL NO. 5620,
SUBSTITUTE SENATE BILL NO. 5634,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5896 by Senators Hobbs, Litzow, Ranker and Mullet

AN ACT Relating to extending renewable energy sales and use tax exemptions; amending RCW 82.08.962 and 82.12.962; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5897 by Senator Pearson

AN ACT Relating to state parks; amending RCW 79A.05.335, 79A.05.340, 79A.05.345, 79A.70.005, 79A.70.010, 79A.70.020, 79A.70.030, 79A.70.040, 79A.05.025, 79A.05.175, 79A.05.178, 82.19.040, 70.93.180, and 79A.05.215; reenacting and amending RCW 79A.05.030; adding a new section to chapter 79A.80 RCW; adding new sections to chapter 79A.05 RCW; creating a new section; repealing RCW 79A.70.050; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5898 by Senators Hill and Hargrove

AN ACT Relating to increasing education funding, including adjusting school district levy and state levy equalization provisions; amending RCW 28A.150.260, 28A.160.192, 84.52.0531, 28A.500.020, and 28A.500.030; reenacting and amending RCW 84.52.0531; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5899 by Senators Harper, Billig, Darneille, Hargrove, McAuliffe, Keiser and Kohl-Welles

AN ACT Relating to communications services reform to fund working connections child care; amending RCW 82.14B.040, 82.14B.042, 82.14B.030, 82.14B.200, 80.36.430, 43.20A.725, 80.36.420, 80.36.450, 80.36.460, 80.36.470, and 80.36.610; reenacting and amending RCW 82.14B.020 and 82.08.0289; adding new sections to chapter 80.36 RCW; adding a new section to chapter 43.215 RCW; creating new sections; repealing RCW 82.72.010, 82.72.020, 82.72.030, 82.72.040, 82.72.050, 82.72.060, 82.72.070, 82.72.080, 82.72.090, and 80.36.600; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5900 by Senators McAuliffe, Kohl-Welles, Chase, Keiser, Hasegawa, Kline, Ranker, Fraser, Harper and Murray

AN ACT Relating to strengthening the tax structure, tax equity, and essential governmental services by a voter-approved tax; amending RCW 82.08.020, 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 6.15.020, 41.24.240, 41.32.052, 41.35.100, 41.40.052, 41.44.240, 41.26.053, and 43.43.310; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; repealing RCW 6.15.025; prescribing penalties; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5139,
SENATE BILL NO. 5216,
SENATE BILL NO. 5488,
SUBSTITUTE SENATE BILL NO. 5518,
SUBSTITUTE SENATE BILL NO. 5524,

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SENATE BILL NO. 5558,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5563,
ENGROSSED SENATE BILL NO. 5620,
SUBSTITUTE SENATE BILL NO. 5634.

MOTION

At 10:02 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Friday, April 5, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 5, 2013

The Senate was called to order at 9:00 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 4, 2013

SB 5034 Prime Sponsor, Senator Hill: Making 2013-2015 operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5034 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Nelson, Assistant Ranking Member; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser; Murray; Padden and Ranker.

Passed to Committee on Rules for second reading.

April 4, 2013

SB 5883 Prime Sponsor, Senator Baumgartner: Providing for more equitable funding of public higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5883 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Murray; Nelson, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Keiser and Ranker.

Passed to Committee on Rules for second reading.

April 4, 2013

SB 5891 Prime Sponsor, Senator Hill: Concerning state technology expenditures. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5891 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa; Hatfield; Kohl-Welles; Murray; Nelson, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser and Ranker.

Passed to Committee on Rules for second reading.

April 4, 2013

SB 5895 Prime Sponsor, Senator Hill: Funding education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5895 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa; Hatfield; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5901 by Senators Litzow and Tom

AN ACT Relating to education; amending RCW 28A.150.520, 28A.300.118, 28A.300.150, 28A.405.106, 28A.655.061, 39.35D.040, 28A.400.200, 28A.150.260, 28A.160.192, 28A.655.180, 28A.655.180, 28A.600.015, 28A.600.020, 28A.600.410, 28A.300.046, 28A.300.042, and 28A.300.507; adding new sections to chapter 28A.655 RCW;

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adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 28A.600 RCW; creating new sections; repealing RCW 28A.400.201, 28A.220.050, 28A.220.080, 28A.230.150, and 28A.320.185; making appropriations; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 9:01 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:08 a.m. by the President Pro Tempore.

The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell and McAuliffe.

The Sergeant at Arms Color Guard consisting of Pages McKenna Lautenbach and Thomas Skinner Badart, presented the Colors. Most Rev. Joseph J. Tyson, Bishop, Diocese of Yakima of the Roman Catholic Church, offered the prayer.

The President assumed the chair.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced His Excellency Claudio Bisogniero, Ambassador of the Republic of Italy to the United States; Consul General of Italy in San Francisco, the Honorable Mauro Battocchi; and Honorary Consul of Italy in Seattle, the Honorable Franco Tesorieri who were present at the rostrum. With the permission of the Senate, business was suspended to allow Ambassador Bisogniero to address the Senate.

REMARKS BY AMBASSADOR CLAUDIO BISOGNIERO

Ambassador Claudio Bisogniero: "Thank you so much Mr. Lt. Governor General. It's a great pleasure and a great honor for me to be here today in this great building. It happens to be the first time that an Italian Ambassador visits state of Washington since 1978 and that is really too long. I think that we have great opportunities to work together. I think here about the trade and investment area. There's some great companies in this state and high tech areas. We in Italy have a major industrial bases and we want to do more. We want to work together to find ways in which companies in this state, Italian companies can develop more business and more investments in important areas. Aerospace is one that comes to my mind but also IT and also for instance bio tech and clean energy. These are all areas of which we have a huge potential and that's what it's all about at the end of the day, stimulating the economy and job creation which is something very important I guess for my country but also for this great state. Another issue I'd like to mention very briefly is that we have designated 2013 as 'the Year of the Italian Culture in the United

States' so we are organizing many events throughout the nation, many American cities with American museums, universities, opera houses and so on and so forth. We want, through this great initiative, 2013 the Year of the Italian Culture in the United States to showcase the great Italian artistic and culture tradition that we're all familiar with, painting, sculptures and opera and music but also at the same time to showcase the Italy of today and the Italy of tomorrow, Italy's creativity and innovations so we will do events in science, design and technology. So, once again, I believe we have some great potential and I think that we can, through trade and investment, through culture, build some much stronger relationship between this great state of Washington and the Republic of Italy. Thank you very much for your attention. It's a pleasure to be here."

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin moved that Diana Clay, Gubernatorial Appointment No. 9011, be confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

APPOINTMENT OF DIANA CLAY

The President declared the question before the Senate to be the confirmation of Diana Clay, Gubernatorial Appointment No. 9011, as a member of the Board of Trustees, Edmonds Community College District No. 23.

The Secretary called the roll on the confirmation of Diana Clay, Gubernatorial Appointment No. 9011, as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senators Carrell, Dammeier and McAuliffe

Diana Clay, Gubernatorial Appointment No. 9011, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

MOTION

On motion of Senator Rivers, Senator Carrell was excused.

PERSONAL PRIVILEGE

Senator Kline: "Mr. President and members, we are now in the Gubernatorial Appointee phase of our session, this time of day and this time of season when you gather round and we're kind of waiting to get things to get started we do our gubernatorial appointments. Just so that they might go a little quicker, I wonder, Mr. President, if I could invite the members to a guber haiku

contest in order to shorten this process? And if I may read Mr. President? I have written the first entry: 'This appointee, long career, knows her stuff, works well, leads by example, confirm please.' Thank you Mr. President."

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hewitt moved that Darcey Fugman-Small, Gubernatorial Appointment No. 9017, be confirmed as a member of the Board of Trustees, Walla Walla Community College District No. 20.

Senator Hewitt spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator McAuliffe was excused.

MOTION

On motion of Senator Hobbs, Senator Hargrove was excused.

APPOINTMENT OF DARCEY FUGMAN-SMALL

The President declared the question before the Senate to be the confirmation of Darcey Fugman-Small, Gubernatorial Appointment No. 9017, as a member of the Board of Trustees, Walla Walla Community College District No. 20.

The Secretary called the roll on the confirmation of Darcey Fugman-Small, Gubernatorial Appointment No. 9017, as a member of the Board of Trustees, Walla Walla Community College District No. 20 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Dammeier

Excused: Senators Carrell, Hargrove and McAuliffe

Darcey Fugman-Small, Gubernatorial Appointment No. 9017, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Walla Walla Community College District No. 20.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that James Groves, Gubernatorial Appointment No. 9020, be confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

Senator Ericksen spoke in favor of the motion.

APPOINTMENT OF JAMES GROVES

The President declared the question before the Senate to be the confirmation of James Groves, Gubernatorial Appointment No. 9020, as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of James Groves, Gubernatorial Appointment No. 9020, as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Hargrove

James Groves, Gubernatorial Appointment No. 9020, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

MOTION

At 10:37 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:53 a.m. by President Owen.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schlicher moved that Judith Hartmann, Gubernatorial Appointment No. 9021, be confirmed as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

Senator Schlicher spoke in favor of the motion.

APPOINTMENT OF JUDITH HARMANN

The President declared the question before the Senate to be the confirmation of Judith Hartmann, Gubernatorial Appointment No. 9021, as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

The Secretary called the roll on the confirmation of Judith Hartmann, Gubernatorial Appointment No. 9021, as a member of the Board of Trustees, South Puget Sound Community College District No. 24 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Judith Hartmann, Gubernatorial Appointment No. 9021, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

MOTION

EIGHTY SECOND DAY, APRIL 5, 2013

2013 REGULAR SESSION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5891, by Senators Hill and Hargrove
Concerning state technology expenditures.

MOTION

On motion of Senator Hill, Substitute Senate Bill No. 5891 was substituted for Senate Bill No. 5891 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following amendment by Senators Hasegawa and Conway be adopted:

On page 1, beginning on line 6, strike all of sections 1 and 2.

On page 1, line 2 of the title, strike "41.06.142, 43.41A.075,"

Senators Hasegawa, Fraser and Conway spoke in favor of adoption of the amendment.

Senators Hill and Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hasegawa and Conway on page 1, line 6 to Substitute Senate Bill No. 5891.

The motion by Senator Hasegawa failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 5891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5891.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5891 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:10 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:27 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Honeyford moved that Maia Bellon, Gubernatorial Appointment No. 9202, be confirmed as Director of the Department of Ecology.

Senators Honeyford, Ranker and Brown spoke in favor of passage of the motion.

APPOINTMENT OF MAIA BELLON

The President declared the question before the Senate to be the confirmation of Maia Bellon, Gubernatorial Appointment No. 9202, as Director of the Department of Ecology.

The Secretary called the roll on the confirmation of Maia Bellon, Gubernatorial Appointment No. 9202, as Director of the Department of Ecology and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Absent: Senator Shin

Excused: Senator Carrell

Maia Bellon, Gubernatorial Appointment No. 9202, having received the constitutional majority was declared confirmed as Director of the Department of Ecology.

MOTION

At 2:35 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:53 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5034, by Senators Hill and Hargrove

Making 2013-2015 operating appropriations. Revised for 1st Substitute: Making omnibus operating appropriations.

MOTION

On motion of Senator Hill, Substitute Senate Bill No. 5034 was substituted for Senate Bill No. 5034 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kline moved that the following amendment by Senator Kline and others be adopted:

On page 8, line 6, strike "\$40,601,000", and insert "\$46,251,000"

On page 8, line 7, strike "\$40,330,000", and insert "\$45,980,000"

On page 9, after line 35, insert the following:

"(9) \$11,300,000 of the judicial information systems account--state appropriation is provided solely for the superior courts case management system project."

Adjust the total appropriation accordingly.

Senators Kline and Fraser spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline and others on page 8, line 6 to Substitute Senate Bill No. 5034.

The motion by Senator Kline failed and the amendment was not adopted by voice vote.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 10, line 17, increase the State General Fund appropriation for FY 2014 by \$21,000

On page 10, line 18, increase the State General Fund appropriation for FY 2015 by \$21,000

Adjust the total appropriation accordingly.

Senators Hasegawa and Frockt spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 10, line 7 to Substitute Senate Bill No. 5034.

The motion by Senator Hasegawa failed and the amendment was not adopted by voice vote.

MOTION

Senator Conway moved that the following amendment by Senators Conway, Darneille and Ranker be adopted:

On page 15, line 6, increase the General Fund--State Appropriation by \$892,000

On page 15, line 7, increase the General Fund--State Appropriation by \$894,000

Adjust the total appropriation accordingly.

Senators Conway, Ranker and Darneille spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Conway, Darneille and Ranker on page 15, line 6 to Substitute Senate Bill No. 5034.

The motion by Senator Conway failed and the amendment was not adopted by voice vote.

MOTION

Senator Darneille moved that the following amendment by Senators Darneille, Chase and Schlicher be adopted.

On page 15, line 6, strike "\$34,909,000", and insert "\$50,527,000"

On page 15, line 7, strike "\$34,435,000", and insert "\$51,054,000"

On page 15, line 15, strike "\$29,029,000", and insert "\$25,441,000"

On page 15, line 17, strike "\$13,701,000", and insert "\$11,912,000"

On page 15, line 32, strike "\$419,351,000", and insert "\$445,211,000"

On page 169, line 11, strike "\$5,000,000", and insert "\$7,500,000."

Senators Darneille, Frockt and Schlicher spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Darneille, Chase and Schlicher on page 15, line 6 to Substitute Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Darneille, Chase and Schlicher and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 1; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Schoesler, Sheldon, Smith and Tom

Absent: Senator Roach

Excused: Senator Carrell

MOTION

Senator Chase moved that the following amendment by Senators Chase and McAuliffe be adopted:

On page 17, after line 11 insert the following:

"(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation of the Washington state economic development commission. A minimum of one-half of these funds each year shall be used for economic development programs and system evaluation."

Senators Chase and Hill spoke in favor of adoption of the amendment.

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2013 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senators Chase and McAuliffe on page 17, line 11 to Substitute Senate Bill No. 5034.

The motion by Senator Chase carried and the amendment was adopted by voice vote.

MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Fain moved to immediately reconsider the vote by which the amendment by Senators Chase and McAuliffe on page 17, line 11 to Substitute Senate Bill No. 5034 was adopted.

Senator Hill spoke against adoption of the amendment.

PARLIAMENTARY INQUIRY

Senator Frockt: "Is the rule about voting on the prevailing side applicable in order to ask for a reconsideration in order on an oral vote?"

REPLY BY THE PRESIDENT

President Owen: "Yes, it is."

The President declared the question before the Senate to be the adoption of the amendment on reconsideration by Senators Chase and McAuliffe on page 17, line 11 to Substitute Senate Bill No. 5034.

The motion by Senator Fain carried and the amendment was not adopted by voice vote on reconsideration.

MOTION

Senator Chase moved that the following amendment by Senator Chase be adopted:

On page 17, after line 11, insert the following:
 "(10)(a) When the state tourism office was closed in 2011, the Washington tourism alliance was formed to provide a privately funded and managed statewide tourism marketing program. While the tourism alliance has kept the basics of a statewide tourism marketing in place, it is necessary to find a long-term reliable funding mechanism and source so that Washington state can continue to compete with its neighboring states for valuable tourist dollars. It is the intent of the legislature to establish a working group comprised of public and private sector stakeholders in order to identify possible long-term funding solutions which incorporate private-public partnerships.

(b)(i) A tourism stakeholder task force comprised of representatives from the department of revenue, the department of commerce, the Washington public ports association, the Washington tourism alliance, the Washington lodging association, the Washington restaurant association, and other private sector and nonprofit organizations interested in tourism must convene to identify effective operational structures and long-term funding sources for the implementation of a statewide tourism marketing program.

(ii) The tourism stakeholder task force must convene no less than three separate meetings over the interim. Issues for discussion must include, but are not limited to: The appropriate funding level for a statewide tourism marketing program, identification of long-term funding sources and mechanisms for collecting funds from those sources, identification of the proper governance structure including the relationship between the public and private sectors, and measurements needed to identify the outcomes from the use of tourism marketing funds. Specific recommendations on these

issues are due to the legislature by December 1, 2013.

(iii) Legislative staff to the applicable committees must assist the tourism stakeholder task force in planning and facilitating all task force meetings.

(c) This subsection expires December 1, 2013."

On page 1, line 18 of the title, after "appropriations;" insert "providing an expiration date;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Chase, the amendment by Senator Chase on page 17, line 11 to Substitute Senate Bill No. 5034 was withdrawn.

MOTION

Senator Rivers moved that the following amendment by Senator Rivers be adopted:

On page 20, line 33, after "limitations:" insert the following:

"(1)"

On page 21, after line 3, insert the following:

"(2)(a) The liquor control board must work with the department of health and the department of revenue to develop recommendations for the legislature regarding the interaction of medical marijuana regulations and the provisions of Initiative Measure No. 502. At a minimum, the recommendations must include provisions addressing the following:

- (i) Age limits;
- (ii) Authorizing requirements for medical marijuana;
- (iii) Regulations regarding health care professionals;
- (iv) Collective gardens;
- (v) Possession amounts;
- (vi) Location requirements;
- (vii) Requirements for medical marijuana producing, processing, and retail licensing; and
- (viii) Taxation of medical marijuana in relation to recreational marijuana.

(b) The board must submit its recommendations to the appropriate committees of the legislature by January 1, 2014."

Senators Rivers, Conway and Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rivers on page 20, line 23 to Substitute Senate Bill No. 5034.

The motion by Senator Rivers carried and the amendment was adopted by voice vote.

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes and others be adopted:

On page 21, line 19, strike "\$1,763,000", and insert "\$7,184,000"

On page 21, line 20, strike "\$1,699,000", and insert "\$7,120,000"

On page 21, line 22, strike "\$58,510,000", and insert "\$47,688,000"

Adjust the total appropriation accordingly.

On page 96, line 28, strike " Enhanced 911 Account--State Appropriation \$3,480,000"

Adjust the total appropriation accordingly.

On page 197, beginning with line 13, strike the entire section 956, ending on page 198, line 13.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Rolfes spoke in favor of adoption of the amendment.
Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes and others on page 21, line 19 to Substitute Senate Bill No. 5034.

The motion by Senator Rolfes failed and the amendment was not adopted by voice vote.

MOTION

Senator Hill moved that the following amendment by Senator Hill and others be adopted:

On page 21, line 29, strike "\$249,413,000", and insert "\$272,355,000"

On page 21, line 33, after "appropriation and", strike "\$13,640,000", and insert "\$53,253,000"

On page 65, line 3, after "as" strike the remainder of the sentence and insert "partial payment."

On page 98, line 14, after "maximum of", strike "\$14,082,000", and insert "\$14,112,000"

On page 98, line 15, after "year 2014 and", strike "\$14,000,000", and insert "14,060,000"

On page 149, line 11, strike "\$479,255,000", and insert "\$479,555,000"

On page 169, line 25, strike "2014", and insert "2015"

On page 169, line 33, strike "2015", and insert "2014"

On page 169, line 36, strike "2015", and insert "2014"

On page 170, line 1, strike "2015", and insert "2014"

On page 170, line 4, strike "2015", and insert "2014"

On page 170, line 7, strike "2015", and insert "2014"

On page 170 line 11, strike "year 2015 and \$1,600,000 for fiscal year 2015", and insert "year 2014 and \$1,600,000 for fiscal year 2015"

On page 393, line 28, strike "\$291,000", and insert "\$697,000"

Senators Hill and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hill and others on page 21, line 29 to Substitute Senate Bill No. 5034.

The motion by Senator Hill carried and the amendment was adopted by voice vote.

MOTION

Senator Dammeier moved that the following amendment by Senator Dammeier and others be adopted:

On page 24, after line 15 insert the following:

"(5) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action. The building code council shall comply with Ch. 19.85 RCW known as the regulatory fairness act, by including with all proposed

substantial code amendments an analysis addressing cost effectiveness, net benefits, payback periods, and life-cycle costs."

Senator Dammeier spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Dammeier and others on page 24, after line 15 to Substitute Senate Bill No. 5034.

The motion by Senator Dammeier carried and the amendment was adopted by voice vote.

MOTION

Senator Billig moved that the following amendment by Senators Billig, Harper and Nelson be adopted:

On page 29, line 6, increase the General Fund--State Appropriation by \$1,301,000

On page 29, line 7, increase the General Fund--State Appropriation by \$1,582,000

Adjust the total appropriation accordingly.

On page 32, after line 14, insert the following:

"(11) \$1,301,000 of the general fund--state appropriation for fiscal year 2014 and \$1,582,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for increases to child care subsidy rates pursuant to Senate Bill No. 5899 (working connections child care). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse."

On page 51, line 21, increase the General Fund--State Appropriation by \$13,265,000

On page 51, line 22, increase the General Fund--State Appropriation by \$17,553,000

Adjust the total appropriation accordingly.

On page 53, after line 31, insert the following:

"(12) \$13,265,000 of the general fund--state appropriation for fiscal year 2014 and \$17,553,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for increases to the working connection child care rates pursuant to Senate Bill No. 5899 (working connections child care). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse."

Senators Billig and Harper spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Billig, Harper and Nelson on page 29, line 6 to Substitute Senate Bill No. 5034.

The motion by Senator Billig failed and the amendment was not adopted by voice vote.

MOTION

Senator Mullet moved that the following amendment by Senators Mullet and Darneille be adopted:

On page 42, line 11, increase the general fund-state appropriation for fiscal year 2014 by \$97,000.

On page 42, line 12, increase the general fund-state appropriation for fiscal year 2015 by \$88,000.

On page 42, line 13, increase the general fund-federal appropriation by \$100,000.

Adjust totals accordingly.

Senators Mullet and Hill spoke in favor of adoption of the amendment.

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2013 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senators Mullet and Darneille on page 42, line 11 to Substitute Senate Bill No. 5034.

The motion by Senator Mullet carried and the amendment was adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser and others be adopted:

On page 45, line 13, increase the general fund--state appropriation for fiscal year 2014 by \$5,330,000

On page 45, line 14, increase the general fund--state appropriation for fiscal year 2015 by \$5,330,000

On page 45, line 15, increase the general fund--federal appropriation by \$10,660,000

On page 45, line 20, correct the total.

Senator Keiser spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and others on page 45, line 13 to Substitute Senate Bill No. 5034.

The motion by Senator Keiser failed and the amendment was not adopted by voice vote.

MOTION

Senator Darneille moved that the following amendment by Senator Darneille and others be adopted.

On page 51, line 21, increase the General Fund--State Appropriation by \$28,698,000

On page 51, line 22, increase the General Fund--State Appropriation by \$36,804,000

Adjust the total appropriation accordingly.

On page 52, after line 29, strike all material down through line 33, and insert

"(6) (a) \$21,876,000 of the general fund--state appropriation for fiscal year 2014 and \$27,004,000 of the general fund--state appropriation for fiscal year 2015, in addition to supplemental security income recoveries, are provided solely for the assistance programs in RCW 76.62.030."

Senators Darneille, Murray, Rolfes and Frockt spoke in favor of adoption of the amendment.

Senators Hill and Hargrove spoke against adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille and others on page 51, line 21 to Substitute Senate Bill No. 5034.

MOTION

On motion of Senator Benton, Senator Roach was excused.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Darneille and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Roach

MOTION

Senator Darneille moved that the following amendment by Senators Darneille and others be adopted:

On page 51, line 21, increase the General Fund--State Appropriation by \$1,354,000

On page 51, line 22, increase the General Fund--State Appropriation by \$1,354,000

Adjust the total appropriation accordingly.

Senators Darneille, Ranker, McAuliffe and Schlicher spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Darneille and others on page 51, line 21 to Substitute Senate Bill No. 5034.

The motion by Senator Darneille failed and the amendment was not adopted by a rising vote.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 56, line 7, increase the general fund-state appropriation for fiscal year 2014 by \$125,000.

On page 56, line 8, increase the general fund-state appropriation for fiscal year 2015 by \$125,000.

Adjust totals accordingly.

On page 56, line 16, after "(1)", strike "\$250,000" and insert "\$325,000".

On page 56, line 17, after "and", strike "\$250,000" and insert "\$325,000".

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 56, line 7 to Substitute Senate Bill No. 5034.

The motion by Senator Hasegawa failed and the amendment was not adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Frockt be adopted:

On page 57, line 8, increase the General Fund--State Appropriation for Fiscal Year 2014 by \$1,762,000

On page 57, line 9, increase the General Fund--State Appropriation for Fiscal Year 2015 by \$2,389,000

On page 57, line 10, increase the General Fund--Federal Appropriation by \$6,204,000

On page 57, line 11, increase the General Fund--Private/Local Appropriation by \$80,000

Adjust total appropriations accordingly

On page 63, after line 34, strike all of subsection 24
On page 207, after line 29, strike all of section 964
Senators Keiser and Becker spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser, the amendment by Senators Keiser and Frockt on page 57, line 8 to Substitute Senate Bill No. 5034 was withdrawn.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Hill be adopted:

On page 57, line 10, increase the General Fund--Federal Appropriation by \$97,986,000

On page 57, line 15, increase the Hospital Safety Net Assessment Account--State Appropriation by \$94,886,000

Adjust total appropriations accordingly

Senators Hargrove and Hill spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Hill on page 57, line 10 to Substitute Senate Bill No. 5034.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

Senator Holmquist Newbry moved that the following amendment by Senators Holmquist Newbry and Ranker be adopted:

On page 67, line 3, strike "\$16,251,000", and insert "\$16,355,000"

On page 67, line 4, strike "\$16,842,000", and insert "\$16,946,000"

Adjust the total appropriation accordingly.

On page 68, line 9, after "(4)" strike all material through the end of line 13, and insert the following:

"\$208,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5123 (farm internships). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse."

Senators Holmquist Newbry and Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist Newbry and Ranker on page 67, line 3 to Substitute Senate Bill No. 5034.

The motion by Senator Holmquist Newbry carried and the amendment was adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Becker be adopted:

On page 69, line 4, increase the General Fund--State Appropriation for Fiscal Year 2014 by \$50,000

On page 69, line 5, increase the General Fund--State Appropriation for Fiscal Year 2015 by \$50,000

Adjust the total appropriations accordingly

On page 72, after line 10, insert the following:

(10) \$50,000 of the general fund state appropriation for fiscal year 2014 and \$50,000 of the general fund state appropriation for

fiscal year 2015 are provided solely for the department to begin a hepatitis c screening program for individuals who were born between 1946 and 1956.

Senators Keiser and Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Becker on page 65, line 4 to Substitute Senate Bill No. 5034.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Honeyford be adopted:

On page 69, after line 31, insert the following:

"Tobacco Prevention and Control Account--State Appropriation.....\$3,668,425"

Adjust the total appropriation accordingly.

On page 72, after line 10, insert the following:

"(10) \$3,668,000 of the tobacco prevention and control account--state appropriation is provided solely for the tobacco quit line operated by the department of health. Appropriations in this section assume revenue resulting from Senate Bill No. 5070 or House Bill No. 1750 (cigar lounges/tobacconists). If neither of these bills is enacted by June 30, 2013, the amount provided in this subsection shall lapse."

Senators Benton, Ericksen, Rolfes, Padden and Baumgartner spoke in favor of adoption of the amendment.

Senators Keiser, Hill, Tom and Murray spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Honeyford on page 69, after line 31 to Substitute Senate Bill No. 5034.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

Senator Ranker moved that the following amendment by Senator Ranker be adopted:

On page 82, line 10, increase the General Fund--State Appropriation for fiscal year 2014 by \$325,000

On page 82, line 11, increase the General Fund--State Appropriation for fiscal year 2015 by \$325,000

On page 85, after line 18, insert

"(10) The department must maintain the current Bellingham office lease."

Re-number sections accordingly

Senators Ranker and Honeyford spoke in favor of adoption of the amendment.

Senator Ericksen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 82, line 10 to Substitute Senate Bill No. 5034.

The motion by Senator Ranker failed and the amendment was not adopted by voice vote.

MOTION

Senator Hargrove moved that the following amendment by Senators Rolfes and Schoesler be adopted:

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On page 87, beginning on line 2, after "easement." strike all material through "and" on line 3 and insert "Prior to January 1, 2014,"

Senators Hargrove and Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rolfes and Schoesler on page 87, line to Substitute Senate Bill No. 5034.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe and others be adopted:

On page 98, line 5, increase general fund--state appropriation for fiscal year 2014 by \$2,541,000.

On page 98, line 6, increase general fund--state appropriation for fiscal year 2015 by \$2,541,000. Adjust the total appropriation accordingly.

On page 101, after line 36, after "broadly available.", insert:

"(iii) \$2,541,000 of the general fund--state appropriation for fiscal year 2014 and \$2,541,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff."

Senator McAuliffe spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe and others on page 98, line 5 to Substitute Senate Bill No. 5034.

The motion by Senator McAuliffe failed and the amendment was not adopted by voice vote.

MOTION

Senator Chase moved that the following amendment by Senators Chase and McAuliffe be adopted:

On page 98, line 23, after "shall" strike "recognize" and insert ": (A) Recognize"

On page 98, line 26, after "award" insert "; and

(B) Consistent with SB 5818, work with school districts and the state board of education to:

(I) Improve access to and quality of career and technical education, which prepares students for lifelong learning and employment;

(II) Ensure that every student receives comprehensive career guidance that leads to a personalized program of study that will guide course selection and other high school activities;

(III) Require career and technical education teachers and school administrators to be prepared and supported in their roles; and

(IV) Assure that career and technical education is a results-driven education system so as to demonstrate a positive return on investment"

Senators Chase and Smith spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Chase and McAuliffe on page 98, line 23 to Substitute Senate Bill No. 5034.

The motion by Senator Chase carried and the amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator Frockt and others be adopted.

On page 103, line 2, increase the general fund-state appropriation for fiscal year 2014 by \$75,517,000.

On page 103, line 3, increase the general fund-state appropriation for fiscal year 2015 by \$120,274,000. Adjust the total appropriation accordingly.

On page 104, line 27, strike "Grades K-2", and insert "Grades K-1"

On page 104, line 27, strike "24.10", and insert "20.00"

On page 104, line 28, strike "Grade 3", and insert "Grades 2-3"

On page 109, after line 25, insert:

"(11) ADDITIONAL HOURS OF INSTRUCTION

Funding in this section is sufficient to fund the increase in instructional hours required under RCW 28A.150.220(2)(a). Funding in this section provides additional hours of instruction for students enrolled in grades seven through twelve, based on the general education average class sizes specified in subsection (2) of this section. In calculating the allocations, the superintendent shall assume an additional 0.5556 hours per week in the 2013-14 school year, and an additional 1.1111 hours per week in the 2014-15 school year."

Renumber remaining subsections accordingly.

On page 127, line 3, increase the general fund--state appropriation for fiscal year 2014 by \$25,169,000.

On page 127, line 4, increase the general fund--state appropriation for fiscal year 2015 by \$5,046,000. Adjust the total appropriation accordingly.

On page 131, after line 4, insert:

"(14) \$25,169,000 of the general fund--state appropriation for fiscal year 2014 and \$5,046,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for training all Washington state public school teachers in the statewide evaluation system for principals and teachers."

On page 170, after line 11, insert:

"Budget Stabilization Account: for transfer to the state general fund, \$100,686,000 for fiscal year 2014 and \$125,320,000 for fiscal year 2015 \$226,006,000"

Senators McAuliffe, Frockt, Rolfes, Murray and Billig spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt and others on page 103, line 2 to Substitute Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Frockt and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield,

Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Excused: Senator Carrell

MOTION

Senator Chase moved that the following amendment by Senators Chase, Conway and Frockt be adopted:

On page 146, line 26, increase the general fund--state appropriation by \$20,000,000

On page 146, line 32, increase the total appropriation accordingly

On page 148, after line 25, increase the following:

"(8) \$20,000,000 of the general--fund state appropriation for fiscal year 2014 is provided solely for the Washington student achievement council to distribute among the public four-year institutions and the state board for community and technical college for enrollments in science, technology, engineering, and math (STEM) and apprenticeship programs based on proposal submitted by the public four-year institutions and the state board for community and technical colleges. In distributing these funds, the Washington student achievement council shall prioritize the funding for those proposals that maximize the number of STEM graduates produced in Washington state within four years."

Senators Chase, Conway, Frockt and Kohl-Welles spoke in favor of adoption of the amendment.

Senator Schoesler spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Chase, Conway and Frockt on page 146, line 26 to Substitute Senate Bill No. 5034.

The motion by Senator Chase failed and the amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others be adopted:

On page 165, line 32, after "act" strike "\$24,744,000" and insert "\$49,488,000"

On page 166, line 9, after "APPROPRIATION" strike "\$461,259,000" and insert "\$486,003,000"

On page 230, beginning on line 3, strike all of section 983

Re-number the remaining sections consecutively.

On page 1, line 7 of the title, after "79.64.040," strike "82.08.160,"

Senator Kohl-Welles and Schlicher spoke in favor of adoption of the amendment.

Senator Sheldon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and others on page 165, line 32 to Substitute Senate Bill No. 5034.

The motion by Senator Kohl-Welles failed and the amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others be adopted:

On page 169, strike lines 17 through 19.

Senators Kohl-Welles, Keiser, Murray, Ranker and Schlicher spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and others on page 169, line 17 to Substitute Senate Bill No. 5034.

The motion by Senator Kohl-Welles failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Substitute Senate Bill No. 5034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hargrove, Baumgartner, Nelson, Murray, Schoesler, Sheldon, Hobbs, Ericksen, Hatfield and Parlette spoke in favor of passage of the bill.

Senator Frockt and Rolfes spoke on final passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Eide, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Nelson, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Frockt, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Padden, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:59 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, April 8, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTY FIFTH DAY, APRIL 8, 2013

2013 REGULAR SESSION

EIGHTY FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, April 8, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5902 by Senators Padden and Kline

AN ACT Relating to driving under the influence.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 12:01 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Tuesday, April 9, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 9, 2013

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell and McAuliffe.

The Sergeant at Arms Color Guard consisting of Pages Cole Riley and Raven Myers, presented the Colors. The Reverend Dr. David Aasen of Edmonds, retired, former pastor of Seattle First United Methodist Church offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 8, 2013

ESHB 1620 Prime Sponsor, Committee on Transportation: Concerning passenger-carrying vehicles for railroad employees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

April 8, 2013

HB 1710 Prime Sponsor, Representative Springer: Concerning the taxation of commuter air carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Harper; Litzow; Schlicher; Sheldon and Smith.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton, Vice Co-Chair.

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

ESB 5903 by Senators Braun and Holmquist Newbry

AN ACT Relating to funding the family and medical leave insurance act; amending RCW 49.86.030; creating a new section; repealing RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160, 49.86.170, 49.86.180, 49.86.210, 49.86.900, 49.86.901, 49.86.902, and 49.86.903; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 5904 by Senators Hill, Hargrove, Litzow and Billig

AN ACT Relating to high quality early learning; reenacting and amending RCW 43.215.405; adding new sections to chapter 43.215 RCW; creating new sections; and recodifying RCW 43.215.141 and 43.215.142.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:07 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:48 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Hatfield moved adoption of the following resolution:

SENATE RESOLUTION
8640

By Senator Hatfield

WHEREAS, The 2012-2013 Mark Morris High School girls bowling and basketball teams wrote an inspiring story of hard work, dedication, and perseverance en route to state championships; and

WHEREAS, Both teams excelled not only in athletics but also in the classroom, proving themselves to be outstanding examples to other student athletes; and

WHEREAS, The Mark Morris High School girls bowling team continued a dominant run of success in 2013, winning the school's

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second consecutive state bowling championship and its third bowling title in the last four years; and

ROLL CALL

WHEREAS, The Mark Morris High School girls basketball team parlayed great composure and skill under pressure to win 18 consecutive games during the 2012-2013 season, including overtime wins in the 2A state semifinal and championship games; and

The Secretary called the roll on the final passage of Substitute House Bill No. 1074 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

WHEREAS, The Mark Morris High School girls basketball team members' efforts on the court were mirrored by their success in the classroom, where they achieved a cumulative 3.30 grade point average; and

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

WHEREAS, The Mark Morris High School girls bowling and basketball teams were proud and worthy ambassadors for their high school, their school district, and the City of Longview;

Absent: Senators Carrell and McAuliffe

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the tremendous achievement of the Mark Morris High School girls bowling and basketball teams; and

SUBSTITUTE HOUSE BILL NO. 1074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

BE IT FURTHER RESOLVED, That bowling coach Al Rigdon, basketball coach Steve Rooklidge, and their staffs be commended for their outstanding leadership in crafting their teams into champions; and

MOTION

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, Mark Morris High School, and the Longview Daily News newspaper.

On motion of Senator Fain, Senator Carrell was excused.

SECOND READING

Senator Hatfield spoke in favor of adoption of the resolution.

SUBSTITUTE HOUSE BILL NO. 1352, by House Committee on Public Safety (originally sponsored by Representatives Holy, Hurst, Shea, Kristiansen, Parker, Warnick, Kochmar, Kretz, Manweller, Johnson, Rodne, Hayes, Schmick, Short, Klippert, Vick, Condotta, Overstreet and Bergquist)

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8640.

The motion by Senator Hatfield carried and the resolution was adopted by voice vote.

Addressing the statute of limitations for sexual abuse against a child.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed members of the Mark Morris High School Girls Basketball and Bowling teams and their coaches who were seated in the gallery.

The measure was read the second time.

MOTION

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1074, by House Committee on Local Government (originally sponsored by Representatives Angel, Takko, Buys and Pike)

Senators Padden and Hargrove spoke in favor of passage of the bill.

Concerning requirements governing and associated with plat approvals.

MOTION

The measure was read the second time.

On motion of Senator Billig, Senator McAuliffe was excused.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1352.

ROLL CALL

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The Secretary called the roll on the final passage of Substitute House Bill No. 1352 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1074.

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1442, by Representatives Schmick, Cody, Hunt, Condotta, Blake and Sullivan

Providing increased access to parimutuel satellite locations in counties with a population exceeding one million.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

POINT OF ORDER

Senator Darneille: "Mr. President, I just wanted to inquire about the number of votes required to pass House Bill No. 1442?"

RULING BY THE PRESIDENT

President Owen: "Senator Darneille, as to your point of order, the President does believe that this would be an expansion. It's a statute to add additional locations which requires sixty percent votes, thirty votes."

The President declared the question before the Senate to be the final passage of House Bill No. 1442.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1442 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Pearson, Ranker, Rivers, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Dammeier, Darneille, Hargrove, Harper, Padden, Parlette, Roach and Rolfes

Excused: Senator Carrell

HOUSE BILL NO. 1442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1609, by Representatives Schmick, Cody and Ryu

Renaming the board of pharmacy.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, House Bill No. 1609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1609.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1609 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that John Batiste, Gubernatorial Appointment No. 9065, be confirmed as Chief of the Washington State Patrol.

Senators Padden, King, Eide, Hewitt, Sheldon, Schlicher and Parlette spoke in favor of passage of the motion.

APPOINTMENT OF JOHN BATISTE

The President declared the question before the Senate to be the confirmation of John Batiste, Gubernatorial Appointment No. 9065, as Chief of the Washington State Patrol.

The Secretary called the roll on the confirmation of John Batiste, Gubernatorial Appointment No. 9065, as Chief of the Washington State Patrol and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

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Excused: Senator Carrell

John Batiste, Gubernatorial Appointment No. 9065, having received the constitutional majority was declared confirmed as Chief of the Washington State Patrol.

Excused: Senator Carrell

Phillip Barrett, Gubernatorial Appointment No. 9003, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Chief Batiste and Mrs. Batiste who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President. I want to rise and speak just a minute on this previous vote. Unfortunately I thought we were voting on something else and I cast a no vote at the beginning of the roll call and I wanted to make sure that in no way that anybody thought that might reflect on the Chief and the Chief's performance. I didn't realize we were voting to confirm the Chief on that particular vote so I apologize on that. I want to take the opportunity to tell you that I believe as Vice Chair of Transportation, I've been on Transportation my entire career here and I've seen many chiefs come and go and I wanted the body to know that Chief Batiste has been an exceptional leader in this department and I know that from talking to many of the troops on the street not only in my district but here at the Capital as well. He is highly respected by his colleagues. He is a fine choice and I am very pleased that the Governor has chosen to reappoint Chief Batiste."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well, I'd like to make a mention to Senator Benton his vote is cast and you might very likely have an interesting drive south the next time."

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hill moved that Phillip Barrett, Gubernatorial Appointment No. 9003, be confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

Senators Hill and Chase spoke in favor of passage of the motion.

APPOINTMENT OF PHILLIP BARRETT

The President declared the question before the Senate to be the confirmation of Phillip Barrett, Gubernatorial Appointment No. 9003, as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of Phillip Barrett, Gubernatorial Appointment No. 9003, as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that Susan Cole, Gubernatorial Appointment No. 9012, be confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

Senators Ericksen and Ranker spoke in favor of passage of the motion.

APPOINTMENT OF SUSAN COLE

The President declared the question before the Senate to be the confirmation of Susan Cole, Gubernatorial Appointment No. 9012, as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Susan Cole, Gubernatorial Appointment No. 9012, as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Susan Cole, Gubernatorial Appointment No. 9012, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1265, by House Committee on Transportation (originally sponsored by Representatives Freeman, Rodne, Goodman and Ryu)

Modifying provisions in the forms for traffic infraction notices.

The measure was read the second time.

MOTION

Senator Eide moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.63.060 and 2011 c 233 s 1 are each amended to read as follows:

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial; that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle (~~(license)~~ registration);

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days or the person's driver's license or driving privilege (~~(will)~~ may be suspended by the department until any penalties imposed pursuant to this chapter have been satisfied; and

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances (~~(will)~~ may result in the suspension of the person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, refusal of the department to renew the vehicle (~~(license)~~ registration, until any penalties imposed pursuant to this chapter have been satisfied.

(3)(a) A form for a notice of traffic infraction printed after July 22, 2011, must include a statement that the person may be able to enter into a payment plan with the court under RCW 46.63.110.

(b) The forms for a notice of traffic infraction must include the changes in section 1, chapter . . . , Laws of 2013 (this act) by July 1, 2015."

Senator Eide spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1265.

The motion by Senator Eide carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "notices;" strike the remainder of the title and insert "and amending RCW 46.63.060."

MOTION

On motion of Senator Eide, the rules were suspended, Substitute House Bill No. 1265 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1265 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1265 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1265 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:45 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:47 p.m. by Senator Hobbs.

MOTION

On motion of Senator Fain, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 9, 2013

E2SHB 1114 Prime Sponsor, Committee on Appropriations: Addressing criminal incompetency and civil commitment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Ranker; Rivers; Schoesler and Tom.

EIGHTY SIXTH DAY, APRIL 9, 2013

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MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

April 9, 2013

E2SHB 1134 Prime Sponsor, Committee on Appropriations: Authorizing state-tribal education compact schools. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Ranker; Rivers and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Capital Budget Chair and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

April 8, 2013

SHB 1180 Prime Sponsor, Committee on Appropriations: Addressing death benefits for volunteer firefighters and reserve officers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 9, 2013

2SHB 1195 Prime Sponsor, Committee on Appropriations Subcommittee on General Government: Concerning primaries. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Murray and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Kohl-Welles and Padden.

Passed to Committee on Rules for second reading.

April 9, 2013

ESHB 1253 Prime Sponsor, Committee on Finance: Concerning the lodging tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 9, 2013

SHB 1284 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the rights of parents who are incarcerated or in residential substance abuse treatment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Hill, Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 9, 2013

ESHB 1336 Prime Sponsor, Committee on Education: Increasing the capacity of school districts to recognize and respond to troubled youth. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

April 9, 2013

ESHB 1341 Prime Sponsor, Committee on Judiciary: Creating a claim for compensation for wrongful conviction and imprisonment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 9, 2013

SHB 1420 Prime Sponsor, Committee on Finance: Concerning public contracts for transportation improvement projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Hewitt.

Passed to Committee on Rules for second reading.

April 9, 2013

E2SHB 1445 Prime Sponsor, Committee on Appropriations Subcommittee on Health & Human Services: Concerning complex rehabilitation technology products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 9, 2013

SHB 1466 Prime Sponsor, Committee on Capital Budget: Revising alternative public works contracting procedures. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Hasegawa; Keiser; Murray and Ranker.

Passed to Committee on Rules for second reading.

April 9, 2013

SHB 1472 Prime Sponsor, Committee on Education: Providing initiatives to improve and expand access to computer science education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 9, 2013

HB 1474 Prime Sponsor, Representative Pedersen: Giving general election voters the power to choose between the

top two candidates for nonpartisan offices. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

April 9, 2013

ESHB 1519 Prime Sponsor, Committee on Appropriations: Establishing accountability measures for service coordination organizations. (REVISED FOR ENGROSSED: Establishing accountability measures for certain health care coordination services.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 9, 2013

2SHB 1566 Prime Sponsor, Committee on Appropriations: Concerning educational outcomes of youth in out-of-home care. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

April 8, 2013

SHB 1568 Prime Sponsor, Committee on Finance: Concerning the business licensing service program administered by the department of revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member and Ranker.

EIGHTY SIXTH DAY, APRIL 9, 2013

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MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hatfield.

Hatfield; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Fraser.

April 9, 2013

SHB 1612 Prime Sponsor, Committee on Judiciary: Concerning information on firearm offenders. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

April 9, 2013

MAJORITY recommendation: Do pass as amended by Committee on Law & Justice. Signed by Senators Hill, Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Ranker; Rivers; Schoesler and Tom.

ESHB 1688 Prime Sponsor, Committee on Education: Establishing a requirement and system for reporting incidents of student restraint and isolation in public schools. (REVISED FOR ENGROSSED: Establishing a requirement and system for reporting incidents of student restraint and isolation in public schools for students who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973.) Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

April 9, 2013

2SHB 1642 Prime Sponsor, Committee on Appropriations: Establishing policies to support academic acceleration for high school students. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

April 9, 2013

Passed to Committee on Rules for second reading.

2SHB 1723 Prime Sponsor, Committee on Appropriations: Concerning early learning opportunities. Reported by Committee on Ways & Means

April 8, 2013

ESHB 1651 Prime Sponsor, Committee on Early Learning & Human Services: Concerning access to juvenile records. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Ranker; Rivers and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Capital Budget Chair.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Braun; Dammeier; Parlette and Schoesler.

April 9, 2013

Passed to Committee on Rules for second reading.

E2SHB 1727 Prime Sponsor, Committee on Appropriations: Raising licensure limits to allow assisted living facilities to serve a higher acuity resident population. Reported by Committee on Ways & Means

April 8, 2013

2SHB 1663 Prime Sponsor, Committee on Finance: Extending the sales and use tax exemption for hog fuel used to produce electricity, steam, heat, or biofuel. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health Care. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Ranker; Rivers; Schoesler and Tom.

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa;

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

April 9, 2013

EHB 1733 Prime Sponsor, Representative Riccelli: Requiring capital and transportation project investments to be searchable by the public for certain detailed information. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hasegawa; Hewitt; Keiser; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Hatfield; Murray and Ranker.

Passed to Committee on Rules for second reading.

April 9, 2013

2SHB 1764 Prime Sponsor, Committee on Appropriations: Concerning geoduck diver licenses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources & Parks. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Braun and Padden.

Passed to Committee on Rules for second reading.

April 9, 2013

SHB 1812 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Extending the time frame for making expenditures under the urban school turnaround initiative. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Capital Budget Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

April 9, 2013

SHB 1821 Prime Sponsor, Committee on Early Learning & Human Services: Concerning good cause exceptions during permanency hearings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by

Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 9, 2013

ESHB 1846 Prime Sponsor, Committee on Health Care & Wellness: Concerning stand-alone dental coverage. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 9, 2013

SHB 1868 Prime Sponsor, Committee on Appropriations: Providing access to health insurance for certain law enforcement officers' and firefighters' plan 2 members catastrophically disabled in the line of duty. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Supplemental Committee report were referred to the committees as designated.

MOTION

At 7:48 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, April 10, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 10, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Billig, Brown Carrell, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, King, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Paden, Parlette, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Smith and Tom.

The Sergeant at Arms Color Guard consisting of Pages Mackenzie O'Keefe and Jesse Noelck, presented the Colors. Pastor Scott Higgins, Hockinson Church of Christ and Mayor, City of Camas, offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE SENATE BILL NO. 5021,
- SENATE BILL NO. 5046,
- SUBSTITUTE SENATE BILL NO. 5077,
- SENATE BILL NO. 5114,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House has passed:

- SENATE BILL NO. 5186,
- SENATE BILL NO. 5207,
- SUBSTITUTE SENATE BILL NO. 5210,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE SENATE BILL NO. 5352,
- SUBSTITUTE SENATE BILL NO. 5400,
- SENATE BILL NO. 5446,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5458,
 SENATE BILL NO. 5466,
 SUBSTITUTE SENATE BILL NO. 5517,
 SENATE BILL NO. 5541,
 SENATE BILL NO. 5627,
 SENATE BILL NO. 5712,
 SENATE BILL NO. 5751,
 SUBSTITUTE SENATE BILL NO. 5774,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5905 by Senators Hill and Hargrove

AN ACT Relating to establishing state employee eligibility for insurance benefits consistent with the employer shared responsibility provisions of the patient protection and affordable care act; and amending RCW 41.05.065.

Referred to Committee on Ways & Means.

SB 5906 by Senators Roach, Hill, Holmquist Newbry, Hargrove, Becker, Sheldon, Bailey, Eide, Pearson, Brown, Baumgartner, Harper, Braun, Hasegawa, Rivers, Nelson, Schoesler, Shin, Keiser, Ericksen, Billig, Parlette, Conway, Honeyford and Fraser

AN ACT Relating to maintaining access to state recreational lands managed by the department of natural resources; creating a new section; and making appropriations.

Referred to Committee on Ways & Means.

SB 5907 by Senators Roach, Holmquist Newbry, Hargrove, Baumgartner, Rivers, Braun, Pearson, Sheldon, Dammeier, Hasegawa, Litzow, Schoesler, Brown, Tom, Parlette and Ericksen

AN ACT Relating to ensuring no net loss of public access to state recreational lands; adding a new section to chapter 43.30 RCW; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Frockt moved adoption of the following resolution:

SENATE RESOLUTION
8647

By Senators Frockt, Dammeier, Fain, Murray, Harper, Fraser, Hill, Kline, Conway, Shin, Keiser, Becker, Holmquist Newbry, King, and Cleveland

WHEREAS, Seattle Children's Hospital is a nonprofit hospital which specializes in meeting the unique physical, emotional, and developmental needs of children from infancy through young adulthood; and

WHEREAS, For more than 100 years, Seattle Children's Hospital has been dedicated to providing top quality care to every child in our region who needs care, regardless of the family's ability to pay; and

WHEREAS, Seattle Children's Hospital is consistently ranked among the nation's best children's hospitals by U.S. News & World Report magazine; and

WHEREAS, More children and adults over the age of 30 are surviving cancer diagnoses today than ever before, but teens and young adults have not seen the same advances in treatment; and

WHEREAS, Seattle Children's Hospital hopes to change that by offering more specialized care to this age group in the country's first cancer unit specifically designed for young adult patients; and

WHEREAS, While some of these patients could be treated at hospitals for adults, research has shown that for certain types of cancer, teens and young adults have a better chance of survival when they are treated with pediatric protocols; and

WHEREAS, Starting next month, cancer patients ages 15 to 29 will be treated in their own unit on the top floor of the new Building Hope facility at Seattle Children's Hospital; and

WHEREAS, Building Hope will open in April 2013 and will include 80 private rooms for cancer and critical care patients, as well as a new emergency department; and

WHEREAS, The expanded facility will allow Seattle Children's Hospital to handle its large volume of patients while delivering superior care to members of the community and surrounding regions;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the work of Seattle Children's Hospital and wholeheartedly support its continuing and expanding efforts to provide top quality care for our children.

Senators Frockt, Mullet and Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8647.

The motion by Senator Frockt carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of Seattle Children's Hospital: Dr. Suzanne Petersen Tanneberg, Chief of Staff to the CEO and Vice President, External Affairs and Guest Services; Hugh Ewart, Director, State and Federal Government Relations; Edna Shim, Director, Regional Government Affairs and Community Relations; and Cathy Thompson, Biatta Shank and Catherine Flynn, Manager, Seattle Children's Olympia Clinic who were present in the gallery.

MOTION

At 10:19 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:12 a.m. by President Owen.

MOTION

At 11:14 p.m., on motion of Senator Fain, the Senate adjourned until 2:00 p.m. Thursday, April 11, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTY EIGHTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Thursday, April 11, 2013

The Senate was called to order at 2:00 p.m. by the President Pro Tempore. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Carrell.

The Sergeant at Arms Color Guard consisting of Pages Joseph Braskett and Bailey Griffin, presented the Colors. Pastor Betty Hatter of City of Truth Ministries of Lacey offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

April 10, 2013
SGA 9083 JOSHUA BROWN, appointed on April 28, 2011, for the term ending July 15, 2013, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

April 10, 2013
SGA 9086 LARRY CARPENTER, appointed on December 6, 2011, for the term ending December 31, 2016, as Member of the Fish and Wildlife Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

April 10, 2013
SGA 9137 CONRAD MAHNKEN, reappointed on June 7, 2011, for the term ending December 31, 2016, as Member of the Fish and Wildlife Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

April 10, 2013

SGA 9142 STEVE S MILNER, appointed on May 25, 2011, for the term ending December 31, 2016, as Member of the Parks and Recreation Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

April 10, 2013

SGA 9193 JANET WAINWRIGHT, appointed on July 2, 2012, for the term ending June 12, 2016, as Member of the Columbia River Gorge Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Smith, Vice Chair; Kline; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5908 by Senators Kohl-Welles, Nelson, Hargrove, Keiser, Hobbs, Frockt and Kline

AN ACT Relating to property tax refunds; and amending RCW 84.69.030.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION
8642

By Senators Brown, Ericksen, Smith, Fain, Sheldon, Honeyford, Becker, Ranker, Hill, Holmquist Newbry, Litzow, Hewitt, Schoesler, Benton, Pearson, Dammeier, Tom, Bailey, Braun, Padden, Rivers, Roach, and Fraser

WHEREAS, Washington state's pioneering men and women known as cowboys helped establish America's western frontiers; and

WHEREAS, Cowboy and ranching traditions have been part of the American landscape and culture since 1523, and today's cowboys and cowgirls continue to strive to preserve and perpetuate this unique element of America's heritage; and

WHEREAS, The cowboy Vaquero spirit exemplifies patriotism and strength of character; and

WHEREAS, The cowboy is an excellent steward of the land and its creatures; and

WHEREAS, The cowboy embodies honesty, integrity, courage, compassion, and determination; and

WHEREAS, The core values expressed within the Cowboy Code of Conduct continue to inspire the pursuit of the highest caliber of personal integrity; and

WHEREAS, The cowboy archetype transcends gender, generations, ethnicity, geographic boundaries, and political affiliations; and

WHEREAS, The cowboy and his horse are a central figure in literature, art, film, poetry, photography, and music; and

WHEREAS, The cowboy is a true American icon occupying a central place in the public's imagination; and

WHEREAS, Annual attendance at rodeos exceeds 30,000,000 fans worldwide; and

WHEREAS, Membership and participation in the National Day of the Cowboy Organization, Single Action Shooting Society, Working Ranch Rodeo Association, Cowboy Mounted Shooting Association, American Quarter Horse Association, Pro Rodeo Cowboys Association, Championship Bull Riding, Working Ranch Rodeo, Women's Pro Rodeo, U.S. Team Roping, the Western Music Association, and other organizations that encompass the livelihood of the cowboy continues to expand both nationally and internationally;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate join these organizations in celebrating the "National Day of the Cowboy" on the fourth Saturday in July and encourage the people of Washington and the United States of America to observe the day with appropriate ceremonies and activities.

Senators Brown, Baumgartner, Becker, Smith, Honeyford, Roach, Chase, Kohl-Welles, Ericksen and Shin spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8642.

The motion by Senator Brown carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed presidents and directors of the Washington State Fairs Association; the Benton-Franklin Fair and Horse Haven Round-Up Rodeo Royalty Court: Queen Maggie Little, Princess KC Taylor and Princess Courtney Brown; and representatives of the Washington Cattlemen's Association; the Washington Dairy Association; the Washington Cattle Feeders Association; and the Northwest Agricultural Information Network who were present in the gallery.

The President assumed the chair.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2013

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5139,

SENATE BILL NO. 5216,

SENATE BILL NO. 5488,

SUBSTITUTE SENATE BILL NO. 5518,

SUBSTITUTE SENATE BILL NO. 5524,

SENATE BILL NO. 5558,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5563,

ENGROSSED SENATE BILL NO. 5620,

SUBSTITUTE SENATE BILL NO. 5634,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1074,

SUBSTITUTE HOUSE BILL NO. 1352,

HOUSE BILL NO. 1442,

HOUSE BILL NO. 1609,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2013

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5025,

SENATE BILL NO. 5142,

SUBSTITUTE SENATE BILL NO. 5165,

SENATE BILL NO. 5212,

SENATE BILL NO. 5235,

SUBSTITUTE SENATE BILL NO. 5274,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

EIGHTY EIGHTH DAY, APRIL 11, 2013

2013 REGULAR SESSION

MOTION

Senator Holmquist Newbry moved that Miguel Villarreal, Gubernatorial Appointment No. 9037, be confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

Senator Holmquist Newbry spoke in favor of the motion.

APPOINTMENT OF MIGUEL VILLARREAL

The President declared the question before the Senate to be the confirmation of Miguel Villarreal, Gubernatorial Appointment No. 9037, as a member of the Board of Trustees, Big Bend Community College District No. 18.

The Secretary called the roll on the confirmation of Miguel Villarreal, Gubernatorial Appointment No. 9037, as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Miguel Villarreal, Gubernatorial Appointment No. 9037, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Lawrence Glenn, Gubernatorial Appointment No. 9018, be confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

Senator Hatfield spoke in favor of the motion.

APPOINTMENT OF LAWRENCE GLENN

The President declared the question before the Senate to be the confirmation of Lawrence Glenn, Gubernatorial Appointment No. 9018, as a member of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Lawrence Glenn, Gubernatorial Appointment No. 9018, as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Lawrence Glenn, Gubernatorial Appointment No. 9018, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE SENATE BILL NO. 5021,
- SENATE BILL NO. 5046,
- SUBSTITUTE SENATE BILL NO. 5077,
- SENATE BILL NO. 5114,
- SENATE BILL NO. 5186,
- SENATE BILL NO. 5207,
- SUBSTITUTE SENATE BILL NO. 5210,
- SUBSTITUTE SENATE BILL NO. 5352,
- SUBSTITUTE SENATE BILL NO. 5400,
- SENATE BILL NO. 5446,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5458,
- SENATE BILL NO. 5466,
- SUBSTITUTE SENATE BILL NO. 5517,
- SENATE BILL NO. 5541,
- SENATE BILL NO. 5627,
- SENATE BILL NO. 5712,
- SENATE BILL NO. 5751,
- SUBSTITUTE SENATE BILL NO. 5774.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE HOUSE BILL NO. 1074,
- SUBSTITUTE HOUSE BILL NO. 1352,
- HOUSE BILL NO. 1442,
- HOUSE BILL NO. 1609.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Kedrich Jackson, Gubernatorial Appointment No. 9022, be confirmed as a member of the Board of Trustees, Columbia Community Basin College District No. 19.

Senator Brown spoke in favor of the motion.

MOTION

On motion of Senator Rivers, Senator Tom was excused.

APPOINTMENT OF KEDRICH JACKSON

The President declared the question before the Senate to be the confirmation of Kedrich Jackson, Gubernatorial Appointment No. 9022, as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

The Secretary called the roll on the confirmation of Kedrich Jackson, Gubernatorial Appointment No. 9022, as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Kedrich Jackson, Gubernatorial Appointment No. 9022, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that Angela Roarty, Gubernatorial Appointment No. 9025, be confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

Senator Conway spoke in favor of the motion.

APPOINTMENT OF ANGELA ROARTY

The President declared the question before the Senate to be the confirmation of Angela Roarty, Gubernatorial Appointment No. 9025, as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Angela Roarty, Gubernatorial Appointment No. 9025, as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Angela Roarty, Gubernatorial Appointment No. 9025, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dammeier moved that Stephen Smith, Gubernatorial Appointment No. 9033, be confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

Senator Dammeier spoke in favor of the motion.

APPOINTMENT OF STEPHEN SMITH

The President declared the question before the Senate to be the confirmation of Stephen Smith, Gubernatorial Appointment No. 9033, as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Stephen Smith, Gubernatorial Appointment No. 9033, as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Stephen Smith, Gubernatorial Appointment No. 9033, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Amadeo Tiam, Gubernatorial Appointment No. 9035, be confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF AMADEO TIAM

The President declared the question before the Senate to be the confirmation of Amadeo Tiam, Gubernatorial Appointment No. 9035, as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Amadeo Tiam, Gubernatorial Appointment No. 9035, as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Amadeo Tiam, Gubernatorial Appointment No. 9035, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

REMARKS BY SENATOR HATFIELD

Senator Hatfield: "Mr. President, I move that subject to Senate Rule 7, Sub. 2 that the body be permitted to refer to the good Senator from the Fifteenth District as 'Boss Hog' for the remainder of the day."

REPLY BY THE PRESIDENT

President Owen: "The answer's no."

EIGHTY EIGHTH DAY, APRIL 11, 2013

2013 REGULAR SESSION

PERSONAL PRIVILEGE

Senator Honeyford: "My point of personal privilege is; I believe Boss Hog probably out-weighed me by one hundred and was probably a foot shorter. Thank you."

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that David Danner, Gubernatorial Appointment No. 9203, be confirmed as a member of the Utilities and Transportation Commission.

Senators Ericksen, Ranker and Sheldon spoke in favor of passage of the motion.

APPOINTMENT OF DAVID DANNER

The President declared the question before the Senate to be the confirmation of David Danner, Gubernatorial Appointment No. 9203, as a member of the Utilities and Transportation Commission.

The Secretary called the roll on the confirmation of David Danner, Gubernatorial Appointment No. 9203, as a member of the Utilities and Transportation Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

David Danner, Gubernatorial Appointment No. 9203, having received the constitutional majority was declared confirmed as a member of the Utilities and Transportation Commission.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1109, by Representatives Hansen, Haler, Magendanz, Shea, Klippert, Smith, Green, Ormsby, Morrell, Van De Wege, Ryu, Maxwell, Zeiger, Wilcox, Jinkins, Springer, Scott, Freeman, Bergquist, Hargrove and Parker

Requiring institutions of higher education that offer an early course registration period to provide early registration for eligible veterans and national guard members.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1109 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1109.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1109 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1469, by Representatives Schmick, Sells, Reykdal, Fagan, Green, Condotta, Short, Ormsby and Van De Wege

Addressing industrial insurance for horse racing employment.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1469 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1469.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1469 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1396, by Representatives Manweller, Sells, Chandler, Reykdal, Condotta, Hunt, Wylie, Van De Wege, Green, Appleton and Morrell

Changing the unemployment insurance shared work program by adopting short-time compensation provisions in the federal middle class tax relief and job creation act of 2012.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed House Bill No. 1396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1396.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1396 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED HOUSE BILL NO. 1396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1209, by Representatives MacEwen, Blake, Chandler, Stonier, Wilcox, Springer, Haigh, Morrell and Stanford

Extending the program establishing Christmas tree grower licensure.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 1209 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1209.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1209 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senator Carrell

HOUSE BILL NO. 1209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5025,

SENATE BILL NO. 5142,

SUBSTITUTE SENATE BILL NO. 5165,

SENATE BILL NO. 5212,

SENATE BILL NO. 5235,

SUBSTITUTE SENATE BILL NO. 5274.

SECOND READING

HOUSE BILL NO. 1565, by Representatives Harris, Green, Jinkins, Cody, Ryu and Morrell

Funding the prescription monitoring program from the medicaid fraud penalty account.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, House Bill No. 1565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1565.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1565 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson,

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Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1889, by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Chandler and Blake)

Concerning the fruit and vegetable district fund.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Substitute House Bill No. 1889 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1889.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1889 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1889, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1182, by Representatives Harris, Cody, Vick, Nealey, Ryu and Jinkins

Including pharmacists in the legend drug act.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, House Bill No. 1182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1182.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1182 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1213, by Representatives Orwall, Pettigrew, Kagi, Morrell and Ryu

Concerning social worker licensing.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 1213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1213.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1213 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1376, by House Committee on Health Care & Wellness (originally sponsored by Representatives Orwall, Jinkins, Liias, Angel and Ormsby)

Clarifying the requirement that certain health professionals complete training in suicide assessment, treatment, and management.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Substitute House Bill No. 1376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1376.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1376 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1790, by Representatives Parker, Ormsby, Riccelli and Ryu

Concerning the use of traffic school fees.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1790.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1790 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow,

McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1242, by Representatives Moscoso, Zeiger, Morrell, Johnson, Roberts and Springer

Concerning the authority of a vehicle subagent to recommend a successor.

The measure was read the second time.

MOTION

Senator Eide moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.01.140 and 2012 c 261 s 10 are each amended to read as follows:

(1) **County auditor/agent duties.** A county auditor or other agent appointed by the director must:

(a) Enter into a standard contract provided by the director;

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Processing mail-in vehicle registration renewals until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required;

(c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(2) **County auditor/agent assistants and subagents.** A county auditor or other agent appointed by the director may, with approval of the director:

(a) Appoint assistants as special deputies to accept applications for vehicle certificates of title and to issue vehicle registrations; and

(b) Recommend and request that the director appoint subagencies within the county to accept applications for vehicle certificates of title and vehicle registration application issuance.

(3) **Appointing subagents.** A county auditor or other agent appointed by the director who requests a subagency must, with approval of the director:

(a) Use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants; and

(b) Submit all proposals to the director with a recommendation for appointment of one or more subagents who have applied through the open competitive process. If a qualified successor who is an existing subagent's sibling, spouse, or child, or a subagency employee has applied, the county auditor must provide the name of the qualified successor and the name of one other applicant who is qualified and was chosen through the open competitive process.

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(4) **Subagent duties.** A subagent appointed by the director must:

(a) Enter into a standard contract with the county auditor or agent provided by the director;

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the county auditor or agent and the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Mailing out vehicle registrations and replacement plates to internet payment option customers until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required; and

(c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(5) **Subagent successorship.** A subagent appointed by the director who no longer wants his or her appointment may recommend a successor who is the subagent's sibling, spouse, or child, or a subagency employee. The recommended successor must participate in the open competitive process used to select an applicant. In making successor recommendations and appointment determinations, the following provisions apply:

(a) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers;

(b) A subagent may not receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment; ~~(and)~~

(c) The appointment of a successor is intended to assist in the efficient transfer of appointments to minimize public inconvenience. The appointment of a successor does not create a proprietary or property interest in the appointment;

(d) A subagent appointee who is planning to retire within twelve months may recommend a successor without resigning his or her appointment by submitting a letter of intent to retire with a successor recommendation to the county auditor or other agent appointed by the director. The county auditor or other agent appointed by the director shall, within sixty days, respond in writing to the subagent appointee indicating if the recommended successor would be considered in the open competitive process. If there are negative factors or deficiencies pertaining to the subagency operation or the recommended successor, the county auditor or other agent appointed by the director must state these factors in writing to the subagent appointee. The subagent appointee may withdraw the letter of intent to retire any time prior to the start of the open competitive process by writing to the county auditor or other agent appointed by the director and filing a copy with the director;

(e) A subagent appointee may name a recommended successor at any time during his or her appointment by notifying the county auditor or other agent appointed by the director in writing and filing a copy with the director. The purpose of this recommendation is for the county auditor or other agent appointed by the director to know the wishes of the subagent appointee in the event of the death or incapacitation of a sole subagent appointee or last remaining subagent appointee that could lead to the inability of the subagent to continue to fulfill the obligations of the appointment; and

(f) If the county auditor or other agent appointed by the director does not select the recommended successor for appointment as a

result of the open competitive process, the county auditor or other agent appointed by the director must contact the subagent appointee by letter and explain the decision. The subagent appointee must be provided an opportunity to respond in writing. Any response by the subagent appointee must be included in the open competitive process materials submitted to the department.

(6) **Standard contracts.** The standard contracts provided by the director in this section may include provisions that the director deems necessary to ensure that readily accessible and acceptable service is provided to the citizens of the state, including the full collection of fees and taxes. The standard contracts must include provisions that:

(a) Describe responsibilities and liabilities of each party related to service expectations and levels;

(b) Describe the equipment to be supplied by the department and equipment maintenance;

(c) Require specific types of insurance or bonds, or both, to protect the state against any loss of collected revenue or loss of equipment;

(d) Specify the amount of training that will be provided by each of the parties;

(e) Describe allowable costs that may be charged for vehicle registration activities as described in subsection (7) of this section; and

(f) Describe causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(7) **County auditor/agent cost reimbursement.** A county auditor or other agent appointed by the director who does not cover expenses for services provided by the standard contract may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department must develop procedures to standardize and identify allowable costs and to verify whether a request is reasonable. Payment must be made on those requests found to be allowable from the licensing services account.

(8) **County auditor/agent revenue disbursement.** County revenues that exceed the cost of providing services described in the standard contract, calculated in accordance with the procedures in subsection (7) of this section, must be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(9) **Appointment authority.** The director has final appointment authority for county auditors or other agents or subagents.

(10) **Rules.** The director may adopt rules to implement this section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1242.

The motion by Senator Eide carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "subagents;" strike the remainder of the title and insert "and amending RCW 46.01.140."

MOTION

On motion of Senator Eide, the rules were suspended, Substitute House Bill No. 1242 as amended by the Senate was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1242 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1242 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1242 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Kline was excused.

SECOND READING

HOUSE BILL NO. 1937, by Representatives Ross, Jinkins, Angel, Green, Harris, Cody, Morrell, Hope, Ryu, Schmick and Moscoso

Prohibiting a person from selling or giving a vapor product designed solely for smoking or ingesting tobacco to a minor.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1937 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Billig and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1937.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1937 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray,

Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Hasegawa

Excused: Senators Carrell and Kline

HOUSE BILL NO. 1937, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Baumgartner: "I just wanted everybody to take a look around and notice the last real cowboy is. Thank you Mr. President."

SECOND READING

HOUSE BILL NO. 1770, by Representatives Buys, Blake, Chandler, Lytton and Ryu

Concerning the appointment of nonvoting advisory members to commodity boards.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 1770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1770.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1770 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

HOUSE BILL NO. 1770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1334, by House Committee on Transportation (originally sponsored by Representatives Shea, Taylor, MacEwen, Schmick, Holy, Short, Kagi, Orcutt, Overstreet, Rodne, Klippert, Hargrove, Condotta and Parker)

Concerning conversion kits on motorcycles.

The measure was read the second time.

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MOTION

Senator King moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.04.330 and 2009 c 275 s 2 are each amended to read as follows:

"Motorcycle" means a motor vehicle designed to travel on not more than three wheels (~~(in contact with the ground)~~), not including any stabilizing conversion kits, on which the driver:

(1) Rides on a seat or saddle and the motor vehicle is designed to be steered with a handlebar; or

(2) Rides on a seat in a partially or completely enclosed seating area that is equipped with safety belts and the motor vehicle is designed to be steered with a steering wheel.

"Motorcycle" excludes a farm tractor, a power wheelchair, an electric personal assistive mobility device, a motorized foot scooter, an electric-assisted bicycle, and a moped.

Sec. 2. RCW 46.20.500 and 2009 c 275 s 4 are each amended to read as follows:

(1) No person may drive either a two-wheeled or a three-wheeled motorcycle, or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol.

(6) A person holding a valid driver's license may operate a motorcycle as defined under RCW 46.04.330(2) without a motorcycle endorsement.

(7) A person operating a motorcycle with a stabilizing conversion kit must have a valid driver's license specially endorsed by the director for a three-wheeled motorcycle to enable the holder to operate such a motorcycle.

Sec. 3. RCW 46.81A.010 and 2003 c 353 s 11 and 2003 c 41 s 4 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Motorcycle skills education program" means a motorcycle rider skills training program to be administered by the department.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing.

(4) "Motorcycle" ((means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handlebar, but excluding farm tractors, electric personal assistive mobility devices, mopeds, motorized foot scooters, motorized bicycles,)) has the same meaning as provided in RCW 46.04.330 and excludes off-road motorcycles."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1334.

The motion by Senator King carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "motorcycles;" strike the remainder of the title and insert "amending RCW 46.04.330 and 46.20.500; and reenacting and amending RCW 46.81A.010."

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1334 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1334 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1334 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

SUBSTITUTE HOUSE BILL NO. 1334 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1343, by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Cody, Johnson, Moeller, Walsh, Morrell, Schmick, Green and Moscoso)

Removing the expiration for the additional surcharge imposed on registered nurses and licensed practical nurses.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Substitute House Bill No. 1343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1343.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1343 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1686, by House Committee on Higher Education (originally sponsored by Representatives Seaquist, Haler, Roberts, Zeiger, Reykdal, Springer, Pettigrew, Pollet, Dahlquist, McCoy, Maxwell, Fagan, Morrell and Ryu)

Concerning high school equivalency certificates.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1686.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1686 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1113, by Representatives Short, Upthegrove, Springer, Pollet, Taylor, Smith, Fagan, Dahlquist and Fey

Concerning standards for the use of science to support public policy.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, House Bill No. 1113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Ranker and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1113.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1113 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:29 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Friday, April 12, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 12, 2013

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Carrell.

The Sergeant at Arms Color Guard consisting of Pages Graceanne Moses and Arjun Marayan, presented the Colors. Pastor Gary Jepsen of Living Word Lutheran Church Puyallup offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 9, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

HAROLD W. HANSON, reappointed March 11, 2013, for the term ending at the governor's pleasure, as Director of the Washington State Lottery Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce & Labor.

April 9, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DONALD "BUD" HOVER, appointed April 1, 2013, for the term ending at the governor's pleasure, as Director of the Department of Agriculture.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water & Rural Economic Development.

April 9, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BETTE HYDE, appointed March 8, 2013, for the term ending at the governor's pleasure, as Executive Director of the Washington State Department of Early Learning.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

April 3, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CHRIS LIU, reappointed March 12, 2013, for the term ending at the governor's pleasure, as Director of the Office of Minority and Women's Business Enterprises.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce & Labor.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION
8653

By Senators Parlette, Honeyford, Hasegawa, Hill, Becker, Schoesler, Rivers, Bailey, Tom, Baumgartner, Padden, Braun, Fraser, Kohl-Welles, Dammeier, Hatfield, and Conway

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the State and its people; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 94th annual Washington State Apple Blossom Festival to take place from April 25, 2013, through May 5, 2013; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have

exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as Princesses and Queen; and

WHEREAS, Maggie Chvilicek has been selected to represent her community as a 2013 Apple Blossom Princess, in part for her generous, kind, and independent character, her outstanding leadership as demonstrated by her being President of Wenatchee High School's Honor Society and Captain of the Cross Country Team, her everlasting commitment to her community and others as a volunteer and friend, and her love for her family; and

WHEREAS, Madi Still has been selected to represent her community as a 2013 Apple Blossom Princess, in part for her poise, intelligence, and humility, her strong academic performance at Wenatchee High School and extracurricular activities including Drama Club, Teens Against Tobacco Use, and Honor Society, her contributions to Central Washington Hospital as a volunteer, and her longstanding support of the community she has always lived in; and

WHEREAS, Emily Abbott has been selected to represent her community as the 2013 Apple Blossom Queen, in part for her patience, energy, and optimism, her love for the stage as an amazing singer and actress, her achievements at Eastmont High School as President of Chamber Choir and participation in Jazz Choir, Honor Society, Cross Country, and Future Business Leaders of America, and her exceptional kindness to friends, family, and everyone throughout the community she calls home; and

WHEREAS, These three young women all desire to share their proven talents and leadership ambition to serve their community and be an encouragement to those they encounter;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Queen Emily Abbott, Princess Madi Still, Princess Maggie Chvilicek, and the Board of Directors and Chairs of the Washington State Apple Blossom Festival.

Senators Parlette and Darneille spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8653.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate, if I could get your attention for a moment please. As has been the custom for years in the Senate, we're privileged to have the remarks made by the Queen of the Apple Blossom Festival. This year's Queen Emily Abbot."

REMARKS BY QUEEN EMILY ABBOTT

Miss Abbott: "Hello, thank you for having us here today. The opportunity to speak here today is a great honor. Along with Princesses Maggie Chvilicek and Madi Still, I would like to thank you for so warmly welcoming us to our state's capitol. As Ambassadors of the 2013 Apple Blossom Festival we are delighted and privileged to be here representing our beautiful home. Wenatchee's Apple Blossom Festival truly showcases our valley's natural beauty. As the sun rises over the magnificent Cascade Mountains which surround our valley, the Columbia

River glistens like diamonds, the bikers and joggers happily begin their morning workout on the Loop Trail which encircles the river and the smell and sight of newly bloomed apple blossoms is fresh in the air. In addition to being fortunate enough to live in the apple capital of the world, an area rich with natural beauty and three hundred days of sunshine, we are also privileged to experience what truly makes this place so wonderful, our people. For as long as I can remember I have always been touched by the kindness, generosity, and support the Wenatchee Valley citizens have for one another. As one of the premier festivals in the state of Washington, the ninety-fourth Apple Blossom Festival celebrates in a family-friendly manor, our civic pride, our people and of course the fruit industry that helped found this wonderful valley. This year's festival themes 'Lets Rock this Town' begins on April 25 and runs through May 5. This eleven day festival is filled with exciting and diverse activities for people of all ages and interests. Whether it's the impressive food fair, first class entertainment or the grand parade with the region's best or and urnate floats and marching bands. There's something for everyone to enjoy at Apple Blossom 2013. From our special youth weekend and parade, evoking the joys of childhood, to the arts and crafts festival, premier golf tournament and Apple Blossom Musical 'Happy Days,' there are a multitude of fun opportunities for people of all ages. With assistance from our web page Appleblossom.org, please make your way to Wenatchee this spring to take part in this year's Apple Blossom Festival. As you have warmly welcomed us to your home we in turn invite you to ours. I look forward seeing you and hope you will join and 'Let's Rock this Town.' Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Wenatchee Apple Blossom Royalty Court: Princess Maggie Chvilicek and Princess Madi Still who were seated at the rostrum. The President also introduced Mr. & Mrs. Steve and Irene Soth and Mrs. Adele Haley, Royalty Court Chaperones, who were present in the gallery.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS MOTION

Senator Harper moved that Janet Kusler, Gubernatorial Appointment No. 9044, be confirmed as a member of the Everett Community College District No. 5.

Senator Harper spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Hobbs was excused.

APPOINTMENT OF JANET KUSLER

The President declared the question before the Senate to be the confirmation of Janet Kusler, Gubernatorial Appointment No.

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9044, as a member of the Everett Community College District No. 5.

The Secretary called the roll on the confirmation of Janet Kusler, Gubernatorial Appointment No. 9044, as a member of the Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Janet Kusler, Gubernatorial Appointment No. 9044, having received the constitutional majority was declared confirmed as a member of the Everett Community College District No. 5.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hill moved that Neil Johnson, Gubernatorial Appointment No. 9042, be confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

Senator Hill spoke in favor of the motion.

APPOINTMENT OF NEIL JOHNSON

The President declared the question before the Senate to be the confirmation of Neil Johnson, Gubernatorial Appointment No. 9042, as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

The Secretary called the roll on the confirmation of Neil Johnson, Gubernatorial Appointment No. 9042, as a member of the Board of Trustees, Lake Washington Technical College District No. 26 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Neil Johnson, Gubernatorial Appointment No. 9042, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Michael Maxwell, Gubernatorial Appointment No. 9046, be confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

Senator Hatfield spoke in favor of the motion.

APPOINTMENT OF MICHAEL MAXWELL

The President declared the question before the Senate to be the confirmation of Michael Maxwell, Gubernatorial Appointment No. 9046, as a member of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Michael Maxwell, Gubernatorial Appointment No. 9046, as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Michael Maxwell, Gubernatorial Appointment No. 9046, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Janet McDaniel, Gubernatorial Appointment No. 9048, be confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF JANET MCDANIEL

The President declared the question before the Senate to be the confirmation of Janet McDaniel, Gubernatorial Appointment No. 9048, as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Janet McDaniel, Gubernatorial Appointment No. 9048, as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Janet McDaniel, Gubernatorial Appointment No. 9048, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Louis Mendoza, Gubernatorial Appointment No. 9050, be confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF LOUIS MENDOZA

The President declared the question before the Senate to be the confirmation of Louis Mendoza, Gubernatorial Appointment No. 9050, as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Louis Mendoza, Gubernatorial Appointment No. 9050, as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Louis Mendoza, Gubernatorial Appointment No. 9050, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Baumgartner moved that Edwin Morgan, Gubernatorial Appointment No. 9052, be confirmed as a member of the Board of Trustees, Spokane and Spokane Falls Community College District No. 17.

Senator Baumgartner spoke in favor of the motion.

APPOINTMENT OF EDWIN MORGAN

The President declared the question before the Senate to be the confirmation of Edwin Morgan, Gubernatorial Appointment No. 9052, as a member of the Board of Trustees, Spokane and Spokane Falls Community College District No. 17.

The Secretary called the roll on the confirmation of Edwin Morgan, Gubernatorial Appointment No. 9052, as a member of the Board of Trustees, Spokane and Spokane Falls Community College District No. 17 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Edwin Morgan, Gubernatorial Appointment No. 9052, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Spokane and Spokane Falls Community College District No. 17.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schlicher moved that Jim Page, Gubernatorial Appointment No. 9055, be confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

Senator Schlicher spoke in favor of the motion.

APPOINTMENT OF JIM PAGE

The President declared the question before the Senate to be the confirmation of Jim Page, Gubernatorial Appointment No. 9055, as a member of the Board of Trustees, Olympic Community College District No. 3.

The Secretary called the roll on the confirmation of Jim Page, Gubernatorial Appointment No. 9055, as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Jim Page, Gubernatorial Appointment No. 9055, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1537, by House Committee on Government Operations & Elections (originally sponsored by Representatives O'Ban, Angel, Hayes, Green, Zeiger, Bergquist, Johnson, Ryu, Morrell and Shea)

Addressing a veteran's preference for the purpose of public employment.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Roach, Hasegawa and Schlicher spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1537.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1537 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1307, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Lytton, Wylie, Jinkins, Cody, Roberts, Santos and Moscoso)

Concerning sexual assault protection orders.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1307.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1307 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1836, by House Committee on Public Safety (originally sponsored by Representatives Holy, Goodman, Roberts, Hope, Hayes and Appleton)

Concerning the introduction of contraband into or possession of contraband in a secure facility.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1836 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1836.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1836 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1836, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1146, by Representatives Nealey, Blake, Chandler, Lytton, Warnick, Schmick, Walsh, Ryu and Haler

Concerning certified water right examiner bonding requirements.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 1146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1146.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1146 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Baumgartner

Excused: Senator Carrell

HOUSE BILL NO. 1146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1394, by Representatives Reykdal, Manweller, Sells, Hunt, Green, Van De Wege and Appleton

Changing the employment security department's settlement authority.

The measure was read the second time.

MOTION

Senator Holmquist Newbry moved that the following committee striking amendment by the Committee on Commerce & Labor be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50.24.020 and 1983 1st ex.s. c 23 s 14 are each amended to read as follows:

The commissioner may compromise any claim for contributions, interest, or penalties due and owing from an employer, and any amount owed by an individual because of benefit overpayments(~~(, whether reduced to judgment or otherwise,))~~ existing or arising under this title in any case where collection of the full ~~(claim, in the case of contributions, interest, or penalties, would result in the insolvency of the employing unit or individual from whom such contributions, interest, or penalties are claimed, and any case where collection of the full amount of benefit overpayments made to an individual))~~ amount due and owing, whether reduced to judgment or otherwise, would be against equity and good conscience.

Whenever a compromise is made by the commissioner in the case of a claim for contributions, interest, or penalties, whether reduced to judgment or otherwise, there shall be placed on file in the office of the unemployment compensation division a statement of the amount of contributions, interest, and penalties imposed by law and claimed due, attorneys' fees and costs, if any, a complete record of the compromise agreement, and the amount actually paid in accordance with the terms of the compromise agreement. Whenever a compromise is made by the commissioner in the case of a claim of a benefit overpayment, whether reduced to judgment or otherwise, there shall be placed on file in the office of the unemployment compensation division a statement of the amount of the benefit overpayment, attorneys' fees and costs, if any, a complete record of the compromise agreement, and the amount actually paid in accordance with the terms of the compromise agreement.

If any such compromise is accepted by the commissioner, within such time as may be stated in the compromise or agreed to, such compromise shall be final and conclusive and except upon showing of fraud or malfeasance or misrepresentation of a material fact the case shall not be reopened as to the matters agreed upon. In any suit, action, or proceeding, such agreement or any determination, collection, payment, adjustment, refund, or credit made in accordance therewith shall not be annulled, modified, set aside, or disregarded.

NEW SECTION. Sec. 2. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 5. Section 1 of this act applies retroactively to January 1, 2013."

Senator Holmquist Newbry spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Commerce & Labor to Engrossed House Bill No. 1394.

The motion by Senator Holmquist Newbry carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "amending RCW 50.24.020; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed House Bill No. 1394 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1394 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1394 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED HOUSE BILL NO. 1394 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1115, by House Committee on Judiciary (originally sponsored by Representatives Pedersen and Rodne)

Concerning the Uniform Commercial code.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 62A.4A-108 and 1991 sp.s. c 21 s 4A-108 are each amended to read as follows:

RELATIONSHIP TO ELECTRONIC FUND TRANSFER ACT. (a) Except as provided in subsection (b) of this section, this Article does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title XX, P.L. 95-630, 92 Stat. 3728, 15 U.S.C. Sec. 1693 et seq.) (~~as amended from time to time~~).

(b) This Article applies to a funds transfer that is a remittance transfer as defined in the Electronic Fund Transfer Act (15 U.S.C. Sec. 1693o-1), unless the remittance transfer is an electronic fund transfer as defined in the Electronic Fund Transfer Act (15 U.S.C. Sec. 1693a).

(c) In a funds transfer to which this Article applies, in the event of an inconsistency between an applicable provision of this Article and an applicable provision of the Electronic Fund Transfer Act, the provision of the Electronic Fund Transfer Act governs to the extent of the inconsistency.

Sec. 2. RCW 62A.4A-103 and 1991 sp.s. c 21 s 4A-103 are each amended to read as follows:

((+)) (a) In this Article:

((+)) (1) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally, electronically, or in writing, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

(i) The instruction does not state a condition ~~(of)~~ to payment to the beneficiary other than time of payment;

(ii) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

(iii) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

((+)) (2) "Beneficiary" means the person to be paid by the beneficiary's bank.

((+)) (3) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.

((+)) (4) "Receiving bank" means the bank to which the sender's instruction is addressed.

((+)) (5) "Sender" means the person giving the instruction to the receiving bank.

((2)) (b) If an instruction complying with subsection ~~((1)(a))~~ (a)(1) of this section is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

((3)) (c) A payment order is issued when it is sent to the receiving bank.

Sec. 3. RCW 62A.4A-104 and 1991 sp.s. c 21 s 4A-104 are each amended to read as follows:

In this Article:

((+)) (a) "Funds transfer" means the series of transactions, beginning with the originator's payment order, made for the purpose of making payment to the beneficiary of the order. The term includes any payment order issued by the originator's bank or an intermediary bank intended to carry out the originator's payment order. A funds transfer is completed by acceptance by the beneficiary's bank of a payment order for the benefit of the beneficiary of the originator's payment order.

((2)) (b) "Intermediary bank" means a receiving bank other than the originator's bank or the beneficiary's bank.

((3)) (c) "Originator" means the sender of the first payment order in a funds transfer.

((+)) (d) "Originator's bank" means ~~((+))~~ (i) the receiving bank to which the payment order of the originator is issued if the originator is not a bank, or ~~((+))~~ (ii) the originator if the originator is a bank.

Sec. 4. RCW 62A.4A-105 and 2012 c 214 s 1201 are each amended to read as follows:

((+)) (a) In this Article:

((+)) (1) "Authorized account" means a deposit account of a customer in a bank designated by the customer as a source of payment of payment orders issued by the customer to the bank. If a customer does not so designate an account, any account of the customer is an authorized account if payment of a payment order from that account is not inconsistent with a restriction on the use of ~~((+))~~ that account.

((+)) (2) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company. A branch or separate office of a bank is a separate bank for purposes of this Article.

((+)) (3) "Customer" means a person, including a bank, having an account with a bank or from whom a bank has agreed to receive payment orders.

((+)) (4) "Funds-transfer business day" of a receiving bank means the part of a day during which the receiving bank is open for the receipt, processing, and transmittal of payment orders and cancellations and amendments of payment orders.

((+)) (5) "Funds-transfer system" means a wire transfer network, automated clearing house, or other communication system of a clearing house or other association of banks through which a payment order by a bank may be transmitted to the bank to which the order is addressed.

((+)) (6) [Reserved.]

((+)) (7) "Prove" with respect to a fact means to meet the burden of establishing the fact (RCW 62A.1-201(b)(8)).

((2)) (b) Other definitions applying to this Article and the sections in which they appear are:

"Acceptance"	RCW 62A.4A-209
"Beneficiary"	RCW 62A.4A-103
"Beneficiary's bank"	RCW 62A.4A-103
"Executed"	RCW 62A.4A-301
"Execution date"	RCW 62A.4A-301
"Funds transfer"	RCW 62A.4A-104
"Funds-transfer system rule"	RCW 62A.4A-501
"Intermediary bank"	RCW 62A.4A-104
"Originator"	RCW 62A.4A-104
"Originator's bank"	RCW 62A.4A-104
"Payment by beneficiary's bank to beneficiary"	RCW 62A.4A-405
"Payment by originator to beneficiary"	RCW 62A.4A-406
"Payment by sender to receiving bank"	RCW 62A.4A-403
"Payment date"	RCW 62A.4A-401
"Payment order"	RCW 62A.4A-103
"Receiving bank"	RCW 62A.4A-103
"Security procedure"	RCW 62A.4A-201
"Sender"	RCW 62A.4A-103

((3)) (c) The following definitions in Article 4 (RCW 62A.4-101 through 62A.4-504) apply to this Article:

"Clearing house"	RCW 62A.4-104
"Item"	RCW 62A.4-104
"Suspends payments"	RCW 62A.4-104

((4)) (d) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 5. RCW 62A.4A-106 and 2012 c 214 s 1202 are each amended to read as follows:

((4)) (a) The time of receipt of a payment order or communication canceling or amending a payment order is determined by the rules applicable to receipt of a notice stated in RCW 62A.1-202. A receiving bank may fix a cut-off time or times on a funds-transfer business day for the receipt and processing of payment orders and communications canceling or amending payment orders. Different cut-off times may apply to payment orders, cancellations, or amendments, or to different categories of payment orders, cancellations, or amendments. A cut-off time may apply to senders generally or different cut-off times may apply to different senders or categories of payment orders. If a payment order or communication canceling or amending a payment order is received after the close of a funds-transfer business day or after the

appropriate cut-off time on a funds-transfer business day, the receiving bank may treat the payment order or communication as received at the opening of the next funds-transfer business day.

((2)) (b) If this Article refers to an execution date or payment date or states a day on which a receiving bank is required to take action, and the date or day does not fall on a funds-transfer business day, the next day that is a funds-transfer business day is treated as the date or day stated, unless the contrary is stated in this Article.

Sec. 6. RCW 62A.4A-202 and 1991 sp.s. c 21 s 4A-202 are each amended to read as follows:

((+)) (a) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.

((2)) (b) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if ((+)) (i) the security procedure is a commercially reasonable method of providing security against unauthorized payment orders, and ((+)) (ii) the bank proves that it accepted the payment order in good faith and in compliance with the security procedure and any written agreement or instruction of the customer restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates a written agreement with the customer or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

((3)) (c) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if ((+)) (i) the security procedure was chosen ((+)) by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer, and ((+)) (ii) the customer expressly agreed in writing to be bound by any payment order, whether or not authorized, issued in its name, and accepted by the bank in compliance with the security procedure chosen by the customer.

((4)) (d) The term "sender" in this Article includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection ((+)) (a) of this section, or it is effective as the order of the customer under subsection ((2)) (b) of this section.

((5)) (e) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

((6)) (f) Except as provided in this section and RCW 62A.4A-203((+)(a)) (a)(1), rights and obligations arising under this section or RCW 62A.4A-203 may not be varied by agreement.

Sec. 7. RCW 62A.4A-203 and 1991 sp.s. c 21 s 4A-203 are each amended to read as follows:

((+)) (a) If an accepted payment order is not, under RCW ((62A.4A-201(+)) 62A.4A-202(a), an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to RCW 62A.4A-202((2)) (b), the following rules apply.

((+)) (1) By express written agreement, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

((+)) (2) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order

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was not caused, directly or indirectly, by a person (i) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure, or (ii) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. Information includes any access device, computer software, or the like.

~~(2)~~ (b) This section applies to amendments of payment orders to the same extent it applies to payment orders.

Sec. 8. RCW 62A.4A-204 and 2012 c 214 s 1203 are each amended to read as follows:

~~(1)~~ (a) If a receiving bank accepts a payment order issued in the name of its customer as sender which is ~~(1)~~ (i) not authorized and not effective as the order of the customer under RCW 62A.4A-202, or ~~(b)~~ (ii) not enforceable, in whole or in part, against the customer under RCW 62A.4A-203, the bank shall refund any payment of the payment order received from the customer to the extent the bank is not entitled to enforce payment and shall pay interest on the refundable amount calculated from the date the bank received payment to the date of the refund. However, the customer is not entitled to interest from the bank on the amount to be refunded if the customer fails to exercise ordinary care to determine that the order was not authorized by the customer and to notify the bank of the relevant facts within a reasonable time not exceeding ninety days after the date the customer received notification from the bank that the order was accepted or that the customer's account was debited with respect to the order. The bank is not entitled to any recovery from the customer on account of a failure by the customer to give notification as stated in this section.

~~(2)~~ (b) Reasonable time under subsection ~~(1)~~ (a) of this section may be fixed by agreement as stated in RCW 62A.1-302(b), but the obligation of a receiving bank to refund payment as stated in subsection ~~(1)~~ (a) of this section may not otherwise be varied by agreement.

Sec. 9. RCW 62A.4A-205 and 1991 sp.s. c 21 s 4A-205 are each amended to read as follows:

~~(1)~~ (a) If an accepted payment order was transmitted pursuant to a security procedure for the detection of error and the payment order ~~(1)~~ (i) erroneously instructed payment to a beneficiary not intended by the sender, ~~(b)~~ (ii) erroneously instructed payment in an amount greater than the amount intended by the sender, or ~~(c)~~ (iii) was an erroneously transmitted duplicate of a payment order previously sent by the sender, the following rules apply:

~~(1)~~ (1) If the sender proves that the sender or a person acting on behalf of the sender pursuant to RCW 62A.4A-206 complied with the security procedure and that the error would have been detected if the receiving bank had also complied, the sender is not obliged to pay the order to the extent stated in ~~(1)~~ paragraphs (2) and (3) of this subsection.

~~(2)~~ (2) If the funds transfer is completed on the basis of an erroneous payment order described in ~~(b)~~ clause (i) or ~~(c)~~ (iii) of this subsection (a), the sender is not obliged to pay the order and the receiving bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

~~(3)~~ (3) If the funds transfer is completed on the basis of a payment order described in ~~(b)~~ clause (ii) of this subsection (a), the sender is not obliged to pay the order to the extent the amount received by the beneficiary is greater than the amount intended by the sender. In that case, the receiving bank is entitled to recover from the beneficiary the excess amount received to the extent allowed by the law governing mistake and restitution.

~~(2)~~ (b) If ~~(1)~~ (i) the sender of an erroneous payment order described in subsection ~~(1)~~ (a) of this section is not obliged to pay all or part of the order, and ~~(b)~~ (ii) the sender receives notification from the receiving bank that the order was accepted by the bank or that the sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care, on the basis of information available to the sender, to discover the error with respect to the order and to advise the bank of the relevant facts within a reasonable time, not exceeding ninety days, after the bank's notification was received by the sender. If the bank proves that the sender failed to perform that duty, the sender is liable to the bank for the loss the bank proves it incurred as a result of the failure, but the liability of the sender may not exceed the amount of the sender's order.

~~(3)~~ (c) This section applies to amendments to payment orders to the same extent it applies to payment orders.

Sec. 10. RCW 62A.4A-206 and 1991 sp.s. c 21 s 4A-206 are each amended to read as follows:

~~(1)~~ (a) If a payment order addressed to a receiving bank is transmitted to a funds-transfer system or other third-party communication system for transmittal to the bank, the system is deemed to be an agent of the sender for the purpose of transmitting the payment order to the bank. If there is a discrepancy between the terms of the payment order transmitted to the system and the terms of the payment order transmitted by the system to the bank, the terms of the payment order of the sender are those transmitted by the system. This section does not apply to a funds-transfer system of the federal reserve banks.

~~(2)~~ (b) This section applies to cancellations and amendments of payment orders to the same extent it applies to payment orders.

Sec. 11. RCW 62A.4A-207 and 1991 sp.s. c 21 s 4A-207 are each amended to read as follows:

~~(1)~~ (a) Subject to subsection ~~(2)~~ (b) of this section, if, in a payment order received by the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

~~(2)~~ (b) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

~~(1)~~ (1) Except as otherwise provided in subsection ~~(3)~~ (c) of this section, if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

~~(b)~~ (2) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

~~(3)~~ (c) If ~~(1)~~ (i) a payment order described in subsection ~~(2)~~ (b) of this section is accepted, ~~(b)~~ (ii) the originator's payment order described the beneficiary inconsistently by name and number, and ~~(c)~~ (iii) the beneficiary's bank pays the person identified by number as permitted by subsection ~~(2)~~ (a) (b)(1) of this section, the following rules apply:

~~(1)~~ (1) If the originator is a bank, the originator is obliged to pay its order.

~~(2)~~ (2) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order

unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a writing stating the information to which the notice relates.

~~((4))~~ (d) In a case governed by subsection ~~((2)(a))~~ (b)(1) of this section, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

~~((a))~~ (1) If the originator is obliged to pay its payment order as stated in subsection ~~((3))~~ (c) of this section, the originator has the right to recover.

~~((b))~~ (2) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

Sec. 12. RCW 62A.4A-208 and 1991 sp.s. c 21 s 4A-208 are each amended to read as follows:

~~((+))~~ (a) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number.

~~((a))~~ (1) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

~~((b))~~ (2) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

~~((2))~~ (b) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different persons.

~~((a))~~ (1) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

~~((b))~~ (2) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by subsection ~~((2)(a))~~ (b)(1) of this section, as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed a writing stating the information to which the notice relates.

~~((e))~~ (3) Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

~~((d))~~ (4) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the

number in executing the sender's payment order is a breach of the obligation stated in RCW 62A.4A-302~~((1)(a))~~ (a)(1).

Sec. 13. RCW 62A.4A-209 and 1991 sp.s. c 21 s 4A-209 are each amended to read as follows:

~~((4))~~ (a) Subject to subsection ~~((4))~~ (d) of this section, a receiving bank other than the beneficiary's bank accepts a payment order when it executes the order.

~~((2))~~ (b) Subject to subsections ~~((3) and (4))~~ (c) and (d) of this section, a beneficiary's bank accepts a payment order at the earliest of the following times:

~~((a))~~ (1) When the bank (i) pays the beneficiary as stated in RCW 62A.4A-405 ~~((1) or (2))~~ (a) or (b) or (ii) notifies the beneficiary of receipt of the order or that the account of the beneficiary has been credited with respect to the order unless the notice indicates that the bank is rejecting the order or that funds with respect to the order may not be withdrawn or used until receipt of payment from the sender of the order;

~~((b))~~ (2) When the bank receives payment of the entire amount of the sender's order pursuant to RCW 62A.4A-403~~((1)(a) or (b))~~ (a) (1) or (2); or

~~((e))~~ (3) The opening of the next funds-transfer business day of the bank following the payment date of the order if, at that time, the amount of the sender's order is fully covered by a withdrawable credit balance in an authorized account of the sender or the bank has otherwise received full payment from the sender, unless the order was rejected before that time or is rejected within (i) one hour after that time, or (ii) one hour after the opening of the next business day of the sender following the payment date if that time is later. If notice of rejection is received by the sender after the payment date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the payment date to the day the sender receives notice or learns that the order was not accepted, counting that day as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest payable is reduced accordingly.

~~((3))~~ (c) Acceptance of a payment order cannot occur before the order is received by the receiving bank. Acceptance does not occur under subsection ~~((2)(b) or (e))~~ (b) (2) or (3) of this section if the beneficiary of the payment order does not have an account with the receiving bank, the account has been closed, or the receiving bank is not permitted by law to receive credits for the beneficiary's account.

~~((4))~~ (d) A payment order issued to the originator's bank cannot be accepted until the payment date if the bank is the beneficiary's bank, or the execution date if the bank is not the beneficiary's bank. If the originator's bank executes the originator's payment order before the execution date or pays the beneficiary of the originator's payment order before the payment date and the payment order is subsequently canceled pursuant to RCW 62A.4A-211~~((2))~~ (b), the bank may recover from the beneficiary any payment received to the extent allowed by the law governing mistake and restitution.

Sec. 14. RCW 62A.4A-210 and 1991 sp.s. c 21 s 4A-210 are each amended to read as follows:

~~((+))~~ (a) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally, electronically, or in writing. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, ~~((a))~~ (i) any means complying with the agreement is reasonable and ~~((b))~~

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~~(ii)~~ any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

~~((2))~~ ~~(b)~~ This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order. If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is canceled pursuant to RCW 62A.4A-211~~((4))~~ ~~(d)~~ or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

~~((3))~~ ~~(c)~~ If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.

~~((4))~~ ~~(d)~~ Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order.

Sec. 15. RCW 62A.4A-211 and 1991 sp.s. c 21 s 4A-211 are each amended to read as follows:

~~((1))~~ ~~(a)~~ A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally, electronically, or in writing. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

~~((2))~~ ~~(b)~~ Subject to subsection ~~((1))~~ ~~(a)~~ of this section, a communication by the sender canceling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the bank accepts the payment order.

~~((3))~~ ~~(c)~~ After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank.

~~((4))~~ ~~(1)~~ With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

~~((5))~~ ~~(2)~~ With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order (i) that is a duplicate of a payment order previously issued by the sender, (ii) that orders payment to a beneficiary not entitled to receive payment from the originator, or (iii) that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

~~((4))~~ ~~(d)~~ An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

~~((5))~~ ~~(e)~~ A canceled payment order cannot be accepted. If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based on the acceptance. Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

~~((6))~~ ~~(f)~~ Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorneys' fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

~~((7))~~ ~~(g)~~ A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

~~((8))~~ ~~(h)~~ A funds-transfer system rule is not effective to the extent it conflicts with subsection ~~((3)(b))~~ ~~(c)(2)~~ of this section.

Sec. 16. RCW 62A.4A-212 and 1991 sp.s. c 21 s 4A-212 are each amended to read as follows:

If a receiving bank fails to accept a payment order that ~~((1))~~ ~~(i)~~ it is obliged by express agreement to accept, the bank is liable for breach of the agreement to the extent provided in the agreement or in this Article, but does not otherwise have any duty to accept a payment order or, before acceptance, to take any action, or refrain from taking action, with respect to the order except as provided in this Article or by express agreement. Liability based on acceptance arises only when acceptance occurs as stated in RCW 62A.4A-209, and liability is limited to that provided in this Article. A receiving bank is not the agent of the sender or beneficiary of the payment order it accepts, or of any other party to the funds transfer, and the bank owes no duty to any party to the funds transfer except as provided in this Article or by express agreement.

Sec. 17. RCW 62A.4A-301 and 1991 sp.s. c 21 s 4A-301 are each amended to read as follows:

~~((1))~~ ~~(a)~~ A payment order is "executed" by the receiving bank when it issues a payment order intended to carry out the payment order received by the bank. A payment order received by the beneficiary's bank can be accepted but cannot be executed.

~~((2))~~ ~~(b)~~ "Execution date" of a payment order means the day on which the receiving bank may properly issue a payment order in execution of the sender's order. The execution date may be determined by instruction of the sender but cannot be earlier than the day the order is received and, unless otherwise determined, is the day the order is received. If the sender's instruction states a payment date, the execution date is the payment date or an earlier date on which execution is reasonably necessary to allow payment to the beneficiary on the payment date.

Sec. 18. RCW 62A.4A-302 and 1991 sp.s. c 21 s 4A-302 are each amended to read as follows:

~~((1))~~ ~~(a)~~ Except as provided in subsections ~~((2) through (4))~~ ~~(b) through (d)~~ of this section, if the receiving bank accepts a payment order pursuant to RCW 62A.4A-209~~((1))~~ ~~(a)~~, the bank has the following obligations in executing the order.

~~((1))~~ ~~(1)~~ The receiving bank is obliged to issue, on the execution date, a payment order complying with the sender's order and to follow the sender's instructions concerning (i) any intermediary bank or funds-transfer system to be used in carrying out the funds transfer, or (ii) the means by which payment orders are to be transmitted in the funds transfer. If the originator's bank issues a payment order to an intermediary bank, the originator's

bank is obliged to instruct the intermediary bank according to the instruction of the originator. An intermediary bank in the funds transfer is similarly bound by an instruction given to it by the sender of the payment order it accepts.

~~((b))~~ (2) If the sender's instruction states that the funds transfer is to be carried out telephonically or by wire transfer or otherwise indicates that the funds transfer is to be carried out by the most expeditious means, the receiving bank is obliged to transmit its payment order by the most expeditious available means, and to instruct any intermediary bank accordingly. If a sender's instruction states a payment date, the receiving bank is obliged to transmit its payment order at a time and by means reasonably necessary to allow payment to the beneficiary on the payment date or as soon thereafter as is feasible.

~~((2))~~ (b) Unless otherwise instructed, a receiving bank executing a payment order may ~~((a))~~ (i) use any funds-transfer system if use of that system is reasonable in the circumstances, and ~~((b))~~ (ii) issue a payment order to the beneficiary's bank or to an intermediary bank through which a payment order conforming to the sender's order can expeditiously be issued to the beneficiary's bank if the receiving bank exercises ordinary care in the selection of the intermediary bank. A receiving bank is not required to follow an instruction of the sender designating a funds-transfer system to be used in carrying out the funds transfer if the receiving bank, in good faith, determines that it is not feasible to follow the instruction or that following the instruction would unduly delay completion of the funds transfer.

~~((3))~~ (c) Unless subsection ~~((1)(b))~~ (a)(2) of this section applies or the receiving bank is otherwise instructed, the bank may execute a payment order by transmitting its payment order by first ~~((-))~~ class mail or by any means reasonable in the circumstances. If the receiving bank is instructed to execute the sender's order by transmitting its payment order by a particular means, the receiving bank may issue its payment order by the means stated or by any means as expeditious as the means stated.

~~((4))~~ (d) Unless instructed by the sender, ~~((a))~~ (i) the receiving bank may not obtain payment of its charges for services and expenses in connection with the execution of the sender's order by issuing a payment order in an amount equal to the amount of the sender's order less the amount of the charges, and ~~((b))~~ (ii) may not instruct a subsequent receiving bank to obtain payment of its charges in the same manner.

Sec. 19. RCW 62A.4A-303 and 1991 sp.s. c 21 s 4A-303 are each amended to read as follows:

~~((1))~~ (a) A receiving bank that ~~((a))~~ (i) executes the payment order of the sender by issuing a payment order in an amount greater than the amount of the sender's order, or ~~((b))~~ (ii) issues a payment order in execution of the sender's order and then issues a duplicate order, is entitled to payment of the amount of the sender's order under RCW 62A.4A-402~~((3))~~ (c) if that subsection is otherwise satisfied. The bank is entitled to recover from the beneficiary of the erroneous order the excess payment received to the extent allowed by the law governing mistake and restitution.

~~((2))~~ (b) A receiving bank that executes the payment order of the sender by issuing a payment order in an amount less than the amount of the sender's order is entitled to payment of the amount of the sender's order under RCW 62A.4A-402~~((3))~~ (c) if ~~((a))~~ (i) that subsection is otherwise satisfied and ~~((b))~~ (ii) the bank corrects its mistake by issuing an additional payment order for the benefit of the beneficiary of the sender's order. If the error is not corrected, the issuer of the erroneous order is entitled to receive or retain payment from the sender of the order it accepted only to the extent of the amount of the erroneous order. This subsection does not apply if the receiving bank executes the sender's payment order by issuing a payment order in an amount less than the amount of the

sender's order for the purpose of obtaining payment of its charges for services and expenses pursuant to instruction of the sender.

~~((3))~~ (c) If a receiving bank executes the payment order of the sender by issuing a payment order to a beneficiary different from the beneficiary of the sender's order and the funds transfer is completed on the basis of that error, the sender of the payment order that was erroneously executed and all previous senders in the funds transfer are not obliged to pay the payment orders they issued. The issuer of the erroneous order is entitled to recover from the beneficiary of the order the payment received to the extent allowed by the law governing mistake and restitution.

Sec. 20. RCW 62A.4A-304 and 1991 sp.s. c 21 s 4A-304 are each amended to read as follows:

If the sender of a payment order that is erroneously executed as stated in RCW 62A.4A-303 receives notification from the receiving bank that the order was executed or that the sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care to determine, on the basis of information available to the sender, that the order was erroneously executed and to notify the bank of the relevant facts within a reasonable time not exceeding ninety days after the notification from the bank was received by the sender. If the sender fails to perform that duty, the bank is not obliged to pay interest on any amount refundable to the sender under RCW 62A.4A-402~~((4))~~ (d) for the period before the bank learns of the execution error. The bank is not entitled to any recovery from the sender on account of a failure by the sender to perform the duty stated in this section.

Sec. 21. RCW 62A.4A-305 and 1991 sp.s. c 21 s 4A-305 are each amended to read as follows:

~~((1))~~ (a) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of RCW 62A.4A-302 results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection ~~((3))~~ (c) of this section, additional damages are not recoverable.

~~((2))~~ (b) If execution of a payment order by a receiving bank in breach of RCW 62A.4A-302 results in ~~((a))~~ (i) noncompletion of the funds transfer, ~~((b))~~ (ii) failure to use an intermediary bank designated by the originator, or ~~((c))~~ (iii) issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection ~~((1))~~ (a) of this section, resulting from the improper execution. Except as provided in subsection ~~((3))~~ (c) of this section, additional damages are not recoverable.

~~((3))~~ (c) In addition to the amounts payable under subsections ~~((1) and (2))~~ (a) and (b) of this section, damages, including consequential damages, are recoverable to the extent provided in an express written agreement of the receiving bank.

~~((4))~~ (d) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express written agreement of the receiving bank, but are not otherwise recoverable.

~~((5))~~ (e) Reasonable attorneys' fees are recoverable if demand for compensation under subsection ~~((1) or (2))~~ (a) or (b) of this section is made and refused before an action is brought on the claim. If a claim is made for breach of an agreement under subsection ~~((4))~~ (d) of this section and the agreement does not provide for damages, reasonable attorneys' fees are recoverable if demand for compensation under subsection ~~((4))~~ (d) of this section is made and refused before an action is brought on the claim.

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~~((6))~~ ~~(f)~~ Except as stated in this section, the liability of a receiving bank under subsections ~~((1) and (2))~~ (a) and (b) of this section may not be varied by agreement.

Sec. 22. RCW 62A.4A-402 and 1991 sp.s. c 21 s 4A-402 are each amended to read as follows:

~~((+))~~ (a) This section is subject to RCW 62A.4A-205 and 62A.4A-207.

~~((2))~~ (b) With respect to a payment order issued to the beneficiary's bank, acceptance of the order by the bank obliges the sender to pay the bank the amount of the order, but payment is not due until the payment date of the order.

~~((3))~~ (c) This subsection is subject to subsection ~~((5))~~ (e) of this section and to RCW 62A.4A-303. With respect to a payment order issued to a receiving bank other than the beneficiary's bank, acceptance of the order by the receiving bank obliges the sender to pay the bank the amount of the sender's order. Payment by the sender is not due until the execution date of the sender's order. The obligation of that sender to pay its payment order is excused if the funds transfer is not completed by acceptance by the beneficiary's bank of a payment order instructing payment to the beneficiary of that sender's payment order.

~~((4))~~ (d) If the sender of a payment order pays the order and was not obliged to pay all or part of the amount paid, the bank receiving payment is obliged to refund payment to the extent the sender was not obliged to pay. Except as provided in RCW 62A.4A-204 and 62A.4A-304, interest is payable on the refundable amount from the date of payment.

~~((5))~~ (e) If a funds transfer is not completed as stated in ~~(this subsection)~~ (c) of this section and an intermediary bank is obliged to refund payment as stated in subsection ~~((4))~~ (d) of this section but is unable to do so because not permitted by applicable law or because the bank suspends payments, a sender in the funds transfer that executed a payment order in compliance with an instruction, as stated in RCW 62A.4A-302~~((1)(a))~~ (a)(1), to route the funds transfer through that intermediary bank is entitled to receive or retain payment from the sender of the payment order that it accepted. The first sender in the funds transfer that issued an instruction requiring routing through that intermediary bank is subrogated to the right of the bank that paid the intermediary bank to refund as stated in subsection ~~((4))~~ (d) of this section.

~~((6))~~ (f) The right of the sender of a payment order to be excused from the obligation to pay the order as stated in subsection ~~((3))~~ (c) of this section or to receive refund under subsection ~~((4))~~ (d) of this section may not be varied by agreement.

Sec. 23. RCW 62A.4A-403 and 1991 sp.s. c 21 s 4A-403 are each amended to read as follows:

~~((+))~~ (a) Payment of the sender's obligation under RCW 62A.4A-402 to pay the receiving bank occurs as follows:

~~((a))~~ (1) If the sender is a bank, payment occurs when the receiving bank receives final settlement of the obligation through a federal reserve bank or through a funds-transfer system.

~~((b))~~ (2) If the sender is a bank and the sender (i) credited an account of the receiving bank with the sender, or (ii) caused an account of the receiving bank in another bank to be credited, payment occurs when the credit is withdrawn or, if not withdrawn, at midnight of the day on which the credit is withdrawable and the receiving bank learns of that fact.

~~((c))~~ (3) If the receiving bank debits an account of the sender with the receiving bank, payment occurs when the debit is made to the extent the debit is covered by a withdrawable credit balance in the account.

~~((2))~~ (b) If the sender and receiving bank are members of a funds-transfer system that nets obligations multilaterally among participants, the receiving bank receives final settlement when settlement is complete in accordance with the rules of the system.

The obligation of the sender to pay the amount of a payment order transmitted through the funds-transfer system may be satisfied, to the extent permitted by the rules of the system, by setting off and applying against the sender's obligation the right of the sender to receive payment from the receiving bank of the amount of any other payment order transmitted to the sender by the receiving bank through the funds-transfer system. The aggregate balance of obligations owed by each sender to each receiving bank in the funds-transfer system may be satisfied, to the extent permitted by the rules of the system, by setting off and applying against that balance the aggregate balance of obligations owed to the sender by other members of the system. The aggregate balance is determined after the right of setoff stated in the second sentence of this subsection has been exercised.

~~((3))~~ (c) If two banks transmit payment orders to each other under an agreement that settlement of the obligations of each bank to the other under RCW 62A.4A-402 will be made at the end of the day or other period, the total amount owed with respect to all orders transmitted by one bank shall be set off against the total amount owed with respect to all orders transmitted by the other bank. To the extent of the setoff, each bank has made payment to the other.

~~((4))~~ (d) In a case not covered by subsection ~~((+))~~ (a) of this section, the time when payment of the sender's obligation under RCW 62A.4A-402 ~~((2) or (3))~~ (b) or (c) occurs is governed by applicable principles of law that determine when an obligation is satisfied.

Sec. 24. RCW 62A.4A-404 and 1991 sp.s. c 21 s 4A-404 are each amended to read as follows:

~~((+))~~ (a) Subject to RCW 62A.4A-211~~((5))~~ (e), 62A.4A-405~~((4))~~ (d), and 62A.4A-405~~((5))~~ (e), if a beneficiary's bank accepts a payment order, the bank is obliged to pay the amount of the order to the beneficiary of the order. Payment is due on the payment date of the order, but if acceptance occurs on the payment date after the close of the funds-transfer business day of the bank, payment is due on the next funds-transfer business day. If the bank refuses to pay after demand by the beneficiary and receipt of notice of particular circumstances that will give rise to consequential damages as a result of nonpayment, the beneficiary may recover damages resulting from the refusal to pay to the extent the bank had notice of the damages, unless the bank proves that it did not pay because of a reasonable doubt concerning the right of the beneficiary to payment.

~~((2))~~ (b) If a payment order accepted by the beneficiary's bank instructs payment to an account of the beneficiary, the bank is obliged to notify the beneficiary of receipt of the order before midnight of the next funds-transfer business day following the payment date. If the payment order does not instruct payment to an account of the beneficiary, the bank is required to notify the beneficiary only if notice is required by the order. Notice may be given by first-class mail or any other means reasonable in the circumstances. If the bank fails to give the required notice, the bank is obliged to pay interest to the beneficiary on the amount of the payment order from the day notice should have been given until the day the beneficiary learned of receipt of the payment order by the bank. No other damages are recoverable. Reasonable attorneys' fees are also recoverable if demand for interest is made and refused before an action is brought on the claim.

~~((3))~~ (c) The right of a beneficiary to receive payment and damages as stated in subsection (a) ~~(subsection (1) of this section)~~ of this section may not be varied by agreement or a funds-transfer system rule. The right of a beneficiary to be notified as stated in subsection ~~((2))~~ (b) of this section may be varied by agreement of the beneficiary or by a funds-transfer system rule if the beneficiary is notified of the rule before initiation of the funds transfer.

Sec. 25. RCW 62A.4A-405 and 1991 sp.s. c 21 s 4A-405 are each amended to read as follows:

((4)) (a) If the beneficiary's bank credits an account of the beneficiary of a payment order, payment of the bank's obligation under RCW 62A.4A-404((4)) (a) occurs when and to the extent ((4)) (i) the beneficiary is notified of the right to withdraw the credit, ((4)) (ii) the bank lawfully applies the credit to a debt of the beneficiary, or ((4)) (iii) funds with respect to the order are otherwise made available to the beneficiary by the bank.

((2)) (b) If the beneficiary's bank does not credit an account of the beneficiary of a payment order, the time when payment of the bank's obligation under RCW 62A.4A-404((4)) (a) occurs is governed by principles of law that determine when an obligation is satisfied.

((3)) (c) Except as stated in subsections ((4) and (5)) (d) and (e) of this ~~(act section)~~ section, if the beneficiary's bank pays the beneficiary of a payment order under a condition to payment or agreement of the beneficiary giving the bank the right to recover payment from the beneficiary if the bank does not receive payment of the order, the condition to payment or agreement is not enforceable.

((4)) (d) A funds-transfer system rule may provide that payments made to beneficiaries of funds transfers made through the system are provisional until receipt of payment by the beneficiary's bank of the payment order it accepted. A beneficiary's bank that makes a payment that is provisional under the rule is entitled to refund from the beneficiary if ((4)) (i) the rule requires that both the beneficiary and the originator be given notice of the provisional nature of the payment before the funds transfer is initiated, ((4)) (ii) the beneficiary, the beneficiary's bank and the originator's bank agreed to be bound by the rule, and ((4)) (iii) the beneficiary's bank did not receive payment of the payment order that it accepted. If the beneficiary is obliged to refund payment to the beneficiary's bank, acceptance of the payment order by the beneficiary's bank is nullified and no payment by the originator of the funds transfer to the beneficiary occurs under RCW 62A.4A-406.

((5)) (e) This subsection applies to a funds transfer that includes a payment order transmitted over a funds-transfer system that ((4)) (i) nets obligations multilaterally among participants, and ((4)) (ii) has in effect a loss-sharing agreement among participants for the purpose of providing funds necessary to complete settlement of the obligations of one or more participants that do not meet their settlement obligations. If the beneficiary's bank in the funds transfer accepts a payment order and the system fails to complete settlement pursuant to its rules with respect to any payment order in the funds transfer, (i) the acceptance by the beneficiary's bank is nullified and no person has any right or obligation based on the acceptance, (ii) the beneficiary's bank is entitled to recover payment from the beneficiary, (iii) no payment by the originator to the beneficiary occurs under RCW 62A.4A-406, and (iv) subject to RCW 62A.4A-402((5)) (c), ~~((each sender in the funds transfer is excused from its obligation to pay its payment order under RCW 62A.4A-402(5);))~~ each sender in the funds transfer is excused from its obligation to pay its payment order under RCW 62A.4A-402((5)) (c) because the funds transfer has not been completed.

Sec. 26. RCW 62A.4A-406 and 1991 sp.s. c 21 s 4A-406 are each amended to read as follows:

((4)) (a) Subject to RCW 62A.4A-211((5)) (e), 62A.4A-405((4)) (d), and 62A.4A-405((5)) (e), the originator of a funds transfer pays the beneficiary of the originator's payment order ((4)) (i) at the time a payment order for the benefit of the beneficiary is accepted by the beneficiary's bank in the funds transfer and ((4)) (ii) in an amount equal to the amount of the order accepted by the beneficiary's bank, but not more than the amount of the originator's order.

((2)) (b) If payment under subsection ((4)) (a) of this section is made to satisfy an obligation, the obligation is discharged to the same extent discharge would result from payment to the beneficiary of the same amount in money, unless ((4)) (i) the payment under subsection ((4)) (a) of this section was made by a means prohibited by the contract of the beneficiary with respect to the obligation, ((4)) (ii) the beneficiary, within a reasonable time after receiving notice of receipt of the order by the beneficiary's bank, notified the originator of the beneficiary's refusal of the payment, ((4)) (iii) funds with respect to the order were not withdrawn by the beneficiary or applied to a debt of the beneficiary, and ((4)) (iv) the beneficiary would suffer a loss that could reasonably have been avoided if payment had been made by a means complying with the contract. If payment by the originator does not result in discharge under this section, the originator is subrogated to the rights of the beneficiary to receive payment from the beneficiary's bank under RCW 62A.4A-404((4)) (a).

((3)) (c) For the purpose of determining whether discharge of an obligation occurs under subsection ((2)) (b) of this section, if the beneficiary's bank accepts a payment order in an amount equal to the amount of the originator's payment order less charges of one or more receiving banks in the funds transfer, payment to the beneficiary is deemed to be in the amount of the originator's order unless upon demand by the beneficiary the originator does not pay the beneficiary the amount of the deducted charges.

((4)) (d) Rights of the originator or of the beneficiary of a funds transfer under this section may be varied only by agreement of the originator and the beneficiary.

Sec. 27. RCW 62A.4A-501 and 1991 sp.s. c 21 s 4A-501 are each amended to read as follows:

((4)) (a) Except as otherwise provided in this Article, the rights and obligations of a party to a funds transfer may be varied by agreement of the affected party.

((2)) (b) "Funds-transfer system rule" means a rule of an association of banks ((4)) (i) governing transmission of payment orders by means of a funds-transfer system of the association or rights and obligations with respect to those orders, or ((4)) (ii) to the extent the rule governs rights and obligations between banks that are parties to a funds transfer in which a federal reserve bank, acting as an intermediary bank, sends a payment order to the beneficiary's bank. Except as otherwise provided in this Article, a funds-transfer system rule governing rights and obligations between participating banks using the system may be effective even if the rule conflicts with ~~((the))~~ this Article and indirectly affects another party to the funds transfer who does not consent to the rule. A funds-transfer system rule may also govern rights and obligations of parties other than participating banks using the system to the extent stated in RCW 62A.4A-404((3)) (c), 62A.4A-405((4)) (d), and 62A.4A-507((3)) (c).

Sec. 28. RCW 62A.4A-502 and 1991 sp.s. c 21 s 4A-502 are each amended to read as follows:

((4)) (a) As used in this section, "creditor process" means levy, attachment, garnishment, notice of lien, sequestration, or similar process issued by or on behalf of a creditor or other claimant with respect to an account.

((2)) (b) This subsection applies to creditor process with respect to an authorized account of the sender of a payment order if the creditor process is served on the receiving bank. For the purpose of determining rights with respect to the creditor process, if the receiving bank accepts the payment order the balance in the authorized account is deemed to be reduced by the amount of the payment order to the extent the bank did not otherwise receive payment of the order, unless the creditor process is served at ~~((the))~~ a time and in a manner affording the bank a reasonable opportunity to act on it before the bank accepts the payment order.

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~~((3))~~ (c) If a beneficiary's bank has received a payment order for payment to the beneficiary's account in the bank, the following rules apply:

~~((a))~~ (1) The bank may credit the beneficiary's account. The amount credited may be set off against an obligation owed by the beneficiary to the bank or may be applied to satisfy creditor process served on the bank with respect to the account.

~~((b))~~ (2) The bank may credit the beneficiary's account and allow withdrawal of the amount credited unless creditor process with respect to the account is served at ~~(the)~~ a time and in a manner affording the bank a reasonable opportunity to act to prevent withdrawal.

~~((e))~~ (3) If creditor process with respect to the beneficiary's account has been served and the bank has had a reasonable opportunity to act on it, the bank may not reject the payment order except for a reason unrelated to the service of process.

~~((4))~~ (d) Creditor process with respect to a payment by the originator to the beneficiary pursuant to a funds transfer may be served only on the beneficiary's bank with respect to the debt owed by that bank to the beneficiary. Any other bank served with the creditor process is not obliged to act with respect to the process.

Sec. 29. RCW 62A.4A-503 and 1991 sp.s. c 21 s 4A-503 are each amended to read as follows:

For proper cause and in compliance with applicable law, a court may restrain ~~((+))~~ (i) a person from issuing a payment order to initiate a funds transfer, ~~((2))~~ (ii) an originator's bank from executing the payment order of the originator, or ~~((3))~~ (iii) the beneficiary's bank from releasing funds to the beneficiary or the beneficiary from withdrawing the funds. A court may not otherwise restrain a person from issuing a payment order, paying or receiving payment of a payment order, or otherwise acting with respect to a funds transfer.

Sec. 30. RCW 62A.4A-504 and 1991 sp.s. c 21 s 4A-504 are each amended to read as follows:

~~((+))~~ (a) If a receiving bank has received more than one payment order of the sender or one or more payment orders and other items that are payable from the sender's account, the bank may charge the sender's account with respect to the various orders and items in any sequence.

~~((2))~~ (b) In determining whether a credit to an account has been withdrawn by the holder of the account or applied to a debt of the holder of the account, credits first made to the account are first withdrawn or applied.

Sec. 31. RCW 62A.4A-506 and 1991 sp.s. c 21 s 4A-506 are each amended to read as follows:

~~((+))~~ (a) If, under this Article, a receiving bank is obliged to pay interest with respect to a payment order issued to the bank, the amount payable may be determined ~~((a))~~ (i) by agreement of the sender and receiving bank, or ~~((b))~~ (ii) by a funds-transfer system rule if the payment order is transmitted through a funds-transfer system.

~~((2))~~ (b) If the amount of interest is not determined by an agreement or rule as stated in subsection ~~((+))~~ (a) of this section, the amount is calculated by multiplying the applicable federal funds rate by the amount on which interest is payable, and then multiplying the product by the number of days for which interest is payable. The applicable federal funds rate is the average of the federal funds rates published by the federal reserve bank of New York for each of the days for which interest is payable divided by three hundred sixty. The federal funds rate for any day on which a published rate is not available is the same as the published rate for the next preceding day for which there is a published rate. If a receiving bank that accepted a payment order is required to refund payment to the sender of the order because the funds transfer was not completed, but the failure to complete was not due to any fault

by the bank, the interest payable is reduced by a percentage equal to the reserve requirement on deposits of the receiving bank.

Sec. 32. RCW 62A.4A-507 and 1991 sp.s. c 21 s 4A-507 are each amended to read as follows:

~~((+))~~ (a) The following rules apply unless the affected parties otherwise agree or subsection ~~((3))~~ (c) of this section applies~~(s)~~:

~~((a))~~ (1) The rights and obligations between the sender of a payment order and the receiving bank are governed by the law of the jurisdiction in which the receiving bank is located.

~~((b))~~ (2) The rights and obligations between the beneficiary's bank and the beneficiary are governed by the law of the jurisdiction in which the beneficiary's bank is located.

~~((e))~~ (3) The issue of when payment is made pursuant to a funds transfer by the originator to the beneficiary is governed by the law of the jurisdiction in which the beneficiary's bank is located.

~~((2))~~ (b) If the parties described in each paragraph of subsection ~~((+))~~ (a) of this section have made an agreement selecting the law of a particular jurisdiction to govern rights and obligations between each other, the law of that jurisdiction governs those rights and obligations, whether or not the payment order or the funds transfer bears a reasonable relation to that jurisdiction.

~~((3))~~ (c) A funds-transfer system rule may select the law of a particular jurisdiction to govern ~~((a))~~ (i) rights and obligations between participating banks with respect to payment orders transmitted or processed through the system, or ~~((b))~~ (ii) the rights and obligations of some or all parties to a funds transfer any part of which is carried out by means of the system. A choice of law made pursuant to ~~((a))~~ clause (i) of this subsection is binding on participating banks. A choice of law made pursuant to ~~((b))~~ clause (ii) of this subsection is binding on the originator, other sender, or a receiving bank having notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system when the originator, other sender, or receiving bank issued or accepted a payment order. The beneficiary of a funds transfer is bound by the choice of law if, when the funds transfer is initiated, the beneficiary has notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system. The law of a jurisdiction selected pursuant to this subsection may govern, whether or not that law bears a reasonable relation to the matter in issue.

~~((+))~~ (d) In the event of inconsistency between an agreement under subsection ~~((2))~~ (b) of this section and a choice-of-law rule under subsection ~~((3))~~ (c) of this section, the agreement under subsection ~~((2))~~ (b) of this section prevails.

~~((5))~~ (e) If a funds transfer is made by use of more than one funds-transfer system and there is inconsistency between choice-of-law rules of the systems, the matter in issue is governed by the law of the selected jurisdiction that has the most significant relationship to the matter in issue.

Sec. 33. RCW 62A.9A-502 and 2000 c 250 s 9A-502 are each amended to read as follows:

(a) **Sufficiency of financing statement.** Subject to subsection (b) of this section, a financing statement is sufficient only if it:

- (1) Provides the name of the debtor;
- (2) Provides the name of the secured party or a representative of the secured party; and
- (3) Indicates the collateral covered by the financing statement.

(b) **Real-property-related financing statements.** Except as otherwise provided in RCW 62A.9A-501(b), to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection (a) of this section and also:

- (1) Indicate that it covers this type of collateral;

(2) Indicate that it is to be filed for record in the real property records;

(3) Provide a description of the real property to which the collateral is related sufficient to give constructive notice of a mortgage under the law of this state if the description were contained in a record of the mortgage of the real property; and

(4) If the debtor does not have an interest of record in the real property, provide the name of a record owner.

(c) **Record of mortgage as financing statement.** A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

(1) The record indicates the goods or accounts that it covers;

(2) The goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as-extracted collateral or timber to be cut;

(3) The record satisfies the requirements for a financing statement in this section (~~other than an indication~~), but:

~~(A) The record need not indicate that it is to be filed in the real property records; and~~

(B) The record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom RCW 62A.9A-503(a)(4) applies; and

(4) The record is recorded.

(d) **Filing before security agreement or attachment.** A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

Sec. 34. RCW 62A.9A-503 and 2011 c 74 s 401 are each amended to read as follows:

(a) **Sufficiency of debtor's name.** A financing statement sufficiently provides the name of the debtor:

(1) Except as otherwise provided in (3) of this subsection (a), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization's name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend, or restate the registered organization's name;

(2) Subject to subsection (f) of this section, if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative;

(3) If the collateral is held in a trust that is not a registered organization, only if the financing statement:

(A) Provides, as the name of the debtor:

(i) If the organic record of the trust specifies a name for the trust, the name specified; or

(ii) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) In a separate part of the financing statement:

(i) If the name is provided in accordance with (3)(A)(i) of this subsection, indicates that the collateral is held in a trust; or

(ii) If the name is provided in accordance with (3)(A)(ii) of this subsection, provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(4) Subject to subsection (g) of this section, if the debtor is an individual to whom this state has issued a driver's license or identification card that has not expired, only if the financing statement(~~(~~

~~—(A) Provides the individual name of the debtor;~~

~~—(B) Provides the surname and first personal name of the debtor; or~~

~~—(C) Subject to subsection (g) of this section,)) provides the name of the individual which is indicated on ((a)) the driver's license or identification card ((that this state has issued to the individual and which has not expired));~~

(5) If the debtor is an individual to whom (4) of this subsection (a) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

~~((5))~~ (6) In other cases:

(A) If the debtor has a name, only if the financing statement provides the organizational name of the debtor; and

(B) If the debtor does not have a name, only if the financing statement provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

(b) **Additional debtor-related information.** A financing statement that provides the name of the debtor in accordance with subsection (a) of this section is not rendered ineffective by the absence of:

(1) A trade name or other name of the debtor; or

(2) Unless required under subsection ~~((a)(5)(B))~~ (a)(6)(B) of this section, names of partners, members, associates, or other persons comprising the debtor.

(c) **Debtor's trade name insufficient.** A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) **Representative capacity.** Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) **Multiple debtors and secured parties.** A financing statement may provide the name of more than one debtor and the name of more than one secured party.

(f) **Name of decedent.** The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under subsection (a)(2) of this section.

(g) **Multiple driver's licenses.** If this state has issued to an individual more than one driver's license or identification card of a kind described in subsection (a)(4) of this section, the one that was issued most recently is the one to which subsection (a)(4) of this section refers.

(h) **Definition.** In this section, the "name of the settlor or testator" means:

(1) If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name; or

(2) In other cases, the name of the settlor or testator indicated in the trust's organic record.

NEW SECTION. **Sec. 35.** Section captions as used in this act are law.

NEW SECTION. **Sec. 36.** Sections 33 and 34 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2013."

Senator Padden spoke in favor of adoption of the committee striking amendment.

EIGHTY NINTH DAY, APRIL 12, 2013

2013 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1115.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "code;" strike the remainder of the title and insert "amending RCW 62A.4A-108, 62A.4A-103, 62A.4A-104, 62A.4A-105, 62A.4A-106, 62A.4A-202, 62A.4A-203, 62A.4A-204, 62A.4A-205, 62A.4A-206, 62A.4A-207, 62A.4A-208, 62A.4A-209, 62A.4A-210, 62A.4A-211, 62A.4A-212, 62A.4A-301, 62A.4A-302, 62A.4A-303, 62A.4A-304, 62A.4A-305, 62A.4A-402, 62A.4A-403, 62A.4A-404, 62A.4A-405, 62A.4A-406, 62A.4A-501, 62A.4A-502, 62A.4A-503, 62A.4A-504, 62A.4A-506, 62A.4A-507, 62A.9A-502, and 62A.9A-503; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1115 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1115 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1115 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1115 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1311, by Representatives Chandler, Sells and Moscoso

Making coverage of certain maritime service elective for purposes of unemployment compensation.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1311.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1311 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Cleveland, Hasegawa and Murray

Excused: Senator Carrell

HOUSE BILL NO. 1311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1178, by Representatives Lytton, Maxwell, Santos, Seaquist, Reykdal, Sullivan, Fitzgibbon, Ryu, Pollet, Stanford, Tharinger and Jinkins

Authorizing alternative assessments of basic skills for teacher certification.

The measure was read the second time.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the use of a basic skills test as an entrance requirement to teacher certification programs has unintentionally created a barrier to the effective recruitment of candidates from underrepresented populations who are otherwise qualified for the program. Therefore, the legislature intends to expand the pool of potential teacher candidates by expanding the types of testing instruments and assessments that may be used to measure basic skills. The legislature intends to review any alternative assessments to ensure that candidates must continue to meet the established standards for admission to a teacher certification program.

Sec. 2. RCW 28A.410.220 and 2008 c 176 s 2 are each amended to read as follows:

(1)(a) Beginning not later than September 1, 2001, the Washington professional educator standards board shall make available and pilot a means of assessing an applicant's knowledge in the basic skills. For the purposes of this section, "basic skills" means the subjects of at least reading, writing, and mathematics.

Beginning September 1, 2002, except as provided in (c) and (d) of this subsection and subsection (4) of this section, passing this assessment shall be required for admission to approved teacher preparation programs and for persons from out-of-state applying for a Washington state residency teaching certificate.

(b) On an individual student basis, approved teacher preparation programs may admit into their programs a candidate who has not achieved the minimum basic skills assessment score established by the Washington professional educator standards board. Individuals so admitted may not receive residency certification without passing the basic skills assessment under this section.

(c) The Washington professional educator standards board may establish criteria to ensure that persons from out-of-state who are applying for residency certification and persons applying to master's degree level teacher preparation programs can demonstrate to the board's satisfaction that they have the requisite basic skills based upon having completed another basic skills assessment acceptable to the Washington professional educator standards board or by some other alternative approved by the Washington professional educator standards board.

(d) The Washington professional educator standards board may identify and accept other tests and test scores as long as the tests are comparable in rigor to the basic skills assessment and candidates meet or exceed the basic skills requirements established by the board. The board must set the acceptable score for admission to teacher certification programs at no lower than the average national scores for the SAT or ACT.

(2) The Washington professional educator standards board shall set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar.

(3) Beginning not later than September 1, 2002, the Washington professional educator standards board shall provide for the initial piloting and implementation of a means of assessing an applicant's knowledge in the subjects for which the applicant has applied for an endorsement to his or her residency or professional teaching certificate. The assessment of subject knowledge shall not include instructional methodology. Beginning September 1, 2005, passing this assessment shall be required to receive an endorsement for certification purposes.

(4) The Washington professional educator standards board may permit exceptions from the assessment requirements under subsections (1), (2), and (3) of this section on a case-by-case basis.

(5) The Washington professional educator standards board shall provide for reasonable accommodations for individuals who are required to take the assessments in subsection (1), (2), or (3) of this section if the individuals have learning or other disabilities.

(6) With the exception of applicants exempt from the requirements of subsections (1), (2), and (3) of this section, an applicant must achieve a minimum assessment score or scores established by the Washington professional educator standards board on each of the assessments under subsections (1), (2), and (3) of this section.

(7) The Washington professional educator standards board and superintendent of public instruction, as determined by the Washington professional educator standards board, may contract with one or more third parties for:

(a) The development, purchase, administration, scoring, and reporting of scores of the assessments established by the Washington professional educator standards board under subsections (1), (2), and (3) of this section;

(b) Related clerical and administrative activities; or

(c) Any combination of the purposes in this subsection.

(8) Applicants for admission to a Washington teacher preparation program and applicants for residency and professional certificates who are required to successfully complete one or more of the assessments under subsections (1), (2), and (3) of this section, and who are charged a fee for the assessment by a third party contracted with under subsection (7) of this section, shall pay the fee charged by the contractor directly to the contractor. Such fees shall be reasonably related to the actual costs of the contractor in providing the assessment.

(9) The superintendent of public instruction is responsible for supervision and providing support services to administer this section.

(10) The Washington professional educator standards board shall collaboratively select or develop and implement the assessments and minimum assessment scores required under this section with the superintendent of public instruction and shall provide opportunities for representatives of other interested educational organizations to participate in the selection or development and implementation of such assessments in a manner deemed appropriate by the Washington professional educator standards board.

(11) The Washington professional educator standards board shall adopt rules under chapter 34.05 RCW that are reasonably necessary for the effective and efficient implementation of this section."

Senator Litzow spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to House Bill No. 1178.

The motion by Senator Litzow carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "certification;" strike the remainder of the title and insert "amending RCW 28A.410.220; and creating a new section."

MOTION

On motion of Senator Litzow, the rules were suspended, House Bill No. 1178 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1178 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1178 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

EIGHTY NINTH DAY, APRIL 12, 2013

2013 REGULAR SESSION

Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1178 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1056, by Representatives Angel, Manweller and Sells

Authorizing certain corporate officers to receive unemployment benefits.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1056.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1056 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Darneille, Fraser, Frockt, Harper, Hasegawa, Keiser, Kline, Murray, Nelson, Ranker and Rolfes

Excused: Senator Carrell

HOUSE BILL NO. 1056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1547, by Representatives Walsh, Kagi, Freeman, Fey, Zeiger, Ryu, Morrell, Roberts, Moscoso and Santos

Concerning entities that provide recreational or educational programming for school-aged children.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection ((~~2~~)), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child

remains on the premises of the facility for the purpose of participating in:

- (i) Activities other than employment; or
- (ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;
 - (i) ((Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund:)) Any entity that provides recreational or educational programming for school-aged children only and the entity meets all of the following requirements:
 - (i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;
 - (ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;
 - (iii) The entity is a local affiliate of a national nonprofit; and
 - (iv) The entity is in compliance with all safety and quality standards set by the associated national agency;
 - (j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;
 - (k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;
 - (l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.
- (3) "Applicant" means a person who requests or seeks employment in an agency.
- (4) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.
- (5) "Department" means the department of early learning.
- (6) "Director" means the director of the department.
- (7) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.
- (8) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).
- (9) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:
 - (a) A decision issued by an administrative law judge;
 - (b) A final determination, decision, or finding made by an agency following an investigation;
 - (c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;
 - (d) A revocation, denial, or restriction placed on any professional license; or
 - (e) A final decision of a disciplinary board.
- (10) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.
- (11) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(12) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 1547.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "and reenacting and amending RCW 43.215.010."

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 1547 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1547 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1547 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frocht, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1547 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1533, by Representatives Rodne and Jinkins

Clarifying notice of claims in health care actions.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1533.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1533 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Becker, Benton, Ericksen, Holmquist Newbry and Honeyford

Excused: Senator Carrell

HOUSE BILL NO. 1533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Bailey moved adoption of the following resolution:

SENATE RESOLUTION
8654

By Senators Bailey, Ranker, Pearson, King, Cleveland, Becker, Conway, Rivers, Litzow, Mullet, Hasegawa, Honeyford, Fain, Padden, Shin, Hobbs, Tom, Holmquist Newbry, Schoesler, Darneille, Frockt, Fraser, Hill, Hewitt, Kohl-Welles, Smith, Chase, Ericksen, Nelson, Sheldon, Parlette, Schlicher, Roach, Keiser, Hatfield, and Billig

WHEREAS, Every April, stunning tulips welcome the beginning of another beautiful spring in Skagit; and

WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the premier producer of tulip bulbs in North America; and

WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Washington; and

WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the great pleasure of the event and significantly contributing to the economy of the Skagit Valley; and

WHEREAS, This year's 30th annual festival will run from April 1st through 30th, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, Visitors will be welcomed by the millions of tulips reflecting all the beauty of the region and its wonderful people; and

WHEREAS, This year's Tulip Festival Ambassadors, Carlos Roques and Jennifer Ramirez, will capably perform their duties as representatives of the festival; and

WHEREAS, Highlights of the event include the Mount Vernon Street Fair, PACCAR Open House, a Veteran's Memorial

dedication, the Anacortes Spring Wine Festival, including many Skagit County Wineries and Breweries, RoozenGaarde, Tulip Town, the Kiwanis Salmon Barbecue, art shows, bike rides, foot races, and much, much, more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute all the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and

BE IT FURTHER RESOLVED, That the Senate commend the community leaders and corporate sponsors for the immense success of this event and encourage citizens from across Washington to take the time to enjoy this remarkable display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Skagit Valley Tulip Festival Executive Director Cindy Verge, who has most aptly served the citizens of Skagit since first joining the festival in 1999, and the Tulip Festival Ambassadors.

Senators Bailey, Ranker, Honeyford and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8654.

The motion by Senator Bailey carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 2013 Skagit Valley Tulip Ambassadors, Carlos Roques, 11 and Jennifer Ramirez, 10 who were seated at the rostrum.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1416, by House Committee on Finance (originally sponsored by Representatives Warnick, Manweller, Takko, Fagan and Schmick)

Regarding the financing of irrigation district improvements. Revised for 2nd Substitute: Concerning the financing of irrigation district improvements.

The measure was read the second time.

MOTION

Senator Roach moved that the following committee striking amendment by the Committee on Governmental Operations be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 87.03 RCW to read as follows:

Any local improvement district bonds, and interest thereon, issued against a bond redemption fund of a local improvement district pursuant to RCW 87.03.485 shall be a valid claim of the owner thereof only as against the local improvement guarantee fund, the local improvement district redemption fund, and the assessments or revenues pledged to such fund or funds and do not constitute a general indebtedness against the issuing irrigation district unless the board of directors by resolution expressly provides for a pledge of general indebtedness. Except where the

board provides for a pledge of general indebtedness, each such bond must state upon its face that it is payable from the local improvement district redemption fund and the local improvement guarantee fund only.

Sec. 2. RCW 84.34.310 and 1999 c 153 s 71 are each amended to read as follows:

As used in RCW 84.34.300 through 84.34.380, unless a different meaning is required, the words defined in this section shall have the meanings indicated.

(1) "Farm and agricultural land" shall mean the same as defined in RCW 84.34.020(2).

(2) "Timber land" shall mean the same as defined in RCW 84.34.020(3).

(3) "Local government" shall mean any city, town, county, water-sewer district, public utility district, port district, ~~((irrigation district,))~~ flood control district, or any other municipal corporation, quasi-municipal corporation, or other political subdivision authorized to levy special benefit assessments for sanitary and/or storm sewerage systems, domestic water supply and/or distribution systems, or road construction or improvement purposes. "Local government" does not include an irrigation district with respect to any local improvement district created or local improvement assessment levied by that irrigation district.

(4) "Local improvement district" shall mean any local improvement district, utility local improvement district, local utility district, road improvement district, or any similar unit created by a local government for the purpose of levying special benefit assessments against property specially benefited by improvements relating to such districts.

(5) "Owner" shall mean the same as defined in RCW 84.34.020(5) or the applicable statutes relating to special assessments.

(6) The term "average rate of inflation" shall mean the annual rate of inflation as determined by the department of revenue averaged over the period of time as provided in RCW 84.34.330 (1) and (2). Such determination shall be published not later than January 1 of each year for use in that assessment year.

(7) "Special benefit assessments" shall mean special assessments levied or capable of being levied in any local improvement district or otherwise levied or capable of being levied by a local government to pay for all or part of the costs of a local improvement and which may be levied only for the special benefits to be realized by property by reason of that local improvement.

Sec. 3. RCW 87.03.480 and 1959 c 75 s 9 are each amended to read as follows:

Any desired special construction, reconstruction, betterment or improvement or purchase or acquisition of improvements already constructed, for any authorized district service, including but not limited to the safeguarding of open canals or ditches for the protection of the public therefrom, which are for the special benefit of the lands tributary thereto and within an irrigation district may be constructed or acquired and provision made to meet the cost thereof as follows:

The holders of title or evidence of title to one-quarter of the acreage proposed to be assessed, may file with the district board their petition reciting the nature and general plan of the desired improvement and specifying the lands proposed to be specially assessed therefor. ~~((The petition shall be accompanied by a bond in the sum of one hundred dollars with surety to be approved by the board, conditioned that the petitioners will pay the cost of an investigation of the project and of the hearing thereon if it is not established. The board may at any time require a bond in an additional sum.))~~ A local improvement district may include adjoining, vicinal, or neighboring improvements even though the improvements and the properties benefited are not connected or continuous. Such improvements may be owned by the United

States, the state of Washington, the irrigation district, or another local government. Upon approval of the board of an adjoining irrigation district, an irrigation district may form local improvement districts or utility local improvement districts that are composed entirely or in part of territory within that adjoining district. Upon the filing of the petition the board, with the assistance of a competent engineer, shall make an investigation of the feasibility, cost, and need of the proposed local improvement together with the ability of the lands to pay the cost, and if it appears feasible, they ~~((shall))~~ may elect to have plans and an estimate of the cost prepared. If a protest against the establishment of the proposed improvement signed by a majority of the holders of title in the proposed local district is presented at or before the hearing, or if the proposed improvement should be found not feasible, too expensive, or not in the best interest of the district, or the lands to be benefited insufficient for the costs, they shall dismiss the petition ~~((at the expense of the petitioners)).~~

Sec. 4. RCW 87.03.485 and 1983 c 167 s 222 are each amended to read as follows:

In the event that the ~~((said))~~ board ~~((shall))~~ approves ((said)) the petition, the board shall fix a time and place for the hearing thereof and shall publish a notice once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven days before such date and shall mail such a notice on or before the second publication date by first-class mail, postage prepaid, to each owner or reputed owner of real property within the proposed local improvement district, as shown on the rolls of the county treasurer as of a date not more than twenty days immediately prior to the date such notice was mailed. Such notice must be published in a newspaper of general circulation in each county in which any portion of the land proposed to be included in such local improvement district lies. Such notice shall state that the lands within ~~((said))~~ the described boundaries are proposed to be organized as a local improvement district, stating generally the nature of the proposed improvement; that bonds for such local improvement district are proposed to be issued as the bonds of the irrigation district, or that a contract is proposed to be entered into between the district and the United States or the state of Washington, or both, that the lands within ~~((said))~~ the local improvement district are to be assessed for such improvement, that such bonds or contract will be ~~((a primary))~~ the obligation of such local improvement district ~~((and a general obligation of the irrigation district))~~ and stating a time and place of hearing thereon. At the time and place of hearing named in ~~((said))~~ the notice, all persons interested may appear before the board and show cause for or against the formation of the proposed improvement district and the issuance of bonds or the entering into of a contract as aforesaid. The board may designate a hearing officer to conduct the hearing, and the hearing officer shall report recommendations on the establishment of the local improvement district to the board for final action. Upon the hearing the board shall determine as to the establishment of the proposed local improvement district. Any landowner whose lands can be served or will be benefited by the proposed improvement, may make application to the board at the time of hearing to include such land and the board of directors in such cases shall, at its discretion, include such lands within such district. The board of directors may exclude any land specified in ~~((said))~~ the notice from ~~((said))~~ the district provided, that in the judgment of the board, the inclusion thereof will not be practicable.

As an alternative plan and subject to all of the provisions of this chapter, the board of directors may initiate the organization of a local improvement district as herein provided. To so organize a local improvement district the board shall adopt and record in its minutes a resolution specifying the lands proposed to be included in such local improvement district or by describing the exterior boundaries of such proposed district or by both. ~~((Said))~~ The

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resolution shall state generally the plan, character and extent of the proposed improvements, that the land proposed to be included in such improvement district will be assessed for such improvements; and that local improvement district bonds of the irrigation district will be issued or a contract entered into as hereinabove in this section provided to meet the cost thereof and that such bonds or contract will be ~~((a primary))~~ the obligation of such local improvement district ~~((and a general obligation of the irrigation district)).~~ ~~((Said))~~ The resolution shall fix a time and place of hearing thereon and shall state that unless a majority of the holders of title or of evidence of title to lands within the proposed local improvement district file their written protest at or before ~~((said))~~ the hearing, consent to the improvement will be implied.

A notice containing a copy of ~~((said))~~ the resolution must be published once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven days before such date, and shall be mailed on or before the second publication date by first-class mail, postage prepaid, to each owner or reputed owner of real property within the proposed local improvement district, as shown on the rolls of the county treasurer as of a date not more than twenty days immediately prior to the date such notice was mailed, and the hearing thereon shall not be held in less than twenty days from the adoption of such resolution. Such notice must be published in one newspaper, of general circulation, in each county in which any portion of the land proposed to be included in such local improvement district lies. ~~((Said))~~ The hearing shall be held and all subsequent proceedings conducted in accordance with the provisions of this act relating to the organization of local improvement districts initiated upon petition.

Sec. 5. RCW 87.03.490 and 2003 c 53 s 412 are each amended to read as follows:

(1) If decision shall be rendered in favor of the improvement, the board shall enter an order establishing the boundaries of the improvement district and shall adopt plans for the proposed improvement and determine the number of annual installments not exceeding fifty in which the cost of the improvement shall be paid. The cost of the improvement shall be provided for by the issuance of local improvement district bonds of the district from time to time, therefor, either directly for the payment of the labor and material or for the securing of funds for such purpose, or by the irrigation district entering into a contract with the United States or the state of Washington, or both, to repay the cost of the improvement. The bonds shall bear interest at a rate or rates determined by the board, payable semiannually, and shall state upon their face that they are issued as bonds of the irrigation district; that all lands within the local improvement district shall be ~~((primarily))~~ liable to assessment for the principal and interest of the local improvement district bonds ~~((and that the bonds are also a general obligation of the district)).~~ The bonds may be in such denominations as the board of directors may in its discretion determine, except that bonds other than bond number one of any issue shall be in a denomination that is a multiple of one ~~((hundred))~~ thousand dollars ~~((, and no bond shall be sold for less than par. Any contract entered into for the local improvement by the district with the United States or the state of Washington, or both although all the lands within the local improvement district shall be primarily liable to assessment for the principal and interest thereon, shall be a general obligation of the irrigation district)).~~ Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) No election shall be necessary to authorize the issuance of such local improvement bonds or the entering into of such a contract. ~~((Such bonds, when issued, shall be signed by the president and secretary of the irrigation district with the seal of the district affixed. The printed, engraved, or lithographed facsimile signatures of the president and secretary of the district's board of~~

~~directors shall be sufficient signatures on the bonds or any coupons: PROVIDED, That such facsimile signatures on the bonds may be used only after the filing, by the officer whose facsimile signature is to be used, with the secretary of state of his or her manual signature certified by him or her under oath, whereupon that officer's facsimile signature has the same legal effect as his or her manual signature: PROVIDED, FURTHER, That either the president of the board of directors' or the secretary's signature on the bonds shall be manually subscribed: AND PROVIDED FURTHER, That whenever such facsimile reproduction of the signature of any officer is used in place of the manual signature of such officer, the district's board of directors shall specify in a written order or requisition to the printer, engraver, or lithographer the number of bonds or any coupons upon which such facsimile signature is to be printed, engraved, or lithographed and the manner of numbering the bonds or any coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or any coupons, the plate or plates used for the purpose of affixing the facsimile signature shall be destroyed, and it shall be the duty of the district's board of directors, within ninety days after receipt of the completed bonds or any coupons, to ascertain that such plate or plates have been destroyed. Every printer, engraver, or lithographer who, with the intent to defraud, prints, engraves, or lithographs a facsimile signature upon any bond or coupon without written order of the district's board of directors, or fails to destroy such plate or plates containing the facsimile signature upon direction of such issuing authority, is guilty of a class B felony punishable according to chapter 9A.20 RCW.))~~

(3) The proceeds from the sale of such bonds shall be deposited with the treasurer of the district, who shall place them in a special fund designated "Construction fund of local improvement district number"

(4) Whenever such improvement district has been organized, the ~~((boundaries thereof may be enlarged))~~ board may enlarge the boundaries of the improvement district to include other lands which can be served or will be benefited by the proposed improvement upon petition of the owners thereof and the consent of the United States or the state of Washington, or both, in the event the irrigation district has contracted with the United States or the state of Washington, or both, to repay the cost of the improvement: PROVIDED, That at such time the lands so included shall pay their equitable proportion upon the basis of benefits of the improvement theretofore made by the local improvement district and shall be liable for the indebtedness of the local improvement district in the same proportion and same manner and subject to assessment as if the lands had been incorporated in the improvement district at the beginning of its organization.

(5) Notwithstanding this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 6. RCW 87.03.495 and 1988 c 127 s 45 are each amended to read as follows:

(1)(a) The cost of the improvement and of the operation and maintenance thereof, if any, shall be especially assessed against the lands within such local improvement district in proportion to the benefits accruing thereto, and shall be levied and collected in the manner provided by law for the levy and collection of land assessments or toll assessments or both such form of assessments.

(b) The costs of the improvement must include, but not be limited to:

(i) The cost of all of the construction or improvement authorized for the district;

(ii) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the irrigation district engineer;

(iii) The estimated cost and expense of ascertaining the

ownership of the lots or parcels of land included in the assessment district;

(iv) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;

(v) The estimated cost and expense of accounting and clerical labor, and of books and blanks extended or used on the part of the irrigation district treasurer in connection with the improvement;

(vi) All cost of the acquisition of rights-of-way, property, easements, or other facilities or rights, including without limitation rights to use property, facilities, or other improvements appurtenant, related to, or useful in connection with the local improvement, whether by eminent domain, purchase, gift, payment of connection charges, capacity charges, or other similar charges or in any other manner; and

(vii) The cost for legal, financial, and appraisal services and any other expenses incurred by the irrigation district for the district or in the formation thereof, or by irrigation district in connection with such construction or improvement and in the financing thereof, including the issuance of any bonds and the cost of providing for increases in the local improvement guaranty fund, or providing for a separate reserve fund or other security for the payment of principal and interest on such bonds.

(c) Any of the costs set forth in this section may be excluded from the cost and expense to be assessed against the property in the local improvement district and may be paid from any other moneys available therefor if the board of directors so designates by resolution at any time.

(d) The board may give credit for all or any portion of any property or other donation against an assessment, charge, or other required financial contribution for improvements within a local improvement district.

(2) All provisions for the assessment, equalization, levy, and collection of assessments for irrigation district purposes shall be applicable to assessments for local improvements except that no election shall be required to authorize ~~(said)~~ the improvement or the expenditures therefor or the bonds issued to meet the cost thereof or the contract authorized in RCW 87.03.485 to repay the cost thereof. In addition or as an alternative, an irrigation district may elect to apply all or a portion of the provisions for the assessment, equalization, levy, and collection of assessments applicable to city or town local improvement districts; however any duties of the city or town treasurer shall be the duties of the treasurer of the county in which the office of the district is located or other treasurer of the district if appointed pursuant to RCW 87.03.440. In connection with a hearing on the assessment roll, the board may designate a hearing officer to conduct the hearing, and the hearing officer must report recommendations on the assessment roll to the board for final action. Assessments when collected by the county treasurer for the payment for the improvement of any local improvement district shall constitute a special fund to be called "bond redemption or contract repayment fund of local improvement district No."

(3) Bonds issued under this chapter shall be eligible for disposal to and purchase by the director of ecology under the provisions of the state reclamation act.

(4) The cost or any unpaid portion thereof, of any such improvement, charged or to be charged or assessed against any tract of land may be paid in one payment under and pursuant to such rules as the board of directors may adopt, and all such amounts shall be paid over to the county treasurer who shall place the same in the appropriate fund. No such payment shall thereby release such tract from liability to assessment for deficiencies or delinquencies of the levies in such improvement district until all of the bonds or the contract, both principal and interest, issued or entered into for such local improvement district have been paid in full. The receipt given for any such payment shall have the foregoing provision printed thereon. The amount so paid shall be included on the annual

assessment roll for the current year, provided, such roll has not then been delivered to the treasurer, with an appropriate notation by the secretary that the amount has been paid. If the roll for that year has been delivered to the treasurer then the payment so made shall be added to the next annual assessment roll with appropriate notation that the amount has been paid.

Sec. 7. RCW 87.03.510 and 1983 c 167 s 224 are each amended to read as follows:

There is hereby established for each irrigation district in this state having local improvement districts therein a fund for the purpose of guaranteeing to the extent of such fund and in the manner herein provided, the payment of its local improvement bonds and warrants issued or contract entered into to pay for the improvements provided for in this act. Such fund shall be designated "local improvement guarantee fund" and for the purpose of maintaining the same, every irrigation district shall hereafter levy from time to time, as other assessments authorized by RCW 87.03.240 are levied, such sums as may be necessary to meet the financial requirements thereof: PROVIDED, That such sums so assessed pursuant to RCW 87.03.240 in any year shall not be more than sufficient to pay the outstanding warrants or contract indebtedness on ~~(said)~~ the fund and to establish therein a balance which shall not exceed ~~(five)~~ ten percent of the outstanding obligations thereby guaranteed. The balance may also be established from the deposit of prepaid local improvement assessments or proceeds of local improvement district bonds. Whenever any bond redemption payment, interest payment, or contract payment of any local improvement district shall become due and there is insufficient funds in the local improvement district fund for the payment thereof, there shall be paid from ~~(said)~~ the local improvement district guarantee fund, by warrant or by such other means as is called for in the contract, a sufficient amount, which together with the balance in the local improvement district fund shall be sufficient to redeem and pay ~~(said)~~ the bond or coupon or contract payment in full. ~~(Said)~~ The warrants against ~~(said)~~ the guarantee fund shall draw interest at a rate determined by the board and ~~(said)~~ the bonds and interest payments shall be paid in their order of presentation or serial order. Whenever there shall be paid out of the guarantee fund any sum on account of principal or interest of a local improvement bond or warrant or contract the irrigation district, as trustee for the fund, shall be subrogated to all of the rights of the owner of the bond or contract amount so paid, and the proceeds thereof, or of the assessment underlying the same shall become part of the guarantee fund. There shall also be paid into such guarantee fund any interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement district fund, after the payment of all of its outstanding bonds or warrants or contract indebtedness which are payable primarily out of such local improvement district fund.

Sec. 8. RCW 87.03.515 and 1983 c 167 s 225 are each amended to read as follows:

It shall be lawful for any irrigation district which has issued local improvement district bonds for ~~(said)~~ the improvements, as in this chapter provided, to issue in place thereof an amount of ~~(general)~~ local improvement district or revenue refunding bonds of the irrigation district ~~(not in excess of such issue of local improvement district bonds, and to sell the same, or any part thereof, or exchange the same, or any part thereof, with the owners of such previously issued local improvement district bonds for the purpose of redeeming said bonds)~~ in accordance with chapter 39.53 RCW: PROVIDED, HOWEVER, ((That all the provisions of this chapter regarding the authorization and issuing of bonds shall apply, and: PROVIDING, FURTHER,)) That the issuance of ~~(said)~~ the bonds shall not release the lands of the local improvement district or districts from liability for special assessments for the payment thereof: AND PROVIDED FURTHER, That the lien of any issue

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of bonds of the district prior in point of time to the issue of bonds or local improvement district bonds herein provided for(;) shall be deemed a prior lien.

Sec. 9. RCW 87.03.527 and 1959 c 104 s 7 are each amended to read as follows:

Whenever ~~((a local improvement district is sought to be established within an irrigation))~~ the board establishes a local improvement district, in addition or as an alternative to the procedures provided in RCW 87.03.480 through 87.03.525, there may be employed any method authorized by law for the formation of ((districts or)) improvement districts ((so that when formed it will qualify under the provisions of chapter 89.16 RCW)) and the levying, collection, and enforcement by foreclosure of assessments therein, including without limitation the formation method employed by cities or towns.

Sec. 10. RCW 87.06.020 and 1988 c 134 s 2 are each amended to read as follows:

(1) After thirty-six calendar months from the month of the date of delinquency, or twenty-four months from the month of the date of delinquency with respect to any local improvement district assessment, the treasurer shall prepare certificates of delinquency on the property for the unpaid irrigation district assessments, and for costs and interest. An individual certificate of delinquency may be prepared for each property or the individual certificates may be compiled and issued in one general certificate including all delinquent properties. Each certificate shall contain the following information:

- (a) Description of the property assessed;
- (b) Street address of property, if available;
- (c) Years for which assessed;
- (d) Amount of delinquent assessments, costs, and interest;
- (e) Name appearing on the treasurer's most current assessment roll for the property; and

(f) A statement that interest will be charged on the amount listed in (d) of this subsection at a rate of twelve percent per year, computed monthly and without compounding, from the date of the issuance of the certificate and that additional costs, incurred as a result of the delinquency, will be imposed, including the costs of a title search(;).

(2) The treasurer may provide for the posting of the certificates or other measures designed to advertise the certificates and encourage the payment of the amounts due.

Sec. 11. RCW 87.28.103 and 1979 ex.s. c 185 s 14 are each amended to read as follows:

When the directors of the district have decided to issue revenue bonds as herein provided, they shall call a special election in the irrigation district at which election shall be submitted to the electors thereof possessing the qualifications prescribed by law the question whether revenue bonds of the district in the amount and payable according to the plan of payment adopted by the board and for the purposes therein stated shall be issued. ~~((Said))~~ The election shall be called, noticed, conducted, and canvassed in the same manner as provided by law for irrigation district elections to authorize an original issue of bonds payable from revenues derived from annual assessments upon the real property in the district: PROVIDED, That the board of directors shall have full authority to issue revenue bonds as herein provided payable within a maximum period of forty years without a special election((: AND PROVIDED, FURTHER, That any irrigation district indebted to the state of Washington shall get the written consent of the director of the department of ecology prior to the issuance of said revenue bonds)).

Sec. 12. RCW 87.28.200 and 1979 ex.s. c 185 s 19 are each amended to read as follows:

Any irrigation district shall have the power to establish utility local improvement districts within its territory and to levy special

assessments within such utility local improvement districts in the same manner as provided for irrigation district local improvement districts: PROVIDED, That it must be specified in any petition for the establishment of a utility local improvement district that the sole purpose of the assessments levied against the real property located within the utility local improvement district shall be the payment of the proceeds of those assessments into ((the)) a revenue bond fund for the payment of revenue bonds, that no warrants or bonds shall be issued in any such utility local improvement district, and that the collection of interest and principal on all assessments in such utility local improvement district, when collected, shall be paid into ((the)) that revenue bond fund, except that special assessments paid before the issuance and sale of bonds may be deposited in a fund for the payment of costs of improvements in the utility local improvement district.

Sec. 13. RCW 89.12.050 and 2009 c 145 s 3 are each amended to read as follows:

(1) A district may enter into repayment and other contracts with the United States under the terms of the federal reclamation laws in matters relating to federal reclamation projects, and may with respect to lands within its boundaries include in the contract, among others, an agreement that:

(a) The district will not deliver water by means of the project works provided by the United States to or for excess lands not eligible therefor under applicable federal law.

(b) As a condition to receiving water by means of the project works, each excess landowner in the district, unless his excess lands are otherwise eligible to receive water under applicable federal law, shall be required to execute a recordable contract covering all of his excess lands within the district.

(c) All excess lands within the district not eligible to receive water by means of the project works shall be subject to assessment in the same manner and to the same extent as lands eligible to receive water, subject to such provisions as the secretary may prescribe for postponement in payment of all or part of the assessment but not beyond a date five years from the time water would have become available for such lands had they been eligible therefor.

(d) The secretary is authorized to amend any existing contract, deed, or other document to conform to the provisions of applicable federal law as it now exists. Any such amendment may be filed for record under RCW 89.12.080.

(2) A district may enter into a contract with the United States for the transfer of operations and maintenance of the works of a federal reclamation project, but the contract does not impute to the district negligence for design or construction defects or deficiencies of the transferred works. Any contract, covenant, promise, agreement, or understanding purporting to indemnify against liability for damages caused by or resulting from the negligent acts or omissions of the United States, its employees, or agents is not enforceable unless expressly authorized by state law.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Governmental Operations to Second Substitute House Bill No. 1416.

The motion by Senator Roach carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 84.34.310, 87.03.480, 87.03.485, 87.03.490, 87.03.495, 87.03.510, 87.03.515, 87.03.527, 87.06.020, 87.28.103, 87.28.200, and 89.12.050; and adding a new section to chapter 87.03 RCW."

MOTION

On motion of Senator Roach, the rules were suspended, Second Substitute House Bill No. 1416 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1416 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1416 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SECOND SUBSTITUTE HOUSE BILL NO. 1416 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1886, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Chandler and Haigh)

Concerning the recoverable costs of the department of agriculture under chapter 16.36 RCW.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute House Bill No. 1886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1886.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1886 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Hargrove

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1860, by Representatives Alexander, Haigh, Ryu and Fey

Continuing the use of the legislature's sunset review process.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1860 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1860.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1860 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1860, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1035, by Representatives Kirby, Ryu and Nealey

Addressing title insurance rate filings.

The measure was read the second time.

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MOTION

On motion of Senator Hobbs, the rules were suspended, House Bill No. 1035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1035.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1035 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1806, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Hansen, Magendanz, Appleton, Morrell, Bergquist and Fey)

Addressing the definition of veteran for purposes of veterans' assistance programs.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1806.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1806 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson,

Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1639, by Representatives Bergquist, Pike, Riccelli, Carlyle, Walsh, Ryu and Moscoso

Adjusting presidential elector compensation.

The measure was read the second time.

MOTION

Senator Padden moved that the following striking amendment by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.56.350 and 2003 c 111 s 1428 are each amended to read as follows:

Every presidential elector who attends at the time and place appointed, and gives his or her vote for president and vice president, is entitled to receive from this state, (~~(five)~~) twenty-five dollars for each day's attendance at the meeting of the college of electors, and (~~(ten)~~) fifty cents per mile for travel by the usually traveled route in going to and returning from the place where the electors meet."

On page 1, line 1 of the title, after "compensation;" strike the remainder of the title and insert "and amending RCW 29A.56.350."

Senator Padden spoke in favor of adoption of the striking amendment.

Senators Roach and Hasegawa spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Padden to House Bill No. 1639.

The motion by Senator Padden failed and the striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1639 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1639.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1639 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow,

McAuliffe, Mullet, Murray, Nelson, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Baumgartner, Brown, Dammeier, Ericksen, Hargrove, Hewitt, Padden, Parlette, Rolfes and Smith
Excused: Senator Carrell

HOUSE BILL NO. 1639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1518, by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Cody, Schmick, Ryu and Pollet)

Providing certain disciplining authorities with additional authority over budget development, spending, and staffing.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Second Substitute House Bill No. 1518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1518.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1518 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Ericksen and Holmquist Newbry

Excused: Senator Carrell

SECOND SUBSTITUTE HOUSE BILL NO. 1518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1001, by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Moeller, Pedersen, Hunt, Clibborn, Green, Van De Wege, Fitzgibbon, Lytton, Appleton, Maxwell, Tharinger, Ormsby, Riccelli, Pollet and Jinkins)

Creating a beer and wine theater license. Revised for 1st Substitute: Concerning beer and wine theater licenses.

The measure was read the second time.

MOTION

Senator Billig moved that the following amendment by Senator Billig and others be adopted:

On page 2, line 5, after "shown" insert ", and includes only theaters with up to four screens"

Senator Billig spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Billig and others on page 2, line 5 to Substitute House Bill No. 1001.

The motion by Senator Billig carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Billig, the rules were suspended, Substitute House Bill No. 1001 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill.

POINT OF ORDER

Senator Padden: "Do we have Substitute House Bill No. 1001 before us now or do we have Substitute House Bill No. 1001 as amended by the Senate before us?"

REPLY BY THE PRESIDENT

President Owen: "We have Substitute House Bill No. 1001 as amended by the Senate before us."

Senators Darneille, Hargrove, Becker and Ericksen spoke against passage of the bill.

Senators Cleveland, Baumgartner and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1001 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1001 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Billig, Braun, Chase, Cleveland, Conway, Eide, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rivers and Tom

Voting nay: Senators Bailey, Becker, Benton, Brown, Dammeier, Darneille, Ericksen, Hargrove, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pearson, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Smith

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1001 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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At 12:07 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:07 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hasegawa moved that Susan Palmer, Gubernatorial Appointment No. 9056, be confirmed as a member of the Board of Trustees, Renton Technical College District No. 27.

Senator Hasegawa spoke in favor of the motion.

MOTION

On motion of Senator Mullet, Senators Hargrove, McAuliffe and Shin were excused.

APPOINTMENT OF SUSAN PALMER

The President declared the question before the Senate to be the confirmation of Susan Palmer, Gubernatorial Appointment No. 9056, as a member of the Board of Trustees, Renton Technical College District No. 27.

The Secretary called the roll on the confirmation of Susan Palmer, Gubernatorial Appointment No. 9056, as a member of the Board of Trustees, Renton Technical College District No. 27 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 1; Absent, 3; Excused, 3.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Baumgartner

Absent: Senators Chase, Harper and Kline

Excused: Senators Carrell, Hargrove and Shin

Susan Palmer, Gubernatorial Appointment No. 9056, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Renton Technical College District No. 27.

MOTION

On motion of Senator Frockt, Senator Harper was excused.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

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Senator Conway moved that Theresa Pan Hosley, Gubernatorial Appointment No. 9057, be confirmed as a member of the Board of Trustees, Bates Technical College District No. 28. Senator Conway spoke in favor of the motion.

APPOINTMENT OF THERESA PAN HOSLEY

The President declared the question before the Senate to be the confirmation of Theresa Pan Hosley, Gubernatorial Appointment No. 9057, as a member of the Board of Trustees, Bates Technical College District No. 28.

The Secretary called the roll on the confirmation of Theresa Pan Hosley, Gubernatorial Appointment No. 9057, as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Absent: Senator Kline

Excused: Senators Carrell, Hargrove and Shin

Theresa Pan Hosley, Gubernatorial Appointment No. 9057, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that Faaluaina Pritchard, Gubernatorial Appointment No. 9062, be confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

Senator Conway spoke in favor of the motion.

APPOINTMENT OF FAALUAINA PRITCHARD

The President declared the question before the Senate to be the confirmation of Faaluaina Pritchard, Gubernatorial Appointment No. 9062, as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of Faaluaina Pritchard, Gubernatorial Appointment No. 9062, as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Hargrove and Shin

Faaluaina Pritchard, Gubernatorial Appointment No. 9062, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

MOTION

On motion of Senator Hatfield, Senator Harper was excused.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Tom moved that Vicki Orrico, Gubernatorial Appointment No. 9054, be confirmed as a member of the Board of Trustees, Bellevue College District No. 8.

Senators Tom and Mullet spoke in favor of passage of the motion.

APPOINTMENT OF VICKI ORRICO

The President declared the question before the Senate to be the confirmation of Vicki Orrico, Gubernatorial Appointment No. 9054, as a member of the Board of Trustees, Bellevue College District No. 8.

The Secretary called the roll on the confirmation of Vicki Orrico, Gubernatorial Appointment No. 9054, as a member of the Board of Trustees, Bellevue College District No. 8 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Hargrove, Harper and Shin

Vicki Orrico, Gubernatorial Appointment No. 9054, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellevue College District No. 8.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Courtney Gregoire, Gubernatorial Appointment No. 9019, be confirmed as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

Senator Kohl-Welles spoke in favor of the motion.

APPOINTMENT OF COURTNEY GREGOIRE

The President declared the question before the Senate to be the confirmation of Courtney Gregoire, Gubernatorial Appointment No. 9019, as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Courtney Gregoire, Gubernatorial Appointment No. 9019, as a member of

the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Sheldon, Smith and Tom

Voting nay: Senator Schoesler

Excused: Senators Carrell, Hargrove and Shin

Courtney Gregoire, Gubernatorial Appointment No. 9019, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1471, by Representatives Riccelli, Schmick, Cody, Clibborn, Ross, Short, Rodne, Green, Angel and Morrell

Updating and aligning with federal requirements hospital health care-associated infection rate reporting.

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.70.056 and 2010 c 113 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Health care-associated infection" means a localized or systemic condition that results from adverse reaction to the presence of an infectious agent or its toxins and that was not present or incubating at the time of admission to the hospital.

(b) "Hospital" means a health care facility licensed under chapter 70.41 RCW.

(2)(a) A hospital shall collect data related to health care-associated infections as required under this subsection (2) on the following:

(i) ((Beginning July 1, 2008, central line-associated bloodstream infection in the intensive care unit;

(ii) Beginning January 1, 2009, ventilator-associated pneumonia; and

(iii) Beginning January 1, 2010,)) Central line-associated bloodstream infection in all hospital inpatient areas where patients normally reside at least twenty-four hours;

(ii) Surgical site infection for the following procedures:

(A) Deep sternal wound for cardiac surgery, including coronary artery bypass graft;

(B) Total hip and knee replacement surgery; and

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~~(C) (Hysterectomy, abdominal and vaginal. (b)(i) Except as required under (b)(ii) and (c) of this subsection.)~~ Colon and abdominal hysterectomy procedures.

(b) The department shall, by rule, delete, add, or modify categories of reporting when the department determines that doing so is necessary to align state reporting with the reporting categories of the centers for medicare and medicaid services. The department shall begin rule making forty-five calendar days, or as soon as practicable, after the centers for medicare and medicaid services adopts changes to reporting requirements.

(c) A hospital must routinely collect and submit the data required to be collected under (a) and (b) of this subsection to the national healthcare safety network of the United States centers for disease control and prevention in accordance with national healthcare safety network definitions, methods, requirements, and procedures.

((ii) Until the national health care safety network releases a revised module that successfully interfaces with a majority of computer systems of Washington hospitals required to report data under (a)(iii) of this subsection or three years, whichever occurs sooner, a hospital shall monthly submit the data required to be collected under (a)(iii) of this subsection to the Washington state hospital association's quality benchmarking system instead of the national health care safety network. The department shall not include data reported to the quality benchmarking system in reports published under subsection (3)(d) of this section. The data the hospital submits to the quality benchmarking system under (b)(ii) of this subsection:

(A) Must include the number of infections and the total number of surgeries performed for each type of surgery; and

(B) Must be the basis for a report developed by the Washington state hospital association and published on its web site that compares the health care-associated infection rates for surgical site infections at individual hospitals in the state using the data reported in the previous calendar year pursuant to this subsection. The report must be published on December 1, 2010, and every year thereafter until data is again reported to the national health care safety network.

(c)(i) With respect to any of the health care-associated infection measures for which reporting is required under (a) of this subsection, the department must, by rule, require hospitals to collect and submit the data to the centers for medicare and medicaid services according to the definitions, methods, requirements, and procedures of the hospital compare program, or its successor, instead of to the national healthcare safety network, if the department determines that:

(A) The measure is available for reporting under the hospital compare program, or its successor, under substantially the same definition; and

(B) Reporting under this subsection (2)(c) will provide substantially the same information to the public.

(ii) If the department determines that reporting of a measure must be conducted under this subsection (2)(c), the department must adopt rules to implement such reporting. The department's rules must require reporting to the centers for medicare and medicaid services as soon as practicable, but not more than one hundred twenty days, after the centers for medicare and medicaid services allow hospitals to report the respective measure to the hospital compare program, or its successor. However, if the centers for medicare and medicaid services allow infection rates to be reported using the centers for disease control and prevention's national healthcare safety network, the department's rules must require reporting that reduces the burden of data reporting and minimizes changes that hospitals must make to accommodate requirements for reporting.) If the centers for medicare and medicaid services

changes reporting from the national healthcare safety network to another database or through another process, the department shall review the new reporting database or process and consider whether it aligns with the purposes of this section.

(d) Data collection and submission required under this subsection (2) must be overseen by a qualified individual with the appropriate level of skill and knowledge to oversee data collection and submission.

(e)(i) A hospital must release to the department, or grant the department access to, its hospital-specific information contained in the reports submitted under this subsection (2), as requested by the department consistent with RCW 70.02.050.

(ii) The hospital reports obtained by the department under this subsection (2), and any of the information contained in them, are not subject to discovery by subpoena or admissible as evidence in a civil proceeding, and are not subject to public disclosure as provided in RCW 42.56.360.

(3) The department shall:

(a) Provide oversight of the health care-associated infection reporting program established in this section;

(b) By January 1, ((2011)) 2014, and biennially thereafter, submit a report to the appropriate committees of the legislature ((based on the recommendations of the advisory committee established in subsection (5) of this section for additional reporting requirements related to health care-associated infections, considering the methodologies and practices of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations)) that contains: (i) Categories of reporting currently required of hospitals under subsection (2)(a) of this section; (ii) categories of reporting the department plans to add, delete, or modify by rule; and (iii) a description of the evaluation process used under (f) of this subsection;

(c) ((Delete, by rule, the reporting of categories that the department determines are no longer necessary to protect public health and safety;

(d)) By December 1, 2016, report to the appropriate committees of the legislature with an update on the categories of reporting required under subsection (2)(a) of this section, any plans for federal reporting requirements on the categories, and recommendations for an expiration of the reporting requirements;

(d) By rule, delete, add, or modify categories of reporting when the department determines that it is necessary to align state reporting with the reporting categories of the centers for medicare and medicaid services. The department shall begin rule making forty-five calendar days, or as soon as practicable, after the centers for medicare and medicaid services adopts changes to reporting requirements;

(e) By December 1, 2009, and by each December 1st thereafter, prepare and publish a report on the department's web site that compares the health care-associated infection rates at individual hospitals in the state using the data reported in the previous calendar year pursuant to subsection (2) of this section. The department may update the reports quarterly. In developing a methodology for the report and determining its contents, the department shall consider the recommendations of the advisory committee established in subsection (5) of this section. The report is subject to the following:

(i) The report must disclose data in a format that does not release health information about any individual patient; and

(ii) The report must not include data if the department determines that a data set is too small or possesses other characteristics that make it otherwise unrepresentative of a hospital's particular ability to achieve a specific outcome; (~~and~~

—(e)) (f) Evaluate, on a regular basis, the quality and accuracy of health care-associated infection reporting required under subsection (2) of this section and the data collection, analysis, and reporting methodologies; and

(g) Provide assistance to hospitals with the reporting requirements of this chapter including definitions of required reporting elements.

(4) The department may respond to requests for data and other information from the data required to be reported under subsection (2) of this section, at the requestor's expense, for special studies and analysis consistent with requirements for confidentiality of patient records.

(5)(a) The department shall establish an advisory committee which may include members representing infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and consumers, and the department. The advisory committee shall make recommendations to assist the department in carrying out its responsibilities under this section, including making recommendations on allowing a hospital to review and verify data to be released in the report and on excluding from the report selected data from certified critical access hospitals. ~~((Annually, beginning January 1, 2011, the advisory committee shall also make a recommendation to the department as to whether current science supports expanding presurgical screening for methicillin-resistant staphylococcus aureus prior to open chest cardiac, total hip, and total knee elective surgeries.))~~

(b) In developing its recommendations, the advisory committee shall consider methodologies and practices related to health care-associated infections of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations.

(6) The department shall adopt rules as necessary to carry out its responsibilities under this section."

Senator Becker spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to House Bill No. 1471.

The motion by Senator Becker carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "reporting;" strike the remainder of the title and insert "and amending RCW 43.70.056."

MOTION

On motion of Senator Becker, the rules were suspended, House Bill No. 1471 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Schlicher spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1471 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1471 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Hargrove and Shin

HOUSE BILL NO. 1471 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Senator Fain, having voted on the prevailing side, gave notice of reconsideration of the vote by which House Bill No. 1471, as amended by the Senate, passed the senate.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1556, by House Committee on Education (originally sponsored by Representatives Van De Wege, Dahlquist, Morrell, Hayes, Cody, Pettigrew, Habib, McCoy, Ryu, Angel, Hunt, Goodman, Pollet, Fitzgibbon, Stonier, Dunshee and Fey)

Creating initiatives in high schools to save lives in the event of cardiac arrest.

The measure was read the second time.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that more than three hundred sixty thousand people in the United States experience cardiac arrest outside of a hospital every year, and only ten percent survive because the remainder do not receive timely cardiopulmonary resuscitation. When administered immediately, cardiopulmonary resuscitation doubles or triples survival rates from cardiac arrest. Sudden cardiac arrest can happen to anyone at any time. Many victims appear healthy and have no known heart disease or other risk factors. The legislature finds that schools are the hearts of our community, and preparing students to help with a sudden cardiac arrest emergency could save the life of a child, parent, or teacher. Washington state has a longstanding history of training members of the public in cardiopulmonary resuscitation with community-based training programs. The legislature finds that training students will continue the legacy of providing high quality emergency cardiac care to its citizens. Therefore, the legislature intends to create a generation of lifesavers by putting cardiopulmonary resuscitation skills in the hands of all high school graduates and providing schools with a flexible framework to prepare for an emergency.

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NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

MOTION

(1) An automated external defibrillator is often a critical component in the chain of survival for a cardiac arrest victim.

(2) The office of the superintendent of public instruction, in consultation with school districts and stakeholder groups, shall develop guidance for a medical emergency response and automated external defibrillator program for high schools.

(3) The medical emergency response and automated external defibrillator program must comply with current evidence-based guidance from the American heart association or other national science organization.

(4) The office of the superintendent of public instruction, in consultation with the department of health, shall assist districts in carrying out a program under this section, including providing guidelines and advice for seeking grants for the purchase of automated external defibrillators or seeking donations of automated external defibrillators. The superintendent may coordinate with local health districts or other organizations in seeking grants and donations for this purpose.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.230 RCW to read as follows:

(1) Each school district that operates a high school must offer instruction in cardiopulmonary resuscitation to students as provided in this section. Beginning with the 2013-14 school year, instruction in cardiopulmonary resuscitation must be included in at least one health class necessary for graduation.

(2) Instruction in cardiopulmonary resuscitation under this section must:

(a) Be an instructional program developed by the American heart association or the American red cross or be nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation;

(b) Include appropriate use of an automated external defibrillator, which may be taught by video; and

(c) Incorporate hands-on practice in addition to cognitive learning.

(3) School districts may offer the instruction in cardiopulmonary resuscitation directly or arrange for the instruction to be provided by available community-based providers. The instruction is not required to be provided by a certificated teacher. Certificated teachers providing the instruction are not required to be certified trainers of cardiopulmonary resuscitation. A student is not required to earn certification in cardiopulmonary resuscitation to successfully complete the instruction for the purposes of this section."

Senator Litzow spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 1556.

The motion by Senator Litzow carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "arrest;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.230 RCW; and creating a new section."

On motion of Senator Litzow, the rules were suspended, Substitute House Bill No. 1556 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow, McAuliffe and Schlicher spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1556 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1556 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon and Tom

Voting nay: Senators Dammeier, Ericksen, Hewitt, Padden and Smith

Excused: Senators Carrell, Hargrove and Shin

SUBSTITUTE HOUSE BILL NO. 1556 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1034, by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Ryu)

Regulating the licensing of escrow agents.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1034.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1034 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow,

McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Hargrove and Shin

SUBSTITUTE HOUSE BILL NO. 1034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1216, by House Committee on Health Care & Wellness (originally sponsored by Representatives Habib, Clibborn, Jinkins, McCoy, Springer, Morrell, Goodman, Appleton, Tarleton, Ryu, Tharinger and Fey)

Concerning insurance coverage of treatment of eosinophilia gastrointestinal associated disorders. Revised for 1st Substitute: Concerning sunrise review for a proposal to establish a mandated benefit of treatment of eosinophilia gastrointestinal associated disorders.

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The department of health shall, using the procedures and standards set forth in chapter 48.47 RCW, conduct a sunrise review of the proposal, as set forth in House Bill No. 1216 (2013), requiring health carriers to include formulas necessary for the treatment of eosinophilia gastrointestinal associated disorders, regardless of the delivery method of the formula. The department shall report the results of the review no later than thirty days prior to the 2014 legislative session.

NEW SECTION. Sec. 2. Each carrier shall continue to apply a timely appeals and grievance process as outlined in RCW 48.43.530 to ensure medically necessary treatment is available. Expedited appeals must be completed when a delay in the appeal process could jeopardize the enrollees' life, health, or ability to regain maximum function."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Substitute House Bill No. 1216.

The motion by Senator Becker carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "disorders;" strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator Becker, the rules were suspended, Substitute House Bill No. 1216 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1216 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1216 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Hargrove and Shin

SUBSTITUTE HOUSE BILL NO. 1216 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1633, by House Committee on Capital Budget (originally sponsored by Representatives Magendanz, Haigh, Dahlquist, Santos, Pollet, Smith, Wylie, Takko, Angel, Clibborn, Condotta and Scott)

Modifying school district bidding requirements for improvement and repair projects.

The measure was read the second time.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.335.190 and 2008 c 215 s 6 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the ~~((sum of fifty thousand dollars))~~ threshold levels specified in subsections (2) and (4) of this section, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids and that specifications and other information may be examined at the office of the board or any other officially designated location(= ~~PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair does not exceed the sum of forty thousand dollars~~). The cost of any public work, improvement, or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be

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opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment, or supplies, except books, the cost of which is estimated to be in excess of forty thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from forty thousand dollars up to seventy-five thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of seventy-five thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Any school district may purchase goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections pursuant to RCW 72.09.100, including but not limited to furniture, equipment, or supplies. School districts are encouraged to set as a target to contract, beginning after June 30, 2006, to purchase up to one percent of the total goods required by the school districts each year, goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(4) ((Every building, improvement, repair or other public works project, the cost of which is estimated to be in excess of forty thousand dollars, shall be on a competitive bid process.)) The board may make improvements or repairs to the property of the district through a department within the district without following the public bidding process provided in subsection (1) of this section when the total of such improvements or repairs does not exceed the sum of seventy-five thousand dollars. Whenever the estimated cost of a building, improvement, repair, or other public works project is one hundred thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed unless the contract is let using the small works roster process in RCW 39.04.155 or under any other procedure authorized for school districts. One or more school districts may authorize an educational service district to establish and operate a small works roster for the school district under the provisions of RCW 39.04.155.

(5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as ((defined)) described in RCW ((43.19.1914)) 39.26.160(2) but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(6) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

(7) This section does not apply to the direct purchase of school buses by school districts and educational services in accordance with RCW 28A.160.195.

(8) This section does not apply to the purchase of Washington grown food.

(9) At the discretion of the board, a school district may develop and implement policies and procedures to facilitate and maximize to the extent practicable, purchases of Washington grown food including, but not limited to, policies that permit a percentage price preference for the purpose of procuring Washington grown food.

(10) As used in this section, "Washington grown" has the definition in RCW 15.64.060.

(11) As used in this section, "price percentage preference" means the percent by which a responsive bid from a responsible bidder whose product is a Washington grown food may exceed the lowest responsive bid submitted by a responsible bidder whose product is not a Washington grown food."

Senator Litzow spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1633.

The motion by Senator Litzow carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "and amending RCW 28A.335.190."

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Substitute House Bill No. 1633 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Litzow spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1633 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1633 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Braun, Chase, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rivers, Roach, Rolfes, Schlicher and Tom

Voting nay: Senators Baumgartner, Benton, Brown, Dammeier, Ericksen, Holmquist Newbry, Honeyford, Padden, Parlette, Pearson, Schoesler, Sheldon and Smith

Excused: Senators Carrell, Hargrove and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1633 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1112, by Representatives Short, Uptegrove, Springer, Pollet, Taylor, Zeiger and Wilcox

Concerning standards for the use of science to support public policy.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 1112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1112.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1112 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

HOUSE BILL NO. 1112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1325, by House Committee on Business & Financial Services (originally sponsored by Representatives Ryu and Kirby)

Addressing fees and semiannual assessments, powers, lending limits, and technical amendments related to state-chartered banks, savings banks, savings associations, and trust companies. Revised for 1st Substitute: Concerning banks, trust companies, savings banks, and savings associations, and making technical amendments to the laws governing the department of financial institutions.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 1325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1325.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1325 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles,

Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon and Tom

Voting nay: Senators Baumgartner, Brown, Holmquist Newbry, Honeyford and Smith

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Hansen, Smith, Ryu, Wilcox, Maxwell, Warnick, Blake, Upthegrove, MacEwen, Lytton, Van De Wege, Takko, Walsh, Jinkins, Fitzgibbon, Hunt, Haigh, Morrell, Seaquist, Tharinger, Hudgins, Stanford and Hayes)

Regarding derelict and abandoned vessels in state waters.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 88.02.640 and 2012 c 74 s 16 are each amended to read as follows:

(1) In addition to any other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge the following vessel fees and surcharge:

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsection (3) of this section	Subsection (3) of this section
(c) Derelict vessel removal surcharge	\$1.00	Subsection (4) of this section	Subsection (4) of this section
(d) Duplicate certificate of title	\$1.25	RCW 88.02.530(1)(c)	General fund
(e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
(f) Filing	RCW 46.17.005	RCW 88.02.560(2)	RCW 46.68.400
(g) License plate technology	RCW 46.17.015	RCW 88.02.560(2)	RCW 46.68.370
(h) License service	RCW 46.17.025	RCW 88.02.560(2)	RCW 46.68.220
(i) Nonresident vessel permit	\$25.00	RCW 88.02.620(3)	Subsection (5) of this section
(j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this section
(k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
(l) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
(m) Title application	\$5.00	RCW 88.02.515	General fund
(n) Transfer	\$1.00	RCW 88.02.560(7)	General fund
(o) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	Subsection (6) of this section

(2) The five dollar dealer temporary permit fee required in subsection (1) of this section must be credited to the payment of registration fees at the time application for registration is made.

(3) ~~((a))~~ The derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

~~((#))~~ (a) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879;

~~((#))~~ (b) One dollar must be deposited into the aquatic algae control account created in RCW 43.21A.667;

~~((#))~~ (c) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400; and

~~((iv))~~ (d) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

((b) If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1st of any year, the collection of the two dollars of the derelict vessel and invasive species removal fee that is deposited into the derelict vessel removal account as authorized in (a)(iv) of this subsection must be suspended for the following fiscal year.)

(4) ~~((Until January 1, 2014))~~ In addition to other fees required in this section, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge(€

—(a)) is to address the significant backlog of derelict vessels accumulated in Washington ((state)) waters that pose a threat to the health and safety of the people and to the environment((€

—(b) Is to be used only for the removal of vessels that are less than seventy five feet in length)) and

((€)) must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5) The twenty-five dollar nonresident vessel permit fee must be paid by the vessel owner to the department for the cost of providing the identification document by the department. Any moneys remaining from the fee after the payment of costs must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650.

(6) The thirty dollar vessel visitor permit fee must be distributed as follows:

(a) Five dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100;

(b) The department may keep an amount to cover costs for providing the vessel visitor permit;

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650; and

(d) Any fees required for licensing agents under RCW 46.17.005 are in addition to any other fee or tax due for the titling and registration of vessels.

(7)(a) The fifty dollar quick title service fee must be distributed as follows:

(i) If the fee is paid to the director, the fee must be deposited to the general fund.

(ii) If the fee is paid to the participating county auditor or other agent or subagent appointed by the director, twenty-five dollars must be deposited to the general fund. The remainder must be retained by the county treasurer in the same manner as other fees collected by the county auditor.

(b) For the purposes of this subsection, "quick title" has the same meaning as in RCW 88.02.540.

Sec. 2. RCW 79.100.100 and 2010 c 161 s 1161 are each amended to read as follows:

(1)(a) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.640 must be deposited into the account. The account is authorized to receive fund transfers and appropriations from the general fund, deposits from the derelict vessel removal surcharge under RCW 88.02.640(4), as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter.

(b) Moneys in the account may only be spent after appropriation. Expenditures from the account ~~((must))~~ may only be used by the department for developing and administering the vessel turn-in program created in section 42 of this act and to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement may not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, or any other person or entity that has incurred secondary liability under section 38 of this act, regardless of the title of owner of the vessel.

(c) Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 must be used to reimburse one hundred percent of ~~((these))~~ costs and should be prioritized for the removal of large vessels.

(d) Costs associated with the removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account.

(e) In each biennium, up to twenty percent of the expenditures from the derelict vessel removal account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) ((If the balance of the account reaches one million dollars as of March 1st of any year, exclusive of any transfer or appropriation of funds into the account or funds deposited into the account collected under RCW 88.02.640(5), the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3))) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

~~((4))~~ (3) The department must keep all authorized public entities ~~((apprized))~~ apprised of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection ~~((4))~~ (3) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

~~((5))~~ (4) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

~~((6))~~ (5) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

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Sec. 3. RCW 79A.65.020 and 2002 c 286 s 21 are each amended to read as follows:

(1) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, and locks, or removal from the water, to secure unauthorized vessels located at or on a commission facility so that the unauthorized vessels are in the possession and control of the commission. At least ten days before securing any unauthorized registered vessel, the commission shall send notification by registered mail to the last registered owner or registered owners of the vessel at their last known address or addresses.

(2) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, locks, or removal from the water, to secure any vessel if the vessel, in the opinion of the commission, is a nuisance, is in danger of sinking or creating other damage to a commission facility, or is otherwise a threat to the health, safety, or welfare of the public or environment at a commission facility. The costs of any such procedure shall be paid by the vessel's owner.

(3) At the time of securing any vessel under subsection (1) or (2) of this section, the commission shall attach to the vessel a readily visible notice or, when practicable, shall post such notice in a conspicuous location at the commission facility in the event the vessel is removed from the premises. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached or posted;

(b) A statement that the vessel has been secured by the commission and that if the commission's charges, if any, are not paid and the vessel is not removed by (the thirty-fifth consecutive day following the date of attachment or posting of the notice), the vessel will be considered abandoned and will be sold at public auction to satisfy the charges;

(c) The address and telephone number where additional information may be obtained concerning the securing of the vessel and conditions for its release; and

(d) A description of the owner's or secured party's rights under this chapter.

(4) With respect to registered vessels: Within five days of the date that notice is attached or posted under subsection (3) of this section, the commission shall send such notice, by registered mail, to each registered owner.

(5) If a vessel is secured under subsection (1) or (2) of this section, the owner, or any person with a legal right to possess the vessel, may claim the vessel by:

(a) Making arrangements satisfactory to the commission for the immediate removal of the vessel from the commission's control or for authorized storage or moorage; and

(b) Making payment to the commission of all reasonable charges incurred by the commission in securing the vessel under subsections (1) and (2) of this section and of all moorage fees owed to the commission.

(6) A vessel is considered abandoned if, within the thirty-five day period following the date of attachment or posting of notice in subsection (3) of this section, the vessel has not been claimed under subsection (5) of this section.

(7) If the owner or owners of a vessel are unable to reimburse the commission for all reasonable charges under subsections (1) and (2) of this section within a reasonable time, the commission may seek reimbursement of ~~((seventy-five))~~ ninety percent of all reasonable and auditable costs from the derelict vessel removal account established in RCW 79.100.100.

Sec. 4. RCW 79.100.130 and 2011 c 247 s 2 are each amended to read as follows:

(1) A ((marina)) private moorage facility owner, as those terms are defined in RCW 88.26.010, may contract with a local

government for the purpose of participating in the derelict vessel removal program.

(2) If a contract is completed under this section, the local government shall serve as the authorized public entity for the removal of ((the)) a derelict or abandoned vessel from the ((marina owner's)) property of the private moorage facility owner. The contract must provide for the ((marina owner)) private moorage facility owner to be financially responsible for the removal and disposal costs that are not reimbursed by the department as provided under RCW 79.100.100, and any additional reasonable administrative costs incurred by the local government during the removal of the derelict or abandoned vessel.

(3) Prior to the commencement of any removal which will seek reimbursement from the derelict vessel removal program, the contract and the proposed vessel removal shall be submitted to the department for review and approval. The local government shall use the procedure specified under RCW 79.100.100(6).

(4) If the private moorage facility owner has already seized the vessel under chapter 88.26 RCW and title has reverted to the moorage facility, the moorage facility is not considered the owner under this chapter for purposes of cost recovery for actions taken under this section.

Sec. 5. RCW 43.19.1919 and 2011 1st sp.s. c 43 s 215 are each amended to read as follows:

(1) The department shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund. This requirement is subject to the following exceptions and limitations:

~~((+))~~ (a) This section does not apply to property under RCW 27.53.045, 28A.335.180, or 43.19.1920;

~~((2))~~ (b) Sales of capital assets may be made by the department and a credit established for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939;

~~((3))~~ (c) Personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the department to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director to be in the best interest of the state. The department shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property;

~~((4))~~ (d) This section does not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts;

~~((5))~~ (e) A state agency having a surplus personal property asset with a fair market value of less than five hundred dollars may transfer the asset to another state agency without charging fair market value. A state agency conducting this action must maintain adequate records to comply with agency inventory procedures and state audit requirements.

(2)(a) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(b) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to

human health or safety, including a threat of environmental contamination, the department may: (i) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (ii) permanently dispose of the vessel by landfill, deconstruction, or other related method.

NEW SECTION. Sec. 6. A new section is added to chapter 43.19 RCW to read as follows:

(1) Following the inspection required under section 5 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection (2).

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 7. A new section is added to chapter 43.30 RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 8 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.30 RCW to read as follows:

(1) Following the inspection required under section 7 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's

satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 9. A new section is added to chapter 77.12 RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 10 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 77.12 RCW to read as follows:

(1) Following the inspection required under section 9 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 11. A new section is added to chapter 79A.05 RCW to read as follows:

(1) Prior to transferring ownership of a commission-owned vessel, the commission shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the commission determines the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental

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contamination, that the commission may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 12 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 79A.05 RCW to read as follows:

(1) Following the inspection required under section 11 of this act and prior to transferring ownership of a commission-owned vessel, the commission shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the commission.

(2)(a) The commission shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the commission may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the commission's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the commission, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The commission may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the commission is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 13. A new section is added to chapter 47.01 RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

NEW SECTION. Sec. 14. A new section is added to chapter 47.01 RCW to read as follows:

(1) Following the inspection required under section 13 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 15. A new section is added to chapter 35.21 RCW to read as follows:

(1) Prior to transferring ownership of a city or town-owned vessel, the city or town shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the city or town determines the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the city or town may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 16 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 35.21 RCW to read as follows:

(1) Following the inspection required under section 15 of this act and prior to transferring ownership of a city or town-owned vessel, a city or town shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the city or town.

(2)(a) The city or town shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the city or town may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the city or town's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the city or town, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The city or town may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the city or town is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 17. A new section is added to chapter 35A.21 RCW to read as follows:

(1) Prior to transferring ownership of a code city-owned vessel, the code city shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the code city determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the code city may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 18 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 35A.21 RCW to read as follows:

(1) Following the inspection required under section 17 of this act and prior to transferring ownership of a code city-owned vessel, a code city shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the code city.

(2)(a) The code city shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the code city may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the code city's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the code city, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The code city may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the code city is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 19. A new section is added to chapter 36.32 RCW to read as follows:

(1) Prior to transferring ownership of a county-owned vessel, the county shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the county determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the county may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 20 of this act.

NEW SECTION. Sec. 20. A new section is added to chapter 36.32 RCW to read as follows:

(1) Following the inspection required under section 19 of this act and prior to transferring ownership of a county-owned vessel, a county shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the county.

(2)(a) The county shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the county may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the county's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the county, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(c) The county may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the county is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 21. A new section is added to chapter 53.08 RCW to read as follows:

(1) Prior to transferring ownership of a vessel owned by a port district and used primarily to conduct port business, the port district shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the port district determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the port district may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 22 of this act.

NEW SECTION. Sec. 22. A new section is added to chapter 53.08 RCW to read as follows:

(1) Following the inspection required under section 21 of this act and prior to transferring ownership of a port district-owned vessel, a port district shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the port district.

(2)(a) The port district shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the port district may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the port district's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the port district, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(c) The port district may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the port district is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 23. A new section is added to chapter 43.21A RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

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(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

NEW SECTION. Sec. 24. A new section is added to chapter 43.21A RCW to read as follows:

(1) Following the inspection required under section 23 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(3) Prior to sale, and unless the vessel has a valid marine document, the department is required to apply for a title or certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

NEW SECTION. Sec. 25. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Prior to transferring ownership of an institution-owned vessel, an institution of higher education shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the institution of higher education determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the institution of higher education may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

NEW SECTION. Sec. 26. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Following the inspection required under section 25 of this act and prior to transferring ownership of an institution-owned vessel, the institution of higher education shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the institution of higher education.

(2)(a) The institution of higher education shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the institution of higher education may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the institution of higher education's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the institution of higher education, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(c) The institution of higher education may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the institution of higher education is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

Sec. 27. RCW 28B.10.029 and 2012 c 230 s 4 are each amended to read as follows:

(1)(a) An institution of higher education may, consistent with sections 25 and 26 of this act, exercise independently those powers otherwise granted to the director of enterprise services in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education.

(b) Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of enterprise services.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection, purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW ((43.19.1901, 43.19.1906, 43.19.1911,)) 43.19.1917, ((43.19.1937,)) 43.19.685, ((43.19.700 through 43.19.704)) 39.26.260 through 39.26.271, and 43.19.560 through 43.19.637.

(ii) Institutions of higher education may use all appropriate means for making and paying for travel arrangements including, but not limited to, electronic booking and reservations, advance payment and deposits for tours, lodging, and other necessary expenses, and other travel transactions based on standard industry practices and federal accountable plan requirements. Such arrangements shall support student, faculty, staff, and other participants' travel, by groups and individuals, both domestic and international, in the most cost-effective and efficient manner possible, regardless of the source of funds.

(iii) Formal sealed, electronic, or web-based competitive bidding is not necessary for purchases or personal services contracts by institutions of higher education for less than one hundred thousand dollars. However, for purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars, quotations must be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone, electronic, or written quotations, or any combination thereof. As part of securing the three vendor quotations, institutions of higher education must invite at least one quotation each from a certified minority and a certified woman-owned vendor that otherwise qualifies to perform the work. A record of competition for all such purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars must be documented for audit purposes.

(d) Purchases under chapter 39.29, 43.19, or 43.105 RCW by institutions of higher education may be made by using contracts for materials, supplies, services, or equipment negotiated or entered into by, for, or through group purchasing organizations.

(e) The community and technical colleges shall comply with RCW 43.19.450.

(f) Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.769, 43.19.763, and 43.19.781.

(g) If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685 and 43.19.637.

(h) Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of enterprise services. Thereafter the director of enterprise services shall not be required to provide those services for that institution for the duration of the enterprise services contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4)(a) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(b) Institutions of higher education shall endeavor to assure the department of corrections has notifications of bid opportunities with the goal of meeting or exceeding the purchasing target in (a) of this subsection.

NEW SECTION. Sec. 28. (1) The department of natural resources must reevaluate the criteria developed under RCW 79.100.100 regarding the prioritization of vessel removals funded by the derelict vessel removal account. This reprioritization process must occur by January 30, 2014, and consider how vessels located in the vicinity of aquaculture operations and other sensitive areas should be prioritized.

(2) This section expires July 31, 2015.

Sec. 29. RCW 88.02.380 and 2010 c 161 s 1006 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, and, in part, in order to prevent the future potential dereliction or abandonment of a vessel, a violation of this chapter and the rules adopted by the department is a ~~((misdemeanor punishable only by a fine not to~~

~~exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:~~

~~—(a) For the second violation, a fine of two hundred dollars per vessel;~~

~~—(b) For the third and successive violations, a fine of four hundred dollars per vessel)) class 2 civil infraction.~~

(2) A ~~((violation designated in this chapter as a))~~ civil infraction issued under this chapter must be ~~((punished accordingly pursuant to))~~ processed under chapter 7.80 RCW.

(3) After the subtraction of court costs and administrative collection fees, moneys collected under this section must be credited to the ~~((current expense fund of the arresting jurisdiction))~~ ticketing jurisdiction and used only for the support of the enforcement agency, department, division, or program that issued the violation.

(4) All law enforcement officers may enforce this chapter and the rules adopted by the department within their respective jurisdictions. A city, town, or county may contract with a fire protection district for enforcement of this chapter, and fire protection districts may engage in enforcement activities.

Sec. 30. RCW 88.02.340 and 2010 c 161 s 1004 are each amended to read as follows:

(1) Any person charged with the enforcement of this chapter may inspect the registration certificate of a vessel to ascertain the legal and registered ownership of the vessel. A vessel owner or operator who fails to provide the registration certificate for inspection upon the request of any person charged with enforcement of this chapter ~~((is a class 2 civil infraction))~~ may be found to be in violation of this chapter.

(2) The department may require the inspection of vessels that are brought into this state from another state and for which a certificate of title has not been issued and for any other vessel if the department determines that inspection of the vessel will help to verify the accuracy of the information set forth on the application.

Sec. 31. RCW 88.02.550 and 2010 c 161 s 1017 are each amended to read as follows:

(1) Except as provided in this chapter, a person may not own or operate any vessel, including a rented vessel, on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter. A vessel that has or is required to have a valid marine document as a vessel of the United States is only required to display a valid decal. ~~((A violation of this section is a class 2 civil infraction.))~~

(2) A vessel numbered in this state under the federal boat safety act of 1971 (85 Stat. 213, 46 U.S.C. 4301 et seq.) is not required to be registered under this chapter until the certificate of number issued for the vessel under the federal boat safety act expires. When registering under this chapter, this type of vessel is subject to the amount of excise tax due under chapter 82.49 RCW that would have been due under chapter 82.49 RCW if the vessel had been registered at the time otherwise required under this chapter.

Sec. 32. RCW 79.100.120 and 2010 c 210 s 34 are each amended to read as follows:

(1) A person seeking to contest an authorized public entity's decision to take temporary possession or custody of a vessel under this chapter, or to contest the amount of reimbursement owed to an authorized public entity under this chapter, may request a hearing in accordance with this section.

(2)(a) If the contested decision or action was undertaken by a state agency, a written request for a hearing related to the decision or action must be filed with the pollution control hearings board and served on the state agency in accordance with RCW 43.21B.230 (2) and (3) within thirty days of the date the authorized public entity acquires custody of the vessel under RCW 79.100.040, or if the vessel is redeemed before the authorized public entity acquires custody, the date of redemption, or the right to a hearing is deemed

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waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(b) Upon receipt of a timely hearing request, the pollution control hearings board shall proceed to hear and determine the validity of the decision to take the vessel into temporary possession or custody and the reasonableness of any towing, storage, or other charges permitted under this chapter. Within five business days after the request for a hearing is filed, the pollution control hearings board shall notify the vessel owner requesting the hearing and the authorized public entity of the date, time, and location for the hearing. Unless the vessel is redeemed before the request for hearing is filed, the pollution control hearings board shall set the hearing on a date that is within ten business days of the filing of the request for hearing. If the vessel is redeemed before the request for a hearing is filed, the pollution control hearings board shall set the hearing on a date that is within sixty days of the filing of the request for hearing.

(c) Consistent with RCW 43.21B.305, a proceeding brought under this subsection may be heard by one member of the pollution control hearings board, whose decision is the final decision of the board.

(3)(a) If the contested decision or action was undertaken by a metropolitan park district, port district, city, town, or county, which has adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, those rules or procedures must be followed in order to contest a decision to take temporary possession or custody of a vessel, or to contest the amount of reimbursement owed.

(b) If the metropolitan park district, port district, city, town, or county has not adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, then a person requesting a hearing under this section must follow the procedure established in ~~((RCW 53.08.320(5) for contesting the decisions or actions of moorage facility operators))~~ subsection (2) of this section.

Sec. 33. RCW 43.21B.110 and 2010 c 210 s 7 and 2010 c 84 s 2 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, ~~((and))~~ the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of ~~((a state agency that is))~~ an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

~~((e))~~ Appeals of decisions by the department as provided in chapter 43.21L RCW.)

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 34. RCW 43.21B.110 and 2010 c 210 s 8 and 2010 c 84 s 3 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, ~~((and))~~ the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of ~~((a state agency that is))~~ an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

~~((e) Appeals of decisions by the department as provided in chapter 43.21L RCW.))~~

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 35. A new section is added to chapter 79.100 RCW to read as follows:

(1) An officer or employee of an authorized public entity, or the department of ecology at the request of an authorized public entity, may, consistent with subsection (2) of this section, board any vessel at any reasonable time for the purpose of:

(a) Administering this chapter, including identifying ownership of a vessel, assessing the structural integrity of a vessel, and

assessing whether a vessel meets the criteria described under RCW 79.100.040(3); or

(b) For the department of ecology only, mitigating a potential threat to health, safety, or the environment under the authority provided in chapter 90.56 RCW.

(2)(a) Prior to boarding any vessel under the authority of this section, an officer or employee of an authorized public entity or the department of ecology must apply for and obtain an administrative search warrant in either Thurston county superior court or the superior court in the county where the vessel is located, unless a warrant is not otherwise required by law. The court may issue an administrative search warrant where the court has reasonable cause to believe it is necessary to achieve the purposes of this section.

(b) Prior to requesting an administrative search warrant under this subsection, the officer or employee must make a reasonable effort to contact the owner or the owner's designee and obtain consent to board the vessel.

(3) Nothing in this section affects an authorized public entity's authority to carry out actions under RCW 79.100.040 or any agency's existing authority to enter onto vessels under any other statute.

Sec. 36. RCW 90.56.410 and 1990 c 116 s 23 are each amended to read as follows:

(1) The department, through its duly authorized representatives, shall have the power to enter upon any private or public property, including the boarding of any ship, at any reasonable time, and the owner, managing agent, master, or occupant of such property shall permit such entry for the purpose of investigating conditions relating to violations or possible violations of this chapter, and to have access to any pertinent records relating to such property, including but not limited to operation and maintenance records and logs. The authority granted ~~((herein))~~ in this section shall not be construed to require any person to divulge trade secrets or secret processes. The director may issue subpoenas for the production of any books, records, documents, or witnesses in any hearing conducted pursuant to this chapter.

(2) The department may utilize the authority granted to it in section 35 of this act for the purposes of mitigating a potential threat to health, safety, or the environment from a vessel.

Sec. 37. RCW 79.100.040 and 2007 c 342 s 2 are each amended to read as follows:

(1) Prior to exercising the authority granted in RCW 79.100.030, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to

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reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3)(a) ~~((#-a))~~ Any authorized public entity may tow, beach, or otherwise take temporary possession of a vessel if the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel and if the vessel ~~((#s))~~:

(i) Is in immediate danger of sinking, breaking up, or blocking navigational channels; or

(ii) Poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination(; and (iii) the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel)).

(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW 79.100.050.

(4) An authorized public entity may invite the department of ecology to use the authority granted to it under RCW 90.56.410 prior to, or concurrently with, obtaining custody of a vessel under this section. However, this is not a necessary prerequisite to an authorized public entity obtaining custody.

NEW SECTION. Sec. 38. A new section is added to chapter 79.100 RCW to read as follows:

(1) A vessel owner must obtain a vessel inspection under this section prior to transferring a vessel that is:

(a) More than sixty-five feet in length and more than forty years old; and

(b) Either:

(i) Is registered or required to be registered under chapter 88.02 RCW; or

(ii) Is listed or required to be listed under chapter 84.40 RCW.

(2) Where required under subsection (1) of this section, a vessel owner must provide a copy of the vessel inspection documentation to the transferee and, if the department did not conduct the inspection, to the department prior to the transfer.

(3) Failure to comply with the requirements of subsections (1) and (2) of this section will result in the transferor having secondary liability under RCW 79.100.060 if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

NEW SECTION. Sec. 39. (1) By December 31, 2013, the department of natural resources shall adopt by rule procedures and standards for the vessel inspections required under section 38 of this act. The procedures and standards must identify the public or private entities authorized to conduct inspections, the required elements of an inspection, and the manner in which inspection results must be documented. The vessel inspection required under this section must be designed to:

(a) Provide the transferee with current information about the condition of the vessel, including the condition of its hull and key operating systems, prior to the transfer;

(b) Provide the department of natural resources with information under (a) of this subsection for each applicable vessel and, more broadly, to improve the department's understanding of the condition of the larger, older boats in the state's waters;

(c) Discourage the future abandonment or dereliction of the vessel; and

(d) Maximize the efficiency and effectiveness of the inspection process, including with respect to the time and resources of the transferor, transferee, and the state.

(2) The department of natural resources shall work with appropriate government agencies and stakeholders in designing the inspection process and standards under this section.

(3) This section expires July 31, 2014.

Sec. 40. RCW 79.100.060 and 2006 c 153 s 4 are each amended to read as follows:

(1) The owner of an abandoned or derelict vessel, or any person or entity that has incurred secondary liability under section 38 of this act, is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.

(2) Reimbursement for costs may be sought from an owner, or any person or entity that has incurred secondary liability under section 38 of this act, who is identified subsequent to the vessel's removal and disposal.

(3) If the full amount of all costs due to the authorized public entity under this chapter is not paid to the authorized public entity within thirty days after first notifying the responsible parties of the amounts owed, the authorized public entity or the department may bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorneys' fees and costs incurred by the authorized public entity.

Sec. 41. RCW 88.26.020 and 1993 c 474 s 2 are each amended to read as follows:

(1) Any private moorage facility operator may take reasonable measures, including the use of chains, ropes, and locks, or removal from the water, to secure vessels within the private moorage facility so that the vessels are in the possession and control of the operator and cannot be removed from the facility. These procedures may be used if an owner mooring or storing a vessel at the facility fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay charges owed or to commence legal proceedings. Notification shall be by two separate letters, one sent by first-class mail and one sent by registered mail to the owner and any lienholder of record at the last known address. In the case of a transient vessel, or where no address was furnished by the owner, the operator need not give notice prior to securing the vessel. At the time of securing the vessel, an operator shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached;

(b) A statement that if the account is not paid in full within ninety days from the time the notice is attached the vessel may be sold at public auction to satisfy the charges; and

(c) The address and telephone number where additional information may be obtained concerning release of the vessel.

After a vessel is secured, the operator shall make a reasonable effort to notify the owner and any lienholder of record by registered mail in order to give the owner the information contained in the notice.

(2) A private moorage facility operator, at his or her discretion, may move moored vessels ashore for storage within properties under the operator's control or for storage with a private person under their control as bailees of the private moorage facility, if the vessel is, in the opinion of the operator, a nuisance, in danger of sinking or creating other damage, or is owing charges. The costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the private operator for charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the operator for the immediate removal of the vessel from the facility or for authorized moorage; and

(b) Making payment to the operator of all charges, or by posting with the operator a sufficient cash bond or other acceptable security, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the operator shall receive so much of the bond or other security as agreed, or as is necessary, to satisfy any judgment, costs, and interest as may be awarded to the operator. The balance shall be refunded immediately to the owner at the last known address.

(4) If a vessel has been secured by the operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ninety days after notifying or attempting to notify the owner under subsection (1) of this section, the vessel is conclusively presumed to have been abandoned by the owner.

(5) If a vessel moored or stored at a private moorage facility is abandoned, the operator may authorize the public sale of the vessel by authorized personnel, consistent with this section, to the highest and best bidder for cash as follows:

(a) Before the vessel is sold, the vessel owner and any lienholder of record shall be given at least twenty days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the facility is located. This notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The operator may bid all or part of its charges at the sale and may become a purchaser at the sale.

(b) Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of charges owing. This lawsuit must be commenced within sixty days of the date the notification was provided under subsection (1) of this section, or the right to a hearing is deemed waived and the owner is liable for any charges owing the operator. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section shall be applied first to the payment of any liens superior to the claim for charges, then to

payment of the charges, then to satisfy any other liens on the vessel in the order of their priority. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue under chapter 63.29 RCW. If the sale is for a sum less than the applicable charges, the operator is entitled to assert a claim for deficiency, however, the deficiency judgment shall not exceed the moorage fees owed for the previous six-month period.

(d) In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within ten days of sale, title to the vessel will revert to the operator.

(e) Either a minimum bid may be established or a letter of credit may be required from the buyer, or both, to discourage the future abandonment of the vessel.

(6) The rights granted to a private moorage facility operator under this section are in addition to any other legal rights an operator may have to hold and sell a vessel and in no manner does this section alter those rights, or affect the priority of other liens on a vessel.

NEW SECTION. Sec. 42. A new section is added to chapter 79.100 RCW to read as follows:

(1) The department may develop and administer a voluntary vessel turn-in program.

(2) The purpose of the vessel turn-in program is to allow the department to dismantle and dispose of vessels that pose a high risk of becoming a derelict vessel or abandoned vessel, but that do not yet meet the definition of those terms. The department shall design the program with the goal of dismantling and disposing of as many vessels as available resources allow, particularly those vessels posing the greatest risk of becoming abandoned or derelict in the future.

(3) The department shall disseminate information about the vessel turn-in program, including information about the application process, on its internet site and through appropriate agency publications and information sources as determined by the department. The department shall disseminate this information for a reasonable time as determined by the department prior to accepting applications.

(4) The department shall accept and review vessel turn-in program applications from eligible vessel owners, including private marinas that have gained legal title to a vessel in an advanced state of disrepair, during the time period or periods identified by the department. In order to be eligible for the vessel turn-in program, an applicant must demonstrate to the department's satisfaction that the applicant:

(a) Is a Washington resident or business;

(b) Owns a vessel that is in an advanced state of disrepair, has minimal or no value, and has a high likelihood of becoming an abandoned or derelict vessel; and

(c) Has insufficient resources to properly dispose of the vessel outside of the vessel turn-in program.

(5) Decisions regarding program eligibility and whether to accept a vessel for dismantling and disposal under the turn-in program are within the sole discretion of the department.

(6) The department may take other actions not inconsistent with this section in order to develop and administer the vessel turn-in program.

(7) The department may not spend more than two hundred thousand dollars in any one biennium on the program established in this section.

NEW SECTION. Sec. 43. (1) In compliance with RCW 43.01.036, the department of natural resources must provide a brief summary of the vessel turn-in program authorized under section 42 of this act to the legislature by September 1, 2014, including

EIGHTY NINTH DAY, APRIL 12, 2013

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information about applications for the program, the vessels disposed of, and any recommendations for modification of the program.

(2) This section expires July 31, 2015.

Sec. 44. RCW 43.21B.305 and 2005 c 34 s 2 are each amended to read as follows:

(1) In an appeal that involves a penalty of fifteen thousand dollars or less or that involves a derelict or abandoned vessel under RCW 79.100.120, the appeal may be heard by one member of the board, whose decision shall be the final decision of the board. The board shall define by rule alternative procedures to expedite appeals involving penalties of fifteen thousand dollars or less or involving a derelict or abandoned vessel. These alternatives may include: Mediation, upon agreement of all parties; submission of testimony by affidavit; or other forms that may lead to less formal and faster resolution of appeals.

(2) For appeals that involve a derelict or abandoned vessel under RCW 79.100.120 only, an administrative law judge employed by the board may be substituted for a board member under this section.

NEW SECTION. Sec. 45. (1) The department of natural resources must, in consultation with the department of ecology and appropriate stakeholders, evaluate potential changes to laws and rules related to derelict and abandoned vessels that increase vessel owner responsibility and address challenges associated with the economics of removing vessels from the water. This evaluation must include the development and analysis of:

(a) Administrative and legislative vessel owner responsibility options that seek to ensure the prevention and cleanup of derelict and abandoned vessels, including the development of mandatory processes for public and private moorage facility operators to employ in an effort to appropriately limit the transfer of high risk vessels; and

(b) The identification of challenges and roadblocks to deconstructing derelict vessels and transforming them into a viable scrap metal product.

(2) The department of natural resources may choose which appropriate stakeholders are consulted in the implementation of this section. However, persons with relevant expertise on financial responsibility mechanisms, such as insurance and surety bonds and letters of credit, must be included. The department of natural resources must also seek to ensure opportunities for interested members of the senate and house of representatives to provide input into the work group process and conclusions.

(3) The department of natural resources must provide a summary of the options developed by the work group, or a draft of proposed legislation, to the legislature consistent with RCW 43.01.036 by December 15, 2013.

(4) This section expires June 30, 2014.

NEW SECTION. Sec. 46. Section 33 of this act expires June 30, 2019.

NEW SECTION. Sec. 47. Section 34 of this act takes effect June 30, 2019.

NEW SECTION. Sec. 48. Section 38 of this act takes effect July 1, 2014."

Senator Pearson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Parks to Engrossed Substitute House Bill No. 1245.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "waters;" strike the remainder of the title and insert "amending RCW 88.02.640, 79.100.100, 79A.65.020, 79.100.130, 43.19.1919, 28B.10.029, 88.02.380, 88.02.340, 88.02.550, 79.100.120, 90.56.410, 79.100.040, 79.100.060, 88.26.020, and 43.21B.305; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 43.19 RCW; adding new sections to chapter 43.30 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 79A.05 RCW; adding new sections to chapter 47.01 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; adding new sections to chapter 36.32 RCW; adding new sections to chapter 53.08 RCW; adding new sections to chapter 43.21A RCW; adding new sections to chapter 28B.10 RCW; adding new sections to chapter 79.100 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates."

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 1245 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1245 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1245 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon and Tom

Voting nay: Senators Ericksen, Holmquist Newbry and Smith
Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, by House Committee on Transportation (originally sponsored by Representatives Pollet, Clibborn, Kagi, Pedersen, Hunt, Riccelli, Appleton, Hudgins, Moscoso, Fitzgibbon, Morrell, Sells and Bergquist)

Concerning certain tow truck operator requirements and rates. Revised for 1st Substitute: Concerning limitations on certain tow truck operator rates.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute House Bill No. 1625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1625.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1625 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Absent: Senator Benton

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1647, by House Committee on Judiciary (originally sponsored by Representatives Tarleton, Haler, Riccelli, Maxwell, Sawyer, Scott, Bergquist, Farrell, Morrell, Jinkins, Roberts and Pollet)

Requiring landlords to maintain and safeguard keys to leased premises. Revised for 1st Substitute: Requiring landlords to maintain and safeguard keys to dwelling units.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 1647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1647.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1647 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson,

Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Sheldon and Tom

Voting nay: Senators Ericksen, Holmquist Newbry, Honeyford, Schoesler and Smith

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

On motion of Senator Fain, who had voted on the prevailing side, the rules were suspended and the vote by which Engrossed Substitute House Bill No. 1625 passed the Senate earlier in the day was immediately reconsidered.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1625, on reconsideration, and the bill passed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

On motion of Senator Fain, the notice, given by Senator Fain, of reconsideration of the vote by which House Bill No. 1471, as amended by the Senate, passed the senate earlier in the day, was withdrawn.

MOTION

At 3:43 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:53 p.m. by Senator Hargrove.

MOTION

At 4:54 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Monday, April 15, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

NINETY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 15, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Carrell.

The Sergeant at Arms Color Guard consisting of Pages Austin Ziprick and Abigail Smith, presented the Colors. Pastor Rich Jaech of Beautiful Savior Lutheran Church of Vancouver offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 11, 2013

SB 5035 Prime Sponsor, Senator Honeyford: Adopting the 2013-2015 capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Hewitt; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Murray and Ranker.

Passed to Committee on Rules for second reading.

April 11, 2013

SB 5036 Prime Sponsor, Senator Honeyford: Concerning state general obligation bonds and related accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Hewitt; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Murray and Ranker.

Passed to Committee on Rules for second reading.

April 11, 2013

SB 5296 Prime Sponsor, Senator Ericksen: Concerning the model toxics control act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5296 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

April 11, 2013

SB 5892 Prime Sponsor, Senator Hargrove: Reducing corrections costs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5892 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 11, 2013

SB 5897 Prime Sponsor, Senator Pearson: Concerning state parks. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5897 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Fraser; Hargrove, Ranking Member; Hewitt; Keiser; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kohl-Welles.

Passed to Committee on Rules for second reading.

April 11, 2013

SB 5898 Prime Sponsor, Senator Hill: Increasing education funding, including adjusting school district levy and state levy equalization provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5898 be substituted therefor, and the substitute bill do

pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

April 11, 2013

SB 5903 Prime Sponsor, Senator Braun: Concerning the family and medical leave insurance act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

April 11, 2013

SB 5904 Prime Sponsor, Senator Hill: Concerning high quality early learning. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

April 11, 2013

SB 5905 Prime Sponsor, Senator Hill: Establishing state employee eligibility for insurance benefits consistent with the employer shared responsibility provisions of the patient protection and affordable care act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5905 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 12, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,

SENATE BILL NO. 5302,

SUBSTITUTE SENATE BILL NO. 5316,

SUBSTITUTE SENATE BILL NO. 5332,

SUBSTITUTE SENATE BILL NO. 5568,

SECOND SUBSTITUTE SENATE BILL NO. 5624,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5849,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5909 by Senators McAuliffe, Litzow, Chase, Rivers, Kohl-Welles and Rolfes

AN ACT Relating to expanding STEM education to include the arts; amending RCW 28A.400.200, 28A.410.221, and 28A.700.120; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 5910 by Senators Hill, Murray, Nelson, Baumgartner and Hargrove

AN ACT Relating to providing that a quarterly revenue forecast is due on February 20th during both a long and short legislative session year; and reenacting and amending RCW 82.33.020.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

NINETY SECOND DAY, APRIL 15, 2013

2013 REGULAR SESSION

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION
8650

By Senator Benton

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and enhance the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are more than one hundred ten thousand courageous Americans awaiting a lifesaving organ transplant, with eighteen individuals losing their lives every day because of the shortage of donations; and

WHEREAS, Every thirteen minutes, a person is added to the national organ donation waiting list; and

WHEREAS, An organ, eye, and tissue donation from one individual can save or enhance the lives of over fifty people; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation, another person's life has been saved or enhanced; and

WHEREAS, Organ donation offers the recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, Through organ, eye, and tissue donation, a donor and the donor's family receive gratitude from the recipient's family and are honored by the enhancement of the recipient's life; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize April as National Donate Life Month as declared by the Governor, honor those who have donated, and celebrate the lives of the recipients.

Senators Benton, Schlicher and Rolfes spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8650.

The motion by Senator Benton carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the 2013 Washington State Gift of Life Award honorees: Mr. Scott Ballenger representing his partner, donor Sharon Ballenger; Ms. Samantha Paul representing her daughter, donor Rachel Beckwith, 9; Mr. Bruce Maier representing his friend, donor Clyde Blosl; Mrs. Tina Gray representing her son, donor Nickloas Gray, 22; Mrs. Roxanne Murray representing her daughter, donor Sierra Murray, 16; and Mrs. Rosemary Nordhagan representing her husband, donor Bryce Nordhagan, who were present at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President also welcomed and introduced the families of the 2013 Washington State Gift of Life Award honorees: the Ballenger Family of Everett, Senators Harper's and Murray's districts; the Beckwith and Paul Families of Kirkland, Senator Tom's district; the Blosl Family of Centralia, Senators Braun's and Sheldon's districts; the Gray Family of Vancouver, Senator Cleveland's district; the Murray Family of Richland, Senator

Brown's district; the Nordhagan Family of Spokane, Senator Billig's district; and Mr. Kevin O'Connor, President and CEO of LifeCenter Northwest a federally designated nonprofit organ procurement and accredited tissue recovery organization in Bellevue serving communities across Alaska, Montana, North Idaho, and Washington, who were present in the gallery and recognized by a grateful Senate.

MOTION

At 10:20 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:52 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Dan Dixon, Gubernatorial Appointment No. 9093, be confirmed as a member of the Board of Trustees, Central Washington University.

Senator Cleveland spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senators Hatfield and Hobbs were excused.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

APPOINTMENT OF DAN DIXON

The President declared the question before the Senate to be the confirmation of Dan Dixon, Gubernatorial Appointment No. 9093, as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Dan Dixon, Gubernatorial Appointment No. 9093, as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Hatfield and Hobbs

Dan Dixon, Gubernatorial Appointment No. 9093, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that Betti Fujikado, Gubernatorial Appointment No. 9100, be confirmed as a member of the Board of Trustees, Western Washington University.

Senators Ericksen and Shin spoke in favor of passage of the motion.

APPOINTMENT OF BETTI FUJIKADO

The President declared the question before the Senate to be the confirmation of Betti Fujikado, Gubernatorial Appointment No. 9100, as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Betti Fujikado, Gubernatorial Appointment No. 9100, as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Hatfield and Hobbs

Betti Fujikado, Gubernatorial Appointment No. 9100, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Jeremy Jaech, Gubernatorial Appointment No. 9121, be confirmed as a member of the Board of Regents, University of Washington.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF JEREMY JAECH

The President declared the question before the Senate to be the confirmation of Jeremy Jaech, Gubernatorial Appointment No. 9121, as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Jeremy Jaech, Gubernatorial Appointment No. 9121, as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson,

Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Jeremy Jaech, Gubernatorial Appointment No. 9121, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Chris Liu, Gubernatorial Appointment No. 9135, be confirmed as a member of the Board of Trustees, Central Washington University.

Senator Chase spoke in favor of the motion.

APPOINTMENT OF CHRIS LIU

The President declared the question before the Senate to be the confirmation of Chris Liu, Gubernatorial Appointment No. 9135, as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Chris Liu, Gubernatorial Appointment No. 9135, as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Chris Liu, Gubernatorial Appointment No. 9135, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

MOTION

On motion of Senator Fain, the Senate reverted to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 5911 by Senators Ericksen and Schoesler

AN ACT Relating to telecommunications tax parity; amending RCW 82.14B.040, 82.14B.042, 82.14B.030, 82.14B.200, 80.36.430, 43.20A.725, 80.36.610, and 82.08.020; reenacting and amending RCW 82.14B.020 and 82.08.0289; adding new sections to chapter 80.36 RCW; creating new sections; repealing RCW 80.36.600, 82.72.010, 82.72.020, 82.72.030, 82.72.040, 82.72.050, 82.72.060, 82.72.070, and 82.72.080; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5912 by Senators Padden, Kline and Conway

AN ACT Relating to driving while under the influence of intoxicating liquor or drugs; amending RCW 46.55.360, 46.61.502, 46.61.504, 2.28.175, 3.66.068, 3.66.067, 3.50.320, 3.50.330, 35.20.255, 9.94A.525, 10.31.100, 43.43.395, 9.94A.533, 46.20.720, 46.20.270, 9.94A.603, 46.25.090, 46.25.120, 46.25.110, 9.94A.535, 3.62.090, 46.61.5249, 46.20.117, and 46.20.161; reenacting and amending RCW 46.61.5055 and 46.20.308; adding a new section to chapter 46.64 RCW; adding new sections to chapter 43.10 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5913 by Senator Becker

AN ACT Relating to a hospital safety net assessment and quality incentive program for increased hospital payments to improve health care access for the citizens of Washington; amending RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.050, 74.60.070, 74.60.080, 74.60.090, 74.60.100, 74.60.110, 74.60.120, 74.60.130, 74.60.140, 74.60.150, 74.60.900, and 74.60.901; reenacting and amending RCW 74.09.522; adding a new section to chapter 74.60 RCW; adding a new section to chapter 74.09 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Supplemental Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1068, by House Committee on Finance (originally sponsored by Representatives Manweller and Warnick)

Concerning the television reception improvement district excise tax.

The measure was read the second time.

MOTION

Senator Roach moved that the following committee striking amendment by the Committee on Governmental Operations be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.95.100 and 2009 c 549 s 4158 are each amended to read as follows:

(1) The tax provided for in RCW 36.95.090 and this section ~~((shall))~~ may not exceed sixty dollars per year per television set ~~((and))~~ within the district. No person ~~((shall))~~ may be taxed for more than one television set, except that a motel or hotel or any person owning ~~((in excess of))~~ more than five television sets ~~((shall))~~ must

pay at a rate of one-fifth of the annual tax rate imposed for each of the first five television sets and one-tenth of ~~((such))~~ the annual tax rate imposed for each additional television set ~~((thereafter))~~.

(2) An owner of a television set within the district ~~((shall be))~~ is exempt from paying ~~((any tax on such set under this chapter. (1) If either (a) his or her))~~ the excise tax on the television set if:

(a) The owner's television set does not receive at least a class grade B contour signal retransmitted by the television translator station or other similar device operated by the district, as such class is defined under regulations of the Federal Communications Commission as of August 9, 1971 ~~((or (b) he or she))~~;

(b) The owner is currently subscribing to and receiving the services of a community antenna system (CATV) to which ~~((his or her))~~ the owner's television set is connected; ~~((and (2) if he or she filed a statement with the board claiming his or her grounds for exemption. Space for such statement shall be provided for in the tax notice which the treasurer shall send to taxpayers in behalf of the district))~~ or

(c) The owner is currently subscribing to and receiving the services of a satellite carrier, as that term is defined in 17 U.S.C. Sec. 119, as of January 1, 2013.

(3) To qualify for an exemption specified in subsection (2) of this section, an owner of a television set must file a statement with the board claiming the owner's grounds for an exemption. Space for the statement must be provided in tax notices sent to taxpayers pursuant to RCW 36.95.160.

Sec. 2. RCW 36.95.130 and 1985 c 76 s 2 are each amended to read as follows:

In addition to other powers provided for under this chapter, the board ~~((shall have))~~ has the following powers:

(1) To perform all acts necessary to assure that the purposes of this chapter will be carried out fairly and efficiently;

(2) To acquire, build, construct, repair, own, maintain, and operate any necessary stations retransmitting visual and aural signals intended to be received by the general public, relay stations, pick-up stations, or any other electrical or electronic system necessary ~~((PROVIDED, That))~~ However, the board ~~((shall have))~~ has no power to originate programs;

(3) To make contracts to compensate any owner of land or other property for the use of such property for the purposes of this chapter;

(4) To make contracts with the United States, or any state, municipality, or any department or agency of those entities for carrying out the general purposes for which the district is formed;

(5) To acquire by gift, devise, bequest, lease, or purchase real and personal property, tangible or intangible, including lands, rights-of-way, and easements, necessary or convenient for its purposes;

(6) To make contracts of any lawful nature (including labor contracts or those for employees' benefits), employ engineers, laboratory personnel, attorneys, other technical or professional assistants, and any other assistants or employees necessary to carry out the provisions of this chapter;

(7) To contract indebtedness or borrow money and to issue warrants or bonds to be paid from district revenues ~~((PROVIDED, That))~~ The bonds, warrants, or other obligations may be in any form, including bearer or registered as provided in RCW 39.46.030 ~~((PROVIDED FURTHER, That))~~ Moreover, such warrants and bonds may be issued and sold in accordance with chapter 39.46 RCW;

(8) To prescribe excise tax rates for ~~((the))~~ providing ~~((of))~~ services throughout the area in accordance with the provisions of this chapter; ~~((and))~~

(9) To assist the county treasurer in sending tax notices to taxpayers pursuant to RCW 36.95.160; and

(10) To apply for, accept, and be the holder of any permit or license issued by or required under federal or state law.

Sec. 3. RCW 36.95.160 and 2009 c 549 s 4161 are each amended to read as follows:

(1) The treasurer of the county in which a district is located ~~((shall be ex officio))~~ is the treasurer of the district.

(2) The county treasurer ~~((shall))~~ must collect the excise tax provided for under this chapter and ~~((shall))~~ send notice of payment due to persons owing the tax ~~((: PROVIDED, That))~~. To reduce costs of services performed by the county treasurer, district board members and employees may assist the treasurer in sending tax notices to taxpayers.

(3) Districts with fewer than twelve hundred persons subject to the excise tax and levying an excise tax of forty dollars or more per television set per year ~~((shall have the option of having the district (1) send the tax notices bimonthly, and (2) collect the excise taxes which shall then))~~ may:

(a) Send tax notices bimonthly; and

(b) Collect excise tax revenue, which must be forwarded to the county treasurer for deposit in the district account. ~~((There shall be deposited with him or her all funds of the district.))~~

(4) All district funds must be deposited with the county treasurer. All district payments ~~((shall be made by him or her from such))~~ must be made by the county treasurer from district funds upon warrants issued by the county auditor, except the sums to be paid out of any bond fund for principal and interest payments on bonds. All warrants ~~((shall))~~ must be paid in the order of issuance.

(5) The treasurer ~~((shall))~~ must report monthly to the board, in writing, the amount in the district fund or funds.

Sec. 4. RCW 36.95.180 and 1971 ex.s. c 155 s 18 are each amended to read as follows:

(1) The board ~~((shall))~~ must reimburse the county auditor, assessor, and treasurer for the actual costs of services performed by them in behalf of the district.

(2) A district may reduce costs of services performed by the county treasurer by assisting the treasurer in sending tax notices to taxpayers pursuant to RCW 36.95.160."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Governmental Operations to Substitute House Bill No. 1068.

The motion by Senator Roach carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "tax;" strike the remainder of the title and insert "and amending RCW 36.95.100, 36.95.130, 36.95.160, and 36.95.180."

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1068 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Benton spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

Senator Kline spoke on final passage of the bill

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, you know you're not to mention the actions of the other chamber."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1068 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1068 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Fain, Fraser, Frockt, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Baumgartner, Billig, Darneille, Eide, Ericksen, Hargrove, Harper, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker and Shin

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1068 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1148, by Representatives Pedersen, Rodne, Goodman and Ryu

Addressing dissenters' rights under the Washington business corporation act.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1148.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1148 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NINETY SECOND DAY, APRIL 15, 2013

2013 REGULAR SESSION

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1141, by House Committee on Capital Budget (originally sponsored by Representatives Smith, Tharinger, Short, Hunt, Stanford, Warnick and Ryu)

Establishing a water pollution control revolving loan administration charge.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Substitute House Bill No. 1141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1141.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1141 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Brown, Holmquist Newbry, Padden and Smith

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1541, by House Committee on Health Care & Wellness (originally sponsored by Representatives Klippert, Cody, Schmick, Green, Harris, Chandler, Kristiansen, Morrell, Ryu, Angel, Jinkins, Van De Wege and Pollet)

Expanding the types of medications that a public or private school employee may administer to include nasal spray.

The measure was read the second time.

MOTION

Senator Dammeier moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.210.260 and 2012 c 16 s 1 are each amended to read as follows:

Public school districts and private schools which conduct any of grades kindergarten through the twelfth grade may provide for the administration of oral medication, topical medication, eye drops, ~~((or))~~ ear drops, or nasal spray, of any nature to students who are in the custody of the school district or school at the time of administration, but are not required to do so by this section, subject to the following conditions:

(1) The board of directors of the public school district or the governing board of the private school or, if none, the chief administrator of the private school shall adopt policies which address the designation of employees who may administer oral medications, topical medications, eye drops, ~~((or))~~ ear drops, or nasal spray to students, the acquisition of parent requests and instructions, and the acquisition of requests from licensed health professionals prescribing within the scope of their prescriptive authority and instructions regarding students who require medication for more than fifteen consecutive school days, the identification of the medication to be administered, the means of safekeeping medications with special attention given to the safeguarding of legend drugs as defined in chapter 69.41 RCW, and the means of maintaining a record of the administration of such medication;

(2) The board of directors shall seek advice from one or more licensed physicians or nurses in the course of developing the foregoing policies;

(3) The public school district or private school is in receipt of a written, current and unexpired request from a parent, or a legal guardian, or other person having legal control over the student to administer the medication to the student;

(4) The public school district or the private school is in receipt of (a) a written, current and unexpired request from a licensed health professional prescribing within the scope of his or her prescriptive authority for administration of the medication, as there exists a valid health reason which makes administration of such medication advisable during the hours when school is in session or the hours in which the student is under the supervision of school officials, and (b) written, current and unexpired instructions from such licensed health professional prescribing within the scope of his or her prescriptive authority regarding the administration of prescribed medication to students who require medication for more than fifteen consecutive workdays;

(5) The medication is administered by an employee designated by or pursuant to the policies adopted pursuant to subsection (1) of this section and in substantial compliance with the prescription of a licensed health professional prescribing within the scope of his or her prescriptive authority or the written instructions provided pursuant to subsection (4) of this section. If a school nurse is on the premises, a nasal spray that is a legend drug or a controlled substance must be administered by the school nurse. If no school nurse is on the premises, a nasal spray that is a legend drug or a controlled substance may be administered by a trained school employee or parent-designated adult who is not a school nurse. The board of directors shall allow school personnel, who have received appropriate training and volunteered for such training, to administer a nasal spray that is a legend drug or a controlled substance. After a school employee who is not a school nurse administers a nasal spray that is a legend drug or a controlled substance, the employee shall summon emergency medical assistance as soon as practicable;

(6) The medication is first examined by the employee administering the same to determine in his or her judgment that it appears to be in the original container and to be properly labeled; and

(7) The board of directors shall designate a professional person licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to delegate to, train, and supervise the designated school district personnel in proper medication procedures.

(8)(a) For the purposes of this section, "parent-designated adult" means a volunteer, who may be a school district employee, who receives additional training from a health care professional or expert in epileptic seizure care selected by the parents, and who provides care for the child consistent with the individual health plan.

(b) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 RCW must file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee shall not be subject to any employer reprisal or disciplinary action for refusing to file a letter.

(9) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures for care for students with epilepsy to ensure a safe, therapeutic learning environment. Training may also be provided by an epilepsy educator who is nationally certified. Parent-designated adults who are school employees are required to receive the training provided under this subsection. Parent-designated adults who are not school employees must show evidence of comparable training. The parent-designated adult must also receive additional training as established in subsection (8)(a) of this section for the additional care the parents have authorized the parent-designated adult to provide. The professional person designated under this subsection is not responsible for the supervision of the parent-designated adult for those procedures that are authorized by the parents.

Sec. 2. RCW 28A.210.270 and 2012 c 16 s 2 are each amended to read as follows:

(1) In the event a school employee administers oral medication, topical medication, eye drops, ((~~or~~)) ear drops, or nasal spray to a student pursuant to RCW 28A.210.260 in substantial compliance with the prescription of the student's licensed health professional prescribing within the scope of the professional's prescriptive authority or the written instructions provided pursuant to RCW 28A.210.260(4), and the other conditions set forth in RCW 28A.210.260 have been substantially complied with, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof shall not be liable in any criminal action or for civil damages in their individual or marital or governmental or corporate or other capacities as a result of the administration of the medication.

(2) The administration of oral medication, topical medication, eye drops, ((~~or~~)) ear drops, or nasal spray to any student pursuant to RCW 28A.210.260 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their governmental or corporate or individual or marital or other capacities as a result of the discontinuance of such administration: PROVIDED, That the chief administrator of the public school district or private school, or his or her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 1541.

The motion by Senator Dammeier carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "spray;" strike the remainder of the title and insert "and amending RCW 28A.210.260 and 28A.210.270."

MOTION

On motion of Senator Dammeier, the rules were suspended, Substitute House Bill No. 1541 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1541 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1541 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1541 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1400, by Representatives Bergquist, Kochmar and Jinkins

Clarifying that service includes electronic distribution of hearing notices and orders in administrative proceedings.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed House Bill No. 1400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

NINETY SECOND DAY, APRIL 15, 2013

2013 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1400.

SECOND READING

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1400 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED HOUSE BILL NO. 1400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1853, by House Committee on Labor & Workforce Development (originally sponsored by Representatives Maxwell, Hayes, Van De Wege, Kretz, Springer, Sells, Seaquist, Morrell, Ryu, Tharinger and Freeman)

Clarifying that real estate brokers licensed under chapter 18.85 RCW are independent contractors.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute House Bill No. 1853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1853.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1853 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1435, by House Committee on Judiciary (originally sponsored by Representatives Goodman and Nealey)

Clarifying agency relationships in reconveyances of deeds of trust.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1435 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1435.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1435 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1006, by Representatives Schmick and Cody

Removing the requirement that earnings from the Washington horse racing commission operating account be credited to the Washington horse racing commission class C purse fund account.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, House Bill No. 1006 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1006.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1006 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1677, by Representatives Klippert, Morrell, Hope, Cody, Nealey, Walsh, Fagan and Ryu

Concerning operators of multiple adult family homes.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed House Bill No. 1677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1677.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1677 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Chase

Excused: Senators Carrell and Kline

ENGROSSED HOUSE BILL NO. 1677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1154, by Representatives Upthegrove and Ryu

Modifying the definition of nonpower attributes in the energy independence act.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, House Bill No. 1154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1154.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1154 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

HOUSE BILL NO. 1154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336, by House Committee on Education (originally sponsored by Representatives Orwall, Dahlquist, Pettigrew, Cody, Walsh, Green, Appleton, Freeman, Fitzgibbon, Hunt, Stonier, Kagi, Maxwell, Goodman, Moscoso, Roberts, Reykdal, Lytton, Santos, Fagan, O'Ban, Van De Wege, Jinkins, Bergquist, Pollet, McCoy, Ryu, Upthegrove, Tarleton and Fey)

Increasing the capacity of school districts to recognize and respond to troubled youth.

The measure was read the second time.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) According to the state department of health, suicide is the second leading cause of death for Washington youth between the ages of ten and twenty-four. Suicide rates among Washington youth remain higher than that national average;

(b) An increasing body of research shows an association between adverse childhood experiences such as trauma, violence, or abuse, and school performance. Children and teens spend a significant amount of time in school. Teachers and other school

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staff who interact with students daily are in a prime position to recognize the signs of emotional or behavioral distress and make appropriate referrals. School personnel need effective training to help build the skills and confidence to assist youth in seeking help;

(c) Educators are not necessarily trained to address significant social, emotional, or behavioral issues exhibited by youth. Rather, best practices guidelines suggest that school districts should form partnerships with qualified health, mental health, and social services agencies to provide support; and

(d) Current safe school plans prepared by school districts tend to focus more on natural disasters and external threats and less on how to recognize and respond to potential crises among the students inside the school.

(2) Therefore, the legislature intends to increase the capacity for school districts to recognize and respond to youth in need through additional training, more comprehensive planning, and emphasis on partnerships between schools and communities.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.410 RCW to read as follows:

(1) As provided under subsections (2) and (3) of this section, individuals certified by the professional educator standards board as a school nurse, school social worker, school psychologist, or school counselor must complete a training program on youth suicide screening and referral as a condition of certification. The training program must be at least three hours in length. The professional educator standards board must adopt standards for the minimum content of the training in consultation with the office of the superintendent of public instruction and the department of health. In developing the standards, the board must consider training programs listed on the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(2) This section applies to the following certificates if the certificate is first issued or is renewed on or after July 1, 2015:

- (a) Continuing certificates for school nurses;
- (b) Continuing certificates for school social workers;
- (c) Continuing and professional certificates for school psychologists; and
- (d) Continuing and professional certificates for school counselors.

(3) A school counselor who holds or submits a school counseling certificate from the national board for professional teaching standards or a school psychologist who holds or submits a school psychologist certificate from the national association of school psychologists in lieu of a professional certificate must complete the training program under subsection (1) of this section by July 1, 2015, or within the five-year period before the certificate is first submitted to the professional educator standards board, whichever is later, and at least once every five years thereafter in order to be considered certified by the professional educator standards board.

(4) The professional educator standards board shall consider the training program under subsection (1) of this section as approved continuing education under RCW 28A.415.020 and shall count the training program toward meeting continuing education requirements for certification as a school nurse, school social worker, school psychologist, or school counselor.

Sec. 3. RCW 28A.410.035 and 1990 c 90 s 1 are each amended to read as follows:

(1) To receive initial certification as a teacher in this state after August 31, 1991, an applicant shall have successfully completed a course on issues of abuse. The content of the course shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a

teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(2) The professional educator standards board shall incorporate into the content required for the course under this section, knowledge and skill standards pertaining to recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. To receive initial certification after August 31, 2014, an applicant must have successfully completed a course that includes the content of this subsection. The board shall consult with the office of the superintendent of public instruction and the department of health in developing the standards.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. The school district must annually provide the plan to all district staff.

(2) At a minimum the plan must address:

- (a) Identification of training opportunities in recognition, screening, and referral that may be available for staff;
- (b) How to use the expertise of district staff who have been trained in recognition, screening, and referral;
- (c) How staff should respond to suspicions, concerns, or warning signs of emotional or behavioral distress in students;
- (d) Identification and development of partnerships with community organizations and agencies for referral of students to health, mental health, substance abuse, and social support services, including development of at least one memorandum of understanding between the district and such an entity in the community or region;
- (e) Protocols and procedures for communication with parents;
- (f) How staff should respond to a crisis situation where a student is in imminent danger to himself or herself or others; and
- (g) How the district will provide support to students and staff after an incident of violence or youth suicide.

(3) The plan under this section may be a separate plan or a component of another district plan or policy, such as the harassment, intimidation, and bullying prevention policy under RCW 28A.300.2851 or the comprehensive safe school plan required under RCW 28A.320.125.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.320 RCW to read as follows:

The office of the superintendent of public instruction and the school safety advisory committee shall develop a model school district plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. The model plan must incorporate research-based best practices, including practices and protocols used in schools and school districts in other states. The model plan must be posted by February 1, 2014, on the school safety center web site, along with relevant resources and information to support school districts in developing and implementing the plan required under section 4 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.310 RCW to read as follows:

Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in

students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

NEW SECTION. Sec. 7. The office of the superintendent of public instruction shall convene a temporary task force to identify best practices, model programs, and successful strategies for school districts to form partnerships with qualified health, mental health, and social services agencies in the community to coordinate and improve support for youth in need. The task force shall identify and develop resource documents to be posted on the school safety center web site, and submit a report with recommendations to the education committees of the legislature by December 1, 2013. The task force shall also explore the potential use of advance online youth emotional health and crisis response systems that have been developed for use in other countries. The task force must include the results of the review in its December 1st report.

NEW SECTION. Sec. 8. (1) The legislature finds that a lack of information about mental health problems among the general public leads to stigmatizing attitudes and prevents people from seeking help early and seeking the best sort of help. It also prevents people from providing support to family members, friends, and colleagues because they might not know what to do. This lack of knowledge about mental health problems limits the initial accessibility of evidence-based treatments and leads to a lack of support for people with a mental disorder from family, friends, and other members of the community.

(2) The focus on training for teachers and educational staff is intended to provide opportunities for early intervention when the first signs of developing mental illness may be recognized in children, teens, and young adults, so that appropriate referrals may be made to evidence-based behavioral health services.

NEW SECTION. Sec. 9. A new section is added to chapter 71.24 RCW to read as follows:

Subject to appropriation for this specific purpose, the department shall provide funds for mental health first-aid training targeted at teachers and educational staff. The training will follow the model developed by the department of psychology in Melbourne, Australia. Instruction provided will describe common mental disorders that arise in youth, their possible causes and risk factors, the availability of evidence-based medical, psychological, and alternative treatments, processes for making referrals for behavioral health services, and methods to effectively render assistance in both initial intervention and crisis situations. The department shall collaborate with the office of the superintendent of public instruction to identify sites and methods of instruction that leverage local resources to the extent possible for the purpose of making the mental health first-aid training broadly available.

NEW SECTION. Sec. 10. This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1336.

The motion by Senator Litzow carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 28A.410.035; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 71.24 RCW; and creating new sections."

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Substitute House Bill No. 1336 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1336 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1336 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Padden

Excused: Senators Carrell and Kline

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Green, Morrell and Ryu)

Concerning medical assistants.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute House Bill No. 1515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1515.

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1515 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Sheldon assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1192, by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Short, Blake, Takko, Taylor, Kretz, Crouse, Springer, Chandler, Ryu and Morrell)

Regarding license fees under Title 77 RCW for veterans with disabilities.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1192.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1192 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

SUBSTITUTE HOUSE BILL NO. 1192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1404, by Representatives Liias, Walsh, Goodman, Roberts and Jinkins

Preventing alcohol poisoning deaths.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1404.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1404 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Brown, Dammeier and Smith

Excused: Senators Carrell and Kline

HOUSE BILL NO. 1404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1093, by House Committee on Government Operations & Elections (originally sponsored by Representatives Shea, Overstreet and Taylor)

Regarding state agency lobbying activities.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 3, after line 4, insert the following:

"Sec. 2. RCW 42.17A.055 and 2010 c 204 s 202 are each amended to read as follows:

(1) The commission shall make available to candidates, public officials, and political committees that are required to file reports under this chapter an electronic filing alternative for submitting financial affairs reports, contribution reports, and expenditure reports.

(2) The commission shall make available to lobbyists and lobbyists' employers required to file reports under RCW 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630 an electronic filing alternative for submitting these reports.

(3) State agencies required to report under RCW 42.17A.635 must file all reports electronically.

(4) The commission shall make available to candidates, public officials, political committees, lobbyists, and lobbyists' employers an electronic copy of the appropriate reporting forms at no charge."

Renumber the remaining section consecutively.

On page 1, line 2 of the title, after "42.17A.750" insert "and 42.17A.055"

Senators Hasegawa and Fraser spoke in favor of adoption of the amendment.

Senators Roach and Padden spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 3, after line 4 to Substitute House Bill No. 1093.

The motion by Senator Hasegawa failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Benton and Padden spoke in favor of passage of the bill.

Senators Fraser and Hasegawa spoke against passage of the bill.

Senator Rolfes spoke on final passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1093.

MOTION

On motion of Senator Fain, further consideration of Substitute House Bill No. 1093 was deferred and the bill held its place on the third reading calendar.

The President assumed the chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291, by House Committee on Public Safety (originally sponsored by Representatives Orwall, Kochmar, Hope, Parker, Goodman, Jinkins, Upthegrove, Ryu, Stanford, Roberts, Hurst, Morrell, Tarleton, Wylie, Bergquist and Ormsby)

Concerning services for victims of the sex trade.

The measure was read the second time.

MOTION

Senator Padden moved that the following striking amendment by Senators Padden and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes there are many state agencies and private organizations that might be called on to provide services to victims of sex trafficking. Victims of human trafficking are often in need of services such as emergency medical attention, food and shelter, vocational and English language training, mental health counseling, and legal support. The state

intends to improve the response of state, local, and private entities to incidents of trafficking of humans. Victims would be better served if there is an established, coordinated system of identifying the needs of sex trafficking victims, training of service delivery agencies and staff, timely and appropriate delivery of services, and better investigations and prosecutions of trafficking.

Leadership in providing services to victims of sex trafficking also extends beyond government efforts and is grounded in the work of highly dedicated individuals and community-based groups. Without these efforts the struggle against human trafficking will be very difficult to win. The legislature, therefore, finds that such efforts merit regular public recognition and appreciation. Such recognition and appreciation will encourage the efforts of all persons to end sex trafficking, and provide the public with information and education about the necessity of its involvement in this struggle.

NEW SECTION. Sec. 2. A new section is added to chapter 43.280 RCW to read as follows:

(1) The statewide coordinating committee on sex trafficking is established to address the issues of sex trafficking, to examine the practices of local and regional entities involved in addressing sex trafficking, and to develop a statewide plan to address sex trafficking.

(2) The committee is administered by the department of commerce and consists of the following members:

(a) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively;

(b) A representative of the Washington attorney general's office;

(c) The president or corporate executive officer of the center for children and youth justice or his or her designee;

(d) The secretary of the children's administration or his or her designee;

(e) The secretary of the juvenile rehabilitation administration or his or her designee;

(f) The superintendent of public instruction or his or her designee;

(g) A representative of the administrative office of the courts appointed by the administrative office of the courts;

(h) The executive director of the Washington association of sheriffs and police chiefs or his or her designee;

(i) The executive director of the Washington state criminal justice training commission or his or her designee;

(j) Representatives of community advocacy groups that work to address the issues of human trafficking, to be appointed by the department of commerce's office of crime victims advocacy;

(k) A representative of the Washington association of prosecuting attorneys appointed by the association;

(l) Representatives of community service providers that serve victims of human trafficking, to be appointed by the department of commerce's office of crime victims advocacy;

(m) The executive director of Washington engage or his or her designee;

(n) A representative from shared hope international or his or her designee;

(o) The executive director of the Washington coalition of crime victim advocates or his or her designee;

(p) The executive director of the Washington coalition of sexual assault programs or his or her designee;

(q) The executive director of the Washington state coalition against domestic violence or his or her designee;

(r) The executive director of the Washington association of cities or his or her designee;

(s) The executive director of the Washington association of counties or his or her designee; and

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(t) The director or a representative from the crime victims compensation program.

(3) The duties of the committee include, but are not limited to:

(a) Gathering and assessing service practices from diverse sources regarding service demand and delivery;

(b) Analyzing data regarding the implementation of sex trafficking legislation passed in recent years by the legislature, including reports submitted to the department of commerce pursuant to RCW 9.68A.105, 9A.88.120, and 9A.88.140, and assessing the efficacy of such legislation in addressing sex trafficking, as well as any obstacles to the impact of legislation on the commercial sex trade;

(c) Receiving and reviewing reports, recommendations, and statewide protocols as implemented in the pilot sites selected by the center for children and youth justice regarding commercially sexually exploited youth submitted to the committee by organizations that coordinate local community response practices and regional entities concerned with commercially sexually exploited youth; and

(d) Gathering and reviewing existing data, research, and literature to help shape a plan of action to address human trafficking in Washington to include:

(i) Strategies for Washington to undertake to end sex trafficking; and

(ii) Necessary data collection improvements.

(4) The committee shall meet twice and, by December 2014, produce a report on its activities, together with a statewide plan to address sex trafficking in Washington, to the governor's office and the legislature.

(5) All expenses of the committee shall come from the prostitution prevention and intervention account created in RCW 43.63A.740.

(6) The members of the committee shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, within available resources.

(7) The committee expires June 30, 2015.

Sec. 3. RCW 43.63A.740 and 2010 c 289 s 18 are each amended to read as follows:

The prostitution prevention and intervention account is created in the state treasury. ((All designated receipts from fees under RCW 9.68A.105 and 9A.88.120 and fines collected under RCW 9A.88.140 shall be deposited into the account.)) Expenditures from the account may be used in the following order of priority:

(1) Funding the statewide coordinating committee on sex trafficking;

(2) Programs that provide mental health and substance abuse counseling, parenting skills training, housing relief, education, and vocational training for youth who have been diverted for a prostitution or prostitution loitering offense pursuant to RCW 13.40.213;

~~((2))~~ (3) Funding for services provided to sexually exploited children as defined in RCW 13.32A.030 in secure and semi-secure crisis residential centers with access to staff trained to meet their specific needs;

~~((3))~~ (4) Funding for services specified in RCW 74.14B.060 and 74.14B.070 for sexually exploited children; and

~~((4))~~ (5) Funding the grant program to enhance prostitution prevention and intervention services under RCW 43.63A.720.

Sec. 4. RCW 9.68A.105 and 2012 c 134 s 4 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, 9.68A.101, and 9.68A.102, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a

result of an arrest for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or municipal ordinance shall be assessed a five thousand dollar fee.

(b) The court may not reduce, waive, or suspend payment of all or part of the fee assessed unless it finds, on the record, that the person does not have the ability to pay in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

(c) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not reduce, waive, or suspend payment of all or part of the fee assessed unless it finds, on the record, that the minor does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

(2) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(a) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services for victims, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(b) Two percent of the revenue from fees imposed under this section shall be remitted quarterly to the department of commerce, together with a report detailing the fees assessed, the revenue received, and how that revenue was spent.

(c) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(3) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

Sec. 5. RCW 9A.88.120 and 2012 c 134 s 3 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010 and 9A.88.030, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b) In addition to penalties set forth in RCW 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.090 or comparable county or municipal ordinances shall be assessed a fee in the amount of:

(i) One thousand five hundred dollars if the defendant has no prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense;

(ii) Two thousand five hundred dollars if the defendant has one prior conviction, deferred sentence, deferred prosecution, or statutory or nonstatutory diversion agreement for this offense; and

(iii) Five thousand dollars if the defendant has two or more prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense.

(c) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a fee in the amount of:

(i) One thousand five hundred dollars if the defendant has no prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense;

(ii) Two thousand five hundred dollars if the defendant has one prior conviction, deferred sentence, deferred prosecution, or statutory or nonstatutory diversion agreement for this offense; and

(iii) Five thousand dollars if the defendant has two or more prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense.

(d) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a fee in the amount of:

(i) Three thousand dollars if the defendant has no prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense;

(ii) Six thousand dollars if the defendant has one prior conviction, deferred sentence, deferred prosecution, or statutory or nonstatutory diversion agreement for this offense; and

(iii) Ten thousand dollars if the defendant has two or more prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense.

(2) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section.

(3) The court shall not reduce, waive, or suspend payment of all or part of the assessed fee in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

(a) A superior court may, as described in RCW 9.94A.760, set a sum that the offender is required to pay on a monthly basis towards satisfying the fee imposed in this section.

(b) A district or municipal court may enter into a payment plan with the defendant, in which the fee assessed in this section is paid through scheduled periodic payments. The court may assess the defendant a reasonable fee for administrative services related to the operation of the payment plan.

(4) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for

local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(a) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services for victims, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(b) Two percent of the revenue from fees imposed under this section shall be remitted quarterly to the department of commerce, together with a report detailing the fees assessed, the revenue received, and how that revenue was spent.

(c) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(5) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

Sec. 6. RCW 9A.88.140 and 2010 c 289 s 12 are each amended to read as follows:

(1)(a) Upon an arrest for a suspected violation of patronizing a prostitute, promoting prostitution in the first degree, promoting prostitution in the second degree, promoting travel for prostitution, the arresting law enforcement officer may impound the person's vehicle if (i) the motor vehicle was used in the commission of the crime; (ii) the person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465; and (iii) either (A) the person arrested has previously been convicted of one of the offenses listed in this subsection or (B) the offense was committed within an area designated under (b) of this subsection.

(b) A local governing authority may designate areas within which vehicles are subject to impoundment under this section regardless of whether the person arrested has previously been convicted of any of the offenses listed in (a) of this subsection.

(i) The designation must be based on evidence indicating that the area has a disproportionately higher number of arrests for the offenses listed in (a) of this subsection as compared to other areas within the same jurisdiction.

(ii) The local governing authority shall post signs at the boundaries of the designated area to indicate that the area has been designated under this subsection.

(2) Upon an arrest for a suspected violation of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor, the arresting law enforcement officer shall impound the person's vehicle if (a) the motor vehicle was used in the commission of the crime; and (b) the person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465.

(3) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW and the impoundment order must clearly state "prostitution hold."

(4)(a) Prior to redeeming the impounded vehicle, and in addition to all applicable impoundment, towing, and storage fees paid to the towing company under chapter 46.55 RCW, the owner of the impounded vehicle must pay a fine to the impounding agency. The fine shall be five hundred dollars for the offenses specified in subsection (1) of this section, or two thousand five hundred dollars for the offenses specified in subsection (2) of this section. ~~(The fine shall be deposited in the prostitution prevention and intervention account established under RCW 43.63A.740.)~~

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(b) Upon receipt of the fine paid under (a) of this subsection, the impounding agency shall issue a written receipt to the owner of the impounded vehicle.

(c) Fines assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fines must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(i) At least fifty percent of the revenue from fines imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services for victims, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(ii) Two percent of the revenue from fines imposed under this section shall be remitted quarterly to the department of commerce, together with a report detailing the fees assessed, the revenue received, and how that revenue was spent.

(iii) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(5)(a) In order to redeem a vehicle impounded under this section, the owner must provide the towing company with the written receipt issued under subsection (4)(b) of this section.

(b) The written receipt issued under subsection (4)(b) of this section authorizes the towing company to release the impounded vehicle upon payment of all impoundment, towing, and storage fees.

(c) A towing company that relies on a forged receipt to release a vehicle impounded under this section is not liable to the impounding authority for any unpaid fine under subsection (4)(a) of this section.

(6)(a) In any proceeding under chapter 46.55 RCW to contest the validity of an impoundment under this section where the claimant substantially prevails, the claimant is entitled to a full refund of the impoundment, towing, and storage fees paid under chapter 46.55 RCW and the five hundred dollar fine paid under subsection (4) of this section.

(b) If the person is found not guilty at trial for a crime listed under subsection (1) of this section, the person is entitled to a full refund of the impoundment, towing, and storage fees paid under chapter 46.55 RCW and the fine paid under subsection (4) of this section.

(c) All refunds made under this section shall be paid by the impounding agency.

(d) Prior to receiving any refund under this section, the claimant must provide proof of payment.

NEW SECTION. Sec. 7. A new section is added to chapter 43.280 RCW to read as follows:

(1) The department of commerce shall prepare and submit an annual report to the legislature on the amount of revenue collected by local jurisdictions under RCW 9.68A.105, 9A.88.120, or 9A.88.140 and the expenditure of that revenue.

(2) Any funds remitted to the department of commerce pursuant to RCW 9.68A.105, 9A.88.120, or 9A.88.140 shall be spent on the fulfillment of the duties described in subsection (1) of this section. Any remaining funds may be spent on the administration of grants for services for victims of the commercial sex trade, consistent with this chapter."

Senators Padden and Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Padden and Kohl-Wells to Engrossed Substitute House Bill No. 1291.

The motion by Senator Padden carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "trade;" strike the remainder of the title and insert "amending RCW 43.63A.740, 9.68A.105, 9A.88.120, and 9A.88.140; adding new sections to chapter 43.280 RCW; and creating a new section."

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1291 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1291 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1291 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1944, by House Committee on Transportation (originally sponsored by Representative Haler)

Addressing vehicle license plate and registration fraud.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute House Bill No. 1944 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1944.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1944 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1944, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1108, by Representatives Goodman, Jinkins, Wylie, Pedersen, Green, Roberts, Pettigrew, Maxwell, Orwall, Appleton, Ryu, Morrell and Bergquist

Modifying the definition of rape in the third degree and indecent liberties.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1108.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1108 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman, Goodman, Haler, Roberts, Farrell, Kagi, Stanford, Stonier, Bergquist, Ryu, O'Ban, Morrell, Fey, Pollet and Santos)

Measuring performance of the child welfare system.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that the goals of the child welfare system are to protect the safety, permanence, and well-being of the children it serves. The legislature further recognizes the importance of maintaining publicly accessible data that tracks the performance of the child welfare system, leading to transparency and public understanding of the system.

(2) The legislature believes it is important to measure safety, permanence, and well-being such that the public and the legislature may understand how the child welfare system is performing. This information will also serve the legislature in determining priorities for investment of public dollars as well as need for substantive legislative changes to facilitate improvement.

(3) The reports to the legislature under section 2 of this act will be used to provide feedback to the department of social and health services. The agencies referenced in section 2 of this act will not disclose individually identifiable private information except as allowable under federal and state law.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) A university-based child welfare research entity shall develop measurements in the areas of safety, permanency, and well-being, using existing and available data. Measurements must be calculated from data used in the routine work of the state agencies' data and information technology departments. Any new record linkage or data-matching activities required in fulfillment of this section may be performed by the research entity pursuant to agreements developed under subsection (6) of this section.

(2) For the purposes of this section, "state agencies" means any agency or subagency providing data used in the integrated client database maintained by the research and data analysis division of the department. Any exchange of data must be in accordance with applicable federal and state law.

(3) All measurements must use a methodology accepted by the scientific community. All measurements must address any disproportionate racial and ethnic inequality. The initial measurements must be developed by December 1, 2013.

(4) The measurements may not require the state agencies to revise their data collection systems, and may not require the state agencies to provide individually identifiable information.

(5) The state agencies shall provide the research entity with all measurement data related to the measurements developed under this section at least quarterly beginning July 1, 2014. The research entity shall make any nonidentifiable data publicly available. The research entity shall report on the data to the legislature and the governor annually starting December 31, 2014.

(6) By January 1, 2014, the state agencies shall execute agreements with the research entity to enable sharing of data pursuant to RCW 42.48.020 sufficient to comply with this section.

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(7) The fact that the research entity has chosen to use a specific measure, use a specific baseline, or compare any measure to a baseline is not admissible as evidence of negligence by the department in a civil action.

Sec. 3. RCW 74.13B.020 and 2012 c 205 s 3 are each amended to read as follows:

(1) No later than ~~((December 1, 2013))~~ July 1, 2014, the department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management.

(2) ~~((Beginning December 1, 2013,~~ the department may not renew its current contracts with individuals or entities for the provision of the child welfare services included in performance-based contracts under this section for services in geographic areas served by network administrators under such contracts, except as mutually agreed upon between the department and the network administrator to allow for the successful transition of services that meet the needs of children and families.

(3)) The department shall conduct a procurement process to enter into performance-based contracts with one or more network administrators for family support and related services. As part of the procurement process, the department shall consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the categories of family support and related services that will be included in the procurement. The categories of family support and related services shall be defined no later than July 15, 2012. In identifying services, the department must review current data and research related to the effectiveness of family support and related services that mitigate child safety concerns and promote permanency, including reunification, and child well-being. Expenditures for family support and related services purchased under this section must remain within the levels appropriated in the operating budget.

~~((4))~~ (3)(a) Network administrators shall, directly or through subcontract with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; and

(ii) Provide the family support and related services within the categories of contracted services that are included in a child or family's case plan or individual service and safety plan within funds available under contract.

(b) While the department caseworker retains responsibility for case management, nothing in chapter 205, Laws of 2012 limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

~~((5))~~ (4) In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.

~~((6))~~ (5) The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal

governments to contract for service delivery through network administrators.

~~((7))~~ (6) The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

~~((8))~~ (7) As part of the procurement process under this section, the department shall issue the request for proposals or request for information no later than December 31, ~~((2012. The department shall notify the apparently successful bidders no later than June 30, 2013))~~ 2013, shall begin implementation of performance-based contracting no later than July 1, 2014, and shall fully implement performance-based contracting no later than July 1, 2015.

~~((9))~~ (8) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to network administrators only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

~~((40))~~ (9) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

~~((11))~~ (10) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

Sec. 4. RCW 74.13.360 and 2012 c 205 s 8 are each amended to read as follows:

(1) No later than December 30, ~~((2015))~~ 2016:

(a) In the demonstration sites selected under RCW 74.13.368(4)(a), child welfare services shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection (3) of this section, and notwithstanding any law to the contrary, the department may not directly provide child welfare services to families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a).

(2) No later than December 30, ~~((2015))~~ 2016, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department is responsible for only the following:

(a) Monitoring the quality of services for which the department contracts under this chapter;

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act;

(c) Providing child protection functions and services, including intake and investigation of allegations of child abuse or neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers; and

(d) Issuing licenses pursuant to chapter 74.15 RCW.

(3) No later than December 30, ~~((2015))~~ 2016, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department may provide child welfare services only:

(a) For the limited purpose of establishing a control or comparison group as deemed necessary by the child welfare transformation design committee, with input from the Washington state institute for public policy, to implement the demonstration sites selected and defined pursuant to RCW 74.13.368(4)(a) in which the performance in achieving measurable outcomes will be compared and evaluated pursuant to RCW 74.13.370; or

(b) In an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

(4) For purposes of this chapter, on and after September 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; child permanency, including reunification; and child well-being.

(5) A federally recognized tribe located in this state may enter into a performance-based contract with the department to provide child welfare services to Indian children whether or not they reside on a reservation. Nothing in this section prohibits a federally recognized Indian tribe located in this state from providing child

welfare services to its members or other Indian children pursuant to existing tribal law, regulation, or custom, or from directly entering into agreements for the provision of such services with the department, if the department continues to otherwise provide such services, or with federal agencies.

NEW SECTION. Sec. 5. RCW 74.13.368 (Performance-based contracts--Child welfare transformation design committee) and 2012 c 205 s 10, 2010 c 291 s 2, & 2009 c 520 s 8 are each suspended as of the effective date of this section until December 1, 2015."

MOTION

Senator Darneille moved that the following amendment by Senator Darneille to the committee striking amendment be adopted:

On page 1, line 22 of the amendment, after "entity" insert "and the department, in collaboration with other stakeholders,"

Senator Darneille spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille on page 1, line 22 to the committee striking amendment to Engrossed Substitute House Bill No. 1774.

The motion by Senator Darneille carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections as amended to Engrossed Substitute House Bill No. 1774.

The motion by Senator Pearson carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "measuring performance and performance-based contracting of the child welfare system; amending RCW 74.13B.020 and 74.13.360; adding a new section to chapter 74.13 RCW; and creating new sections."

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 1774 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1774 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1774 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier,

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Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1207, by Representatives Haigh, Takko and Ryu

Concerning cemetery district formation requirements.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following striking amendment by Senator Sheldon be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 68.52.100 and 2008 c 96 s 1 are each amended to read as follows:

~~((For the purpose of forming)) (1) To form~~ a cemetery district, a petition designating the boundaries of the proposed district by metes and bounds or describing the lands to be included in the proposed district by government townships, ranges, and legal subdivisions, ~~((signed by not less than ten percent of the registered voters who reside within the boundaries of the proposed district,))~~ setting forth the object of the formation of ~~((such)) the proposed~~ district, and stating that the ~~((establishment thereof)) formation of the proposed~~ district will be conducive to the public welfare and convenience, ~~((shall)) must~~ be filed with the county auditor of the county ~~((within)) in~~ which the proposed district is located, accompanied by an obligation signed by two or more petitioners agreeing to pay the cost of publishing the notice ~~((hereinafter provided for.)) specified in RCW 68.52.120.~~

~~(2) The petition must be signed by at least ten percent of the registered voters in the proposed district. However, in counties with only one municipality the petition must be signed by at least ten percent of the registered voters in the proposed district, based on the total vote cast in the most recent county general election.~~

~~(3) The county auditor ((shall)) must, within thirty days from the date of filing of ((such)) the petition, examine the signatures and certify ((to)) the sufficiency or insufficiency ((thereof.)) of the petition.~~

~~(4) Notwithstanding subsection (3) of this section, in counties with only one municipality the county auditor must examine the signatures and certify the sufficiency or insufficiency of the petition within fifteen days from the date of filing of the petition. If the county auditor certifies that the petition is insufficient, the county auditor must afford the person who filed the petition ten days from that certification to add additional signatures to the petition. The petition must be refiled by the end of that period. Within fifteen days from the date of refiled, the county auditor must examine the signatures and certify the sufficiency or insufficiency of the petition.~~

~~(5) The name of any person who signed a petition ((shall)) may not be withdrawn from the petition after it has been filed with the county auditor.~~

~~(6) If the petition is found to contain a sufficient number of valid signatures, the county auditor ((shall)) must transmit it, with a certificate of sufficiency attached, to the county legislative authority, which ((shall)) must thereupon, by resolution entered upon its minutes, receive the ((same)) petition and fix a day and hour when it will publicly hear the petition.~~

~~(7) For the purposes of this section, "municipality" means a city or town.~~

Sec. 2. RCW 68.52.110 and 1947 c 6 s 3 are each amended to read as follows:

~~The ((hearing on such petition shall be at the office of the board of county commissioners and shall be held)) county legislative authority must conduct a hearing on the petition not less than twenty nor more than forty days from the date of receipt ((thereof)) of the petition from the county auditor. The hearing may be completed on the day set ((therefor)) for hearing the petition or it may be adjourned from time to time as ((may be)) necessary, but ((such adjournment or adjournments shall not extend the time for determining said petition more than sixty days in all from the date of receipt by the board)) an adjournment may not extend the time for the county legislative authority's determination pursuant to RCW 68.52.140 more than sixty days from the date of receipt of the petition from the county auditor.~~

Sec. 3. RCW 68.52.120 and 2012 c 117 s 319 are each amended to read as follows:

~~((A copy of)) The text of the petition with the names of petitioners omitted ~~((, together with)) and~~ a notice signed by the clerk of the ~~((board of county commissioners)) county legislative authority~~ stating the day, hour, and place of the hearing ~~((, shall)) must~~ be published in three consecutive weekly issues of the official newspaper of the county prior to the date of ~~the~~ hearing. ~~((Said clerk shall)) The clerk must~~ also cause a copy of the petition with the names of petitioners omitted, ~~((together)) with~~ a copy of the notice attached, to be posted for not less than fifteen days before the date of ~~the~~ hearing in ~~((each of)) three public places ((within the boundaries of)) in~~ the proposed district, to be previously designated by him or her and made a matter of record in the proceedings.~~

Sec. 4. RCW 68.52.130 and 1947 c 6 s 5 are each amended to read as follows:

At the time and place fixed for ~~the~~ hearing on the petition or at any adjournment thereof, the ~~((board of county commissioners shall hear said)) county legislative authority must hear the~~ petition and receive such evidence as it may deem material in favor of or opposed to the formation of the ~~proposed cemetery~~ district or to the inclusion ~~((therein)) or exclusion ((therefrom)) of any lands in the proposed district, but no lands not within the boundaries of the proposed district as described in the petition ((shall)) may~~ be included without a written waiver describing the land, executed by all persons having any interest of record therein, having been filed in the proceedings. No land within the boundaries described in ~~the~~ petition ~~((shall)) may~~ be excluded from the ~~proposed~~ district.

Sec. 5. RCW 68.52.140 and 1996 c 324 s 3 are each amended to read as follows:

~~((The county legislative authority shall have full authority to hear and determine the petition, and if it finds that the formation of the district will be conducive to the public welfare and convenience, it shall by resolution so declare, otherwise it shall deny the petition. If the county legislative authority finds in favor of the formation of the district, it shall designate the name and number of the district, fix the boundaries thereof, and cause an election to be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this chapter, and for the purpose of electing its first cemetery district commissioners. At the same election three cemetery district commissioners shall be elected, but the election of the commissioners shall be null and void if the district~~

is not created. No primary shall be held for the office of cemetery district commissioner. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall run for specific commissioner positions. The person receiving the greatest number of votes for each commissioner position shall be elected to that commissioner)) (1) After conducting the hearing on the petition, if the county legislative authority determines that the formation of the proposed cemetery district will be conducive to the public welfare and convenience, the county legislative authority must by resolution so declare, otherwise the county legislative authority must deny the petition.

(2) If the county legislative authority finds in favor of the formation of the proposed district, the county legislative authority must designate the name and number of the proposed district, fix the boundaries of the proposed district, and cause an election to be held in the proposed district to determine whether the proposed district will be formed under the provisions of this chapter, and to elect the first cemetery district commissioners.

(3) Three cemetery district commissioners must be elected at the election to determine whether the proposed district will be formed, but the election of the commissioners is null and void if the district is not formed. No primary will be held for the office of cemetery district commissioner. A special filing period must be opened as provided in RCW 29A.24.171 and 29A.24.181. Candidates must run for specific commissioner positions. The person receiving the greatest number of votes for each commissioner position is elected to that position. The terms of office of the initial commissioners ((shall be)) are as provided in RCW 68.52.220.

Sec. 6. RCW 68.52.150 and 1947 c 6 s 7 are each amended to read as follows:

Except as otherwise provided in this chapter, the election ~~((shall))~~ must insofar as possible be called, noticed, held, conducted, and canvassed in the same manner and by the same officials as provided by law for special elections in the county. ~~((For the purpose of such election county voting precincts may be combined or divided and redefined, and the territory in the district shall be included in one or more election precincts as may be deemed convenient, a polling place being designated for each such precinct. The notice of election shall state generally and briefly the purpose thereof, shall give the boundaries of the proposed district, define the election precinct or precincts, designate the polling place for each, mention the names of the candidates for first cemetery district commissioners, and name the day of the election and the hours during which the polls will be open))~~ The notice of election must: State generally and briefly the purpose of the election; describe the boundaries of the proposed cemetery district; list the names of the candidates for first cemetery district commissioners; and specify the election date.

Sec. 7. RCW 68.52.170 and 1947 c 6 s 9 are each amended to read as follows:

(The returns of such election shall be canvassed at the court house on the Monday next following the day of the election, but the canvass may be adjourned from time to time if necessary to await the receipt of election returns which may be unavoidably delayed. The canvassing officials, upon conclusion of the canvass, shall forthwith certify the results thereof in writing to the board of county commissioners. If upon examination of the certificate of the canvassing officials it is found that two-thirds of all the votes cast at said election were in favor of the formation of the cemetery district, the board of county commissioners shall, by resolution entered upon its minutes, declare such territory duly organized as a cemetery district under the name theretofore designated and shall declare the three candidates receiving the highest number of votes for cemetery commissioners, the duly elected first cemetery commissioners of the district. The clerk of the board of county commissioners shall

certify a copy of the resolution and cause it to be filed for record in the offices of the county auditor and the county assessor of the county. The certified copy shall be entitled to record without payment of a recording fee. If the certificate of the canvassing officials shows that the proposition to organize the proposed cemetery district failed to receive two-thirds of the votes cast at said election, the board of county commissioners shall enter a minute to that effect and all proceedings theretofore had shall become)) (1) The returns of the election must be canvassed following the election, but the canvass may be adjourned from time to time to await the receipt of election returns. Upon conclusion of the canvass, the canvassing officials must certify the results to the county legislative authority.

(2) The cemetery district is formed if two-thirds of all votes cast at the election were in favor of the formation of the proposed district. However, in counties with only one municipality the district is formed if a majority of all votes cast at the election were in favor of the formation of the proposed district.

(3) If the proposition to form the proposed district received the voter approval required under this section, the county legislative authority must by resolution recorded in the county legislative authority's minutes: Declare the district formed under the name and number previously designated; and declare the three candidates receiving the highest number of votes for cemetery district commissioners as the duly elected first commissioners of the district. The clerk of the county legislative authority must certify a copy of the resolution and cause it to be filed for record in the offices of the county auditor and the county assessor of the county. The certified copy may be recorded without payment of a recording fee.

(4) If the proposition to form the proposed district failed to receive the voter approval required under this section, the county legislative authority must record in the county legislative authority's minutes the failed vote, and all proceedings relating to the proposed district are null and void.

(5) For the purposes of this section, "municipality" means a city or town.

Sec. 8. RCW 68.52.180 and 1947 c 6 s 10 are each amended to read as follows:

(1) Any person, firm, or corporation having a substantial interest involved, and feeling aggrieved by any finding, determination, or resolution of the ~~((board of county commissioners))~~ county legislative authority under the provisions of this chapter, may appeal within five days after ~~((such))~~ the finding, determination, or resolution was made to the superior court of the county in the same manner as provided by law for appeals from orders of ~~((said board))~~ the county legislative authority.

(2) After the expiration of five days from the date of the resolution declaring the district ~~((organized))~~ formed, and upon filing of certified copies ~~((thereof))~~ of the resolution in the offices of the county auditor and county assessor, the formation of the cemetery district ~~((shall be))~~ is complete and its legal existence ~~((shall))~~ may not thereafter be questioned by any person by reason of any defect in the proceedings ~~((had for the creation thereof))~~ for the formation of the cemetery district.

Sec. 9. RCW 68.52.220 and 2011 c 60 s 47 are each amended to read as follows:

(1) The affairs of the cemetery district ~~((shall))~~ must be managed by a board of cemetery district commissioners composed of three members. The board may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to ninety dollars for each day or portion of a day spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed eight thousand six hundred forty dollars per year.

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(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver ~~((shall))~~ must specify the month or period of months for which it is made. The board ~~((shall))~~ must fix the compensation to be paid the secretary and other employees of the district. Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17A RCW.

(3) The initial cemetery district commissioners ~~((shall))~~ must assume office immediately upon their election and qualification. Staggering of terms of office ~~((shall))~~ must be accomplished as follows: ~~((+))~~ (a) The person elected receiving the greatest number of votes ~~((shall be))~~ is elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; ~~((=))~~ (b) the person who is elected receiving the next greatest number of votes ~~((shall be))~~ is elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and ~~((=))~~ (c) the other person who is elected ~~((shall be))~~ is elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners ~~((shall))~~ must assume office immediately after they are elected and qualified but their terms of office ~~((shall))~~ must be calculated from the first day of January after the election.

(4) Thereafter, commissioners ~~((shall be))~~ are elected to six-year terms of office. Commissioners ~~((shall))~~ must serve until their successors are elected and qualified and assume office as provided in RCW 29A.20.040.

((The polling places for a cemetery district election may be located inside or outside the boundaries of the district, as determined by the auditor of the county in which the cemetery district is located, and no such election shall be held irregular or void on that account.))

(5) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items ~~((shall))~~ must be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(6) A person holding office as commissioner for two or more special purpose districts ~~((shall))~~ may receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions."

Senators Sheldon and Ranker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Sheldon to House Bill No. 1207.

The motion by Senator Sheldon carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 68.52.100, 68.52.110, 68.52.120, 68.52.130, 68.52.140, 68.52.150, 68.52.170, 68.52.180, and 68.52.220."

MOTION

On motion of Senator Sheldon, the rules were suspended, House Bill No. 1207 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1207 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1207 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Baumgartner, Brown, Eide, Hewitt, Holmquist Newbry, Keiser, McAuliffe, Nelson, Padden, Parlette, Pearson, Roach and Smith

Excused: Senator Carrell

HOUSE BILL NO. 1207 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1277, by Representatives Sawyer, Zeiger, McCoy, Angel, Appleton, Morris, Kirby, Maxwell, Santos, Lias, Tarleton, Freeman, Morrell, Riccelli, Wilcox, Lytton, Jinkins, Ryu, Dahlquist, Fey, Pollet and Ormsby

Concerning tribes holding conservation easements.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.04.130 and 1987 c 341 s 1 are each amended to read as follows:

A development right, easement, covenant, restriction, or other right, or any interest less than the fee simple, to protect, preserve, maintain, improve, restore, limit the future use of, or conserve for open space purposes, any land or improvement on the land, whether the right or interest be appurtenant or in gross, may be held or acquired by any state agency, federal agency, county, city, town, federally recognized Indian tribe, or metropolitan municipal corporation, nonprofit historic preservation corporation, or nonprofit nature conservancy corporation. Any such right or interest (~~shall~~) constitutes and (~~be~~) is classified as real property. All instruments for the conveyance thereof (~~shall~~) must be substantially in the form required by law for the conveyance of any land or other real property.

~~((As used in this section,))~~ The definitions in this section apply throughout this section unless the context clearly requires otherwise.

(1) "Nonprofit nature conservancy corporation" means an organization which qualifies as being tax exempt under 26 U.S.C. section 501(c)(3) (of the United States Internal Revenue Code of 1954, as amended) as it existed on June 25, 1976, and which has as one of its principal purposes the conducting or facilitating of scientific research; the conserving of natural resources, including but not limited to biological resources, for the general public; or the conserving of natural areas including but not limited to wildlife or plant habitat.

~~((As used in this section,))~~ (2) "Nonprofit historic preservation corporation" means an organization which qualifies as being tax exempt under 26 U.S.C. section 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, and which has as one of its principal purposes the conducting or facilitating of historic preservation activities within the state, including conservation or preservation of historic sites, districts, buildings, and artifacts."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Parks to House Bill No. 1277.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "easements;" strike the remainder of the title and insert "and amending RCW 64.04.130."

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 1277 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1277 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1277 as amended by the Senate and the bill passed the

Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1277 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Murray: "Thank you Mr. President. Over the weekend somebody that many of us knew and worked with passed away and that was Robin Appleford. Robin had worked at OPR for the House, at OFM, she then went to work for Gary Locke when he was County Executive and then came back here as a lobbyist. She retired from lobbying several years ago. She's another example of somebody that we work with everyday whose worked both in the Legislature and then later worked in the private or the non-profit sector on the issues that we cared about. I also think of Greg Pierce, another example of somebody we worked with, who worked both in the House and Senate who we also lost this summer. So, our regards and our prayer and thoughts to her parents who lost their son, Robin's brother, six months earlier. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Parlette: "Thank you Mr. President. I too will certainly miss Robin. I remember talking about working with dogs I believe, your dog training them out in the fields but also I would like to speak on behalf of another person we worked with, former Representative Tom Huff. I had the privilege of serving my first year in the House of Representatives under his leadership with the Appropriations Committee is what it was called then and he certainly did a good job of explaining the budget and later Co-Chaired that with Representative Helen Sommers when we had the 49/49 split. Both of those people that we have worked with will be truly missed and we certainly send our thoughts and prayers to all of their families. Thank you Senator Murray for beginning this conversation. Thank you very much."

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1723, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Walsh, Farrell, Maxwell, Roberts, Freeman, Goodman, Sawyer, Sullivan, Jinkins, Seaquist, Lytton, Haigh, Hunter, Morrell, Sells, Ryu, Morris, McCoy, Reykdal, Tarleton, Tharinger, Pollet, Fey, Moscoso, Bergquist, Ormsby and Santos)

Concerning early learning opportunities.

The measure was read the second time.

MOTION

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Senator Litzow moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.215 RCW to read as follows:

The legislature finds that the first five years of a child's life establish the foundation for educational success. The legislature also finds that children who have high quality early learning opportunities from birth through age five are more likely to succeed throughout their K-12 education and beyond. The legislature further finds that the benefits of high quality early learning experiences are particularly significant for low-income parents and children, and provide an opportunity to narrow the opportunity gap in Washington's K-12 educational system. The legislature understands that early supports for high-risk parents of young children through home visiting services show a high return on investment due to significantly improved chances of better education, health, and life outcomes for children. The legislature further recognizes that, when parents work or go to school, high quality and full-day early learning opportunities should be available and accessible for their children. In order to improve education outcomes, particularly for low-income children, the legislature is committed to expanding high quality early learning opportunities and integrating currently disparate funding streams for all birth-to-five early learning services including, working connections child care and the early childhood education and assistance program, into a single high quality continuum of learning that provides essential services to low-income families and prepares all enrolled children for success in school. The legislature therefore intends to establish the early start program to provide a continuum of high quality and accountable early learning opportunities for Washington's parents and children.

Sec. 2. RCW 28A.150.220 and 2011 1st sp.s. c 27 s 1 are each amended to read as follows:

(1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature, but not before the 2014-15 school year; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, subject to a phased-in implementation of the twenty-four credits as established by the legislature. Course distribution requirements may be

established by the state board of education under RCW 28A.230.090;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. However, schools administering the Washington kindergarten inventory of developing skills may use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory. In addition, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(6) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 3. RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides (~~child day care~~) early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child (~~day~~) care provider who regularly provides (~~(child day care)~~) early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2)(~~(a)~~), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools (~~(or kindergartens)~~) that are engaged primarily in (~~(educational work)~~) early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) ((Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency)) A program operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

((~~(k) An agency~~)) (j) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

((~~(k) An agency~~)) (k) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(5) "Department" means the department of early learning.

(6) "Director" means the director of the department.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

((~~(8)~~)) (9) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

((~~(9)~~)) (10) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

((~~(10)~~)) (11) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

((~~(11)~~)) (12) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

((~~(12)~~)) (13) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(14) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

NEW SECTION. Sec. 4. (1)(a) The chairs of the early learning committees of the legislature shall convene a technical working group to:

(i) Review federal and state early education funding streams;

(ii) Develop technical options for aligning eligibility requirements for child care and Washington state preschool;

(iii) Develop recommendations for an effective and responsive eligibility system;

(iv) Develop technical options for system designs that blend and braid disparate federal and state funding streams into a single program, including the option of applying for waivers from existing federal requirements; and

(v) Present findings and options in a report to the early learning committees of both houses of the legislature by December 1, 2013.

(b) At a minimum, the technical working group must be composed of financial and policy staff from the department of social and health services and the department of early learning.

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(2) Staff support for the technical working group must be provided by senate committee services and the house of representatives office of program research, with assistance from the department of social and health services and the department of early learning.

(3) This section expires December 31, 2013.

Sec. 5. RCW 43.215.020 and 2010 c 233 s 1, 2010 c 232 s 2, and 2010 c 231 s 6 are each reenacted and amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To apply data already collected comparing state-funded child care and preschool program compensation rates to market rates of similar programs to make biennial recommendations to the legislature regarding compensation models that would attract and retain high quality early learning professionals to state programs;

(f) To serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA);

~~((f))~~ (g) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

~~((g))~~ (h) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

~~((h))~~ (i) To work cooperatively and in coordination with the early learning council;

~~((i))~~ (j) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

~~((j))~~ (k) To develop and adopt rules for administration of the program of early learning established in RCW 43.215.141;

~~((k))~~ (l) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

~~((l))~~ (m) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(3) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting

services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(4) Home visiting services must include programs that serve families involved in the child welfare system.

(5) The legislature shall fund the expansion in the Washington state preschool program pursuant to RCW 43.215.142 in fiscal year 2014.

(6) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

Sec. 6. RCW 43.215.100 and 2007 c 394 s 4 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, in collaboration with community and statewide partners, shall implement a voluntary quality rating and improvement system, called the early achievers program, that is applicable to licensed or certified child care centers and homes and early education programs.

~~(2) The purpose of the ((voluntary quality rating and improvement system)) early achievers program is: (a) To give parents clear and easily accessible information about the quality of child care and early education programs, support improvement in early learning programs throughout the state, increase the readiness of children for school, and close the disparity in access to quality care; and (b) to establish a common set of expectations and standards that define, measure, and improve the quality of early learning settings.~~

(3) Participation in the early achievers program is voluntary for licensed or certified child care centers and homes.

(4) By fiscal year 2015, Washington state preschool programs receiving state funds must enroll in the early achievers program and maintain a minimum score level.

~~(5) Before final implementation of the ((voluntary quality rating and improvement system)) early achievers program, the department shall report on program progress, as defined within the race to the top federal grant award, and expenditures to the appropriate policy and fiscal committees of the legislature. Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects.~~

Sec. 7. RCW 43.215.430 and 1994 c 166 s 8 are each amended to read as follows:

The department shall review applications from public or private nonsectarian organizations for state funding of early childhood education and assistance programs ~~((and award funds as determined by department rules and based on)).~~ The department shall consider local community needs ((and)), demonstrated capacity ((to provide services)), and the need to support a mixed delivery system of early learning that includes alternative models for delivery including licensed centers and licensed family child care providers when reviewing applications.

NEW SECTION. Sec. 8. If specific funding for the purposes of section 5 of this act, referencing section 5 of this act by bill or chapter and section number, is not provided by June 30, 2013, in the omnibus appropriations act, section 5 of this act is null and void."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28A.150.220, 43.215.100, and 43.215.430; reenacting and amending RCW 43.215.010 and 43.215.020; adding a new section to chapter 43.215 RCW; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the motion by Senator Litzow to not adopt the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1723.

The motion by Senator Litzow carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.215 RCW to read as follows:

The legislature finds that the first five years of a child's life establish the foundation for educational success. The legislature also finds that children who have high quality early learning opportunities from birth through age five are more likely to succeed throughout their K-12 education and beyond. The legislature further finds that the benefits of high quality early learning experiences are particularly significant for low-income parents and children, and provide an opportunity to narrow the opportunity gap in Washington's K-12 educational system. The legislature understands that early supports for high-risk parents of young children through home visiting services show a high return on investment due to significantly improved chances of better education, health, and life outcomes for children. The legislature further recognizes that, when parents work or go to school, high quality and full-day early learning opportunities should be available and accessible for their children. In order to improve education outcomes, particularly for low-income children, the legislature is committed to expanding high quality early learning opportunities and integrating currently disparate funding streams for all birth-to-five early learning services including, working connections child care and the early childhood education and assistance program, into a single high quality continuum of learning that provides essential services to low-income families and prepares all enrolled children for success in school. The legislature therefore intends to establish the early start program to provide a continuum of high quality and accountable early learning opportunities for Washington's parents and children.

Sec. 2. RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides ~~((child day care))~~ early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child ~~((day))~~ care provider who regularly provides ~~((child day care))~~ early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with

a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection ~~((2))~~, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools ~~((or kindergartens))~~ that are engaged primarily in ~~((educational work))~~ early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) ~~((Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;~~

(j) An agency) A program operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

~~((An agency))~~ (j) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

~~((An agency))~~ (k) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(5) "Department" means the department of early learning.

(6) "Director" means the director of the department.

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(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~((8))~~ (9) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((9))~~ (10) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

~~((10))~~ (11) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

~~((11))~~ (12) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((12))~~ (13) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(14) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

NEW SECTION. Sec. 3. (1)(a) The department of early learning shall convene a technical working group to:

(i) Review federal and state early education funding streams;

(ii) Develop technical options for aligning eligibility requirements for child care and Washington state preschool;

(iii) Develop recommendations for an effective and responsive eligibility system;

(iv) Develop technical options for system designs that blend and braid disparate federal and state funding streams into a single program, including the option of applying for waivers from existing federal requirements; and

(v) Present findings and options in a report to the appropriate committees of both houses of the legislature by December 1, 2013.

(b) At a minimum, the technical working group must be composed of financial and policy staff from the department of social and health services and the department of early learning.

(2) This section expires December 31, 2013.

Sec. 4. RCW 43.215.020 and 2010 c 233 s 1, 2010 c 232 s 2, and 2010 c 231 s 6 are each reenacted and amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to

administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To annually review rates for child care compared to market rates and make recommendations to the legislature;

(f) To conduct an annual survey of staff compensation in licensed child care programs and the Washington state preschool program, including early achievers and nonearly achievers programs, using data generated by the managed education and registry information tool and the early achievers program and report survey findings to the legislature;

(g) To serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA);

~~((4))~~ (h) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

~~((5))~~ (i) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

~~((6))~~ (j) To work cooperatively and in coordination with the early learning council;

~~((7))~~ (k) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

~~((8))~~ (l) To develop and adopt rules for administration of the program of early learning established in RCW 43.215.141;

~~((9))~~ (m) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

~~((10))~~ (n) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(3) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(4) Home visiting services must include programs that serve families involved in the child welfare system.

(5) The legislature shall fund the expansion in the Washington state preschool program pursuant to RCW 43.215.142 in fiscal year 2014.

(6) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the

development of policies and program decisions affecting their children.

NEW SECTION. Sec. 5. A new section is added to chapter 43.215 RCW to read as follows:

Funds distributed to the general fund pursuant to RCW 69.50.540 must be utilized to phase in an integrated high quality continuum of early learning program, called early start, for children birth-to-five years of age. Components of early start include, but are not limited to, the following:

- (1) Home visiting and parent education and support programs;
- (2) The early achievers program described in RCW 43.215.100;
- (3) Integrated full-day, high quality early learning programs; and
- (4) High quality preschool for children whose family income is at or below one hundred thirty percent of the federal poverty level.

Sec. 6. RCW 43.215.100 and 2007 c 394 s 4 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, in collaboration with community and statewide partners, shall implement a voluntary quality rating and improvement system, called the early achievers program, that is applicable to licensed or certified child care centers and homes and early education programs.

(2) The purpose of the ~~((voluntary quality rating and improvement system))~~ early achievers program is: (a) To give parents clear and easily accessible information about the quality of child care and early education programs, support improvement in early learning programs throughout the state, increase the readiness of children for school, and close the disparity in access to quality care; and (b) to establish a common set of expectations and standards that define, measure, and improve the quality of early learning settings.

(3) Participation in the early achievers program is voluntary for licensed or certified child care centers and homes.

(4) By fiscal year 2015, Washington state preschool programs receiving state funds must enroll in the early achievers program and maintain a minimum score level.

(5) Before final implementation of the ~~((voluntary quality rating and improvement system))~~ early achievers program, the department shall report to the appropriate policy and fiscal committees of the legislature. Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects.

Sec. 7. RCW 43.215.430 and 1994 c 166 s 8 are each amended to read as follows:

The department shall review applications from public or private nonsectarian organizations for state funding of early childhood education and assistance programs ~~((and award funds as determined by department rules and based on))~~. The department shall consider local community needs ~~((and))~~, demonstrated capacity ~~((to provide services))~~, and the need to support a mixed delivery system of early learning when reviewing applications.

Sec. 8. RCW 43.215.545 and 2006 c 265 s 204 are each amended to read as follows:

The department of early learning shall:

(1) Work in conjunction with the statewide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(2) Actively seek public and private money for distribution as grants to the statewide child care resource and referral network and to existing or potential local child care resource and referral organizations;

(3) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs, including training under RCW 74.25.040;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care;

(f) Provide technical assistance to employers regarding employee child care services; and

(g) Serve recipients of temporary assistance for needy families and working parents with incomes at or below household incomes of ~~((one))~~ two hundred ~~((seventy-five))~~ percent of the federal poverty line;

(4) Provide staff support and technical assistance to the statewide child care resource and referral network and local child care resource and referral organizations;

(5) Maintain a statewide child care licensing data bank and work with department licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(6) Through the statewide child care resource and referral network and local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(7) Coordinate with the statewide child care resource and referral network and local child care resource and referral organizations for the provision of training and technical assistance to child care providers; ~~((and))~~

(8) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services;

(9) Beginning September 1, 2013, increase the base rate for all child care providers by ten percent;

(10) Subject to the availability of amounts appropriated for this specific purpose, provide tiered subsidy rate enhancements to child care providers if the provider meets the following requirements:

(a) The provider meets quality rating and improvement system levels 2, 3, 4, or 5;

(b) The provider is actively participating in the early achievers program;

(c) The provider continues to advance towards level 5 of the early achievers program; and

(d) The provider must complete level 2 within eighteen months or the reimbursement rate will return the level 1 rate; and

(11) Require exempt providers to participate in continuing education, if adequate funding is available.

Sec. 9. RCW 43.215.135 and 2012 c 253 s 5 and 2012 c 251 s 1 are each reenacted to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

(2) Beginning in fiscal year 2013, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates

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reauthorization sooner than twelve months. The twelve-month certification applies only if the enrollments in the child care subsidy or working connections child care program are capped.

(3) Beginning September 1, 2013, working connections child care providers shall receive a five percent increase in the subsidy rate for achieving level 2 in the early achievers programs. Providers must complete level 2 and advance to level 3 within eighteen months in order to maintain this increase.

NEW SECTION. Sec. 10. If specific funding for the purposes of section 4 of this act, referencing section 4 of this act by bill or chapter and section number, is not provided by June 30, 2013, in the omnibus appropriations act, section 4 of this act is null and void.

NEW SECTION. Sec. 11. If specific funding for the purposes of section 8 of this act, referencing section 8 of this act by bill or chapter and section number, is not provided by June 30, 2013, in the omnibus appropriations act, section 8 of this act is null and void.

NEW SECTION. Sec. 12. If specific funding for the purposes of section 9 of this act, referencing section 9 of this act by bill or chapter and section number, is not provided by June 30, 2013, in the omnibus appropriations act, section 9 of this act is null and void."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.215.100, 43.215.430, and 43.215.545; reenacting and amending RCW 43.215.010 and 43.215.020; reenacting RCW 43.215.135; adding new sections to chapter 43.215 RCW; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the motion by Senator Litzow to not adopt the committee striking amendment by the Committee on Early Learning & K-12 Education to Second Substitute House Bill No. 1723.

The motion by Senator Litzow carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Litzow moved that the following striking amendment by Senators Litzow and McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.215 RCW to read as follows:

The legislature finds that the first five years of a child's life establish the foundation for educational success. The legislature also finds that children who have high quality early learning opportunities from birth through age five are more likely to succeed throughout their K-12 education and beyond. The legislature further finds that the benefits of high quality early learning experiences are particularly significant for low-income parents and children, and provide an opportunity to narrow the opportunity gap in Washington's K-12 educational system. The legislature understands that early supports for high-risk parents of young children through home visiting services show a high return on investment due to significantly improved chances of better education, health, and life outcomes for children. The legislature further recognizes that, when parents work or go to school, high quality and full-day early learning opportunities should be available and accessible for their children. In order to improve education outcomes, particularly for low-income children, the legislature is committed to expanding high quality early learning opportunities and integrating currently disparate funding streams for all birth-to-five early learning services including, working connections

child care and the early childhood education and assistance program, into a single high quality continuum of learning that provides essential services to low-income families and prepares all enrolled children for success in school. The legislature therefore intends to establish the early start program to provide a continuum of high quality and accountable early learning opportunities for Washington's parents and children.

Sec. 2. RCW 28A.150.220 and 2011 1st sp.s. c 27 s 1 are each amended to read as follows:

(1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature, but not before the 2014-15 school year; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, subject to a phased-in implementation of the twenty-four credits as established by the legislature. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of

instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. However, schools administering the Washington kindergarten inventory of developing skills may use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory. In addition, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(6) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 3. RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides ~~((child day care))~~ early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child ~~((day))~~ care provider who regularly provides ~~((child day care))~~ early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection ~~((2))~~, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools ~~((or kindergartens))~~ that are engaged primarily in ~~((educational work))~~ early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) ~~((Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;~~

(j) An agency)) A program operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

~~((An agency))~~ (j) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

~~((An agency))~~ (k) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(5) "Department" means the department of early learning.

(6) "Director" means the director of the department.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~((8))~~ (9) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((9))~~ (10) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

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(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

~~((10))~~ (11) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

~~((11))~~ (12) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((12))~~ (13) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(14) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

NEW SECTION. Sec. 4. (1)(a) The chairs of the early learning committees of the legislature shall convene a technical working group to:

(i) Review federal and state early education funding streams;

(ii) Develop technical options for aligning eligibility requirements for child care and Washington state preschool;

(iii) Develop recommendations for an effective and responsive eligibility system;

(iv) Develop technical options for system designs that blend and braid disparate federal and state funding streams into a single program, including the option of applying for waivers from existing federal requirements; and

(v) Present findings and options in a report to the early learning committees of both houses of the legislature by December 1, 2013.

(b) At a minimum, the technical working group must be composed of financial and policy staff from the department of social and health services and the department of early learning.

(2) The technical working group shall provide monthly progress reports to the staff of the legislative early learning committees and the relevant legislative fiscal committees. The legislative staff shall share the progress reports with the chairs of the legislative committees. The chairs of the committees may provide additional guidance to the working group through legislative staff depending on the information that is shared with the chairs.

(3) This section expires December 31, 2013.

Sec. 5. RCW 43.215.020 and 2010 c 233 s 1, 2010 c 232 s 2, and 2010 c 231 s 6 are each reenacted and amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To apply data already collected comparing state-funded child care and preschool program compensation rates to market rates of similar programs to make biennial recommendations to the legislature regarding compensation models that would attract and retain high quality early learning professionals to state programs;

(f) To serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA);

~~((7))~~ (g) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

~~((8))~~ (h) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

~~((9))~~ (i) To work cooperatively and in coordination with the early learning council;

~~((10))~~ (j) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

~~((11))~~ (k) To develop and adopt rules for administration of the program of early learning established in RCW 43.215.141;

~~((12))~~ (l) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

~~((13))~~ (m) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(3) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(4) Home visiting services must include programs that serve families involved in the child welfare system.

(5) The legislature shall fund the expansion in the Washington state preschool program pursuant to RCW 43.215.142 in fiscal year 2014.

(6) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

Sec. 6. RCW 43.215.100 and 2007 c 394 s 4 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, in collaboration with community and statewide partners, shall implement a voluntary quality rating and improvement system, called the early achievers program, that is applicable to licensed or certified child care centers and homes and early education programs.

(2) The purpose of the ~~((voluntary quality rating and improvement system))~~ early achievers program is: (a) To give parents clear and easily accessible information about the quality of child care and early education programs, support improvement in early learning programs throughout the state, increase the readiness of children for school, and close the disparity in access to quality care; and (b) to establish a common set of expectations and standards that define, measure, and improve the quality of early learning settings.

(3) Participation in the early achievers program is voluntary for licensed or certified child care centers and homes.

(4) By fiscal year 2015, Washington state preschool programs receiving state funds must enroll in the early achievers program and maintain a minimum score level.

(5) Before final implementation of the ~~((voluntary quality rating and improvement system))~~ early achievers program, the department shall report on program progress, as defined within the race to the top federal grant award, and expenditures to the appropriate policy and fiscal committees of the legislature. Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects.

Sec. 7. RCW 43.215.430 and 1994 c 166 s 8 are each amended to read as follows:

The department shall review applications from public or private nonsectarian organizations for state funding of early childhood education and assistance programs ~~((and award funds as determined by department rules and based on))~~. The department shall consider local community needs ((and)), demonstrated capacity ((to provide services)), and the need to support a mixed delivery system of early learning that includes alternative models for delivery including licensed centers and licensed family child care providers when reviewing applications.

NEW SECTION. Sec. 8. If specific funding for the purposes of section 5 of this act, referencing section 5 of this act by bill or chapter and section number, is not provided by June 30, 2013, in the omnibus appropriations act, section 5 of this act is null and void."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Litzow and McAuliffe to Second Substitute House Bill No. 1723.

The motion by Senator Litzow carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28A.150.220, 43.215.100, and 43.215.430; reenacting and amending RCW 43.215.010 and 43.215.020; adding a new section to chapter 43.215 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Litzow, the rules were suspended, Second Substitute House Bill No. 1723 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1723 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1723 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Padden and Smith

Excused: Senator Carrell

SECOND SUBSTITUTE HOUSE BILL NO. 1723 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, by House Committee on Local Government (originally sponsored by Representatives Liias, Dahlquist, Takko, Kretz, Clibborn, Condotta, Upthegrove, Springer, Buys and Ryu)

Establishing a process for the payment of impact fees through provisions stipulated in recorded covenants.

The measure was read the second time.

MOTION

Senator Roach moved that the following amendment by Senators Roach and Rolfes be adopted:

On page 3, beginning on line 4, strike all of subsection (3)(c) and insert the following:

"(c) A county, city, or town with an impact fee deferral process on or before December 1, 2013, is exempt from the requirements of this subsection (3) if the deferral process, which may be amended in a manner consistent with this subsection (3), delays all impact fees and remains in effect after December 1, 2013."

On page 7, beginning on line 18, after "area" strike all material through "~~36.70A.030(15))~~" on line 19 and insert "as defined by the local government according to RCW 36.70A.030(15)"

On page 7, beginning on line 22, after "area" strike all material through "~~36.70A.030(15))~~" on line 23 and insert "as defined by the local government according to RCW 36.70A.030(15)"

On page 7, beginning on line 26, after "sprawl" strike all material through "36.70A.030" on line 27

Senators Roach and Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach and Rolfes on page 3, line 4 to Engrossed Substitute House Bill No. 1652.

The motion by Senator Roach carried and the amendment was adopted by voice vote.

MOTION

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Senator Mullet moved that the following amendment by Senator Mullet be adopted:

On page 3, beginning on line 4, strike all of subsection (3)(c) and insert the following:

"(c) A county, city, or town with an impact fee deferral process on, or before, December 1, 2013, is exempt from the requirements of this subsection (3) if the deferral process, which may be amended in a manner consistent with this subsection (3), delays impact fees and remains in effect after December 1, 2013.

(d) A county, city, or town that collects impact fees may not defer any portion of the impact fee collected for school facilities."

Senator Mullet spoke in favor of adoption of the amendment. Senator Roach spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mullet on page 3, line 4 to Engrossed Substitute House Bill No. 1652.

The motion by Senator Mullet failed and the amendment was not adopted by a rising vote.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 1652 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Ranker spoke in favor of passage of the bill.

Senators Hasegawa, Mullet and Fraser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1652 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1652 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Dammeier, Ericksen, Fain, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Billig, Cleveland, Conway, Darneille, Eide, Fraser, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray and Nelson

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:48 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:29 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Rafael Pruneda, Gubernatorial Appointment No. 9160, be confirmed as a member of the Board of Regents, Washington State University.

Senator Schoesler spoke in favor of the motion.

APPOINTMENT OF RAFAEL PRUNEDA

The President declared the question before the Senate to be the confirmation of Rafael Pruneda, Gubernatorial Appointment No. 9160, as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Rafael Pruneda, Gubernatorial Appointment No. 9160, as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Absent: Senator Shin

Excused: Senator Carrell

Rafael Pruneda, Gubernatorial Appointment No. 9160, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

PERSONAL PRIVILEGE

Senator Tom: "Thank you Mr. President. I would ask that we have a moment of silence in regards to the happenings that have occurred in Boston. The tragedy of three people losing their

lives during the Boston Marathon and all that's going on there and wishing those families and those who have been injured, with our thoughts and prayers."

MOMENT OF SILENCE

The Senate observed a moment of silence in honor and remembrance of and sympathy for the victims and survivors of the bombings which occurred during the running of the Boston Marathon, April 15, 2013, as well as their families and the people of the City of Boston, Massachusetts.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Clibborn, Goodman, Maxwell, Kagi, Orwall, Appleton, Ryu, Ormsby, Jinkins, Fey and Bergquist)

Providing for juvenile mental health diversion and disposition strategies.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 1524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1524.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1524 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Brown

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1351, by Representatives Condotta and Hurst

Concerning the identification of wineries, breweries, and microbreweries on private labels.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1351.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1351 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, by House Committee on Judiciary (originally sponsored by Representatives Orwall, Goodman, Pollet, Jinkins, Carlyle, Roberts, Appleton, Hunt, Uptegrove, Green, Kagi, Seaquist, Moeller, Kirby, Santos, Ryu, Pedersen and Moscoso)

Creating a claim for compensation for wrongful conviction and imprisonment.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that persons convicted and imprisoned for crimes they did not commit have been uniquely victimized. Having suffered tremendous injustice by being stripped of their lives and liberty, they are forced to endure imprisonment and are later stigmatized as felons. A majority of those wrongly convicted in Washington state have no remedy available under the law for the destruction of their personal lives resulting from errors in our criminal justice system. The legislature intends to provide an avenue for those who have been wrongly convicted in Washington state to redress the lost years of their lives, and help to address the unique challenges faced by the wrongly convicted after exoneration.

NEW SECTION. Sec. 2. (1) Any person convicted in superior court and subsequently imprisoned for one or more felonies of which he or she is actually innocent may file a claim for compensation against the state.

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(2) For purposes of this chapter, a person is:

(a) "Actually innocent" of a felony if he or she did not engage in any illegal conduct alleged in the charging documents; and

(b) "Wrongly convicted" if he or she was charged, convicted, and imprisoned for one or more felonies of which he or she is actually innocent.

(3)(a) If the person entitled to file a claim under subsection (1) of this section is incapacitated and incapable of filing the claim, or if he or she is a minor, or is a nonresident of the state, the claim may be filed on behalf of the claimant by an authorized agent.

(b) A claim filed under this chapter survives to the personal representative of the claimant as provided in RCW 4.20.046.

NEW SECTION. Sec. 3. (1) All claims under this chapter must be filed in superior court. The venue for such actions is governed by RCW 4.12.020.

(2) Service of the summons and complaint is governed by RCW 4.28.080.

NEW SECTION. Sec. 4. (1) In order to file an actionable claim for compensation under this chapter, the claimant must establish by documentary evidence that:

(a) The claimant has been convicted of one or more felonies in superior court and subsequently sentenced to a term of imprisonment, and has served all or part of the sentence;

(b)(i) The claimant is not currently incarcerated for any offense; and

(ii) During the period of confinement for which the claimant is seeking compensation, the claimant was not serving a term of imprisonment or a concurrent sentence for any crime other than the felony or felonies that are the basis for the claim;

(c)(i) The claimant has been pardoned on grounds consistent with innocence for the felony or felonies that are the basis for the claim; or

(ii) The claimant's judgment of conviction was reversed or vacated and the charging document dismissed on the basis of significant new exculpatory information or, if a new trial was ordered pursuant to the presentation of significant new exculpatory information, either the claimant was found not guilty at the new trial or the claimant was not retried and the charging document dismissed; and

(d) The claim is not time barred by section 9 of this act.

(2) In addition to the requirements in subsection (1) of this section, the claimant must state facts in sufficient detail for the finder of fact to determine that:

(a) The claimant did not engage in any illegal conduct alleged in the charging documents; and

(b) The claimant did not commit or suborn perjury, or fabricate evidence to cause or bring about the conviction. A guilty plea to a crime the claimant did not commit, or a confession that is later determined by a court to be false, does not automatically constitute perjury or fabricated evidence under this subsection.

(3) Convictions vacated, overturned, or subject to resentencing pursuant to *In re: Personal Detention of Andress*, 147 Wn.2d 602 (2002) may not serve as the basis for a claim under this chapter unless the claimant otherwise satisfies the qualifying criteria set forth in section 2 of this act and this section.

(4) The claimant must verify the claim unless he or she is incapacitated, in which case the personal representative or agent filing on behalf of the claimant must verify the claim.

(5) If the attorney general concedes that the claimant was wrongly convicted, the court must award compensation as provided in section 6 of this act.

(6)(a) If the attorney general does not concede that the claimant was wrongly convicted and the court finds after reading the claim that the claimant does not meet the filing criteria set forth in this

section, it may dismiss the claim, either on its own motion or on the motion of the attorney general.

(b) If the court dismisses the claim, the court must set forth the reasons for its decision in written findings of fact and conclusions of law.

NEW SECTION. Sec. 5. Any party is entitled to the rights of appeal afforded parties in a civil action following a decision on such motions. In the case of dismissal of a claim, review of the superior court action is de novo.

NEW SECTION. Sec. 6. (1) In order to obtain a judgment in his or her favor, the claimant must show by clear and convincing evidence that:

(a) The claimant was convicted of one or more felonies in superior court and subsequently sentenced to a term of imprisonment, and has served all or any part of the sentence;

(b)(i) The claimant is not currently incarcerated for any offense; and

(ii) During the period of confinement for which the claimant is seeking compensation, the claimant was not serving a term of imprisonment or a concurrent sentence for any conviction other than those that are the basis for the claim;

(c)(i) The claimant has been pardoned on grounds consistent with innocence for the felony or felonies that are the basis for the claim; or

(ii) The claimant's judgment of conviction was reversed or vacated and the charging document dismissed on the basis of significant new exculpatory information or, if a new trial was ordered pursuant to the presentation of significant new exculpatory information, either the claimant was found not guilty at the new trial or the claimant was not retried and the charging document dismissed;

(d) The claimant did not engage in any illegal conduct alleged in the charging documents; and

(e) The claimant did not commit or suborn perjury, or fabricate evidence to cause or bring about his or her conviction. A guilty plea to a crime the claimant did not commit, or a confession that is later determined by a court to be false, does not automatically constitute perjury or fabricated evidence under this subsection.

(2) Any pardon or proclamation issued to the claimant must be certified by the officer having lawful custody of the pardon or proclamation, and be affixed with the seal of the office of the governor, or with the official certificate of such officer before it may be offered as evidence.

(3) In exercising its discretion regarding the weight and admissibility of evidence, the court must give due consideration to difficulties of proof caused by the passage of time or by release of evidence pursuant to a plea, the death or unavailability of witnesses, the destruction of evidence, or other factors not caused by the parties.

(4) The claimant may not be compensated for any period of time in which he or she was serving a term of imprisonment or a concurrent sentence for any conviction other than the felony or felonies that are the basis for the claim.

(5) If the jury or, in the case where the right to a jury is waived, the court finds by clear and convincing evidence that the claimant was wrongly convicted, the court must order the state to pay the actually innocent claimant the following compensation award, as adjusted for partial years served and to account for inflation from the effective date of this section:

(a) Fifty thousand dollars for each year of actual confinement including time spent awaiting trial and an additional fifty thousand dollars for each year served under a sentence of death pursuant to chapter 10.95 RCW;

(b) Twenty-five thousand dollars for each year served on parole, community custody, or as a registered sex offender pursuant only to the felony or felonies which are grounds for the claim;

(c) Compensation for child support payments owed by the claimant that became due and interest on child support arrearages that accrued while the claimant was in custody on the felony or felonies that are grounds for the compensation claim. The funds must be paid on the claimant's behalf in a lump sum payment to the department of social and health services for disbursement under Title 26 RCW;

(d) Reimbursement for all restitution, assessments, fees, court costs, and all other sums paid by the claimant as required by pretrial orders and the judgment and sentence; and

(e) Attorneys' fees for successfully bringing the wrongful conviction claim calculated at ten percent of the monetary damages awarded under subsection (5)(a) and (b) of this section, plus expenses. However, attorneys' fees and expenses may not exceed seventy-five thousand dollars. These fees may not be deducted from the compensation award due to the claimant and counsel is not entitled to receive additional fees from the client related to the claim. The court may not award any attorneys' fees to the claimant if the claimant fails to prove he or she was wrongfully convicted.

(6) The compensation award may not include any punitive damages.

(7) The court may not offset the compensation award by any expenses incurred by the state, the county, or any political subdivision of the state including, but not limited to, expenses incurred to secure the claimant's custody, or to feed, clothe, or provide medical services for the claimant. The court may not offset against the compensation award the value of any services or reduction in fees for services to be provided to the claimant as part of the award under this section.

(8) The compensation award is not income for tax purposes, except attorneys' fees awarded under subsection (5)(e) of this section.

(9)(a) Upon finding that the claimant was wrongfully convicted, the court must seal the claimant's record of conviction.

(b) Upon request of the claimant, the court may order the claimant's record of conviction vacated if the record has not already been vacated, expunged, or destroyed under court rules. The requirements for vacating records under RCW 9.94A.640 do not apply.

(10) Upon request of the claimant, the court must refer the claimant to the department of corrections or the department of social and health services for access to reentry services, if available, including but not limited to counseling on the ability to enter into a structured settlement agreement and where to obtain free or low-cost legal and financial advice if the claimant is not already represented, the community-based transition programs and long-term support programs for education, mentoring, life skills training, assessment, job skills development, mental health and substance abuse treatment.

(11) The claimant or the attorney general may initiate and agree to a claim with a structured settlement for the compensation awarded under subsection (5) of this section. During negotiation of the structured settlement agreement, the claimant must be given adequate time to consult with the legal and financial advisor of his or her choice. Any structured settlement agreement binds the parties with regard to all compensation awarded. A structured settlement agreement entered into under this section must be in writing and signed by the parties or their representatives and must clearly state that the parties understand and agree to the terms of the agreement.

(12) Before approving any structured settlement agreement, the court must ensure that the claimant has an adequate understanding of the agreement. The court may approve the agreement only if the judge finds that the agreement is in the best interest of the claimant

and actuarially equivalent to the lump sum compensation award under subsection (5) of this section before taxation. When determining whether the agreement is in the best interest of the claimant, the court must consider the following factors:

(a) The age and life expectancy of the claimant;

(b) The marital or domestic partnership status of the claimant; and

(c) The number and age of the claimant's dependants.

NEW SECTION. Sec. 7. (1) On or after the effective date of this section, when a court grants judicial relief, such as reversal and vacation of a person's conviction, consistent with the criteria established in section 4 of this act, the court must provide to the claimant a copy of sections 2 through 12 of this act at the time the relief is granted.

(2) The clemency and pardons board or the indeterminate sentence review board, whichever is applicable, upon issuance of a pardon by the governor on grounds consistent with innocence on or after the effective date of this section, must provide a copy of sections 2 through 12 of this act to the individual pardoned.

(3) If an individual entitled to receive the information required under this section shows that he or she was not provided with the information, he or she has an additional twelve months, beyond the statute of limitations under section 9 of this act, to bring a claim under this chapter.

NEW SECTION. Sec. 8. (1) It is the intent of the legislature that the remedies and compensation provided under this chapter shall be exclusive to all other remedies at law and in equity against the state or any political subdivision of the state. As a requirement to making a request for relief under this chapter, the claimant waives any and all other remedies, causes of action, and other forms of relief or compensation against the state, any political subdivision of the state, and their officers, employees, agents, and volunteers related to the claimant's wrongful conviction and imprisonment. This waiver shall also include all state, common law, and federal claims for relief, including claims pursuant to 42 U.S.C. Sec. 1983. A wrongfully convicted person who elects not to pursue a claim for compensation pursuant to this chapter shall not be precluded from seeking relief through any other existing remedy. The claimant must execute a legal release prior to the payment of any compensation under this chapter. If the release is held invalid for any reason and the claimant is awarded compensation under this chapter and receives a tort award related to his or her wrongful conviction and incarceration, the claimant must reimburse the state for the lesser of:

(a) The amount of the compensation award, excluding the portion awarded pursuant to section 6(5) (c) through (e) of this act; or

(b) The amount received by the claimant under the tort award.

(2) A release dismissal agreement, plea agreement, or any similar agreement whereby a prosecutor's office or an agent acting on its behalf agrees to take or refrain from certain action if the accused individual agrees to forgo legal action against the county, the state of Washington, or any political subdivision, is admissible and should be evaluated in light of all the evidence. However, any such agreement is not dispositive of the question of whether the claimant was wrongfully convicted or entitled to compensation under this chapter.

NEW SECTION. Sec. 9. Except as provided in section 7 of this act, an action for compensation under this chapter must be commenced within three years after the grant of a pardon, the grant of judicial relief and satisfaction of other conditions described in section 2 of this act, or release from custody, whichever is later. However, any action by the state challenging or appealing the grant of judicial relief or release from custody tolls the three-year period. Any persons meeting the criteria set forth in section 2 of this act who

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was wrongly convicted before the effective date of this section may commence an action under this chapter within three years after the effective date of this section.

NEW SECTION. Sec. 10. All payments by the state under this chapter shall be paid from the liability account established under RCW 4.92.130.

NEW SECTION. Sec. 11. A new section is added to chapter 28B.15 RCW to read as follows:

(1) Subject to the conditions in subsection (2) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, must waive all tuition and fees for the following persons:

(a) A wrongly convicted person; and

(b) Any child or stepchild of a wrongly convicted person who was born or became the stepchild of, or was adopted by, the wrongly convicted person before compensation is awarded under section 6 of this act.

(2) The following conditions apply to waivers under subsection (1) of this section:

(a) A wrongly convicted person must be a Washington domiciliary to be eligible for the tuition waiver.

(b) A child must be a Washington domiciliary ages seventeen through twenty-six years to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (1) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (1) of this section may attend full time or part time. Total credits earned using the waiver may not exceed two hundred quarter credits, or the equivalent of semester credits.

(3) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms of this section.

(4) For the purposes of this section:

(a) "Child" means a biological child, stepchild, or adopted child who was born of, became the stepchild of, or was adopted by a wrongly convicted person before compensation is awarded under section 6 of this act.

(b) "Fees" includes all assessments for costs incurred as a condition to a student's full participation in coursework and related activities at an institution of higher education.

(c) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of Washington. In ascertaining whether a wrongly convicted person or child is domiciled in the state of Washington, public institutions of higher education must, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(d) "Wrongly convicted person" means a Washington domiciliary who was awarded damages under section 6 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW to read as follows:

When a court refers a person to the department under section 6 of this act as part of the person's award in a wrongful conviction claim, the department must provide reasonable access to existing reentry programs and services. Nothing in this section requires the department to establish new reentry programs or services.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 1 through 10 of this act constitute a new chapter in Title 4 RCW."

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Padden to the committee striking amendment be adopted:

On page 10, after line 5 of the amendment, insert the following:

"**Sec. 13.** RCW 4.92.130 and 2011 1st sp.s. c 43 s 513 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers and all related legal defense costs.

(1) The purpose of the liability account is to: (a) Expediently pay legal liabilities and defense costs of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure, including the payment of compensation awarded by a court under section 6 of this act; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages and legal defense costs exclusive of agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account, except for defense costs, unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(5) Annual premium levels shall be determined by the risk manager. An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(6) Disbursements for claims from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(7) The director may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(8) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the office of risk management. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the office of risk management in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount shall be prorated back to the appropriate funds.

(9) The payment of compensation for wrongful conviction awarded by a court under section 6 of this act does not constitute a finding that the wrongful conviction resulted from tortious conduct by the officers or employees of the state or the political subdivisions, municipal corporations, and quasi-municipal corporations of the state."

Senator Hargrove spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Padden on page 10, after line 5 to the committee striking amendment to Engrossed Substitute House Bill No. 1341.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 1341.

The motion by Senator Padden carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "imprisonment;" strike the remainder of the title and insert "adding a new section to chapter 28B.15 RCW; adding a new section to chapter 72.09 RCW; and adding a new chapter to Title 4 RCW."

On page 10, line 13 of the title amendment, after "insert" insert "amending RCW 4.92.130;"

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1341 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Hargrove and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1341. as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1341 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1124, by Representatives Hurst and Condotta

Concerning recommendations for streamlining reporting requirements for taxes and fees on spirits.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1124.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1124 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5302,
SUBSTITUTE SENATE BILL NO. 5316,
SUBSTITUTE SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5568,
SECOND SUBSTITUTE SENATE BILL NO. 5624,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5849.

SECOND READING

HOUSE BILL NO. 1903, by Representatives Fitzgibbon and Ryu

Providing unemployment insurance benefit charging relief for part-time employers who continue to employ a claimant on a part-time basis and the claimant qualified for two consecutive claims with wages attributable to at least one employer who employed the claimant in both base years.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1903.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1903 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1130, by House Committee on Business & Financial Services (originally sponsored by Representatives Hurst and Dahlquist)

Modifying who is authorized to redeem an impounded vehicle.

The measure was read the second time.

MOTION

Senator Nelson moved that the following striking amendment by Senators Nelson and Benton be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.55.120 and 2009 c 387 s 3 are each amended to read as follows:

(1)(a) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only ~~((under the following circumstances))~~ by the following persons or entities:

~~((a) Only)~~ (i) The legal owner((s));

(ii) The registered owner((s));

(iii) A person authorized in writing by the registered owner ~~((of the vehicle's insurer,));~~

(iv) The vehicle's insurer or a vendor working on behalf of the vehicle's insurer;

(v) A third-party insurer that has a duty to repair or replace the vehicle, has obtained consent from the registered owner or the owner's agent to move the vehicle, and has documented that consent in the insurer's claim file, or a vendor working on behalf of a third-party insurer that has received such consent; provided, however, that at all times the registered owner must be granted access to the vehicle. For the purposes of this subsection, "owner's agent" means the legal owner of the vehicle, a driver in possession of the vehicle with the registered owner's permission, or an adult member of the registered owner's family;

(vi) A person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department((;

~~or one)); or~~

(vii) A person who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor~~((, may redeem an impounded vehicle or items of personal property registered or titled with the department)).~~

(b) In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under (a) of this subsection ~~((1)(a))~~ satisfies the requirements of ~~((e))~~ (f) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency shall issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of the following:

(i) Economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record; or

(ii) The owner of the vehicle was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release under this subsection or RCW 46.55.113(3).

In order to avoid discriminatory application, other than for the reasons for release set forth in ~~((a))~~ (b)(i) and (ii) of this subsection, an agency shall, under a provision of an applicable state agency rule or local ordinance, deny release in all other circumstances without discretion.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under (a) of this subsection ~~((1)(a))~~ satisfies the requirements of ~~((e))~~ (f) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

~~((b))~~ (c) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of

the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

~~((e))~~ (d) Notwithstanding ~~((b))~~ (c) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

~~((d))~~ (e) Notwithstanding ~~((b))~~ (c) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9A RCW, including providing redemption rights to the debtor under RCW 62A.9A-623. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9A RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

~~((e))~~ (f) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under ~~((b))~~ (c) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards issued by financial institutions, or personal checks drawn on Washington state branches of financial institutions if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm cannot determine through the customer's bank or a check verification service that the presented check would be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in ~~((subsection (2)))~~ (a) of this subsection and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the

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registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.345 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the Court located at in the sum of \$., in an action entitled, Case No. YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this day of, (year) Signature

Typed name

and address

of party

mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees."

Senators Nelson, Benton and Hobbs spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Nelson and Benton to Substitute House Bill No. 1130.

The motion by Senator Nelson carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.55.120."

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1130 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1130 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1130 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1130 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1175, by Representatives Nealey, Haler, Klippert, Walsh, Schmick, Fagan and Ryu

Increasing the number of superior court judges in Benton and Franklin counties jointly.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1175.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1175 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Baumgartner

Excused: Senator Carrell

HOUSE BILL NO. 1175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1883, by House Committee on Transportation (originally sponsored by Representatives Fitzgibbon, Orcutt, Riccelli, Farrell and Liias)

Simplifying and updating statutes related to fuel tax administration.

The measure was read the second time.

MOTION

Senator Eide moved that the following committee amendment by the Committee on Transportation be adopted:

On page 35, beginning on line 14, after "required to be" strike "licensed under chapter 46.16 RCW" and insert "registered under chapter 46.16A RCW"

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to Substitute House Bill No. 1883.

The motion by Senator Eide carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Eide, the rules were suspended, Substitute House Bill No. 1883 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1883 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1883 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner and Holmquist Newbry

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1883 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846, by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick, Cody and Ryu)

Concerning stand-alone dental coverage.

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.43.715 and 2012 c 87 s 13 are each amended to read as follows:

(1) Consistent with federal law, the commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state under P.L. 111-148 of 2010, as amended.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ten benefit categories specified by section 1302 of P.L. 111-148, as amended, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed to meet the minimum requirements of section 1302.

(3) A health plan required to offer the essential health benefits, other than a health plan offered through the federal basic health program or medicaid, under P.L. 111-148 of 2010, as amended, may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner (~~must~~):

(a) Must ensure that the plan covers the ten essential health benefits categories specified in section 1302 of P.L. 111-148 of 2010, as amended; (~~and~~)

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefit categories specified by section 1302 of P.L. 111-148 of 2010, as amended;

(c) Notwithstanding the foregoing, for benefit years beginning January 1, 2015, and only to the extent permitted by federal law and guidance, must establish by rule the review and approval requirements and procedures for pediatric oral services when offered in stand-alone dental plans in the nongrandfathered individual and small group markets outside of the exchange; and

(d) Unless prohibited by federal law and guidance, must allow health carriers to also offer pediatric oral services within the health benefit plan in the nongrandfathered individual and small group markets outside of the exchange.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

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Sec. 2. RCW 48.46.243 and 2008 c 217 s 56 are each amended to read as follows:

(1) Subject to subsection (2) of this section, every contract between a health maintenance organization and its participating providers of health care services shall be in writing and shall set forth that in the event the health maintenance organization fails to pay for health care services as set forth in the agreement, the enrolled participant shall not be liable to the provider for any sums owed by the health maintenance organization. Every such contract shall provide that this requirement shall survive termination of the contract.

(2) The provisions of subsection (1) of this section shall not apply:

(a) To emergency care from a provider who is not a participating provider(§);

(b) To out-of-area services;

(c) To the delivery of covered pediatric oral services that are substantially equal to the essential health benefits benchmark plan; or(§)

(d) In exceptional situations approved in advance by the commissioner, if the health maintenance organization is unable to negotiate reasonable and cost-effective participating provider contracts.

(3)(a) Each participating provider contract form shall be filed with the commissioner fifteen days before it is used.

(b) Any contract form not affirmatively disapproved within fifteen days of filing shall be deemed approved, except that the commissioner may extend the approval period an additional fifteen days upon giving notice before the expiration of the initial fifteen-day period. The commissioner may approve such a contract form for immediate use at any time. Approval may be subsequently withdrawn for cause.

(c) Subject to the right of the health maintenance organization to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove such a contract form if it is in any respect in violation of this chapter or if it fails to conform to minimum provisions or standards required by the commissioner by rule under chapter 34.05 RCW.

(4) No participating provider, or insurance producer, trustee, or assignee thereof, may maintain an action against an enrolled participant to collect sums owed by the health maintenance organization.

Sec. 3. RCW 48.14.0201 and 2011 c 47 s 8 are each amended to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization as defined in RCW 48.46.020, a health care service contractor as defined in (~~RCW 48.44.010~~) chapter 48.44 RCW, or a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010.

(2) Each taxpayer must pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax must be equal to the total amount of all premiums and prepayments for health care services collected or received by the taxpayer under RCW 48.14.090 during the preceding calendar year multiplied by the rate of two percent. For tax purposes, the reporting of premiums and prepayments must be on a written basis or on a paid-for basis consistent with the basis required by the annual statement.

(3) Taxpayers must prepay their tax obligations under this section. The minimum amount of the prepayments is the percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments is the percentages of the taxpayer's tax obligation that would have been due had the tax

been in effect during the previous calendar year. The tax prepayments must be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

(a) On or before June 15, forty-five percent;

(b) On or before September 15, twenty-five percent;

(c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, self-funded multiple employer welfare arrangement's, or certified health plan's prepayment obligations for the current tax year.

(5) Moneys collected under this section are deposited in the general fund.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act.

(b) Amounts received by any taxpayer from the state of Washington as prepayments for health care services provided under:

(i) The medical care services program as provided in RCW 74.09.035; or

(ii) The Washington basic health plan on behalf of subsidized enrollees as provided in chapter 70.47 RCW.

(c) Amounts received by any health care service contractor(§) as defined in (~~RCW 48.44.010~~) chapter 48.44 RCW, or any health maintenance organization as defined in chapter 48.46 RCW, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020, except amounts received for pediatric oral services that qualify as coverage for the minimum essential coverage requirement under P.L. 111-148 (2010), as amended.

(d) Participant contributions to self-funded multiple employer welfare arrangements that are not taxable in this state.

(7) Beginning January 1, 2000, the state preempts the field of imposing excise or privilege taxes upon taxpayers and no county, city, town, or other municipal subdivision has the right to impose any such taxes upon such taxpayers. This subsection is limited to premiums and payments for health benefit plans offered by health care service contractors under chapter 48.44 RCW, health maintenance organizations under chapter 48.46 RCW, and self-funded multiple employer welfare arrangements as defined in RCW 48.125.010. The preemption authorized by this subsection must not impair the ability of a county, city, town, or other municipal subdivision to impose excise or privilege taxes upon the health care services directly delivered by the employees of a health maintenance organization under chapter 48.46 RCW.

(8)(a) The taxes imposed by this section apply to a self-funded multiple employer welfare arrangement only in the event that they are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner must initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing state premium taxes on these arrangements. Once the legality of the taxes has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these taxes.

(b) If there has not been a final determination of the legality of these taxes, then beginning on the earlier of (i) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (ii) April 1, 2006, the arrangement must deposit the taxes imposed by this section into an interest bearing

escrow account maintained by the arrangement. Upon a final determination that the taxes are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account must be transferred to the state treasurer.

(9) The effect of transferring contracts for health care services from one taxpayer to another taxpayer is to transfer the tax prepayment obligation with respect to the contracts.

(10) On or before June 1st of each year, the commissioner must notify each taxpayer required to make prepayments in that year of the amount of each prepayment and must provide remittance forms to be used by the taxpayer. However, a taxpayer's responsibility to make prepayments is not affected by failure of the commissioner to send, or the taxpayer to receive, the notice or forms.

Sec. 4. RCW 48.14.020 and 2009 c 161 s 3 are each amended to read as follows:

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection ((2)) (3) of this section, such tax shall be in the amount of two percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer under RCW 48.14.090 during the preceding calendar year other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For tax purposes, the reporting of premiums shall be on a written basis or on a paid-for basis consistent with the basis required by the annual statement. For the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(2) The taxes imposed in this section do not apply to amounts received by any life and disability insurer for health care services included within the definition of practice of dentistry under RCW 18.32.020 except amounts received for pediatric oral services that qualify as coverage for the minimum essential coverage requirement under P.L. 111-148 (2010), as amended.

(3) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

((3)) (4) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of ninety-five one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts

refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

((4)) (5) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their appointed insurance producers, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or these insurance producers.

((5)) (6) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1846.

The motion by Senator Becker carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "coverage;" strike the remainder of the title and insert "and amending RCW 48.43.715, 48.46.243, 48.14.0201, and 48.14.020."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute House Bill No. 1846 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1846 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1846 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SUBSTITUTE HOUSE BILL NO. 1116, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Hansen, Rodne and Nealey)

Adopting the uniform collaborative law act.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. SHORT TITLE. This chapter may be known and cited as the "uniform collaborative law act."

NEW SECTION. Sec. 2. DEFINITIONS. In this chapter:

(1) "Collaborative law communication" means a statement, whether oral or in a record, or verbal or nonverbal, that:

(a) Is made to conduct, participate in, continue, or reconvene a collaborative law process; and

(b) Occurs after the parties sign a collaborative law participation agreement and before the collaborative law process is concluded.

(2) "Collaborative law participation agreement" means an agreement by persons to participate in a collaborative law process.

(3) "Collaborative law process" means a procedure intended to resolve a collaborative matter without intervention by a tribunal in which persons:

(a) Sign a collaborative law participation agreement; and

(b) Are represented by collaborative lawyers.

(4) "Collaborative lawyer" means a lawyer who represents a party in a collaborative law process.

(5) "Collaborative matter" means a dispute, transaction, claim, problem, or issue for resolution, including a dispute, claim, or issue in a proceeding, which is described in a collaborative law participation agreement.

(6) "Law firm" means:

(a) Lawyers who practice law together in a partnership, professional corporation, sole proprietorship, limited liability company, or association; and

(b) Lawyers employed in a legal services organization, or the legal department of a corporation or other organization, or the legal department of a government or governmental subdivision, agency, or instrumentality.

(7) "Nonparty participant" means a person, other than a party and the party's collaborative lawyer, that participates in a collaborative law process.

(8) "Party" means a person that signs a collaborative law participation agreement and whose consent is necessary to resolve a collaborative matter.

(9) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(10) "Proceeding" means a judicial, administrative, arbitral, or other adjudicative process before a tribunal, including related prehearing and posthearing motions, conferences, and discovery.

(11) "Prospective party" means a person that discusses with a prospective collaborative lawyer the possibility of signing a collaborative law participation agreement.

(12) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(13) "Related to a collaborative matter" means involving the same parties, transaction or occurrence, nucleus of operative fact, dispute, claim, or issue as the collaborative matter.

(14) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(15) "Tribunal" means a court, arbitrator, administrative agency, or other body acting in an adjudicative capacity which, after presentation of evidence or legal argument, has jurisdiction to render a decision affecting a party's interests in a matter.

NEW SECTION. Sec. 3. APPLICABILITY. (1) This chapter applies to a collaborative law participation agreement that meets the requirements of section 4 of this act signed on or after the effective date of this section.

(2) The use of collaborative law applies only to matters that would be resolved in civil court and may not be used to resolve matters in criminal cases.

NEW SECTION. Sec. 4. COLLABORATIVE LAW PARTICIPATION AGREEMENT; REQUIREMENTS. (1) A collaborative law participation agreement must:

(a) Be in a record;

(b) Be signed by the parties;

(c) State the parties' intention to resolve a collaborative matter through a collaborative law process under this chapter;

(d) Describe the nature and scope of the matter;

(e) Identify the collaborative lawyer who represents each party in the process; and

(f) Contain a statement by each collaborative lawyer confirming the lawyer's representation of a party in the collaborative law process.

(2) Parties may agree to include in a collaborative law participation agreement additional provisions not inconsistent with this chapter.

NEW SECTION. Sec. 5. BEGINNING AND CONCLUDING COLLABORATIVE LAW PROCESS. (1) A collaborative law process begins when the parties sign a collaborative law participation agreement.

(2) A tribunal may not order a party to participate in a collaborative law process over that party's objection.

(3) A collaborative law process is concluded by a:

(a) Resolution of a collaborative matter as evidenced by a signed record;

(b) Resolution of a part of the collaborative matter, evidenced by a signed record, in which the parties agree that the remaining parts of the matter will not be resolved in the process; or

(c) Termination of the process.

(4) A collaborative law process terminates:

(a) When a party gives notice to other parties in a record that the process is ended; or

(b) When a party:

(i) Begins a proceeding related to a collaborative matter without the agreement of all parties; or

(ii) In a pending proceeding related to the matter:

(A) Initiates a pleading, motion, order to show cause, or request for a conference with the tribunal without the agreement of all parties as to the relief sought;

(B) Requests that the proceeding be put on the tribunal's active calendar; or

(C) Takes similar contested action requiring notice to be sent to the parties; or

(c) Except as otherwise provided by subsection (7) of this section, when a party discharges a collaborative lawyer or a

collaborative lawyer withdraws from further representation of a party.

(5) A party's collaborative lawyer shall give prompt notice to all other parties in a record of a discharge or withdrawal.

(6) A party may terminate a collaborative law process with or without cause.

(7) Notwithstanding the discharge or withdrawal of a collaborative lawyer, a collaborative law process continues, if not later than thirty days after the date that the notice of the discharge or withdrawal of a collaborative lawyer required by subsection (5) of this section is sent to the parties:

(a) The unrepresented party engages a successor collaborative lawyer; and

(b) In a signed record:

(i) The parties consent to continue the process by reaffirming the collaborative law participation agreement;

(ii) The agreement is amended to identify the successor collaborative lawyer; and

(iii) The successor collaborative lawyer confirms the lawyer's representation of a party in the collaborative law process.

(8) A collaborative law process does not conclude if, with the consent of the parties, a party requests a tribunal to approve a resolution of the collaborative matter or any part thereof as evidenced by a signed record.

(9) A collaborative law participation agreement may provide additional methods of concluding a collaborative law process.

NEW SECTION. Sec. 6. PROCEEDINGS PENDING BEFORE TRIBUNAL; STATUS REPORT. (1) Persons in a proceeding pending before a tribunal may sign a collaborative law participation agreement to seek to resolve a collaborative matter related to the proceeding. Parties shall file promptly with the tribunal a notice of the agreement after it is signed. Subject to subsection (3) of this section and sections 7 and 8 of this act, the filing operates as an application for a stay of the proceeding.

(2) The parties shall file promptly with the tribunal notice in a record when a collaborative law process concludes. The stay of the proceeding under subsection (1) of this section is lifted when the notice is filed. The notice may not specify any reason for termination of the process.

(3) A tribunal in which a proceeding is stayed under subsection (1) of this section may require the parties and collaborative lawyers to provide a status report on the collaborative law process and the proceeding. A status report may include only information on whether the process is ongoing or concluded. It may not include a report, assessment, evaluation, recommendation, finding, or other communication regarding a collaborative law process or collaborative matter.

(4) A tribunal may not consider a communication made in violation of subsection (3) of this section.

(5) A tribunal shall provide parties notice and an opportunity to be heard before dismissing a proceeding in which a notice of collaborative law process is filed based on delay or failure to prosecute.

NEW SECTION. Sec. 7. EMERGENCY ORDER. During a collaborative law process, a tribunal may issue emergency orders to protect the health, safety, welfare, or interest of a party or a family or household member, as defined in RCW 26.50.010.

NEW SECTION. Sec. 8. APPROVAL OF AGREEMENT BY TRIBUNAL. A tribunal may approve an agreement resulting from a collaborative law process.

NEW SECTION. Sec. 9. DISQUALIFICATION OF COLLABORATIVE LAWYER AND LAWYERS IN ASSOCIATED LAW FIRM. (1) Except as otherwise provided in subsection (3) of this section, a collaborative lawyer is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter.

(2) Except as otherwise provided in subsection (3) of this section and section 10 of this act, a lawyer in a law firm with which the collaborative lawyer is associated is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter if the collaborative lawyer is disqualified from doing so under subsection (1) of this section.

(3) A collaborative lawyer or a lawyer in a law firm with which the collaborative lawyer is associated may represent a party:

(a) To ask a tribunal to approve an agreement resulting from the collaborative law process; or

(b) To seek or defend an emergency order to protect the health, safety, welfare, or interest of a party, or family or household member, as defined in RCW 26.50.010, if a successor lawyer is not immediately available to represent that person.

(4) If subsection (3)(b) of this section applies, a collaborative lawyer, or lawyer in a law firm with which the collaborative lawyer is associated, may represent a party or family or household member only until the person is represented by a successor lawyer or reasonable measures are taken to protect the health, safety, welfare, or interest of the person.

NEW SECTION. Sec. 10. GOVERNMENTAL ENTITY AS PARTY. (1) The disqualification of section 9(1) of this act applies to a collaborative lawyer representing a party that is a government or governmental subdivision, agency, or instrumentality.

(2) After a collaborative law process concludes, another lawyer in a law firm with which the collaborative lawyer is associated may represent a government or governmental subdivision, agency, or instrumentality in the collaborative matter or a matter related to the collaborative matter if:

(a) The collaborative law participation agreement so provides; and

(b) The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.

NEW SECTION. Sec. 11. DISCLOSURE OF INFORMATION. Except as provided by law other than this chapter, during the collaborative law process, on the request of another party, a party shall make timely, full, candid, and informal disclosure of information related to the collaborative matter without formal discovery. A party also shall update promptly previously disclosed information that has materially changed. The parties may define the scope of disclosure during the collaborative law process.

NEW SECTION. Sec. 12. STANDARDS OF PROFESSIONAL RESPONSIBILITY AND MANDATORY REPORTING NOT AFFECTED. (1) This chapter does not affect the professional responsibility obligations and standards applicable to a lawyer or other licensed professional or relieve a lawyer or other licensed professional from the duty to comply with all applicable professional responsibility obligations and standards.

(2) This chapter does not affect the obligation of a person to report abuse or neglect, abandonment, or exploitation of a child or adult under the law of this state.

(3) Noncompliance with an obligation or prohibition imposed by this chapter does not in itself establish grounds for professional discipline.

NEW SECTION. Sec. 13. APPROPRIATENESS OF COLLABORATIVE LAW PROCESS. Before a prospective party signs a collaborative law participation agreement, the prospective party must:

(1) Be advised as to whether a collaborative law process is appropriate for the prospective party's matter;

(2) Be provided with sufficient information to make an informed decision about the material benefits and risks of a

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collaborative law process as compared to the material benefits and risks of other reasonably available alternatives for resolving the proposed collaborative matter, such as litigation, mediation, arbitration, or expert evaluation;

(3) Be informed that after signing an agreement if a party initiates a proceeding or seeks tribunal intervention in a pending proceeding related to the collaborative matter, the collaborative law process terminates;

(4) Be informed that participation in a collaborative law process is voluntary and any party has the right to terminate unilaterally a collaborative law process with or without cause; and

(5) Be informed that the collaborative lawyer and any lawyer in a law firm with which the collaborative lawyer is associated may not appear before a tribunal to represent a party in a proceeding related to the collaborative matter, except as authorized by law or court rule.

NEW SECTION. Sec. 14. COERCIVE OR VIOLENT RELATIONSHIP. (1) Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall make reasonable inquiry whether the prospective party has a history of a coercive or violent relationship with another prospective party.

(2) Throughout a collaborative law process, a collaborative lawyer reasonably and continuously shall assess whether the party the collaborative lawyer represents has a history of a coercive or violent relationship with another party.

(3) If a collaborative lawyer reasonably believes that the party the lawyer represents or the prospective party who consults the lawyer has a history of a coercive or violent relationship with another party or prospective party, the lawyer may not begin or continue a collaborative law process unless:

(a) The party or the prospective party requests beginning or continuing a process; and

(b) The collaborative lawyer reasonably believes that the safety of the party or prospective party can be protected adequately during a process.

NEW SECTION. Sec. 15. CONFIDENTIALITY OF COLLABORATIVE LAW COMMUNICATION. Subject to section 12 of this act, a collaborative law communication is confidential to the extent agreed by the parties in a signed record or as provided by law of this state other than this chapter.

NEW SECTION. Sec. 16. PRIVILEGE AGAINST DISCLOSURE FOR COLLABORATIVE LAW COMMUNICATION; ADMISSIBILITY; DISCOVERY. (1) Subject to sections 17 and 18 of this act, a collaborative law communication is privileged under subsection (2) of this section, is not subject to discovery, and is not admissible in evidence.

(2) In a proceeding, the following privileges apply:

(a) A party may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication.

(b) A nonparty participant may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication of the nonparty participant.

(3) Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because of its disclosure or use in a collaborative law process.

NEW SECTION. Sec. 17. WAIVER AND PRECLUSION OF PRIVILEGE. (1) A privilege under section 16 of this act may be waived in a record or orally during a proceeding if it is expressly waived by all parties and, in the case of the privilege of a nonparty participant, it is also expressly waived by the nonparty participant.

(2) A person that makes a disclosure or representation about a collaborative law communication which prejudices another person in a proceeding may not assert a privilege under section 16 of this

act, but this preclusion applies only to the extent necessary for the person prejudiced to respond to the disclosure or representation.

NEW SECTION. Sec. 18. LIMITS OF PRIVILEGE. (1) There is no privilege under section 16 of this act for a collaborative law communication that is:

(a) Available to the public under chapter 42.56 RCW or made during a session of a collaborative law process that is open, or is required by law to be open, to the public;

(b) A threat or statement of a plan to inflict bodily injury or commit a crime of violence;

(c) Intentionally used to plan a crime, commit or attempt to commit a crime, or conceal an ongoing crime or ongoing criminal activity; or

(d) In an agreement resulting from the collaborative law process, evidenced by a record signed by all parties to the agreement.

(2) The privileges under section 16 of this act for a collaborative law communication do not apply to the extent that a communication is:

(a) Sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice arising from or related to a collaborative law process;

(b) Sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation of a child or adult, unless the child protective services agency or adult protective services agency is a party to or otherwise participates in the process; or

(c) Sought or offered to prove or disprove stalking or cyber stalking of a party or child.

(3) There is no privilege under section 16 of this act if a tribunal finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality, and the collaborative law communication is sought or offered in:

(a) A court proceeding involving a felony or misdemeanor; or

(b) A proceeding seeking rescission or reformation of a contract arising out of the collaborative law process or in which a defense to avoid liability on the contract is asserted.

(4) If a collaborative law communication is subject to an exception under subsection (2) or (3) of this section, only the part of the communication necessary for the application of the exception may be disclosed or admitted.

(5) Disclosure or admission of evidence excepted from the privilege under subsection (2) or (3) of this section does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.

(6) The privileges under section 16 of this act do not apply if the parties agree in advance in a signed record, or if a record of a proceeding reflects agreement by the parties, that all or part of a collaborative law process is not privileged. This subsection does not apply to a collaborative law communication made by a person that did not receive actual notice of the agreement before the communication was made.

NEW SECTION. Sec. 19. AUTHORITY OF TRIBUNAL IN CASE OF NONCOMPLIANCE. (1) If an agreement fails to meet the requirements of section 4 of this act, or a lawyer fails to comply with section 13 or 14 of this act, a tribunal may nonetheless find that the parties intended to enter into a collaborative law participation agreement if they:

(a) Signed a record indicating an intention to enter into a collaborative law participation agreement; and

(b) Reasonably believed they were participating in a collaborative law process.

(2) If a tribunal makes the findings specified in subsection (1) of this section, and the interests of justice require, the tribunal may:

(a) Enforce an agreement evidenced by a record resulting from the process in which the parties participated;

(b) Apply the disqualification provisions of sections 5, 6, 9, and 10 of this act; and

(c) Apply a privilege under section 16 of this act.

NEW SECTION. Sec. 20. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 21. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001, et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 22. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. Sections 1 through 22 of this act constitute a new chapter in Title 7 RCW."

Senator Padden spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1116.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "law;" strike the remainder of the title and insert "and adding a new chapter to Title 7 RCW."

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1116 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1116 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1116 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1116 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1808, by Representatives Nealey and Hurst

Addressing the proper disposal of legal amounts of marijuana inadvertently left at retail stores holding a pharmacy license.

The measure was read the second time.

MOTION

Senator Dammeier moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 69.50 RCW to read as follows:

(1) Upon finding one ounce or less of marijuana inadvertently left at a retail store holding a pharmacy license, the store manager or employee must promptly notify the local law enforcement agency. After notification to the local law enforcement agency, the store manager or employee must properly dispose of the marijuana.

(2) For the purposes of this section, "properly dispose" means:

(a) Taking the marijuana to a drug take back program at a law enforcement agency;

(b) Disposing of the marijuana in accordance with drug enforcement agency registrant disposal requirements relating to controlled substances; or

(c) Disposing of the marijuana in accordance with board of pharmacy rules adopted in conjunction with law enforcement and retail stores holding pharmacy licenses."

MOTION

Senator Dammeier moved that the following amendment by Senators Dammeier and Becker to the committee striking amendment be adopted:

On page 1, beginning on line 10 of the amendment, after "means" strike all material through "licenses" and insert "ensuring that the product is destroyed or rendered incapable of use by another person"

Senators Dammeier and Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Dammeier and Becker on page 1, line 10 to the committee striking amendment to Engrossed House Bill No. 1808.

The motion by Senator Dammeier carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care as amended to Engrossed House Bill No. 1808.

The motion by Senator Dammeier carried and the committee striking amendment as amended was adopted by voice vote.

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MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "license;" strike the remainder of the title and insert "and adding a new section to chapter 69.50 RCW."

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed House Bill No. 1808 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dammeier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1808 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1808 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED HOUSE BILL NO. 1808 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1253, by House Committee on Finance (originally sponsored by Representatives Blake, Orcutt, Takko, Dahlquist, Haigh, Hunt, Walsh, Lytton, Nealey, Morris, Hudgins, McCoy, Zeiger, Maxwell, Pettigrew, Bergquist, Van De Wege, Upthegrove and Freeman)

Concerning the lodging tax.

The measure was read the second time.

MOTION

Senator Braun moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 67.28.1816 and 2008 c 28 s 1 are each amended to read as follows:

(1) Lodging tax revenues under this chapter may be used, directly by ~~((local jurisdictions))~~ any municipality or indirectly through a convention and visitors bureau or destination marketing organization~~(s))~~ for:

(a) Tourism marketing;

(b) The marketing and operations of special events and festivals designed to attract tourists ~~((and to support))~~;

(c) Supporting the operations and capital expenditures of tourism-related facilities owned or operated by a municipality or a public facilities district created under chapters 35.57 and 36.100 RCW; or

(d) Supporting the operations of tourism-related facilities owned or operated by nonprofit organizations described under ~~((section))~~ 26 U.S.C. Sec. 501(c)(3) and ~~((section))~~ 26 U.S.C. Sec. 501(c)(6) of the internal revenue code of 1986, as amended.

(2) ((Local jurisdictions that use the lodging tax revenues under this section must submit an annual economic impact report to the department of community, trade, and economic development for expenditures made beginning January 1, 2008. These reports must include the expenditures by the local jurisdiction for tourism promotion purposes and what is used by a nonprofit organization exempt from taxation under 26 U.S.C. Sec. 501(c)(3) or 501(c)(6). This economic impact report, at a minimum, must include: (a) The total revenue received under this chapter for each year; (b) the list of festivals, special events, or nonprofit 501(c)(3) or 501(c)(6) organizations that received funds under this chapter; (c) the list of festivals, special events, or tourism facilities sponsored or owned by the local jurisdiction that received funds under this chapter; (d) the amount of revenue expended on each festival, special event, or tourism-related facility owned or sponsored by a nonprofit 501(c)(3) or 501(c)(6) organization or local jurisdiction; (e) the estimated number of tourists, persons traveling over fifty miles to the destination, persons remaining at the destination overnight, and lodging stays generated per festival, special event, or tourism-related facility owned or sponsored by a nonprofit 501(c)(3) or 501(c)(6) organization or local jurisdiction; and (f) any other measurements the local government finds that demonstrate the impact of the increased tourism attributable to the festival, special event, or tourism-related facility owned or sponsored by a nonprofit 501(c)(3) or 501(c)(6) organization or local jurisdiction.

(3) The joint legislative audit and review committee must report to the legislature and the governor on the use and economic impact of lodging tax revenues by local jurisdictions since January 1, 2008, to support festivals, special events, and tourism-related facilities owned or sponsored by a nonprofit organization under section 501(c)(3) or 501(c)(6) of the internal revenue code of 1986, as amended, or a local jurisdiction, and the economic impact generated by these festivals, events, and facilities. This report shall be due September 1, 2012.

(4) Reporting under this section must begin with calendar year 2008.

(5) This section expires June 30, 2013.) (a) Except as provided in (b) of this subsection, applicants applying for use of revenues in this chapter must provide the municipality to which they are applying estimates of how any moneys received will result in increases in the number of people traveling for business or pleasure on a trip:

(i) Away from their place of residence or business and staying overnight in paid accommodations;

(ii) To a place fifty miles or more one way from their place of residence or business for the day or staying overnight; or

(iii) From another country or state outside of their place of residence or their business.

(b)(i) In a municipality with a population of five thousand or more, applicants applying for use of revenues in this chapter must submit their applications and estimates described under (a) of this subsection to the local lodging tax advisory committee.

(ii) The local lodging tax advisory committee must select the candidates from amongst the applicants applying for use of revenues in this chapter and provide a list of such candidates and

recommended amounts of funding to the municipality for final determination. The municipality may choose only recipients from the list of candidates and recommended amounts provided by the local lodging tax advisory committee.

(c)(i) All recipients must submit a report to the municipality describing the actual number of people traveling for business or pleasure on a trip:

(A) Away from their place of residence or business and staying overnight in paid accommodations;

(B) To a place fifty miles or more one way from their place of residence or business for the day or staying overnight; or

(C) From another country or state outside of their place of residence or their business. A municipality receiving a report must: Make such report available to the local legislative body and the public; and furnish copies of the report to the joint legislative audit and review committee and members of the local lodging tax advisory committee.

(ii) The joint legislative audit and review committee must on a biennial basis report to the economic development committees of the legislature on the use of lodging tax revenues by municipalities. Reporting under this subsection must begin in calendar year 2015.

(d) This section does not apply to the revenues of any lodging tax authorized under this chapter imposed by a county with a population of one million five hundred thousand or more.

Sec. 2. RCW 67.28.080 and 2007 c 497 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Acquisition" includes, but is not limited to, siting, acquisition, design, construction, refurbishing, expansion, repair, and improvement, including paying or securing the payment of all or any portion of general obligation bonds, leases, revenue bonds, or other obligations issued or incurred for such purpose or purposes under this chapter.

(2) "Municipality" means any county, city or town of the state of Washington.

(3) "Operation" includes, but is not limited to, operation, management, and marketing.

(4) "Person" means the federal government or any agency thereof, the state or any agency, subdivision, taxing district or municipal corporation thereof other than county, city or town, any private corporation, partnership, association, or individual.

(5) "Tourism" means economic activity resulting from tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs.

(6) "Tourism promotion" means activities, operations, and expenditures designed to increase tourism, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to expand tourism; operating tourism promotion agencies; and funding the marketing of or the operation of special events and festivals designed to attract tourists.

(7) "Tourism-related facility" means real or tangible personal property with a usable life of three or more years, or constructed with volunteer labor that is: (a)(i) Owned by a public entity; (ii) owned by a nonprofit organization described under section 501(c)(3) of the federal internal revenue code of 1986, as amended; or (iii) owned by a nonprofit organization described under section 501(c)(6) of the federal internal revenue code of 1986, as amended, a business organization, destination marketing organization, main street organization, lodging association, or chamber of commerce and (b) used to support tourism, performing arts, or to accommodate tourist activities.

((8) "Tourist" means a person who travels from a place of residence to a different town, city, county, state, or country, for purposes of business, pleasure, recreation, education, arts, heritage,

or culture.

(9) Amendments made in section 1, chapter 497, Laws of 2007 expire June 30, 2013.)

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1253.

The motion by Senator Braun carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 67.28.1816; reenacting and amending RCW 67.28.080; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute House Bill No. 1253 as amended by the Senate was advanced to third reading, the second reading considered the third and the was placed on final passage.

Senators Braun, Mullet, Chase, Smith and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1253 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1253 as amended by the Senate and the passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Rolfes

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1253 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1512, by House Committee on Local Government (originally sponsored by Representatives Takko, Kochmar, Fitzgibbon, Buys, Sullivan, Magendanz, Springer, Van De Wege and Ryu)

NINETY SECOND DAY, APRIL 15, 2013

2013 REGULAR SESSION

Concerning fire suppression water facilities and services provided by municipal and other water purveyors.

record of the person's status in compliance with subsection (4) of this section.

The measure was read the second time.

(2) A person may prove his or her citizenship by providing a valid, unexpired United States passport or passport card, a certified copy of a birth certificate, a consular report of birth abroad issued by the United States department of state, a certificate of naturalization issued by the department of homeland security, or a certificate of citizenship.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(3) A person may prove his or her lawful presence within the United States by providing documentation that he or she is an alien:

Senator Roach spoke in favor of passage of the bill.

(a) Lawfully admitted for permanent or temporary residence in the United States;

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1512.

(b) With conditional permanent resident status in the United States;

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1512 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

(c) Who has an approved application for asylum in the United States or has entered into the United States in refugee status;

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

(d) Who has a valid nonimmigrant status in the United States;

Voting nay: Senators Baumgartner, Holmquist Newbry and Smith

(e) Who has a pending application for asylum in the United States;

Excused: Senator Carrell

(f) Who has a pending or approved application for temporary protected status in the United States;

SUBSTITUTE HOUSE BILL NO. 1512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(g) Who has approved deferred action status; or

(h) Who has a pending application for lawful permanent residence or conditional permanent resident status.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1752, by House Committee on Transportation (originally sponsored by Representatives Orcutt, Clibborn and Ryu)

(4) The department shall maintain records of an applicant's status as a United States citizen or as a noncitizen, including the type of document provided and the expiration of the applicant's authorization to lawfully be within the United States. The department shall make such records available to the secretary of state and state and local criminal justice agencies.

Modifying requirements for the operation of commercial motor vehicles in compliance with federal regulations.

(5) The department shall verify the status of an applicant through either the systematic alien verification for entitlements program or through verification of the applicant's social security number with the United States social security administration.

The measure was read the second time.

Renumber the remaining section consecutively and correct any internal references accordingly.

MOTION

On page 30, after line 14, insert the following:

Senator Benton moved that the following amendment by Senator Benton be adopted:

On page 30, after line 12, insert the following:

"NEW SECTION. Sec. 18. Section 17 of this act takes effect January 1, 2014."

"NEW SECTION. Sec. 17. A new section is added to chapter 46.20 RCW to read as follows:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the requirements for the operation of general motor vehicles and commercial vehicles in compliance with federal regulations; amending RCW 46.01.130, 46.25.010, 46.25.010, 46.25.050, 46.25.060, 46.25.070, 46.25.075, 46.25.080, 46.25.100, 46.25.130, 46.25.160, 46.61.667, and 46.61.668; adding new sections to chapter 46.25 RCW; adding a new section to chapter 46.20 RCW; and providing effective dates."

(1) Beginning January 1, 2014, any person obtaining or renewing his or her driver's license, driver's instruction permit, agricultural driving permit, identicard, intermediate license, or commercial driver's license shall show proof of his or her United States citizenship or his or her lawful presence within the United States. An original or renewal application must not be granted to any person who does not provide verified proof of his or her United States citizenship or his or her lawful presence within the United States. A person who is a citizen or national of the United States, or who is a legal permanent resident alien, must not be required to provide proof under this subsection, so long as the department has a

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 30, line 12 to Substitute House Bill No. 1752 was withdrawn.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1752 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1752.

ROLL CALL

HUNTER GOODMAN, Secretary of the Senate

The Secretary called the roll on the final passage of Substitute House Bill No. 1752 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1752, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1327, by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Ryu and Santos)

Addressing licensing and enforcement provisions applicable to money transmitters.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1327.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1327 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:01 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Tuesday, April 16, 2013.

BRAD OWEN, President of the Senate

NINETY THIRD DAY, APRIL 16, 2013

2013 REGULAR SESSION

NINETY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 16, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Carrell.

The Sergeant at Arms Color Guard consisting of Pages Lydia Winslow and Charlene Kwon, presented the Colors. Senator Kline offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5008,
 SENATE BILL NO. 5030,
 SENATE BILL NO. 5056,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5095,
 SENATE BILL NO. 5343,
 SUBSTITUTE SENATE BILL NO. 5396,
 SENATE BILL NO. 5496,
 SENATE BILL NO. 5593,
 SENATE BILL NO. 5770,
 SENATE BILL NO. 5806,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5149,
 SUBSTITUTE SENATE BILL NO. 5180,
 SENATE BILL NO. 5258,
 SUBSTITUTE SENATE BILL NO. 5362,
 SUBSTITUTE SENATE BILL NO. 5444,
 SUBSTITUTE SENATE BILL NO. 5559,
 SECOND ENGROSSED SENATE BILL NO. 5701,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Ralph Munro, Gubernatorial Appointment No. 9147, be confirmed as a member of the Board of Trustees, Western Washington University.

Senators Bailey and Shin spoke in favor of passage of the motion.

APPOINTMENT OF RALPH MUNRO

The President declared the question before the Senate to be the confirmation of Ralph Munro, Gubernatorial Appointment No. 9147, as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Ralph Munro, Gubernatorial Appointment No. 9147, as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Ralph Munro, Gubernatorial Appointment No. 9147, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that Joseph Meyer, Gubernatorial Appointment No. 9141, be confirmed as a member of the Board of Trustees, Western Washington University.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF JOSEPH MEYER

The President declared the question before the Senate to be the confirmation of Joseph Meyer, Gubernatorial Appointment No. 9141, as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Joseph Meyer, Gubernatorial Appointment No. 9141, as a member of the Board of Trustees, Western Washington University and the

appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senators Hargrove and Keiser

Excused: Senator Carrell

Joseph Meyer, Gubernatorial Appointment No. 9141, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Baumgartner moved that James Murphy, Gubernatorial Appointment No. 9149, be confirmed as a member of the Board of University.

Senator Baumgartner spoke in favor of the motion.

APPOINTMENT OF JAMES MURPHY

The President declared the question before the Senate to be the confirmation of James Murphy, Gubernatorial Appointment No. 9149, as a member of the Board of University.

The Secretary called the roll on the confirmation of James Murphy, Gubernatorial Appointment No. 9149, as a member of the Board of University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

James Murphy, Gubernatorial Appointment No. 9149, having received the constitutional majority was declared confirmed as a member of the Board of University.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that Susan Sharpe, Gubernatorial Appointment No. 9174, be confirmed as a member of the Board of Trustees, Western Washington University.

Senator Ericksen spoke in favor of the motion.

APPOINTMENT OF SUSAN SHARPE

The President declared the question before the Senate to be the confirmation of Susan Sharpe, Gubernatorial Appointment No. 9174, as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Susan Sharpe, Gubernatorial Appointment No. 9174, as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Susan Sharpe, Gubernatorial Appointment No. 9174, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1383, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Fey, Kirby, Orwall, O'Ban, Roberts, Jinkins, Hope, Angel, Smith, Dahlquist, Wilcox and Kristiansen)

Modifying stalking and harassment protection order provisions.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee amendment by the Committee on Human Services & Corrections be adopted:

On page 19, after line 6, insert the following:

"The legislature respectfully requests that:"

On page 19, line 18, after "The" strike all material through "the"

On page 19, line 19, after "commission," insert "to the extent it is able,"

Senator Pearson spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 1383.

The motion by Senator Pearson carried and the committee amendment was adopted by voice vote.

MOTION

Senator Conway moved that the following amendment by Senators Conway and Pearson be adopted:

On page 20, line 1, after "the" insert "Jennifer Paulson"

Senators Conway and Pearson spoke in favor of adoption of the amendment.

NINETY THIRD DAY, APRIL 16, 2013

2013 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senators Conway and Pearson on page 20, line 1 to Engrossed Substitute House Bill No. 1383.

The motion by Senator Conway carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 1383 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1383 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1383 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Chase

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1383 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Chase was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1472, by House Committee on Education (originally sponsored by Representatives Hansen, Habib, Freeman and Magendanz)

Providing initiatives to improve and expand access to computer science education.

The measure was read the second time.

MOTION

Senator Dammeier moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Through such initiatives as grants for high-demand career and technical education programs and participation in the Microsoft

IT academy, the state has previously supported K-12 computer science education;

(b) However, even though there were nearly sixty-five thousand student enrollments in high school computer science courses in the 2011-12 school year, more than half of those enrollments were in beginning or exploratory courses. Fewer than twelve hundred students enrolled in AP computer science courses;

(c) National studies of K-12 computer science education indicate that, in part because computer science is not treated as an academic subject, students may not perceive advanced computer science as relevant to their future academic or career success;

(d) Public institutions of higher education have expanded capacity to grant certificates and degrees in computer science and related fields in response to high employer demand and high student demand. Additional expansion and improvement will be dependent on new resources, updated equipment, and the availability of expert faculty;

(e) Information technology job vacancies exist at all levels of training and education and across all industries that are critical to Washington's economy; and

(f) Strategies are needed to support additional opportunities for Washington students to have careers in the innovative, technology-based or technology-enhanced industries located in our state.

(2) Therefore the legislature intends to take additional steps to improve and expand access to computer science education, particularly in advanced courses that could prepare students for careers in the field.

Sec. 2. RCW 28A.230.097 and 2008 c 170 s 202 are each amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure. Boards of directors must approve AP computer science courses as equivalent to high school mathematics or science, and must denote on a student's transcript that AP computer science qualifies as a math-based quantitative course for students who take the course in their senior year. In order for a board to approve AP computer science as equivalent to high school mathematics, the student must be concurrently enrolled in or have successfully completed algebra II.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be either part of the student's high school and beyond plan or the student's culminating project, as determined by the student. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion."

Senator Dammeier spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1472.

The motion by Senator Dammeier carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.230.097; and creating a new section."

MOTION

On motion of Senator Dammeier, the rules were suspended, Substitute House Bill No. 1472 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier, McAuliffe and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1472 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1472 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Hasegawa

Excused: Senators Carrell and Chase

SUBSTITUTE HOUSE BILL NO. 1472 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1642, by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Springer, Habib, Holy, Ryu and Magendanz)

Establishing policies to support academic acceleration for high school students.

The measure was read the second time.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that progress is being made in making dual high school and college credit courses available for students:

(a) Overall dual credit program enrollments increased by almost four percent between 2009 and 2012;

(b) The number of dual credit programs offered by Washington high schools increased by almost fifteen percent between the 2009-10 school year and the 2011-12 school year; and

(c) Dual credit program participation rates for low-income students increased more than fourteen percent between the 2009-10 school year and the 2011-12 school year.

(2) However, the legislature further finds that more can be done to promote academic acceleration for all students and eliminate barriers, real or perceived, that may prevent students from enrolling in rigorous advanced courses, including dual credit courses.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Each school district board of directors is encouraged to adopt an academic acceleration policy for high school students as provided under this section.

(2) Under an academic acceleration policy:

(a) The district automatically enrolls any student who meets the state standard on the high school statewide student assessment in the next most rigorous level of advanced courses offered by the high school. Students who successfully complete such an advanced course are then enrolled in the next most rigorous level of advanced course, with the objective that students will eventually be automatically enrolled in courses that offer the opportunity to earn dual credit for high school and college.

(b) The subject matter of the advanced courses in which the student is automatically enrolled depends on the content area or areas of the statewide student assessment where the student has met the state standard. Students who meet the state standard on both end-of-course mathematics assessments are considered to have met the state standard for high school mathematics. Students who meet the state standard in both reading and writing are eligible for enrollment in advanced courses in English, social studies, humanities, and other related subjects.

(c) The district must notify students and parents or guardians regarding the academic acceleration policy and the advanced courses available to students.

(d) The district must provide a parent or guardian with an opportunity to opt out of the academic acceleration policy and enroll a student in an alternative course.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Subject to funds appropriated specifically for this purpose, the academic acceleration incentive program is established as provided in this section. The intent of the legislature is that the funds awarded under the program be used to support teacher training, curriculum, technology, examination fees, and other costs associated with offering dual credit courses to high school students.

(2) The office of the superintendent of public instruction shall allocate half of the funds appropriated for the purposes of this section on a competitive basis to provide one-time grants for high schools to expand the availability of dual credit courses. To be eligible for a grant, a school district must have adopted an academic acceleration policy as provided under section 2 of this act. In making grant awards, the office of the superintendent of public instruction must give priority to grants for high schools with a high proportion of low-income students and high schools seeking to develop new capacity for dual credit courses rather than proposing marginal expansion of current capacity.

(3) The office of the superintendent of public instruction shall allocate half of the funds appropriated for the purposes of this section to school districts as an incentive award for each student who earned dual high school and college credit, as described under subsection (4) of this section, for courses offered by the district's high schools during the previous school year. School districts must

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distribute the award to the high schools that generated the funds. The award amount for low-income students eligible to participate in the federal free and reduced-price meals program who earn dual credits must be set at one hundred twenty-five percent of the base award for other students. A student who earns more than one dual credit in the same school year counts only once for the purposes of the incentive award.

(4) For the purposes of this section, the following students are considered to have earned dual high school and college credit in a course offered by a high school:

(a) Students who achieve a score of three or higher on an AP examination;

(b) Students who achieve a score of four or higher on an examination of the international baccalaureate diploma programme;

(c) Students who successfully complete a Cambridge advanced international certificate of education examination;

(d) Students who successfully complete a course through the college in the high school program under RCW 28A.600.290 and are awarded credit by the partnering institution of higher education; and

(e) Students who satisfy the dual enrollment and class performance requirements to earn college credit through a tech prep course.

(5) If a high school provides access to online courses for students to earn dual high school and college credit at no cost to the student, such a course is considered to be offered by the high school. Students enrolled in the running start program under RCW 28A.600.300 do not generate an incentive award under this section.

(6) The office of the superintendent of public instruction shall report to the education policy committees and the fiscal committees of the legislature, by January 1st of each year, information about the demographics of the students earning dual credits in the schools receiving grants under this section for the prior school year. Demographic data shall be disaggregated pursuant to RCW 28A.300.042.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

In addition to data on student enrollment in dual credit courses, the office of the superintendent of public instruction shall collect and post on the Washington state report card web site the rates at which students earn college credit through a dual credit course, using the following criteria:

(1) Students who achieve a score of three or higher on an AP examination;

(2) Students who achieve a score of four or higher on an examination of the international baccalaureate diploma programme;

(3) Students who successfully complete a Cambridge advanced international certificate of education examination;

(4) Students who successfully complete a course through the college in the high school program under RCW 28A.600.290 and are awarded credit by the partnering institution of higher education; and

(5) Students who satisfy the dual enrollment and class performance requirements to earn college credit through a tech prep course; and

(6) Students who successfully complete a course through the running start program under RCW 28A.600.300 and are awarded credit by the institution of higher education.

NEW SECTION. Sec. 5. If specific funding for purposes of section 3 of this act, referencing section 3 of this act by bill or chapter and section number, is not provided by June 30, 2013, in the omnibus operating appropriations act, section 3 of this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1642.

The motion by Senator Litzow carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections."

MOTION

On motion of Senator Litzow, the rules were suspended, Second Substitute House Bill No. 1642 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1642 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1642 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Chase

SECOND SUBSTITUTE HOUSE BILL NO. 1642 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1200, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Wilcox, Takko, Lytton, Klippert, Van De Wege, Nealey, Stanford, Short and Smith)

Concerning the labeling of seafood.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be not adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 69.04.060 and 2003 c 53 s 314 are each amended to read as follows:

Except as otherwise provided in this chapter, any person who violates any provision of RCW 69.04.040 is guilty of a misdemeanor and shall on conviction thereof be subject to the following penalties:

- (1) A fine of not more than two hundred dollars; or
- (2) If the violation is committed after a conviction of such person under this section has become final, imprisonment for not more than thirty days, or a fine of not more than five hundred dollars, or both such imprisonment and fine.

Sec. 2. RCW 69.04.928 and 2002 c 301 s 11 are each amended to read as follows:

The department of agriculture ~~((must))~~ may:

- (1) Develop a pamphlet that generally describes the labeling requirements for seafood as set forth in this chapter;
- (2) Provide ~~((an adequate quantity of))~~ to the department of fish and wildlife a website link to the pamphlet ~~((s to the department of fish and wildlife to distribute with the issuance of a direct retail endorsement under RCW 77.65.510)); and~~
- (3) Make the pamphlet available to holders of any license associated with buying and selling fish or shellfish under chapter 77.65 RCW.

Sec. 3. RCW 69.04.932 and 1993 c 282 s 2 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout ~~((RCW 69.04.933 through 69.04.935))~~ this chapter unless the context clearly requires otherwise.

- (1) "Commercially caught" means wild or hatchery-raised salmon harvested in the wild by commercial fishers. The term does not apply to farmed fish raised exclusively by private sector aquaculture.
- (2) "Food fish" means fresh or saltwater finfish and other forms of aquatic animal life other than crustaceans, mollusks, birds, and mammals where the animal life is intended for human consumption.
- (3) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in ~~((Title 77))~~ RCW 77.08.020, and includes:

SCIENTIFIC NAME	COMMON NAME
Oncorhynchus tshawytscha	Chinook salmon or king salmon
Oncorhynchus kisutch	Coho salmon or silver salmon
Oncorhynchus keta	Chum or "keta" salmon
Oncorhynchus gorbuscha	Pink salmon
Oncorhynchus nerka	Sockeye or "red" salmon
Salmo salar (in other than its landlocked form)	Atlantic salmon

~~((2))~~ "Commercially caught" means salmon harvested by commercial fishers. (4) "Shellfish" means crustaceans and all mollusks where the animal life is intended for human consumption.

Sec. 4. RCW 69.04.933 and 1993 c 282 s 3 are each amended to read as follows:

~~((With the exception of a commercial fisher engaged in sales of fish to a fish buyer, no person may sell))~~ (1) It is unlawful to knowingly sell or offer for sale at wholesale or retail any fresh ~~((or))~~,

~~(((salmon)), or processed food fish or ((cultured aquatic salmon)) shellfish without identifying for the buyer at the point of sale the species of ((salmon)) food fish or shellfish by its common name ((to the buyer at the point of sale)), such that the buyer can make an informed purchasing decision ((in purchasing)) for his or her protection, health, and safety. ((A person knowingly violating this section is guilty of misbranding under this chapter. A person who receives misleading or erroneous information about the species of salmon and subsequently inaccurately identifies salmon shall not be guilty of misbranding. This section shall not apply to salmon that is minced, pulverized, coated with batter, or breaded.))~~

(2) It is unlawful to knowingly label or offer for sale any food fish designated as halibut, with or without additional descriptive words, unless the food fish product is *Hippoglossus hippoglossus* or *Hippoglossus stenolepis*.

(3) This section does not apply to salmon that is minced, pulverized, coated with batter, or breaded.

(4) This section does not apply to a commercial fisher properly licensed under chapter 77.65 RCW and engaged in sales of fish to a fish buyer.

(5) A violation of this section constitutes misbranding under section 7 of this act and is punishable as a misdemeanor, gross misdemeanor, or felony depending on the fair market value of the fish or shellfish involved in the violation.

(6)(a) The common names for salmon species are as listed in RCW 69.04.932.

(b) The common names for all other food fish and shellfish are the common names for food fish and shellfish species as defined by rule of the director. If the common name for a species is not defined by rule of the director, then the common name is the acceptable market name or common name as provided in the United States food and drug administration's publication "Seafood list - FDA's guide to acceptable market names for seafood sold in interstate commerce," as the publication existed on the effective date of this section.

(7) For the purposes of this section, "processed" means food fish or shellfish processed by heat for human consumption, such as food fish or shellfish that is kippered, smoked, boiled, canned, cleaned, portioned, or prepared for sale or attempted sale for human consumption.

(8) Nothing in this section precludes using additional descriptive language or trade names to describe food fish or shellfish as long as the labeling requirements in this section are met. Additionally, any person using the common name "keta" to identify the species *Oncorhynchus keta* as authorized under subsection (6) of this section must also use the additional descriptive term "dog salmon."

Sec. 5. RCW 69.04.934 and 2003 c 39 s 29 are each amended to read as follows:

~~((With the exception of a commercial fisher engaged in sales of fish to a fish buyer, no person may sell at wholesale or retail any fresh or frozen))~~

(1) It is unlawful to knowingly sell or offer for sale at wholesale or retail any fresh, frozen, or processed salmon without identifying private sector cultured aquatic salmon ~~((without identifying the))~~ or salmon products as farm-raised salmon ~~((or~~ ~~((2)))~~, or identifying commercially caught salmon ~~((designated as food fish under Title 77 RCW without identifying the))~~ or salmon products as commercially caught salmon.

(2) Identification of the products under subsection ~~((s))~~ (1) ~~((and~~ ~~((2)))~~ of this section ~~((shall))~~ must be made to the buyer at the point of sale such that the buyer can make an informed purchasing decision ~~((in purchasing))~~ for his or her protection, health, and safety.

(3) A ~~((person knowingly violating))~~ violation of this section ~~((is guilty of))~~ constitutes misbranding under ~~((this chapter. A person~~

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~~who receives misleading or erroneous information about whether the salmon is farm raised or commercially caught, and subsequently inaccurately identifies salmon shall not be guilty of misbranding))~~ section 7 of this act and is punishable as a misdemeanor, gross misdemeanor, or felony depending on the fair market value of the fish or shellfish involved in the violation.

(4) This section ~~((shall))~~ does not apply to salmon that is minced, pulverized, coated with batter, or breaded.

(5) This section does not apply to a commercial fisher properly licensed under chapter 77.65 RCW and lawfully engaged in the sale of fish to a fish buyer.

(6) Nothing in this section precludes using additional descriptive language or trade names to describe food fish or shellfish as long as the labeling requirements of this section are met.

Sec. 6. RCW 69.04.935 and 1994 c 264 s 39 are each amended to read as follows:

To promote honesty and fair dealing for consumers and to protect public health and safety, the director, in consultation with the director of the department of fish and wildlife, ~~((shall))~~ may adopt rules as necessary to:

(1) ~~((Fixing and establishing))~~ Establish and implement a reasonable definition and identification standard ~~((of identity for salmon for purposes of identifying and selling salmon))~~ for species of food fish and shellfish that are sold for human consumption;

(2) ~~((Enforcing RCW 69.04.933 and 69.04.934))~~ Provide procedures for enforcing this chapter's food fish and shellfish labeling requirements and misbranding prohibitions.

NEW SECTION. Sec. 7. A new section is added to chapter 69.04 RCW to read as follows:

(1) A person is guilty of unlawful misbranding of food fish or shellfish in the third degree if the person commits an act that violates RCW 69.04.933 or 69.04.934, and the misbranding involves food fish or shellfish with a fair market value up to five hundred dollars. Unlawful misbranding of food fish or shellfish in the third degree is a misdemeanor.

(2) A person is guilty of unlawful misbranding of food fish or shellfish in the second degree if the person commits an act that violates RCW 69.04.933 or 69.04.934, and the misbranding involves food fish or shellfish with a fair market value of five hundred dollars or more, up to five thousand dollars. Unlawful misbranding of food fish or shellfish in the second degree is a gross misdemeanor.

(3) A person is guilty of unlawful misbranding of food fish or shellfish in the first degree if the person commits an act that violates RCW 69.04.933 or 69.04.934, and the misbranding involves food fish or shellfish with a fair market value of five thousand dollars or more. Unlawful misbranding of food fish or shellfish in the first degree is a class C felony.

Sec. 8. RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are each reenacted and amended to read as follows:

TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)

	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run--Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
VIII	Arson 1 (RCW 9A.48.020)

- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Malicious Harassment (RCW 9A.36.080)

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or

any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from Furlough (RCW 72.66.060)

III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Custodial Assault (RCW 9A.36.100)

Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)

Organized Retail Theft 1 (RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))

Securities Act violation (RCW 21.20.400)

- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Food Fish or Shellfish 1 (section 7(3) of this act)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
- Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

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- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Release of Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
- Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
- Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

NEW SECTION. **Sec. 9.** RCW 69.04.315 (Halibut--Misbranding by failure to show proper name) and 1967 ex.s. c 79 s 1 are each repealed."

On page 1, line 1 of the title, after "seafood;" strike the remainder of the title and insert "amending RCW 69.04.060, 69.04.928, 69.04.932, 69.04.933, 69.04.934, and 69.04.935; reenacting and amending RCW 9.94A.515; adding a new section to chapter 69.04 RCW; repealing RCW 69.04.315; and prescribing penalties."

Senators Pearson and Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson to not adopt the committee striking amendment by the Committee on Natural Resources & Parks to Substitute House Bill No. 1200.

The motion by Senator Pearson carried and the committee striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1200.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1200 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Chase

SUBSTITUTE HOUSE BILL NO. 1200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1466, by House Committee on Capital Budget (originally sponsored by Representatives Haigh, Warnick, Dunshee, Fey, Kristiansen and Reykdal)

Revising alternative public works contracting procedures.

The measure was read the second time.

MOTION

Senator Dammeier moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.10.210 and 2010 1st sp.s. c 36 s 6014 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build, general contractor/construction manager, and job order contracting procedures authorized in RCW 39.10.300, 39.10.340, and 39.10.420, respectively.

(2) "Board" means the capital projects advisory review board.

(3) "Certified public body" means a public body certified to use design-build or general contractor/construction manager contracting procedures, or both, under RCW 39.10.270.

(4) "Committee," unless otherwise noted, means the project review committee.

(5) "Design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(6) "Disadvantaged business enterprise" means any business entity certified with the office of minority and women's business enterprises under chapter 39.19 RCW.

~~(7)~~ "General contractor/construction manager" means a firm with which a public body has selected ~~((and negotiated a maximum allowable construction cost))~~ to provide services during the design phase and negotiated a maximum allowable construction cost to act as construction manager and general contractor during the construction phase.

~~((7))~~ ~~(8)~~ "Job order contract" means a contract in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

~~((8))~~ ~~(9)~~ "Job order contractor" means a registered or licensed contractor awarded a job order contract.

~~((9))~~ ~~(10)~~ "Maximum allowable construction cost" means the maximum cost of the work to construct the project including a percentage for risk contingency, negotiated support services, and approved change orders.

~~((40))~~ (11) "Negotiated support services" means items a general contractor would normally manage or perform on a construction project including, but not limited to surveying, hoisting, safety enforcement, provision of toilet facilities, temporary heat, cleanup, and trash removal, and that are negotiated as part of the maximum allowable construction cost.

~~((41))~~ (12) "Percent fee" means the percentage amount to be earned by the general contractor/construction manager as overhead and profit.

~~((42))~~ (13) "Public body" means any general or special purpose government in the state of Washington, including but not limited to state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts(~~;~~ provided that for the 2009 2011 fiscal biennium, the definition of public body for this chapter does not include public bodies funded in section 1012, chapter 36, Laws of 2010 1st sp. sess. if alternative requirements or procedures of federal law or regulations are authorized)).

~~((43))~~ (14) "Public works project" means any work for a public body within the definition of "public work" in RCW 39.04.010.

~~((44))~~ (15) "Small business entity" means a small business as defined in RCW 39.26.010.

~~(16)~~ "Total contract cost" means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, and the percent fee on the negotiated maximum allowable construction cost.

~~((45))~~ (17) "Total project cost" means the cost of the project less financing and land acquisition costs.

~~((46))~~ (18) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.

~~((47))~~ (19) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

Sec. 2. RCW 39.10.220 and 2007 c 494 s 102 are each amended to read as follows:

(1) The board is created in the department of ~~((general administration))~~ enterprise services to provide an evaluation of public capital projects construction processes, including the impact of contracting methods on project outcomes, and to advise the legislature on policies related to public works delivery methods.

(2) Members of the board are appointed as follows:

(a) ~~((The board shall consist of the following members appointed by the governor:))~~ Two representatives from construction general contracting; one representative from the architectural profession; one representative from the engineering profession; two representatives from construction specialty subcontracting; two representatives from construction trades labor organizations; one representative from the office of minority and women's business enterprises; one representative from a higher education institution; one representative from the department of ~~((general administration))~~ enterprise services; one individual representing Washington cities; two representatives from private industry; and one representative of a domestic insurer authorized to write surety bonds for contractors in Washington state, each appointed by the governor. All appointed members must be knowledgeable about public works contracting procedures. If a vacancy occurs, the governor shall fill the vacancy for the unexpired term:

(b) ~~((Three members shall be positions representing different local public owners, selected by the association of Washington cities:))~~ One member representing counties, selected by the

Washington state association of counties(~~and the Washington public ports association, respectively~~);

(c) ~~((One member shall be a representative from the public hospital districts, selected by the association of Washington public hospital districts.~~

~~((d))~~ One member representing public ports, selected by the Washington public ports association;

(d) One member representing public hospital districts, selected by the association of Washington public hospital districts;

~~((e))~~ One member ((shall be a representative from)) representing school districts, selected by the Washington state school directors' association(); and

~~((e))~~ ~~The board shall include~~ (f) Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives, and two members of the senate, one from each major caucus, appointed by the president of the senate. Legislative members are nonvoting.

(3) Members selected under subsection (2)(a) of this section shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term.

(4) The board chair is selected from among the appointed members by the majority vote of the voting members.

(5) Legislative members of the board shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the board, project review committee members, and ~~((subcommittee))~~ committee chairs shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) ~~((If a vacancy occurs of the appointive members of the board, the governor shall fill the vacancy for the unexpired term.))~~ Vacancies are filled in the same manner as appointed. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(7) The board shall meet as often as necessary.

(8) Board members are expected to consistently attend board meetings. The chair of the board may ask the governor to remove any member who misses more than two meetings in any calendar year without cause.

(9) The department of ~~((general administration))~~ enterprise services shall provide staff support as may be required for the proper discharge of the function of the board.

(10) The board may establish ~~((subcommittees))~~ committees as it desires and may invite nonmembers of the board to serve as committee members.

(11) The board shall encourage participation from persons and entities not represented on the board.

Sec. 3. RCW 39.10.230 and 2010 1st sp.s. c 21 s 3 are each amended to read as follows:

The board has the following powers and duties:

(1) Develop and recommend to the legislature policies to further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding expansion, continuation, elimination, or modification of the alternative public works contracting methods;

(2) Evaluate the use of existing contracting procedures and the potential future use of other alternative contracting procedures including competitive negotiation contracts;

(3) Submit recommendations to the appropriate committees of the legislature evaluating alternative contracting procedures that are not authorized under this chapter;

(4) Appoint members of ~~((the))~~ committees; and

(5) Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures on which evaluations are based.

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Sec. 4. RCW 39.10.240 and 2007 c 494 s 104 are each amended to read as follows:

(1) The board shall establish a project review committee to review and approve public works projects using the design-build and general contractor/construction manager contracting procedures authorized in RCW 39.10.300 and 39.10.340 and to certify public bodies as provided in RCW 39.10.270.

(2) The board shall, by a majority vote of the board, appoint persons to the committee who are knowledgeable in the use of the design-build and general contractor/construction manager contracting procedures. Appointments must represent a balance among the industries and public owners on the board listed in RCW 39.10.220.

~~(a) (When making initial appointments to the committee, the board shall consider for appointment former members of the school district project review board and the public hospital district project review board.~~

~~(b))~~ Each member of the committee shall be appointed for a term of three years. However, for initial appointments, the board shall stagger the appointment of committee members so that the first members are appointed to serve terms of one, two, or three years from the date of appointment. Appointees may be reappointed to serve more than one term.

~~(c))~~ (b) The committee shall, by a majority vote, elect a chair and vice chair for the committee.

~~(d))~~ (c) The committee chair may select a person or persons on a temporary basis as a nonvoting member if project specific expertise is needed to assist in a review.

(3) The chair of the committee, in consultation with the vice chair, may appoint one or more panels of at least six committee members to carry out the duties of the committee. Each panel shall have balanced representation of the private and public sector representatives serving on the committee.

(4) Any member of the committee directly or indirectly affiliated with a submittal before the committee must recuse himself or herself from the committee consideration of that submittal.

(5) Any person who sits on the committee or panel is not precluded from subsequently bidding on or participating in projects that have been reviewed by the committee.

(6) The committee shall meet as often as necessary to ensure that certification and approvals are completed in a timely manner.

Sec. 5. RCW 39.10.250 and 2009 c 75 s 2 are each amended to read as follows:

The committee shall:

(1) Certify, or ~~(re)certify~~ renew certification for, public bodies ~~((for a period of three years))~~ to use ~~((the))~~ design-build or general contractor/construction manager contracting procedures, or both ~~((; contracting procedures for projects with a total project cost of ten million dollars or more));~~

(2) Review and approve the use of the design-build or general contractor/construction manager contracting procedures on a project by project basis for public bodies that are not certified under RCW 39.10.270;

~~(3) ((Review and approve the use of the general contractor/construction manager contracting procedure by certified public bodies for projects with a total project cost under ten million dollars;~~

~~(4))~~ Review and approve not more than ~~((ten))~~ fifteen projects using the design-build contracting procedure by ~~((certified and))~~ noncertified public bodies for projects that have a total project cost between two million and ten million dollars. Projects must meet the criteria in RCW 39.10.300(1). Where possible, the committee shall approve projects among multiple public bodies. ~~((In June 2010))~~ At least annually, the committee shall report to the board

regarding the committee's review procedure of these projects and its recommendations for further use; and

~~((5))~~ (4) Review and approve not more than two design-build demonstration projects that include procurement of operations and maintenance services for a period longer than three years.

Sec. 6. RCW 39.10.260 and 2007 c 494 s 106 are each amended to read as follows:

(1) The committee shall hold regular public meetings to carry out its duties as described in RCW 39.10.250. Committee meetings are subject to chapter 42.30 RCW.

(2) The committee shall publish notice of its public meetings at least twenty days before the meeting in a legal newspaper circulated in the area where the public body seeking certification is located, or where each of the proposed projects under consideration will be constructed. All meeting notices must be posted on the committee's web site.

(3) The meeting notice must identify the public body that is seeking certification or project approval, and where applicable, a description of projects to be considered at the meeting. The notice must indicate when, where, and how the public may present comments regarding the committee's certification of a public body or approval of a project. Information submitted by a public body to be reviewed at the meeting shall be available on the committee's web site at the time the notice is published.

(4) The committee must allow for public comment on the appropriateness of certification of a public body or on the appropriateness of the use of the proposed contracting procedure and the qualifications of a public body to use the contracting procedure. The committee shall receive and record both written and oral comments at the public ~~((hearing))~~ meeting.

Sec. 7. RCW 39.10.270 and 2009 c 75 s 3 are each amended to read as follows:

(1) A public body may apply for certification to use the design-build or general contractor/construction manager contracting procedure, or both. Once certified, a public body may use the contracting procedure for which it is certified on individual projects ~~((with a total project cost over ten million dollars))~~ without seeking committee approval ~~((The certification period is))~~ for a period of three years. Public bodies certified to use the design-build procedure are limited to no more than five projects with a total project cost between two and ten million dollars during the certification period. A public body seeking certification must submit to the committee an application in a format and manner as prescribed by the committee. The application must include a description of the public body's qualifications, its capital plan during the certification period, and its intended use of alternative contracting procedures.

(2) A public body seeking certification for the design-build procedure must demonstrate successful management of at least one design-build project within the previous five years. A public body seeking certification for the general contractor/construction manager procedure must demonstrate successful management of at least one general contractor/construction manager project within the previous five years.

(3) To certify a public body, the committee shall determine that the public body:

(a) Has the necessary experience and qualifications to determine which projects are appropriate for using alternative contracting procedures;

(b) Has the necessary experience and qualifications to carry out the alternative contracting procedure including, but not limited to: (i) Project delivery knowledge and experience; (ii) personnel with appropriate construction experience; (iii) a management plan and rationale for its alternative public works projects; (iv) demonstrated success in managing public works projects; (v) the ability to properly manage its capital facilities plan including, but

not limited to, appropriate project planning and budgeting experience; and (vi) the ability to meet requirements of this chapter; and

(c) Has resolved any audit findings on previous public works projects in a manner satisfactory to the committee.

(4) The committee shall, if practicable, make its determination at the public meeting during which an application for certification is reviewed. Public comments must be considered before a determination is made. Within ten business days of the public meeting, the committee shall provide a written determination to the public body, and make its determination available to the public on the committee's web site.

(5) The committee may revoke any public body's certification upon a finding, after a public hearing, that its use of design-build or general contractor/construction manager contracting procedures no longer serves the public interest.

(6) The committee may renew the certification of a public body for ~~((one))~~ additional three-year periods. The public body must submit an application for recertification at least three months before the initial certification expires. The application shall include updated information on the public body's ~~((capital plan for the next three years, its intended use of the procedures))~~ experience and current staffing with the procedure it is applying to renew, and any other information requested in advance by the committee. The committee must review the application for recertification at a meeting held before expiration of the applicant's initial certification period. A public body must reapply for certification under the process described in subsection (1) of this section once the period of recertification expires.

(7) Certified public bodies must submit project data information as required in RCW 39.10.320 and 39.10.350.

Sec. 8. RCW 39.10.280 and 2007 c 494 s 108 are each amended to read as follows:

(1) A public body not certified under RCW 39.10.270 must apply for approval from the committee to use the design-build or general contractor/construction manager contracting procedure on a project. A public body seeking approval must submit to the committee an application in a format and manner as prescribed by the committee. The application must include a description of the public body's qualifications, a description of the project, and its intended use of alternative contracting procedures.

(2) To approve a proposed project, the committee shall determine that:

(a) The alternative contracting procedure will provide a substantial fiscal benefit or the use of the traditional method of awarding contracts in lump sum to the low responsive bidder is not practical for meeting desired quality standards or delivery schedules;

(b) The proposed project meets the requirements for using the alternative contracting procedure as described in RCW 39.10.300 or 39.10.340;

(c) The public body has the necessary experience or qualified team to carry out the alternative contracting procedure including, but not limited to: (i) Project delivery knowledge and experience; (ii) sufficient personnel with construction experience to administer the contract; (iii) a written management plan that shows clear and logical lines of authority; (iv) the necessary and appropriate funding and time to properly manage the job and complete the project; (v) continuity of project management team, including personnel with experience managing projects of similar scope and size to the project being proposed; and (vi) necessary and appropriate construction budget;

(d) For design-build projects, ~~((construction))~~ public body personnel ((independent of the design-build team)) or consultants are knowledgeable in the design-build process and are able to oversee and administer the contract; and

(e) The public body has resolved any audit findings related to previous public works projects in a manner satisfactory to the committee.

(3) The committee shall, if practicable, make its determination at the public meeting during which a submittal is reviewed. Public comments must be considered before a determination is made.

(4) Within ten business days after the public meeting, the committee shall provide a written determination to the public body, and make its determination available to the public on the committee's web site. If the committee fails to make a written determination within ten business days of the public meeting, the request of the public body to use the alternative contracting procedure on the requested project shall be deemed approved.

~~((The requirements of subsection (1) of this section also apply to certified public bodies seeking to use the general contractor/construction manager contracting procedure on projects with a total project cost of less than ten million dollars.~~

~~((6))~~ Failure of the committee to meet within sixty calendar days of a public body's application to use an alternative contracting procedure on a project shall be deemed an approval of the application.

Sec. 9. RCW 39.10.300 and 2009 c 75 s 4 are each amended to read as follows:

(1) Subject to the ~~((process))~~ requirements in RCW 39.10.250, 39.10.270, or 39.10.280, public bodies may utilize the design-build procedure for public works projects in which the total project cost is over ten million dollars and where:

(a) The ~~((design and construction activities, technologies, or schedule to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology))~~ construction activities are highly specialized and a design-build approach is critical in developing the construction methodology; or

(b) The ~~((project design is repetitive in nature and is an incidental part of the installation or construction))~~ projects selected provide opportunity for greater innovation or efficiencies between the designer and the builder; or

(c) ~~((Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design.))~~ Significant savings in project delivery time would be realized.

(2) Subject to the process in RCW 39.10.270 or 39.10.280, public bodies may use the design-build procedure for parking garages, regardless of cost.

(3) The design-build procedure may be used for the construction or erection of portable facilities as defined in WAC 392-343-018, preengineered metal buildings, or not more than ten prefabricated modular buildings per installation site, regardless of cost and is not subject to approval by the committee.

(4) Except for utility projects and approved demonstration projects, the design-build procedure may not be used to procure operations and maintenance services for a period longer than three years. State agency projects that propose to use the design-build-operate-maintain procedure shall submit cost estimates for the construction portion of the project consistent with the office of financial management's capital budget requirements. Operations and maintenance costs must be shown separately and must not be included as part of the capital budget request.

(5) Subject to the process in RCW 39.10.280, public bodies may use the design-build procedure for public works projects in which the total project cost is between two million and ten million dollars and that meet one of the criteria in subsection (1)(a), (b), or (c) of this section.

(6) Subject to the process in RCW 39.10.280, a public body may seek committee approval for a design-build demonstration project

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that includes procurement of operations and maintenance services for a period longer than three years.

Sec. 10. RCW 39.10.320 and 2007 c 494 s 203 are each amended to read as follows:

(1) A public body utilizing the design-build contracting procedure shall provide ~~((for))~~:

(a) Reasonable budget contingencies totaling not less than five percent of the anticipated contract value;

(b) ~~((Employment of))~~ Staff or consultants with expertise and prior experience in the management of comparable projects;

(c) Contract documents that include alternative dispute resolution procedures to be attempted prior to the initiation of litigation;

(d) Submission of project information, as required by the board; and

(e) Contract documents that require the contractor, subcontractors, and designers to submit project information required by the board.

(2) A public body utilizing the design-build contracting procedure may provide incentive payments to contractors for early completion, cost savings, or other goals if such payments are identified in the request for proposals.

Sec. 11. RCW 39.10.330 and 2009 c 75 s 5 are each amended to read as follows:

(1) Contracts for design-build services shall be awarded through a competitive process using public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the public work will be done, a notice of its request for qualifications from proposers for design-build services, and the availability and location of the request for proposal documents. The request for qualifications documents shall include:

(a) A general description of the project that provides sufficient information for proposers to submit qualifications;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and finalists' proposals, including evaluation factors and the relative weight of factors and any specific forms to be used by the proposers;

(i) Evaluation factors for request for qualifications shall include, but not be limited to, technical qualifications, such as specialized experience and technical competence; capability to perform; past performance of the proposers' team, including the architect-engineer and construction members; and other appropriate factors. Evaluation factors may also include: (A) The proposer's past performance in utilization of small business entities; and (B) disadvantaged business enterprises. Cost or price-related factors are not permitted in the request for qualifications phase;

(ii) Evaluation factors for finalists' proposals shall include, but not be limited to, the factors listed in (d)(i) of this subsection, as well as technical approach design concept; ~~((proposal price))~~ ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected workloads of the firm; ~~((and))~~ location; and cost or price-related factors that may include operating costs. The public body may also consider a proposer's outreach plan to include small business entities and disadvantaged business enterprises as subcontractor and suppliers for the project. Alternatively, if the public body determines that all finalists will be capable of producing a design that adequately meets project requirements, the public body

may award the contract to the firm that submits the responsive proposal with the lowest price;

(e) Protest procedures including time limits for filing a protest, which in no event may limit the time to file a protest to fewer than four business days from the date the proposer was notified of the selection decision;

~~___~~ (f) The form of the contract to be awarded;

~~((#))~~ (g) The ~~((amount))~~ honorarium to be paid to finalists submitting responsive proposals and who are not awarded a design-build contract;

~~((#))~~ (h) The schedule for the procurement process and the project; and

~~((#))~~ (i) Other information relevant to the project.

(2) The public body shall establish an evaluation committee to evaluate the responses to the request for qualifications based solely on the factors, weighting, and process identified in the request for qualifications and any addenda issued by the public body. Based on the evaluation committee's findings, the public body shall select not more than five responsive and responsible finalists to submit proposals. The public body may, in its sole discretion, reject all proposals and shall provide its reasons for rejection in writing to all proposers.

(3) The public body must notify all proposers of the finalists selected to move to the next phase of the selection process. The process may not proceed to the next phase until two business days after all proposers are notified of the committee's selection decision. At the request of a proposer not selected as a finalist, the public body must provide the requesting proposer with a scoring summary of the evaluation factors for its proposal. Proposers filing a protest on the selection of the finalists must file the protest in accordance with the published protest procedures. The selection process may not advance to the next phase of selection until two business days after the final protest decision is transmitted to the protestor.

~~___~~ (4) Upon selection of the finalists, the public body shall issue a request for proposals to the finalists, which shall provide the following information:

(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications; functional and operational elements; minimum and maximum net and gross areas of any building; and, at the discretion of the public body, preliminary engineering and architectural drawings; and

(b) The target budget for the design-build portion of the project.

~~((#))~~ (5) The public body shall establish an evaluation committee to evaluate the proposals submitted by the finalists. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection. The public body must identify in the request for qualifications which procedure will be used.

(a) The finalists' proposals shall be evaluated and scored based solely on the factors, weighting, and process identified in the initial request for qualifications and in any addenda published by the public body. Public bodies may request best and final proposals from finalists. The public body ~~((shall))~~ may initiate negotiations with the firm submitting the highest scored proposal. If the public body is unable to execute a contract with the firm submitting the highest scored proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing a design that adequately meets project requirements, the public body may award the contract to the firm that submits the responsive proposal with the lowest price.

~~((5))~~ (6) The public body shall notify all finalists of the selection decision and make a selection summary of the final proposals available to all proposers within two business days of such notification. If the public body receives a timely written protest from a finalist firm, the public body may not execute a contract until two business days after the final protest decision is transmitted to the protestor. The protestor must submit its protest in accordance with the published protest procedures.

~~(7)~~ The firm awarded the contract shall provide a performance and payment bond for the contracted amount.

(8) The public body shall provide appropriate honorarium payments to finalists submitting responsive proposals that are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects. In determining the amount of the honorarium, the public body shall consider the level of effort required to meet the selection criteria.

Sec. 12. RCW 39.10.340 and 2007 c 494 s 301 are each amended to read as follows:

Subject to the process in RCW 39.10.270 or 39.10.280, public bodies may utilize the general contractor/construction manager procedure for public works projects where at least one of the following is met:

(1) Implementation of the project involves complex scheduling, phasing, or coordination;

(2) The project involves construction at an occupied facility which must continue to operate during construction;

(3) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project;

(4) The project encompasses a complex or technical work environment; or

(5) The project requires specialized work on a building that has historic significance.

Sec. 13. RCW 39.10.360 and 2009 c 75 s 6 are each amended to read as follows:

(1) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(2) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include:

(a) A description of the project, including programmatic, performance, and technical requirements and specifications when available;

(b) The reasons for using the general contractor/construction manager procedure;

(c) A description of the qualifications to be required of the firm, including submission of the firm's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors ~~(and)~~, the relative weight of factors, and protest procedures including time limits for filing a protest, which in no event may limit the time to file a protest to fewer than four business days from the date the proposer was notified of the selection decision;

(e) The form of the contract, including any contract for preconstruction services, to be awarded;

(f) The estimated maximum allowable construction cost; and

(g) The bid instructions to be used by the general contractor/construction manager finalists.

(3)(a) Evaluation factors for selection of the general contractor/construction manager shall include, but not be limited to:

~~((a))~~ (i) Ability of the firm's professional personnel;

~~((b))~~ (ii) The firm's past performance in negotiated and complex projects;

~~((c))~~ (iii) The firm's ability to meet time and budget requirements;

~~((d))~~ (iv) The scope of work the firm proposes to self-perform and its ability to perform that work;

~~((e))~~ (v) The firm's proximity to the project location;

~~((f))~~ (vi) Recent, current, and projected workloads of the firm; and

~~((g))~~ (vii) The firm's approach to executing the project.

(b) An agency may also consider the firm's outreach plan to include small business entities and disadvantaged business enterprises, and the firm's past performance in the utilization of such firms as an evaluation factor.

(4) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, at the time specified by the public body, these finalists shall submit final proposals, including sealed bids for the percent fee on the estimated maximum allowable construction cost and the fixed amount for the general conditions work specified in the request for proposal. The public body shall establish a time and place for the opening of sealed bids for the percent fee on the estimated maximum allowable construction cost and the fixed amount for the general conditions work specified in the request for proposal. At the time and place named, these bids must be publicly opened and read and the public body shall make all previous scoring available to the public. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals. A public body shall not evaluate or disqualify a proposal based on the terms of a collective bargaining agreement.

(5) The public body shall notify all finalists of the selection decision and make a selection summary of the final proposals available to all proposers within two business days of such notification. If the public body receives a timely written protest from a proposer, the public body may not execute a contract until two business days after the final protest decision is transmitted to the protestor. The protestor must submit its protest in accordance with the published protest procedures.

(6) Public bodies may contract with the selected firm to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

Sec. 14. RCW 39.10.380 and 2007 c 494 s 305 are each amended to read as follows:

(1) All subcontract work and equipment and material purchases shall be competitively bid with public bid openings. Subcontract bid packages and equipment and materials purchases shall be awarded to the responsible bidder submitting the lowest responsive bid. In preparing subcontract bid packages, the general contractor/construction manager shall not be required to violate or waive terms of a collective bargaining agreement.

(2) All subcontract bid packages in which bidder eligibility was not determined in advance shall include the specific objective criteria that will be used by the general contractor/construction manager and the public body to evaluate bidder responsibility. If the lowest bidder submitting a responsive bid is determined by the general contractor/construction manager and the public body not to be responsible, the general contractor/construction manager and the public body must provide written documentation to that bidder explaining their intent to reject the bidder as not responsible and afford the bidder the opportunity to establish that it is a responsible bidder. Responsibility shall be determined in accordance with criteria listed in the bid documents. Protests concerning bidder

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responsibility determination by the general contractor/construction manager and the public body shall be in accordance with subsection (4) of this section.

(3) All subcontractors who bid work over three hundred thousand dollars shall post a bid bond. All subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for the contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager.

(4) If the general contractor/construction manager receives a written protest from a subcontractor bidder or an equipment or material supplier, the general contractor/construction manager shall not execute a contract for the subcontract bid package or equipment or material purchase order with anyone other than the protesting bidder without first providing at least two full business days' written notice to all bidders of the intent to execute a contract for the subcontract bid package. The protesting bidder must submit written notice of its protest no later than two full business days following the bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

(5) A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

(6) The general contractor/construction manager may negotiate with the lowest responsible and responsive bidder to negotiate an adjustment to the lowest bid or proposal price based upon agreed changes to the contract plans and specifications under the following conditions:

(a) All responsive bids or proposal prices exceed the available funds(~~(-as certified by an appropriate fiscal officer)~~);

(b) The apparent low responsive bid or proposal does not exceed the available funds by the greater of one hundred twenty-five thousand dollars or two percent for projects valued over ten million dollars; and

(c) The negotiated adjustment will bring the bid or proposal price within the amount of available funds.

(7) If the negotiation is unsuccessful, the subcontract work or equipment or material purchases must be rebid.

(8) The general contractor/construction manager must provide a written explanation if all bids are rejected.

Sec. 15. RCW 39.10.385 and 2010 c 163 s 1 are each amended to read as follows:

As an alternative to the subcontractor selection process outlined in RCW 39.10.380, a general contractor/construction manager may, with the approval of the public body, select ~~((#))~~ mechanical subcontractors, ~~((##))~~ electrical subcontractors, or both, using the process outlined in this section. This alternative selection process may only be used when the anticipated value of the subcontract will exceed three million dollars. When using the alternative selection process, the general contractor/construction manager should select the subcontractor early in the life of the public works project.

(1) In order to use this alternative selection process, the general contractor/construction manager and the public body must determine that it is in the best interest of the public. In making this determination the general contractor/construction manager and the public body must:

(a) Publish a notice of intent to use this alternative selection process in a legal newspaper published in or as near as possible to that part of the county where the public work will be constructed. Notice must be published at least fourteen calendar days before conducting a public hearing. The notice must include the date, time, and location of the hearing; a statement justifying the basis and need for the alternative selection process; ~~((and))~~ how interested parties may, prior to the hearing, obtain the evaluation criteria and applicable weight given to each criteria that will be used for

evaluation; and protest procedures including time limits for filing a protest, which may in no event, limit the time to file a protest to fewer than four business days from the date the proposer was notified of the selection decision;

(b) Conduct a hearing and provide an opportunity for any interested party to submit written and verbal comments regarding the justification for using this selection process, the evaluation criteria, ~~((and))~~ weights for each criteria, and protest procedures;

(c) After the public hearing, consider the written and verbal comments received and determine if using this alternative selection process is in the best interests of the public; and

(d) Issue a written final determination to all interested parties. All protests of the decision to use the alternative selection process must be in writing and submitted to the public body within seven calendar days of the final determination. Any modifications to the criteria ~~((and))~~, weights, and protest procedures based on comments received during the public hearing process must be included in the final determination.

(2) Contracts for the services of a subcontractor under this section must be awarded through a competitive process requiring a public solicitation of proposals. Notice of the public solicitation of proposals must be provided to the office of minority and women's business enterprises. The public solicitation of proposals must include:

(a) A description of the project, including programmatic, performance, and technical requirements and specifications when available;

(b) The reasons for using the alternative selection process;

(c) A description of the minimum qualifications required of the firm;

(d) A description of the process used to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors;

(e) Protest procedures;

~~((f))~~ (f) The form of the contract, including any contract for preconstruction services, to be awarded;

~~((g))~~ (g) The estimated maximum allowable subcontract cost; and

~~((g))~~ (h) The bid instructions to be used by the finalists.

(3) Evaluation factors for selection of the subcontractor must include, but not be limited to:

(a) Ability of the firm's professional personnel;

(b) The firm's past performance on similar projects;

(c) The firm's ability to meet time and budget requirements;

(d) The scope of work the firm proposes to perform with its own forces and its ability to perform that work;

(e) The firm's plan for outreach to minority and women-owned businesses;

(f) The firm's proximity to the project location;

(g) The firm's capacity to successfully complete the project;

(h) The firm's approach to executing the project;

(i) The firm's approach to safety on the project;

(j) The firm's safety history; and

(k) If the firm is selected as one of the most qualified finalists, the firm's fee and cost proposal.

(4) The general contractor/construction manager shall establish a committee to evaluate the proposals. At least one representative from the public body shall serve on the committee. Final proposals, including sealed bids for the percent fee on the estimated maximum allowable subcontract cost, and the fixed amount for the subcontract general conditions work specified in the request for proposal, will be requested from the most qualified firms.

(5) The general contractor/construction manager must notify all proposers of the most qualified firms that will move to the next phase of the selection process. The process may not proceed to the

next phase until two business days after all proposers are notified of the committee's selection decision. At the request of a proposer, the general contractor/construction manager must provide the requesting proposer with a scoring summary of the evaluation factors for its proposal. Proposers filing a protest on the selection of the most qualified finalists must file the protest with the public body in accordance with the published protest procedures. The selection process may not advance to the next phase of selection until two business days after the final protest decision issued by the public body is transmitted to the protestor.

(6) The general contractor/construction manager and the public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors identified in the solicitation of proposals. The scoring of the nonprice factors must be made available at the opening of the fee and cost proposals. The general contractor/construction manager shall notify all proposers of the selection decision and make a selection summary of the final proposals, which shall be available to all proposers within two business days of such notification. The general contractor/construction manager may not evaluate or disqualify a proposal based on the terms of a collective bargaining agreement.

~~((5))~~ (7) If the public body receives a timely written protest from a "most qualified firm," the general contractor/construction manager may not execute a contract for the protested subcontract work until two business days after the final protest decision issued by the public body is transmitted to the protestor. The protestor must submit its protest in accordance with the published protest procedures.

(8) If the general contractor/construction manager is unable to negotiate a satisfactory maximum allowable subcontract cost with the firm selected deemed by public body and the general contractor/construction manager to be fair, reasonable, and within the available funds, negotiations with that firm must be formally terminated and the general contractor/construction manager may negotiate with the next highest scored firm until an agreement is reached or the process is terminated.

~~((6) If the general contractor/construction manager receives a written protest from a bidder, it may not execute a contract for the subject work with anyone other than the protesting bidder, without first providing at least two full business days' written notice to all bidders of the intent to execute a contract for the subcontract bid package. The protesting bidder must submit written notice to the general contractor/construction manager of its protest no later than two full business days following the bid opening.~~

~~(7))~~ (9) With the approval of the public body, the general contractor/construction manager may contract with the selected firm to provide preconstruction services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work; and to act as the mechanical or electrical subcontractor during the construction phase.

~~((8))~~ (10) The maximum allowable subcontract cost must be used to establish a total subcontract cost for purposes of a performance and payment bond. Total subcontract cost means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable subcontract cost, and the percent fee on the negotiated maximum allowable subcontract cost. Maximum allowable subcontract cost means the maximum cost to complete the work specified for the subcontract, including the estimated cost of work to be performed by the subcontractor's own forces, a percentage for risk contingency, negotiated support services, and approved change orders. The maximum allowable subcontract cost must be negotiated between the general contractor/construction manager and the selected firm when the construction documents and

specifications are at least ninety percent complete. Final agreement on the maximum allowable subcontract cost is subject to the approval of the public body.

~~((9))~~ (11) If the work of the mechanical contractor or electrical contractor is completed for less than the maximum allowable subcontract cost, any savings not otherwise negotiated as part of an incentive clause becomes part of the risk contingency included in the general contractor/construction manager's maximum allowable construction cost. If the work of the mechanical contractor or the electrical contractor is completed for more than the maximum allowable subcontract cost, the additional cost is the responsibility of that subcontractor. An independent audit, paid for by the public body, must be conducted ~~(upon completion of the contract)~~ to confirm the proper accrual of costs as outlined in the contract.

~~((10))~~ (12) A mechanical or electrical contractor selected under this section may perform work with its own forces. In the event it elects to subcontract some of its work, it must select a subcontractor utilizing the procedure outlined in RCW 39.10.380.

Sec. 16. RCW 39.10.390 and 2007 c 494 s 306 are each amended to read as follows:

(1) Except as provided in this section, bidding on subcontract work or for the supply of equipment or materials by the general contractor/construction manager or its subsidiaries is prohibited.

(2) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work or for the supply of equipment or materials if:

(a) The work within the subcontract bid package or equipment or materials is customarily performed or supplied by the general contractor/construction manager;

(b) The bid opening is managed by the public body and is in compliance with RCW 39.10.380; and

(c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package or for the equipment or materials.

(3) In no event may the general contractor/construction manager or its subsidiaries ~~((purchase equipment or materials for assignment to subcontract bid package bidders for installation or warranty))~~ assign warranty responsibility or the terms of its contract or purchase order with vendors for equipment or material purchases to subcontract bid package bidders or subcontractors who have been awarded a contract. The value of subcontract work performed and equipment and materials supplied by the general contractor/construction manager may not exceed thirty percent of the negotiated maximum allowable construction cost. Negotiated support services performed by the general contractor/construction manager shall not be considered subcontract work for purposes of this subsection.

Sec. 17. RCW 39.10.400 and 2007 c 494 s 307 are each amended to read as follows:

(1) If determination of subcontractor eligibility prior to seeking bids is in the best interest of the project and critical to the successful completion of a subcontract bid package, the general contractor/construction manager and the public body may determine subcontractor eligibility to bid. The general contractor/construction manager and the public body must:

(a) Conduct a hearing and provide an opportunity for any interested party to submit written and verbal comments regarding the justification for conducting bidder eligibility, the evaluation criteria, and weights for each criteria and subcriteria;

(b) Publish a notice of intent to evaluate and determine bidder eligibility in a legal newspaper published in or as near as possible to that part of the county where the public work will be constructed at least fourteen calendar days before conducting a public hearing;

(c) Ensure the public hearing notice includes the date, time, and location of the hearing, a statement justifying the basis and need for performing eligibility analysis before bid opening, and how

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interested parties may, at least five days before the hearing, obtain the specific eligibility criteria and applicable weights given to each criteria and subcriteria that will be used during evaluation;

(d) After the public hearing, consider written and verbal comments received and determine if establishing bidder eligibility in advance of seeking bids is in the best interests of the project and critical to the successful completion of a subcontract bid package; and

(e) Issue a written final determination to all interested parties. All protests of the decision to establish bidder eligibility before issuing a subcontractor bid package must be filed with the superior court within seven calendar days of the final determination. Any modifications to the eligibility criteria and weights shall be based on comments received during the public hearing process and shall be included in the final determination.

(2) Determinations of bidder eligibility shall be in accordance with the evaluation criteria and weights for each criteria established in the final determination and shall be provided to interested persons upon request. Any potential bidder determined not to meet eligibility criteria must be afforded ~~((the))~~ one opportunity to establish its eligibility. Protests concerning bidder eligibility determinations shall be in accordance with subsection (1) of this section.

Sec. 18. RCW 39.10.420 and 2012 c 102 s 1 are each amended to read as follows:

(1) The following public bodies of the state of Washington are authorized to award job order contracts and use the job order contracting procedure:

(a) The department of enterprise services;

(b) The state universities, regional universities, and The Evergreen State College;

(c) Sound transit (central Puget Sound regional transit authority);

(d) Every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755;

(e) Every county with a population greater than four hundred fifty thousand;

(f) Every port district with total revenues greater than fifteen million dollars per year;

(g) Every public utility district with revenues from energy sales greater than twenty-three million dollars per year;

(h) Every school district; and

(i) The state ferry system.

(2)(a) The department of enterprise services may issue job order contract work orders for Washington state parks department projects.

(b) The department of enterprise services, the University of Washington, and Washington State University may issue job order contract work orders for the state regional universities and The Evergreen State College.

(3) Public bodies may use a job order contract for public works projects when a determination is made that the use of job order contracts will benefit the public by providing an effective means of reducing the total lead-time and cost for the construction of public works projects for repair and renovation required at public facilities through the use of unit price books and work orders by eliminating time-consuming, costly aspects of the traditional public works process, which require separate contracting actions for each small project.

Sec. 19. RCW 39.10.440 and 2007 c 494 s 403 are each amended to read as follows:

(1) The maximum total dollar amount that may be awarded under a job order contract is four million dollars per year for a maximum of three years. The maximum total dollar amount that

may be awarded under a job order contract for counties with a population of more than one million is six million dollars per year for a maximum of three years.

(2) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

(3) A public body may have no more than two job order contracts in effect at any one time, with the exception of the department of ~~((general administration))~~ enterprise services, which may have four job order contracts in effect at any one time.

(4) At least ninety percent of work contained in a job order contract must be subcontracted to entities other than the job order contractor. The job order contractor must distribute contracts as equitably as possible among qualified and available subcontractors including minority and woman-owned subcontractors to the extent permitted by law.

(5) The job order contractor shall publish notification of intent to perform public works projects at the beginning of each contract year in a statewide publication and in a legal newspaper of general circulation in every county in which the public works projects are anticipated.

(6) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.

(7) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the contract award coefficient for services as specified in the request for proposals. This is the contractor's sole remedy.

(8) All job order contracts awarded under this section must be signed before July 1, ~~((2013))~~ 2021; however the job order contract may be extended or renewed as provided for in this section.

(9) Public bodies may amend job order contracts awarded prior to July 1, 2007, in accordance with this chapter.

Sec. 20. RCW 39.10.490 and 2007 c 494 s 501 are each amended to read as follows:

The alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, ~~((2013))~~ 2021. Methods of public works contracting authorized under this chapter shall remain in full force and effect until completion of contracts signed before July 1, ~~((2013))~~ 2021.

Sec. 21. RCW 43.131.407 and 2007 c 494 s 506 are each amended to read as follows:

The alternative ~~((public))~~ public works contracting procedures under chapter 39.10 RCW shall be terminated June 30, ~~((2013))~~ 2021, as provided in RCW 43.131.408.

Sec. 22. RCW 43.131.408 and 2012 c 102 s 4 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2014))~~ 2022:

(1) RCW 39.10.200 and 2010 1st sp.s. c 21 s 2, 2007 c 494 s 1, & 1994 c 132 s 1;

(2) RCW 39.10.210 and 2013 c ... s 1 (section 1 of this act), 2010 1st sp.s. c 36 s 6014, 2007 c 494 s 101, & 2005 c 469 s 3;

(3) RCW 39.10.220 and 2013 c ... s 2 (section 2 of this act), 2007 c 494 s 102, & 2005 c 377 s 1;

(4) RCW 39.10.230 and 2013 c ... s 3 (section 3 of this act), 2010 1st sp.s. c 21 s 3, 2009 c 75 s 1, 2007 c 494 s 103, & 2005 c 377 s 2;

(5) RCW 39.10.240 and 2013 c ... s 4 (section 4 of this act) & 2007 c 494 s 104;

(6) RCW 39.10.250 and 2013 c ... s 5 (section 5 of this act), 2009 c 75 s 2, & 2007 c 494 s 105;

(7) RCW 39.10.260 and 2013 c ... s 6 (section 6 of this act) & 2007 c 494 s 106;

(8) RCW 39.10.270 and 2013 c ... s 7 (section 7 of this act), 2009 c 75 s 3, & 2007 c 494 s 107;

(9) RCW 39.10.280 and 2013 c ... s 8 (section 8 of this act) & 2007 c 494 s 108;

(10) RCW 39.10.290 and 2007 c 494 s 109;

(11) RCW 39.10.300 and 2013 c ... s 9 (section 9 of this act), 2009 c 75 s 4, & 2007 c 494 s 201;

(12) RCW 39.10.320 and 2013 c ... s 10 (section 10 of this act), 2007 c 494 s 203, & 1994 c 132 s 7;

(13) RCW 39.10.330 and 2013 c ... s 11 (section 11 of this act), 2009 c 75 s 5, & 2007 c 494 s 204;

(14) RCW 39.10.340 and 2013 c ... s 12 (section 12 of this act) & 2007 c 494 s 301;

(15) RCW 39.10.350 and 2007 c 494 s 302;

(16) RCW 39.10.360 and 2013 c ... s 13 (section 13 of this act), 2009 c 75 s 6, & 2007 c 494 s 303;

(17) RCW 39.10.370 and 2007 c 494 s 304;

(18) RCW 39.10.380 and 2013 c ... s 14 (section 14 of this act) & 2007 c 494 s 305;

(19) RCW 39.10.385 and 2013 c ... s 15 (section 15 of this act) & 2010 c 163 s 1;

(20) RCW 39.10.390 and 2013 c ... s 16 (section 16 of this act) & 2007 c 494 s 306;

(21) RCW 39.10.400 and 2013 c ... s 17 (section 17 of this act) & 2007 c 494 s 307;

(22) RCW 39.10.410 and 2007 c 494 s 308;

(23) RCW 39.10.420 and 2013 c ... s 18 (section 18 of this act), 2012 c 102 s 1, 2009 c 75 s 7, 2007 c 494 s 401, & 2003 c 301 s 1;

(24) RCW 39.10.430 and 2007 c 494 s 402;

(25) RCW 39.10.440 and 2013 c ... s 19 (section 19 of this act) & 2007 c 494 s 403;

(26) RCW 39.10.450 and 2012 c 102 s 2 & 2007 c 494 s 404;

(27) RCW 39.10.460 and 2012 c 102 s 3 & 2007 c 494 s 405;

(28) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;

(29) RCW 39.10.480 and 1994 c 132 s 9;

(30) RCW 39.10.490 and 2013 c ... s 20 (section 20 of this act), 2007 c 494 s 501, & 2001 c 328 s 5;

(31) ~~(RCW 39.10.500 and 2007 c 494 s 502;~~

~~(32) RCW 39.10.510 and 2007 c 494 s 503;~~

~~(33) RCW 39.10.900 and 1994 c 132 s 13;~~

~~(34) (32) RCW 39.10.901 and 1994 c 132 s 14;~~

~~(35) (33) RCW 39.10.903 and 2007 c 494 s 510;~~

~~(36) (34) RCW 39.10.904 and 2007 c 494 s 512; and~~

~~(37) (35) RCW 39.10.905 and 2007 c 494 s 513.~~

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) RCW 39.10.500 (Exemptions) and 2007 c 494 s 502; and

(2) RCW 39.10.510 (Previously advertised projects) and 2007 c 494 s 503.

NEW SECTION. Sec. 24. A new section is added to chapter 43.131 RCW to read as follows:

(1) If the sunset review process in RCW 43.131.010 through 43.131.150 expires before June 30, 2021, the joint legislative audit and review committee must conduct a program and fiscal review of the alternative public works contracting procedures authorized in chapter 39.10 RCW. The review must be completed by June 30, 2021, and findings reported to the office of financial management

and any affected entities. The report must be prepared in the manner set forth in RCW 44.28.071 and 44.28.075.

(2) This section expires July 1, 2022.

NEW SECTION. Sec. 25. Section 24 of this act takes effect upon the expiration of RCW 43.131.051.

NEW SECTION. Sec. 26. Sections 1 through 23 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 30, 2013."

Senator Dammeier spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Dammeier moved that the following committee amendment to the committee striking amendment be adopted:

On page 5, after line 24, insert the following:

"The Capital Projects Advisory Review Board is directed to review current statutes regarding life-cycle cost analysis and energy efficiency as related to the design-build procurement method performed under RCW 39.10. CPARB shall report to the appropriate committees of the legislature by December 31, 2013, with recommendations for statutory changes that promote energy efficiency and reduce the total cost to construct, operate and maintain public buildings. Recommendation must include provisions for post-occupancy validation of estimated energy efficiency measures, and operating and maintenance cost estimates. Life-cycle estimates of energy use must include estimates of energy consumptions for materials used in construction."

Senator Dammeier spoke in favor of adoption of the committee amendment to the committee striking amendment.

PARLIAMENTARY INQUIRY

Senator Hasegawa: "Was this amendment handed out?"

REPLY BY THE PRESIDENT

President Owen: "Senator Hasegawa, the committee amendments are in the book that you have, should have at your desk."

PARLIAMENTARY INQUIRY

Senator Hasegawa: "Ok, so my understanding was that we were actually acting on the striking amendment from Ways & Means which did contain this identical language. Is that true?"

Senator Dammeier [Off microphone]: "...We're taking both pieces today... Yes."

Senator Hasegawa spoke in favor of the committee amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the committee on Ways & Means on page 5, line 24 to the committee striking amendment to Substitute House Bill No. 1466.

The motion by Senator Dammeier carried and the committee amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

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Committee on Ways & Means as amended to Substitute House Bill No. 1466.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

Senators Hasegawa and Benton spoke against adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1812.

Senator Dammeier spoke in favor of adoption of the committee striking amendment as amended.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Substitute House Bill No. 1812 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

On motion of Senator Fain, further consideration of Substitute House Bill No. 1466 was deferred and the bill held its place on the second reading calendar.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1422, by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Condotta and Hurst)

Voting nay: Senators Honeyford, Padden and Smith
Excused: Senators Carrell and Chase

Changing the criteria for the beer and wine tasting endorsement for grocery stores.

SUBSTITUTE HOUSE BILL NO. 1812, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The measure was read the second time.

SECOND READING

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute House Bill No. 1422 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SUBSTITUTE HOUSE BILL NO. 1397, by House Committee on Education (originally sponsored by Representatives Orcutt, Santos, Dahlquist, Pike, Vick, Haler, Hargrove, Buys, Magendanz and Bergquist)

Senator Holmquist Newbry spoke in favor of passage of the bill.

Adding a requirement to sexual health education to include elements of and consequences for conviction of sexual offenses where the victim is a minor.

POINT OF ORDER

Senator Hargrove: "Thank you Mr. President, I'd like to ask a point of order or ruling on whether this amends the Initiative and what vote would be required for this bill to pass?"

The measure was read the second time.

MOTION

MOTION

On motion of Senator Fain, further consideration of Substitute House Bill No. 1422 was deferred and the bill held its place on the third reading calendar.

On motion of Senator Dammeier, the rules were suspended, Substitute House Bill No. 1397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1812, by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Haigh, Pettigrew, Springer, Haler, Hunt, Fagan, Morrell, Hunter, Hudgins and Santos)

Senators Dammeier and McAuliffe spoke in favor of passage of the bill.

Extending the time frame for making expenditures under the urban school turnaround initiative.

Senator Ericksen spoke against passage of the bill.

The measure was read the second time.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1397.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Substitute House Bill No. 1397 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

On motion of Senator Litzow, the rules were suspended, Substitute House Bill No. 1812 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Ericksen, Hewitt, Holmquist Newbry, Honeyford, King and Padden

Excused: Senators Carrell and Chase

SUBSTITUTE HOUSE BILL NO. 1397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION 8655

By Senators Fraser, Hargrove, Honeyford, Kohl-Welles, King, Keiser, Tom, Kline, Parlette, Sheldon, Brown, Pearson, Murray, Dammeier, Mullet, Chase, Hill, Padden, Fain, Ranker, Baumgartner, Shin, Hobbs, Eide, Nelson, McAuliffe, Hasegawa, Conway, Harper, Schlicher, Darneille, Rivers, Cleveland, Rolfes, Becker, Schoesler, Holmquist Newbry, Braun, Roach, Litzow, Benton, Hewitt, Ericksen, and Smith

WHEREAS, During May 2013, many Washingtonians will celebrate the 50th Anniversary of the nationally and globally acclaimed successes of the 1963 American Mt. Everest Expedition, because Washington climbers achieved its most notable successes, and Washingtonians enthusiastically supported this historic achievement in many ways; and

WHEREAS, Members of this Expedition are famed for four unprecedented mountaineering achievements:

(1) On May 1, Jim Whittaker, a Washington State native, climbing with Sherpa Nawang Gombu by the South Col route, became the first American to reach Everest's 29,028 foot summit, the highest point on Earth;

(2) On May 22, Willi Unsoeld, who would become a faculty member at The Evergreen State College, and Tom Hornbein, who returned from Everest to the faculty at the University of Washington School of Medicine, pioneered the unprecedented and exceptionally difficult West Ridge route to the summit and descended by the South Col route to complete the first traverse of a major Himalayan peak;

(3) A few hours earlier that same day, Lute Jerstad, a former Washington resident, and Barry Bishop of Washington D.C. reached the summit by the South Col route; and

(4) Both teams were benighted during the descent, Unsoeld and Hornbein catching up with Jerstad and Bishop. All four survived an unplanned and unprecedented all-night bivouac above 28,000 feet without oxygen, tents, or food, and Unsoeld and Bishop suffered severe frostbite; and

WHEREAS, These mountaineering achievements are successes of the human spirit, involving supreme human effort, extraordinary physical capability and endurance, clear vision and goals, intense determination and focus, superior teamwork, high tolerance for discomfort and danger, and exceptional organizational and logistical preparation; and

WHEREAS, These mountaineering achievements are also the successes of the highly appreciated, dedicated, expert Sherpa climbers who accompanied and supported the members of the Expedition; and

WHEREAS, Human survival at the upper elevations of Mt. Everest is possible only for brief periods of time because the air

contains roughly one-third of the oxygen density of sea level, temperatures are generally around negative 20 degrees Fahrenheit, and hurricane force winds are frequent; and

WHEREAS, Throughout the 109 days of the Expedition, the team steadily engaged in scientific research relating to physiology, psychology, sociology, geology, and glaciology; and

WHEREAS, The Expedition's worldwide acclaim included recognition by President Kennedy at a White House ceremony, by the National Geographic Society, by King Mahendra of Nepal, by the United States Ambassador to Nepal Henry Stebbins, by India Prime Minister Nehru, by the United States Ambassador to India John Kenneth Galbraith, by the Indian Mountaineering Foundation, by mountaineering organizations throughout the world, by major news media around the world, and more; and

WHEREAS, The people of Washington State played a very significant role in the historic successes of the Expedition, through team members with deep Washington ties, including Barry Prather of Ellensburg and John Breitenbach who attended the University of Washington and tragically died when a massive wall of ice in the Khumbu icefall shifted and buried him in tons of ice blocks; through many contributions of cash and in-kind donations from Washington businesses, organizations, and individuals; through Washington State's United States Senator Warren G. Magnuson serving on the Expedition's Advisory Committee; through the Expedition's training and equipment testing taking place at Mount Rainier; and more; and

WHEREAS, Washingtonians' outdoor recreation heritage of hiking, climbing, and camping in the State's extensive mountain ranges, and the widespread appreciation by Washingtonians of the State's beautiful mountains and stately snowy peaks, served as the inspiration for and enthusiastic support of the Expedition in 1963;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, on the occasion of the 50th Anniversary of the historic first American ascent of Mt. Everest:

(1) Congratulate members of this historic Expedition Jim Whittaker, Nawang Gombu, Willi Unsoeld, Tom Hornbein, Lute Jerstad, Barry Bishop, and all those who supported them;

(2) Express appreciation to all Washingtonians, to the hundreds of others from around the country who assisted its achievements, and to Norman G. Dyhrenfurth who, with his determination and genius, organized and led the Expedition; and

(3) Encourage Washingtonians to continue to engage in outdoor recreation in Washington's welcoming mountain ranges and to continue to appreciate their splendor and be inspired to greatness by them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Jim Whittaker, Jolene Unsoeld, Tom Hornbein, Norman G. Dyhrenfurth, to the other four surviving members of the team, and to the surviving widows or nearest of kin of the team members now deceased.

Senators Fraser, King, Baumgartner, Hargrove, Tom, Mullet and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8655.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Jim Whitaker, his wife Diane Roberts and former State Representative and U.S. Congresswoman Jolene Unsoeld who were seated at the rostrum.

With the permission of the Senate, business was suspended to allow Mr. Whitaker and Representative Unsoeld to offer remarks.

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REMARKS BY JIM WHITTAKER

Jim Whittaker: "Thank you very much. I'd just like to say good for you people for climbing a lot of mountains yourselves. Bobby Kennedy was a good friend of mine and we talked a lot about the most honorable profession. His brother thought it was the most honorable profession and so did Bobby. And I want to salute you with admiration for trying to make the world a better place and Washington State a better place. Thank you very much."

REMARKS BY JOLENE UNSOELD

Jolene Unsoeld: "Of course we all think Washington State is just a terrific place but I didn't realize until Karen was doing the research for the resolution that 'Wow, Washington State really was in there,' at the core of it and spreading the good will between other countries, other climbers. And the United States and Washington supported the expedition all the way from the lowliest professions all the way up to some of our largest corporations here that are still doing great; REI, Eddie Bauer. It's amazing what Washington State has done not only as a model for the whole United States but has specifically done in the area in mountaineering and the support for the fiftieth anniversary and for the actual expedition that climbed Mount Everest for the first time for the Americans and two routes. Thank you."

PERSONAL PRIVILEGE

Senator Benton: "I'd like to invite our colleagues and their staffs and anyone that may be interested to receive a free lunch and some information. There are constituents from Seventeenth, Eighteenth and Forty-ninth districts that are here today offering a free lunch in the Columbia Room and some experts to share their knowledge of the Columbia River Crossing project. Please join us for a free lunch in the Columbia Room beginning at 12:00 noon. Thank you."

MOTION

At 11:58 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:35 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist Newbry moved that Lindsey Sires, Gubernatorial Appointment No. 9175, be confirmed as a member of the Board of Trustees, Central Washington University.

Senator Holmquist Newbry spoke in favor of the motion.

MOTION

On motion of Senator Mullet, Senator McAuliffe was excused.

MOTION

On motion of Senator Harper, Senator Chase was excused.

APPOINTMENT OF LINDSEY SIRES

The President declared the question before the Senate to be the confirmation of Lindsey Sires, Gubernatorial Appointment No. 9175, as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Lindsey Sires, Gubernatorial Appointment No. 9175, as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and McAuliffe

Lindsey Sires, Gubernatorial Appointment No. 9175, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Michael Worthy, Gubernatorial Appointment No. 9199, be confirmed as a member of the Board of Regents, Washington State University.

Senator Schoesler spoke in favor of the motion.

APPOINTMENT OF MICHAEL WORTHY

The President declared the question before the Senate to be the confirmation of Michael Worthy, Gubernatorial Appointment No. 9199, as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Michael Worthy, Gubernatorial Appointment No. 9199, as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and McAuliffe

Michael Worthy, Gubernatorial Appointment No. 9199, having received the constitutional majority was declared

confirmed as a member of the Board of Regents, Washington State University.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Robert Whaley, Gubernatorial Appointment No. 9195, be confirmed as a member of the Board of Trustees, Eastern Washington University.

Senator Padden spoke in favor of the motion.

APPOINTMENT OF ROBERT WHALEY

The President declared the question before the Senate to be the confirmation of Robert Whaley, Gubernatorial Appointment No. 9195, as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Robert Whaley, Gubernatorial Appointment No. 9195, as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and McAuliffe

Robert Whaley, Gubernatorial Appointment No. 9195, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

RULING BY THE PRESIDENT

President Owen: "In ruling on the Point of Inquiry raised by Senator Hargrove as to whether Substitute House Bill No. 1422 amends Initiative 1183 so as to require a 2/3 vote on final passage, the President finds and rules as follows:

Initiative 1183 privatized the sale of *spirits*, allowing certain private retailers to sell the product. Substitute House Bill No. 1422 makes changes to the current eligibility criteria that must be met by a grocery store in order to provide *beer and wine* samples, by making certain aspects of the endorsement consistent with the terms of the initiative. The endorsement that allows beer and wine sampling was already in statute prior to the passage of the initiative, and was not amended or otherwise altered by the initiative.

Substitute House Bill No. 1422 does not amend the language of the initiative nor even address the issue of the sale of spirits. For these reasons, the President finds that Substitute House Bill No. 1422 would not amend Initiative 1183, and will require only a Constitutional majority vote on final passage."

The Senate resumed consideration of Substitute House Bill No. 1422 which had been deferred earlier in the day.

Senators Hargrove and Darneille spoke against passage of the bill.

Senator Conway spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1422.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1422 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Cleveland, Conway, Eide, Ericksen, Fain, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Ranker, Rivers, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Benton, Chase, Dammeier, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Nelson, Padden, Parlette, Pearson, Roach, Rolfes and Schlicher

Excused: Senators Carrell and Kline

SUBSTITUTE HOUSE BILL NO. 1422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:58 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:24 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5021,
SENATE BILL NO. 5025,
SENATE BILL NO. 5046,
SUBSTITUTE SENATE BILL NO. 5077,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5114,
SENATE BILL NO. 5142,
SUBSTITUTE SENATE BILL NO. 5165,
SENATE BILL NO. 5186,
SENATE BILL NO. 5207,
SUBSTITUTE SENATE BILL NO. 5210,
SENATE BILL NO. 5212,
SENATE BILL NO. 5235,
SUBSTITUTE SENATE BILL NO. 5274,
SENATE BILL NO. 5302,
SUBSTITUTE SENATE BILL NO. 5316,
SUBSTITUTE SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5352,
SUBSTITUTE SENATE BILL NO. 5400,
SENATE BILL NO. 5446,

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ENGROSSED SUBSTITUTE SENATE BILL NO. 5458,
 SENATE BILL NO. 5466,
 SUBSTITUTE SENATE BILL NO. 5517,
 SENATE BILL NO. 5541,
 SUBSTITUTE SENATE BILL NO. 5568,
 SECOND SUBSTITUTE SENATE BILL NO. 5624,
 SENATE BILL NO. 5627,
 SENATE BILL NO. 5712,
 SENATE BILL NO. 5751,
 SUBSTITUTE SENATE BILL NO. 5774,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5849,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1034,
 HOUSE BILL NO. 1035,
 HOUSE BILL NO. 1056,
 HOUSE BILL NO. 1109,
 HOUSE BILL NO. 1112,
 HOUSE BILL NO. 1113,
 HOUSE BILL NO. 1146,
 HOUSE BILL NO. 1182,
 HOUSE BILL NO. 1209,
 HOUSE BILL NO. 1213,
 SUBSTITUTE HOUSE BILL NO. 1307,
 HOUSE BILL NO. 1311,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1325,
 SUBSTITUTE HOUSE BILL NO. 1343,
 SUBSTITUTE HOUSE BILL NO. 1376,
 ENGROSSED HOUSE BILL NO. 1396,
 HOUSE BILL NO. 1469,
 SECOND SUBSTITUTE HOUSE BILL NO. 1518,
 HOUSE BILL NO. 1533,
 SUBSTITUTE HOUSE BILL NO. 1537,
 HOUSE BILL NO. 1565,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625,
 HOUSE BILL NO. 1639,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1647,
 SUBSTITUTE HOUSE BILL NO. 1686,
 HOUSE BILL NO. 1770,
 HOUSE BILL NO. 1790,
 SUBSTITUTE HOUSE BILL NO. 1806,
 SUBSTITUTE HOUSE BILL NO. 1836,
 HOUSE BILL NO. 1860,
 SUBSTITUTE HOUSE BILL NO. 1886,
 SUBSTITUTE HOUSE BILL NO. 1889,
 HOUSE BILL NO. 1937,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1034,
 HOUSE BILL NO. 1035,
 HOUSE BILL NO. 1056,

HOUSE BILL NO. 1109,
 HOUSE BILL NO. 1112,
 HOUSE BILL NO. 1113,
 HOUSE BILL NO. 1146,
 HOUSE BILL NO. 1182,
 HOUSE BILL NO. 1209,
 HOUSE BILL NO. 1213,
 SUBSTITUTE HOUSE BILL NO. 1307,
 HOUSE BILL NO. 1311,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1325,
 SUBSTITUTE HOUSE BILL NO. 1343,
 SUBSTITUTE HOUSE BILL NO. 1376,
 ENGROSSED HOUSE BILL NO. 1396,
 HOUSE BILL NO. 1469,
 SECOND SUBSTITUTE HOUSE BILL NO. 1518,
 HOUSE BILL NO. 1533,
 SUBSTITUTE HOUSE BILL NO. 1537,
 HOUSE BILL NO. 1565,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625,
 HOUSE BILL NO. 1639,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1647,
 SUBSTITUTE HOUSE BILL NO. 1686,
 HOUSE BILL NO. 1770,
 HOUSE BILL NO. 1790,
 SUBSTITUTE HOUSE BILL NO. 1806,
 SUBSTITUTE HOUSE BILL NO. 1836,
 HOUSE BILL NO. 1860,
 SUBSTITUTE HOUSE BILL NO. 1886,
 SUBSTITUTE HOUSE BILL NO. 1889,
 HOUSE BILL NO. 1937.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

MOTION

Senator Murray moved that the Senate advance to the ninth order of business.

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President, I object. Thank you Mr. President. Am I correct that the motion we are considering is only procedural to advance to the ninth order of business and nothing further as a non-debatable motion? Could you clarify this motion for me?"

REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, advancing to the ninth order of business is not debatable. However, the practice of the President has always been that he allows a statement on each side for and against the motion."

Senator Murray moved that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Health & Long Term Care of Engrossed House Bill No. 1044, concerning health plan coverage for the voluntary termination of a pregnancy, and the Committee on Higher Education of Engrossed House Bill No. 1817, adding eligibility criteria for higher education financial aid.

REMARKS BY THE PRESIDENT

President Owen: "Senator Murray, for a clarification for the President, your motion is to move to the ninth order of business. Did you add for this specific purpose in your motion?"

REPLY BY SENATOR MURRAY

Senator Murray: "Yes, those two bills."

REMARKS BY THE PRESIDENT

President Owen: "Senator Murray, you can place those in the motion if you like. However, it does not limit anybody to just those two bills once you get to the ninth order."

Senator Schoesler spoke against the motion.
Senator Murray spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Murray to advance to the ninth order of business.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The Secretary called the roll on the motion by Senator Murray and the motion failed by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Excused: Senator Carrell

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480, by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Schmick, Cody, Harris and Jinkins)

Concerning the provision of prescription drugs by direct practice providers.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute House Bill No. 1480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1480.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1480 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5008,
SENATE BILL NO. 5030,
SENATE BILL NO. 5056,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5095,
SENATE BILL NO. 5149,
SUBSTITUTE SENATE BILL NO. 5180,
SENATE BILL NO. 5258,
SENATE BILL NO. 5343,
SUBSTITUTE SENATE BILL NO. 5362,
SUBSTITUTE SENATE BILL NO. 5396,
SUBSTITUTE SENATE BILL NO. 5444,
SENATE BILL NO. 5496,
SUBSTITUTE SENATE BILL NO. 5559,
SENATE BILL NO. 5593,
SECOND ENGROSSED SENATE BILL NO. 5701,
SENATE BILL NO. 5770,
SENATE BILL NO. 5806.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134, by House Committee on Appropriations (originally sponsored by Representatives McCoy, Santos, Appleton, Lytton, Ryu, Stanford, Roberts, Jinkins, Haigh, Freeman and Hunt)

Authorizing state-tribal education compact schools.

The measure was read the second time.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) American Indian and Alaska Native students make up 2.5 percent of the total student population in the state and twenty-five

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percent or more of the student population in fifty-seven schools across the state.

(b) American Indian students in Washington have the highest annual drop-out rate at 9.5 percent, compared to 4.6 percent of all students in each of grades nine through twelve. Of the students expected to graduate in 2010 because they entered the ninth grade in 2006, the American Indian on-time graduation rate was only fifty-eight percent, compared to 76.5 percent of all students.

(c) The teaching of American Indian language, culture, and history are important to American Indian people and critical to the educational attainment and achievement of American Indian children.

(d) The state-tribal education compacts authorized under this chapter reaffirm the state's important commitment to government-to-government relationships with the tribes that has been recognized by proclamation, and in the centennial accord and the millennium agreement. These state-tribal education compacts build upon the efforts highlighted by the office of the superintendent of public instruction in its 2012 Centennial Accord Agency Highlights, including: The Since Time Immemorial (STI): Tribal Sovereignty in Washington State Curriculum Project that imbeds the history surrounding sovereignty and intergovernmental responsibilities into this state's classrooms; the agency's regular meetings with the superintendents of the seven current tribal schools, as well as the federal bureau of Indian education representatives at the regional and national level on issues relating to student academic achievement, accessing of funding for tribal schools, and connecting tribal schools to the K-20 network; and the recent establishment, in statute, of the office of native education within the office of the superintendent of public instruction.

(e) School funding should honor tribal sovereignty and reflect the government-to-government relationship between the state and the tribes, however the current structure that requires negotiation of an interlocal agreement between a school district and a tribal school ignores tribal sovereignty and results in a siphoning of funds for administration that could be better used for teaching and learning.

(2) The legislature further finds that:

(a) The need for high-quality, culturally competent early learning opportunities continues to grow;

(b) There is a preparation gap among entering kindergartners with many children, especially those from low-income homes, arriving at kindergarten without the knowledge, skills, and good health necessary to succeed in school;

(c) Upon entry into the K-12 school system, the educational opportunity gap becomes more evident, with children of color and from low-income homes having lower scores on math, reading, and writing standardized tests, as well as lower graduation rates and higher rates of dropping out of school; and

(d) Comprehensive, culturally competent early learning and greater collaboration between the early learning and K-12 school systems will ensure appropriate connections and smoother transitions for children, and help eliminate or bridge gaps that might otherwise develop.

(3) In light of these findings, it is the intent and purpose of the legislature to:

(a) Authorize the superintendent of public instruction to enter into state-tribal education compacts; and

(b) Foster the development of a voluntary, high-quality, and culturally competent early learning pilot program to work in conjunction with, and offer a seamless transition to, schools established pursuant to state-tribal education compacts.

NEW SECTION. Sec. 2. (1) The superintendent of public instruction is authorized to enter into state-tribal education compacts.

(2) No later than six months after the effective date of this section, the superintendent of public instruction shall establish an application and approval process, procedures, and timelines for the negotiation, approval or disapproval, and execution of state-tribal education compacts.

(3) The process may be initiated by submission, to the superintendent of public instruction, of a resolution by:

(a) The governing body of a tribe in the state of Washington; or

(b) The governing body of any of the schools in Washington that are currently funded by the federal bureau of Indian affairs, whether directly or through a contract or compact with an Indian tribe or a tribal consortium.

(4) The resolution must be accompanied by an application that indicates the grade or grades from kindergarten through twelve that will be offered and that demonstrates that the school will be operated in compliance with all applicable laws, the rules adopted thereunder, and the terms and conditions set forth in the application.

(5) Within ninety days of receipt of a resolution and application under this section, the superintendent must convene a government-to-government meeting for the purpose of considering the resolution and application and initiating negotiations.

(6) State-tribal education compacts must include provisions regarding:

(a) Compliance;

(b) Notices of violation;

(c) Dispute resolution, which may include nonjudicial processes such as mediation;

(d) Recordkeeping and auditing;

(e) The delineation of the respective roles and responsibilities;

(f) The term or length of the contract, and whether or not it is renewable; and

(g) Provisions for compact termination.

(7) The superintendent of public instruction shall adopt such rules as are necessary to implement this chapter.

NEW SECTION. Sec. 3. (1) A school that is the subject of a state-tribal education compact must operate according to the terms of its compact executed in accordance with section 2 of this act.

(2) Schools that are the subjects of state-tribal education compacts are exempt from all state statutes and rules applicable to school districts and school district boards of directors, except those statutes and rules made applicable under this chapter and in the state-tribal education compact executed under section 2 of this act.

(3) Each school that is the subject of a state-tribal education compact must:

(a) Provide a curriculum and conduct an educational program that satisfies the requirements of RCW 28A.150.200 through 28A.150.240 and 28A.230.010 through 28A.230.195;

(b) Employ certificated instructional staff as required in RCW 28A.410.010, however such schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(c) Comply with the employee record check requirements in RCW 28A.400.303 and the mandatory termination and notification provisions of RCW 28A.400.320, 28A.400.330, 28A.405.470, and 28A.405.475;

(d) Comply with nondiscrimination laws;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance; and

(f) Be subject to and comply with legislation enacted after the effective date of this section governing the operation and management of schools that are the subject of a state-tribal education compact.

(4) No such school may engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Nothing in this chapter may limit or restrict any enrollment or school choice options otherwise available under Title 28A RCW.

NEW SECTION. Sec. 4. (1) A school that is the subject of a state-tribal education compact may not charge tuition except to the same extent as school districts may be permitted to do so with respect to out-of-state and adult students pursuant to chapter 28A.225 RCW, but may charge fees for participation in optional extracurricular events and activities.

(2) Such schools may not limit admission on any basis other than age group, grade level, or capacity and must otherwise enroll all students who apply.

(3) If capacity is insufficient to enroll all students who apply, a school that is the subject of a state-tribal education compact may prioritize the enrollment of tribal members and siblings of already enrolled students.

NEW SECTION. Sec. 5. (1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be apportioned by the superintendent of public instruction according to the schedule established under RCW 28A.510.250, including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations for certificated instructional staff must be based on the average staff mix ratio of the school, as calculated by the superintendent of public instruction using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act. Allocations for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located, subject to conditions and limitations established by the omnibus appropriations act. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years.

(4) Schools that are the subject of state-tribal education compacts are encouraged to conduct early learning pilot programs developed under section 9 of this act in conjunction with their school programs for kindergarten and beyond.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.642 RCW to read as follows:

Nothing in this chapter prohibits schools established under chapter 28A.--- RCW (the new chapter created in section 9 of this act) from:

(1) Implementing a policy of Indian preference in employment; or

(2) Prioritizing the admission of tribal members where capacity of the school's programs or facilities is not as large as demand.

Sec. 7. RCW 49.60.400 and 1999 c 3 s 1 are each amended to read as follows:

(1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color,

ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(2) This section applies only to action taken after December 3, 1998.

(3) This section does not affect any law or governmental action that does not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin.

(4) This section does not affect any otherwise lawful classification that:

(a) Is based on sex and is necessary for sexual privacy or medical or psychological treatment; or

(b) Is necessary for undercover law enforcement or for film, video, audio, or theatrical casting; or

(c) Provides for separate athletic teams for each sex.

(5) This section does not invalidate any court order or consent decree that is in force as of December 3, 1998.

(6) This section does not prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state.

(7) Nothing in this section prohibits schools established under chapter 28A.--- RCW (the new chapter created in section 9 of this act) from:

(a) Implementing a policy of Indian preference in employment;

or

(b) Prioritizing the admission of tribal members where capacity of the school's programs or facilities is not as large as demand.

(8) For the purposes of this section, "state" includes, but is not necessarily limited to, the state itself, any city, county, public college or university, community college, school district, special district, or other political subdivision or governmental instrumentality of or within the state.

~~((8))~~ (9) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Washington antidiscrimination law.

~~((9))~~ (10) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law, the United States Constitution, or the Washington state Constitution, the section shall be implemented to the maximum extent that federal law, the United States Constitution, and the Washington state Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

Sec. 8. RCW 84.52.0531 and 2012 1st sp.s. c 10 s 8 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection ~~((6))~~ (7) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the

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nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection ~~((6))~~ (7) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through 2017, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a)(i) For levy collections in calendar year 2010, the difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 28A.505.220;

(ii) For levy collections in calendar years 2011 through 2017, the allocation rate the district would have received in the prior school year using the Initiative 728 rate multiplied by the full-time equivalent student enrollment used to calculate the Initiative 728 allocation for the prior school year; and

(b) The difference between the allocations the district would have received the prior school year using the Initiative 732 base and

the allocations the district actually received the prior school year pursuant to RCW 28A.400.205.

(5) For levy collections in calendar years 2011 through 2017, in addition to the allocations included under subsections (3)(a) through (c) and (4)(a) and (b) of this section, a district's levy base shall also include the difference between an allocation of fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four enrolled in the prior school year and the allocation of certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four that the district actually received in the prior school year, except that the levy base for a school district whose allocation in the 2009-10 school year was less than fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four shall include the difference between the allocation the district actually received in the 2009-10 school year and the allocation the district actually received in the prior school year.

(6) For levy collections beginning in calendar year 2014 and thereafter, in addition to the allocations included under subsections (3)(a) through (c), (4)(a) and (b), and (5) of this section, a district's levy base shall also include the funds allocated by the superintendent of public instruction under section 5 of this act to a school that is the subject of a state-tribal education compact and that formerly contracted with the school district to provide educational services through an interlocal agreement and received funding from the district.

(7)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through 2017 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(ii) For 2011 through 2017, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection ~~((7))~~ (8) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection.

~~((7))~~ (8) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

~~((8))~~ (9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 rate" means the allocation rate at which the student achievement program would have been funded under chapter 3, Laws of 2001, if all annual adjustments to the initial 2001 allocation rate had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's state allocation for annual salary cost-of-living increases for district employees in the state-funded salary base as it would have been calculated under chapter 4, Laws of 2001, if each annual cost-of-living increase allocation had been provided in previous years and in each subsequent year.

~~((9))~~ (10) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

~~((40))~~ (11) The superintendent of public instruction shall develop rules and inform school districts of the pertinent data necessary to carry out the provisions of this section.

~~((14))~~ (12) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

NEW SECTION. Sec. 9. Sections 1 through 5 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 10. Section 8 of this act expires January 1, 2018."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1134.

The motion by Senator Litzow carried and the committee striking amendment was adopted by voice vote.

MOTION

Senator Litzow moved that the amendment on page 2, line 11 by Senator Litzow to the committee striking amendment be adopted.

REMARKS BY THE PRESIDENT

President Owen: "We don't show a floor amendment. Do you have a floor amendment you want to show us?"

NOTICE OF RECONSIDERATION

Senator Fain, having voted on the prevailing side, gave notice of reconsideration of the vote by which the committee striking amendment to by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1134 was adopted by the senate.

MOTION

On motion of Senator Fain, further consideration of Engrossed Second Substitute House Bill No. 1134 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1717, by House Committee on Local Government (originally sponsored by Representatives Fitzgibbon, Jinkins, Liias, Maxwell, Roberts, Pollet, Upthegrove, Morrell and Springer)

Incentivizing up-front environmental planning, review, and infrastructure construction actions.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 1717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1717.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1717 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1261, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Hope and Santos)

Establishing receiving care centers for emergency and crisis care for children removed from their homes. Revised for 1st Substitute: Establishing a resource and assessment center license for agencies to provide short-term emergency and crisis care for children removed from their homes.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1261.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1261 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 1134 which had been deferred earlier in the day.

On motion of Senator Fain, having given prior notice pursuant to Rule 37, the rules were suspended and the Senate immediately reconsidered the vote by which the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1134 was adopted by the Senate earlier in the day.

MOTION

Senator Litzow moved that the following amendment by Senator Litzow to the committee striking amendment be adopted:

On page 2, beginning on line 11 of the amendment, after "(a)" strike all material through "(b)" on line 13

Reletter the remaining subsections alphabetically and correct any internal references accordingly.

On page 2, beginning on line 27 of the amendment, after "to" strike all material through "compacts." on line 33 and insert "authorize the superintendent of public instruction to enter into state-tribal education compacts."

On page 5, beginning on line 32, strike all of subsection (4) Correct any internal references accordingly.

Senator Litzow spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Litzow on page 2, line 11 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1134.

The motion by Senator Litzow carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1134.

The motion by Senator Litzow carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 49.60.400 and 84.52.0531; adding a new section to chapter 28A.642 RCW; adding a new chapter to Title 28A RCW; and providing expiration dates."

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Second Substitute House Bill No. 1134 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow, McAuliffe and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1134 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1134 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1738, by Representatives Hayes, Sells, Seaquist, Dunshee and Ryu

Authorizing political subdivisions to purchase certain technology and services from the United States government.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1738 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1738.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1738 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Holmquist Newbry and Honeyford

Excused: Senators Carrell and Shin

HOUSE BILL NO. 1738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1447, by Representatives Fey, Hargrove, Clibborn and Zeiger

Modifying the boundaries of certain heavy haul corridors.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Bill No. 1447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1447.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1447 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

HOUSE BILL NO. 1447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Murray was excused.

SECOND READING

HOUSE BILL NO. 1203, by Representatives Farrell, Lytton, Kagi, Freeman, Walsh, Ryu, Reykdal, Morrell, Jinkins, Bergquist and Ormsby

Exempting personal information relating to children from public inspection and copying.

The measure was read the second time.

MOTION

Senator Darneille moved that the following amendment by Senator Darneille be adopted:

On page 2, after line 27, insert the following:

“NEW SECTION, Sec. 2. A new section is added to chapter 42.56 RCW to read as follows:

Actual enumeration data collected under RCW 35.15.260, 35A.14.700, and 36.13.030, and chapter 43.62 RCW shall be used and retained only by the office of financial management and only for the purposes of RCW 35.13.260, 35A.14.700, and 36.13.030, and chapter 43.62 RCW. The enumeration data collected is confidential and not subject to public disclosure. The office of financial management must destroy the enumeration data collected after it is used to produce the required population estimates.

On page 1, line 2 of the title, after “children;” strike “and” and on line 3, after “42.56.230” insert “; and adding a new section to chapter 42.56 RCW”

Senator Darneille spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Darneille, the amendment by Senator Darneille on page 2, line 27 to House Bill No. 1203 was withdrawn.

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 1203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1203.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1203 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Murray and Shin

HOUSE BILL NO. 1203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1270, by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Schmick, Green, Harris, Cody and Ryu)

Making the board of denturists the disciplining authority for licensed denturists.

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The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, Substitute House Bill No. 1270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1270.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1270 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Murray and Shin

SUBSTITUTE HOUSE BILL NO. 1270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1271, by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Johnson, Morrell, Green, Harris, Cody, Ryu and Tharinger)

Concerning the practice of denturism.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, Substitute House Bill No. 1271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1271.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1271 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Murray and Shin

SUBSTITUTE HOUSE BILL NO. 1271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1180, by House Committee on Appropriations (originally sponsored by Representatives Scott, Blake, Kristiansen and Santos)

Addressing death benefits for volunteer firefighters and reserve officers.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Substitute House Bill No. 1180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1180.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1180 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Murray and Shin

SUBSTITUTE HOUSE BILL NO. 1180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1764, by House Committee on Appropriations (originally sponsored by Representatives Chandler, Stanford, Blake, Appleton and Dunshee)

Concerning geoduck diver licenses.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.65.410 and 1993 c 340 s 24 are each amended to read as follows:

(1)(a) Every diver engaged in the commercial harvest of ~~subtidal~~ geoduck clams shall obtain a (~~nontransferable~~) geoduck diver license. ~~An individual may only own one license and all geoduck harvesting performed under the license must be done personally by the actual license holder.~~

(b) The licensing requirement created in this section does not apply to divers engaged in activities related to the cultivation of geoduck clams as private sector cultured aquatic products as defined in RCW 15.85.020.

(c) The geoduck diver license is a nontransferable license.

(2) Beginning January 1, 2015, the director may not issue more than seventy-seven geoduck diver licenses in any one year.

(3) The annual geoduck diver license fee is as provided in RCW 77.65.440.

(4) A geoduck diver license expires on December 31st of each year. Prior to the license's expiration, a license holder may apply to renew the license holder's geoduck diver license only if the license holder is included on a department of natural resources' geoduck harvest agreement plan of operation during the applicable current calendar year.

(5) Beginning January 1, 2015, each person applying for or renewing a geoduck diver license under this section must complete the geoduck diver safety program established in section 5 of this act prior to being issued a license.

NEW SECTION. Sec. 2. (1) The director of the department of fish and wildlife shall give individuals who held a geoduck diver license in 2011, 2012, 2013, or 2014, and who were listed on a department of natural resources' geoduck harvest agreement plan of operation during the same period, the right of first refusal to purchase a geoduck diver license for the 2015 license year.

(2) Any license holder who qualifies for the right of first refusal under this section must have his or her intent to purchase a geoduck diver license in 2015 known to the director of the department of fish and wildlife within six months of the effective date of this section.

(3) This section expires June 30, 2016.

NEW SECTION. Sec. 3. A new section is added to chapter 77.65 RCW to read as follows:

The department must revoke a geoduck diver license issued under RCW 77.65.410, and the licensee must surrender the license, if the licensee is found in violation of a department of natural resources' geoduck harvest agreement two or more times. The person surrendering the geoduck diver license may not hold another geoduck diver license for a period of one calendar year from the date the license is surrendered.

NEW SECTION. Sec. 4. A new section is added to chapter 43.30 RCW to read as follows:

(1) The department shall establish a geoduck harvest safety committee. The geoduck harvest safety committee consists of one representative from the department, one representative from the department's geoduck diver advisory committee, one representative from an organization representing the interests of geoduck harvesters, and one representative from an organization representing the interests of geoduck divers. Each representative must be appointed by the administrator.

(2) The geoduck harvest safety committee must meet at least quarterly. By December 1, 2013, the committee must submit a recommendation to the department regarding the establishment of a geoduck diver safety program and safety requirements for geoduck divers licensed under RCW 77.65.410.

(3) Upon the establishment of the geoduck diver safety program under section 5 of this act, the geoduck harvest safety committee must continue to review and evaluate the safety program's success and effectiveness and recommend to the department appropriate changes to improve the geoduck diver safety program.

NEW SECTION. Sec. 5. A new section is added to chapter 43.30 RCW to read as follows:

(1) By December 1, 2014, the department must, by rule, create a geoduck diver safety program and establish safety requirements for geoduck divers licensed under RCW 77.65.410. The department must adopt rules based on the recommendation of the geoduck harvest safety committee established in section 4 of this act.

(2) The department may adopt, amend, or repeal rules as needed to ensure the success and effectiveness of the geoduck diver safety program created under subsection (1) of this section. The department must consider the recommendations provided by the geoduck harvest safety committee under section 4(3) of this act.

(3) The department may not adopt rules in conflict with commercial diving safety standards and regulations promulgated and implemented by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq.).

(4) A civil suit or action may not be commenced or prosecuted against the administrator, department, or any other government officer or entity by reason of any actions taken in connection with the adoption or enforcement of the geoduck diver safety program and safety requirements established under subsections (1) and (2) of this section. The state of Washington does not waive its sovereign immunity with respect to any actions taken by the department under this section.

Sec. 6. RCW 79.135.210 and 2005 c 155 s 708 and 2005 c 113 s 3 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 79.135.040, geoducks shall be sold as valuable materials under the provisions of chapter 79.90 RCW. After confirmation of the sale, the department may enter into an agreement with the purchaser for the harvesting of geoducks. The department may place terms and conditions in the harvesting agreements as the department deems necessary. The department may enforce the provisions of any harvesting agreement by suspending or canceling the harvesting agreement or through any other means contained in the harvesting agreement. Any geoduck harvester may terminate a harvesting agreement entered into pursuant to this subsection if actions of a governmental agency, beyond the control of the harvester, its agents, or its employees, prohibit harvesting, for a period exceeding thirty days during the term of the harvesting agreement, except as provided within the agreement. Upon termination of the agreement by the harvester, the harvester shall be reimbursed by the department for the cost paid to the department on the agreement, less the value of the harvest already accomplished by the harvester under the agreement.

(2) Harvesting agreements under this title for the purpose of harvesting geoducks shall require the harvester and the harvester's agent or representatives to comply with all applicable commercial diving safety standards and regulations promulgated and implemented by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as the law exists or as amended (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq.). However, for the purposes of this section and RCW 77.60.070, all persons who dive for geoducks are deemed to be employees as defined by the federal occupational safety and health act. All harvesting agreements shall provide that failure to comply with these standards is cause for suspension or cancellation of the harvesting agreement. Further, for the purposes of this subsection if the harvester contracts with another person or entity for the harvesting of geoducks, the harvesting agreement shall not be suspended or canceled if the harvester terminates its business

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relationship with such an entity until compliance with this subsection is secured.

(3) Beginning January 1, 2015, geoduck divers licensed under RCW 77.65.410 must annually complete the geoduck diver safety program established in section 5 of this act in order to be maintained on a department of natural resources' harvest agreement plan of operation.

NEW SECTION. Sec. 7. The department of fish and wildlife may adopt any rules deemed necessary to implement sections 1 through 3 of this act."

Senator Pearson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Parks to Second Substitute House Bill No. 1764.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 77.65.410; reenacting and amending RCW 79.135.210; adding a new section to chapter 77.65 RCW; adding new sections to chapter 43.30 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Pearson, the rules were suspended, Second Substitute House Bill No. 1764 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1764 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1764 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Braun and Holmquist Newbry

Excused: Senators Carrell and Shin

SECOND SUBSTITUTE HOUSE BILL NO. 1764 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

2013 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1941, by House Committee on Transportation (originally sponsored by Representatives Habib, Clibborn and Springer)

Concerning the adjudication of tolls and accompanying civil penalties.

The measure was read the second time.

MOTION

Senator Eide moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.63.160 and 2011 c 367 s 705 are each amended to read as follows:

(1) This section applies only to civil penalties for nonpayment of tolls detected through use of photo toll systems.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) A notice of civil penalty may be issued by the department of transportation when a toll is assessed through use of a photo toll system and the toll is not paid by the toll payment due date, which is eighty days from the date the vehicle uses the toll facility and incurs the toll charge.

(4) Any registered owner or renter of a vehicle traveling upon a toll facility operated under chapter 47.56 or 47.46 RCW is subject to a civil penalty governed by the administrative procedures set forth in this section when the vehicle incurs a toll charge and the toll is not paid by the toll payment due date, which is eighty days from the date the vehicle uses the toll facility and incurs the toll charge.

(5)(a) Consistent with chapter 34.05 RCW, the department of transportation shall develop an administrative adjudication process to review appeals of civil penalties issued by the department of transportation for toll nonpayment detected through the use of a photo toll system under this section. The department of transportation shall submit to the transportation committees of the legislature an annual report on the number of times adjudicators reduce or dismiss the civil penalty as provided in (b) of this subsection and the total amount of the civil penalties dismissed. The report must be submitted by December 1st of each year.

(b) During the adjudication process, the alleged violator must have an opportunity to explain mitigating circumstances. Hospitalization, a divorce decree or legal separation agreement resulting in a transfer of the vehicle, an active duty member of the military or national guard covered by the federal servicemembers civil relief act, 50 U.S.C. Sec. 501 et seq., or state service members' civil relief act, chapter 38.42 RCW, eviction, homelessness, the death of the alleged violator or of an immediate family member, or if the alleged violator did not receive a toll charge bill or notice of civil penalty are valid mitigating circumstances. All of these reasons that constitute mitigating circumstances must occur within a reasonable time of the alleged toll violation. In response to these circumstances, the adjudicator may reduce or dismiss the civil penalty.

(6) The use of a photo toll system is subject to the following requirements:

(a) Photo toll systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) A notice of civil penalty must include with it a certificate or facsimile thereof, based upon inspection of photographs,

microphotographs, videotape, or other recorded images produced by a photo toll system, stating the facts supporting the notice of civil penalty. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding established under subsection (5) of this section. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the toll nonpayment civil penalty must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the civil penalty.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, other recorded images, or other records identifying a specific instance of travel prepared under this ~~(chapter)~~ section are for the exclusive use of the tolling agency for toll collection and enforcement purposes and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a civil penalty under this ~~(chapter)~~ section. No photograph, digital photograph, microphotograph, videotape, other recorded image, or other record identifying a specific instance of travel may be used for any purpose other than toll collection or enforcement of civil penalties under this section. Records identifying a specific instance of travel by a specific person or vehicle must be retained only as required to ensure payment and enforcement of tolls and to comply with state records retention policies.

(d) All locations where a photo toll system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where tolls are assessed and enforced by a photo toll system.

(e) Within existing resources, the department of transportation shall conduct education and outreach efforts at least six months prior to activating an all-electronic photo toll system. Methods of outreach shall include a department presence at community meetings in the vicinity of a toll facility, signage, and information published in local media. Information provided shall include notice of when all electronic photo tolling shall begin and methods of payment. Additionally, the department shall provide quarterly reporting on education and outreach efforts and other data related to the issuance of civil penalties.

(f) The envelope containing a toll charge bill or related notice issued pursuant to RCW 47.46.105 or 47.56.795, or a notice of civil penalty issued under this section, must prominently indicate that the contents are time sensitive and related to a toll violation.

(7) Civil penalties for toll nonpayment detected through the use of photo toll systems must be issued to the registered owner of the vehicle identified by the photo toll system, but are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(8) The civil penalty for toll nonpayment detected through the use of a photo toll system is forty dollars plus the photo toll and associated fees.

(9) Except as provided otherwise in this subsection, all civil penalties, including the photo toll and associated fees, collected under this section must be deposited into the toll facility account of the facility on which the toll was assessed. However, through June 30, 2013, civil penalties deposited into the Tacoma Narrows toll bridge account created under RCW 47.56.165 that are in excess of amounts necessary to support the toll adjudication process applicable to toll collection on the Tacoma Narrows bridge must first be allocated toward repayment of operating loans and reserve payments provided to the account from the motor vehicle account under section 1005(15), chapter 518, Laws of 2007. Additionally, all civil penalties, resulting from nonpayment of tolls on the state route number 520 corridor, shall be deposited into the state route number 520 civil penalties account created under section 4, chapter 248, Laws of 2010 but only if chapter 248, Laws of 2010 is enacted by June 30, 2010.

(10) If the registered owner of the vehicle is a rental car business, the department of transportation shall, before a toll bill is issued, provide a written notice to the rental car business that a toll bill may be issued to the rental car business if the rental car business does not, within thirty days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the toll was assessed; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the toll was assessed because the vehicle was stolen at the time the toll was assessed. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing agency relieves a rental car business of any liability under this section for the payment of the toll.

(11) Consistent with chapter 34.05 RCW, the department of transportation shall develop rules to implement this section.

(12) For the purposes of this section, "photo toll system" means the system defined in RCW 47.56.010 and 47.46.020."

Senator Eide spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1941.

The motion by Senator Eide carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "penalties;" strike the remainder of the title and insert "and amending RCW 46.63.160."

MOTION

On motion of Senator Eide, the rules were suspended, Substitute House Bill No. 1941 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

MOTION

On motion of Senator Hobbs, Senator Hatfield was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1941 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1941 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

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Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SUBSTITUTE HOUSE BILL NO. 1941 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1445, by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Cody, Green, Jinkins and Morrell)

Concerning complex rehabilitation technology products.

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends to:

- (1) Protect access for complex needs patients to important technology and supporting services;
- (2) Establish and improve safeguards relating to the delivery and provision of medically necessary complex rehabilitation technology; and
- (3) Provide supports for complex needs patients to stay in the home or community setting, prevent institutionalization, and prevent hospitalizations and other costly secondary complications.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

- (1) The authority shall establish a separate recognition for individually configured, complex rehabilitation technology products and services for complex needs patients with the medical assistance program. This separate recognition shall:
 - (a) Establish a budget and services category separate from other categories, such as durable medical equipment and supplies;
 - (b) Take into consideration the customized nature of complex rehabilitation technology and the broad range of services necessary to meet the unique medical and functional needs of people with complex medical needs; and
 - (c) Establish standards for the purchase of complex rehabilitation technology exclusively from qualified complex rehabilitation technology suppliers.

(2) The authority shall require complex needs patients receiving complex rehabilitation technology to be evaluated by:

- (a) A licensed health care provider who performs specialty evaluations within his or her scope of practice, including a physical therapist licensed under chapter 18.74 RCW and an occupational therapist licensed under chapter 18.59 RCW, and has no financial relationship with the qualified complex rehabilitation technology supplier; and
- (b) A qualified complex rehabilitation technology professional, as identified in subsection (3)(d)(iii) of this section.

(3) As used in this section:

- (a) "Complex needs patient" means an individual with a diagnosis or medical condition that results in significant physical or functional needs and capacities. "Complex needs patient" does not

negate the requirement that an individual meet medical necessity requirements under authority rules to qualify for receiving a complex rehabilitation product.

(b) "Complex rehabilitation technology" means wheelchairs and seating systems classified as durable medical equipment within the medicare program as of January 1, 2013, that:

- (i) Are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization or institutionalization of a complex needs patient;
- (ii) Are primarily used to serve a medical purpose and generally not useful to a person in the absence of an illness or injury; and
- (iii) Require certain services to allow for appropriate design, configuration, and use of such item, including patient evaluation and equipment fitting and configuration.

(c) "Individually configured" means a device has a combination of features, adjustments, or modifications specific to a complex needs patient that a qualified complex rehabilitation technology supplier provides by measuring, fitting, programming, adjusting, or adapting the device as appropriate so that the device is consistent with an assessment or evaluation of the complex needs patient by a health care professional and consistent with the complex needs patient's medical condition, physical and functional needs and capacities, body size, period of need, and intended use.

(d) "Qualified complex rehabilitation technology supplier" means a company or entity that:

- (i) Is accredited by a recognized accrediting organization as a supplier of complex rehabilitation technology;
- (ii) Meets the supplier and quality standards established for durable medical equipment suppliers under the medicare program;
- (iii) For each site that it operates, employs at least one complex rehabilitation technology professional, who has been certified by the rehabilitation engineering and assistive technology society of North America as an assistive technology professional, to analyze the needs and capacities of complex needs patients, assist in selecting appropriate covered complex rehabilitation technology items for such needs and capacities, and provide training in the use of the selected covered complex rehabilitation technology items;
- (iv) Has the complex rehabilitation technology professional physically present for the evaluation and determination of the appropriate individually configured complex rehabilitation technologies for the complex needs patient;
- (v) Provides service and repairs by qualified technicians for all complex rehabilitation technology products it sells; and
- (vi) Provides written information to the complex needs patient at the time of delivery about how the individual may receive service and repair.

NEW SECTION. Sec. 3. This act takes effect January 1, 2014."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1445.

The motion by Senator Becker carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "adding a new section to chapter

74.09 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Second Substitute House Bill No. 1445 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Nelson, Senator Chase was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1445 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1445 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Chase and Shin

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1445 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1256, by House Committee on Transportation (originally sponsored by Representatives Fey, Orcutt, Tarleton, Jinkins and Morrell)

Addressing project selection by the freight mobility strategic investment board.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Eide and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1256.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1256 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senators Carrell and Shin

SUBSTITUTE HOUSE BILL NO. 1256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute House Bill No. 1466 which had been deferred earlier in the day.

Senator Dammeier spoke in favor of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 1466.

The motion by Senator Dammeier carried and the committee striking amendment as amended was adopted by a rising vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "procedures;" strike the remainder of the title and insert "amending RCW 39.10.220, 39.10.230, 39.10.240, 39.10.250, 39.10.260, 39.10.270, 39.10.280, 39.10.300, 39.10.320, 39.10.330, 39.10.340, 39.10.360, 39.10.380, 39.10.385, 39.10.390, 39.10.400, 39.10.420, 39.10.440, 39.10.490, 43.131.407, and 43.131.408; reenacting and amending RCW 39.10.210; adding a new section to chapter 43.131 RCW; repealing RCW 39.10.500 and 39.10.510; providing an effective date; providing a contingent effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Dammeier, the rules were suspended, Substitute House Bill No. 1466 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1466 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1466 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Hearing Loss and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

Absent: Senator Kline

SUBSTITUTE HOUSE BILL NO. 1466 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Excused: Senators Carrell, Harper, Nelson and Shin
Ariele Belo, Gubernatorial Appointment No. 9077, having received the constitutional majority was declared confirmed as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

MOTION

On motion of Senator Billig, Senator Kline was excused.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

MOTION

At 6:06 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432, by House Committee on Finance (originally sponsored by Representatives Stanford, Hope, Moscoso, Springer, Hayes, Roberts, McCoy, Lias, Kristiansen and Sells)

EVENING SESSION

The Senate was called to order at 6:45 p.m. by President Owen.

Concerning county property tax levies.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

The measure was read the second time.

MOTION

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

Senator Hobbs moved that the following amendment by Senator Rolfes be adopted:

On page 2, after line 35, insert the following:

"(4) Subsections (2) and (3) of this section do not preclude a county from increasing the levy amount in subsection (1) of this section to an amount that is greater than the change in the regular county levy."

Senator Dammeier moved that Ariele Belo, Gubernatorial Appointment No. 9077, be confirmed as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

On page 4, after line 26, insert the following:

"(6) Subsections (2), (4), and (5) of this section do not preclude a county from increasing the levy amount in subsection (1) of this section to an amount that is greater than the change in the regular county levy."

Senator Dammeier spoke in favor of the motion.

Senators Hobbs, Rolfes and Hill spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Billig, Senators Harper and Nelson were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 2, after line 35 to Engrossed Substitute House Bill No. 1432.

APPOINTMENT OF ARIELE BELO

The President declared the question before the Senate to be the confirmation of Ariele Belo, Gubernatorial Appointment No. 9077, as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

The motion by Senator Hobbs carried and the amendment was adopted by voice vote.

MOTION

The Secretary called the roll on the confirmation of Ariele Belo, Gubernatorial Appointment No. 9077, as a member of the Board of Trustees for the Center of Childhood Deafness and

On motion of Senator Hill, the rules were suspended, Engrossed Substitute House Bill No. 1432 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1432 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1432 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Harper, Nelson and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1144, by House Committee on Education (originally sponsored by Representatives Dahlquist, Lytton, Fagan, Haigh, Moscoso, Magendanz, Liias, Ryu and Santos)

Regarding qualifications for educational interpreters.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Dammeier be adopted:

On page 2, beginning on line 20, after "(4)" strike all material through "deaf." on line 24 and insert "By December 31, 2013, the professional educator standards board shall recommend to the education committees of the house of representatives and the senate, how to appropriately use the national interpreter certification and the educational interpreter performance assessment for educational interpreters in Washington public schools."

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Dammeier on page 2, line 20 to Substitute House Bill No. 1144.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Dammeier, the rules were suspended, Substitute House Bill No. 1144 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1144 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1144 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Harper, Nelson and Shin

SUBSTITUTE HOUSE BILL NO. 1144 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247, by House Committee on Labor & Workforce Development (originally sponsored by Representatives Hansen, Warnick, Smith, Zeiger, Fey, Springer, Tharinger and Santos)

Modifying job skills program provisions.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 1247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

REMARKS BY THE PRESIDENT

President Owen: "I am. Every word. Senator. Please state your point of order."

POINT OF ORDER

Senator Roach: "I'm listening."

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1247.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1247 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove,

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Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Harper and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1370, by House Committee on Judiciary (originally sponsored by Representative Seaquist)

Concerning notice requirements for homeowners' associations meetings.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1370.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1370 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Harper and Shin

SUBSTITUTE HOUSE BILL NO. 1370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1499, by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Jinkins, Harris, Cody, Fitzgibbon, Ryu, Roberts, Fey and Pollet)

Concerning the program of all-inclusive care for the elderly.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Substitute House Bill No. 1499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1499.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1499 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Harper and Shin

SUBSTITUTE HOUSE BILL NO. 1499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1021, by House Committee on Judiciary (originally sponsored by Representative Haler)

Educating parents of the harmful effects of parental abduction.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1021.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1021 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Harper and Shin

SUBSTITUTE HOUSE BILL NO. 1021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1525, by House Committee on Judiciary (originally sponsored by Representatives Orwall, Pedersen, Goodman, Hunt, Roberts, Upthegrove, Ryu and Jinkins)

Concerning birth certificates and other birth-related information.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.33.345 and 1993 c 81 s 3 are each amended to read as follows:

(1) The department of social and health services, adoption agencies, and independent adoption facilitators shall release the name and location of the court where a relinquishment of parental rights or finalization of an adoption took place to an adult adoptee, a birth parent of an adult adoptee, an adoptive parent, a birth or adoptive grandparent of an adult adoptee, or an adult sibling of an adult adoptee, or the legal guardian of any of these.

(2) The department of health shall make available a noncertified copy of the original birth certificate of a child to the child's birth parents upon request.

(3)(a) For adoptions finalized after October 1, 1993, the department of health shall ~~((make available))~~ provide a noncertified copy of the original birth certificate to ~~((the adoptee after the adoptee's eighteenth birthday unless the birth parent has filed an affidavit of nondisclosure))~~ an adoptee eighteen years of age or older upon request, unless the birth parent has filed an affidavit of nondisclosure before the effective date of this section or a contact preference form that indicates he or she does not want the original birth certificate released: **PROVIDED**, That the affidavit of nondisclosure, the contact preference form, or both have not expired.

(b) For adoptions finalized on or before October 1, 1993, the department of health may not provide a noncertified copy of the original birth certificate to the adoptee until after June 30, 2014. After June 30, 2014, the department of health shall provide a noncertified copy of the original birth certificate to an adoptee eighteen years of age or older upon request, unless the birth parent has filed a contact preference form that indicates he or she does not want the original birth certificate released: **PROVIDED**, That the contact preference form has not expired.

(c) An affidavit of nondisclosure expires upon the death of the birth parent.

(4)(a) Regardless of whether a birth parent has filed an affidavit of nondisclosure or when the adoption was finalized, a birth parent may at any time complete a contact preference form stating his or her preference about personal contact with the adoptee, which, if available, must accompany an original birth certificate provided to an adoptee under subsection (3) of this section.

(b) The contact preference form must include the following options:

(i) I would like to be contacted. I give the department of health consent to provide the adoptee with a noncertified copy of his or her original birth certificate;

(ii) I would like to be contacted only through a confidential intermediary as described in RCW 26.33.343. I give the department of health consent to provide the adoptee with a noncertified copy of his or her original birth certificate;

(iii) I prefer not to be contacted and have completed the birth parent updated medical history form. I give the department of health consent to provide the adoptee with a noncertified copy of his or her original birth certificate; and

(iv) I prefer not to be contacted and have completed the birth parent updated medical history form. I do not want a noncertified copy of the original birth certificate released to the adoptee.

(c) If the birth parent indicates he or she prefers not to be contacted, personally identifying information on the contact preference form must be kept confidential and may not be released.

(d) Nothing in this section precludes a birth parent from subsequently filing another contact preference form to rescind the previous contact preference form and state a different preference.

(e) A contact preference form expires upon the death of the birth parent.

(5) If a birth parent files a contact preference form, the birth parent must also file an updated medical history form with the department of health. Upon request of the adoptee, the department of health must provide the adoptee with the updated medical history form filed by the adoptee's birth parent.

(6) Both a completed contact preference form and birth parent updated medical history form are confidential and must be placed in the adoptee's sealed file.

(7) If a birth parent files a contact preference form within six months after the first time an adoptee requests a copy of his or her original birth certificate as provided in subsection (3) of this section, the department of health must forward the contact preference form and the birth parent updated medical history form to the address of the adoptee.

(8) The department of health may charge a fee not to exceed twenty dollars for providing a noncertified copy of a birth certificate to an adoptee.

(9) The department of health must create the contact preference form and an updated medical history form. The contact preference form must provide a method to ensure personally identifying information can be kept confidential. The updated medical history form may not require the birth parent to disclose any identifying information about the birth parent.

(10) If the department of health does not provide an adoptee with a noncertified copy of the original birth certificate because a valid affidavit of nondisclosure or contact preference form has been filed, the adoptee may request, no more than once per year, that the department of health attempt to determine if the birth parent is deceased. Upon request of the adoptee, the department of health must make a reasonable effort to search public records that are accessible and already available to the department of health to determine if the birth parent is deceased. The department of health may charge the adoptee a reasonable fee to cover the cost of conducting a search."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1525.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

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There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "information;" strike the remainder of the title and insert "and amending RCW 26.33.345."

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1525 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson, Smith, Keiser, Rivers and Parlette spoke in favor of passage of the bill.

Senator Hargrove spoke against passage of the bill.

Senator Darneille spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1525 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1525 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Eide, Fraser, Hargrove, Holmquist Newbry, Honeyford, McAuliffe, Nelson and Padden

Excused: Senators Carrell and Shin

SUBSTITUTE HOUSE BILL NO. 1525 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1534, by Representatives Riccelli, Harris, Ryu and Jinkins

Increasing the impaired dentist program license or renewal surcharge.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, House Bill No. 1534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

Senator Schlicher spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1534.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1534 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senators Carrell and Shin

HOUSE BILL NO. 1534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688, by House Committee on Education (originally sponsored by Representatives Stonier, Pike, Santos, Hayes, Orwall, Bergquist, McCoy, Scott, Ryu, Pollet, Freeman, Farrell and Parker)

Establishing a requirement and system for reporting incidents of student restraint and isolation in public schools. Revised for 1st Substitute: Establishing a requirement and system for reporting incidents of student restraint and isolation in public schools. (REVISED FOR ENGROSSED: Establishing a requirement and system for reporting incidents of student restraint and isolation in public schools for students who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973.)

The measure was read the second time.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that preserving a safe and beneficial learning environment for all students requires the establishment and enforcement of appropriate student discipline policies. The legislature further finds that although physical restraint and isolation of a student should be avoided, there may be circumstances where school district boards of directors have authorized these actions to preserve the safety of other students and school staff. Nevertheless, if an incident of student restraint or isolation occurs, school personnel should be held accountable for providing a thorough explanation of the circumstances.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Isolation" means excluding a student from his or her regular instructional area and restricting the student alone within a room or any other form of enclosure, from which the student may not leave.

(b) "Restraint" means physical intervention or force used to control a student, including the use of a restraint device.

(c) "Restraint device" means a device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons.

(2) The provisions of this section apply only to any restraint of a student who has an individualized education program or plan developed under section 504 of the rehabilitation act of 1973 that results in a physical injury to a student or a staff member, any restraint of a student who has an individualized education program or plan developed under section 504 of the rehabilitation act of 1973, and any isolation of a student who has an individualized education program or plan developed under section 504 of the rehabilitation act of 1973. The provisions of this section apply only to incidents of restraint or isolation that occur while a student who has an individualized education program or plan developed under section 504 of the rehabilitation act of 1973 is participating in school-sponsored instruction or activities.

(3) Following the release of a student from the use of restraint or isolation, the school must implement follow-up procedures. These procedures must include reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation and reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed.

(4) Any school employee, resource officer, or school security officer who uses any chemical spray, mechanical restraint, or physical force on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office. The written report should include, at a minimum, the following information:

- (a) The date and time of the incident;
- (b) The name and job title of the individual who administered the restraint or isolation;
- (c) A description of the activity that led to the restraint or isolation;
- (d) The type of restraint or isolation used on the student, including the duration; and
- (e) Whether the student or staff was physically injured during the restraint or isolation and any medical care provided.

(5) The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.155 RCW to read as follows:

A school that is required to develop an individualized education program as required by federal law must include within the plan procedures for notification of a parent or guardian regarding the use of restraint or isolation.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.600 RCW to read as follows:

Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the district policy on the use of isolation and restraint at the time that the program or plan is created."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1688.

The motion by Senator Litzow carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.155 RCW; and creating a new section."

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Substitute House Bill No. 1688 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1688 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1688 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1036, by Representatives Kirby, Ryu and Schmick

Regulating service contracts.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1036.

ROLL CALL

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The Secretary called the roll on the final passage of House Bill No. 1036 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

HOUSE BILL NO. 1036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552, by House Committee on Public Safety (originally sponsored by Representatives Goodman, Klippert, Freeman, Kirby, Morrell, Seaquist, Sullivan, Appleton, Ryu, Hunt, Stanford, Kochmar, Maxwell, Takko, Bergquist, Warnick, Manweller, Green and Fey)

Reducing scrap metal theft.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9A.48.100 and 1984 c 273 s 4 are each amended to read as follows:

For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive:

(1) "Physical damage", in addition to its ordinary meaning, shall include the total or partial alteration, damage, obliteration, or erasure of records, information, data, computer programs, or their computer representations, which are recorded for use in computers or the impairment, interruption, or interference with the use of such records, information, data, or computer programs, or the impairment, interruption, or interference with the use of any computer or services provided by computers. "Physical damage" also includes any diminution in the value of any property as the consequence of an act and the cost to repair any physical damage;

(2) If more than one item of property is physically damaged as a result of a common scheme or plan by a person and the physical damage to the property would, when considered separately, constitute mischief in the third degree because of value, then the value of the damages may be aggregated in one count. If the sum of the value of all the physical damages exceeds two hundred fifty dollars, the defendant may be charged with and convicted of malicious mischief in the second degree.

Sec. 2. RCW 9A.56.030 and 2012 c 233 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) five thousand dollars in value other than a firearm as defined in RCW 9.41.010;

(b) Property of any value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, taken from the person of another;

(c) A search and rescue dog, as defined in RCW 9.91.175, while the search and rescue dog is on duty; or

(d) ~~Commercial metal ((wire, taken from a public service company, as defined in RCW 80.04.010, or a consumer owned utility, as defined in RCW 19.280.020;)) property, nonferrous metal property, or private metal property, as those terms are defined in RCW 19.290.010, and the costs of the damage to the ((public service company's or consumer owned utility's)) owner's property exceed five thousand dollars in value.~~

(2) Theft in the first degree is a class B felony.

Sec. 3. RCW 9A.56.040 and 2012 c 233 s 3 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) seven hundred fifty dollars in value but does not exceed five thousand dollars in value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle;

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant;

(c) ~~Commercial metal ((wire, taken from a public service company, as defined in RCW 80.04.010, or a consumer owned utility, as defined in RCW 19.280.020;)) property, nonferrous metal property, or private metal property, as those terms are defined in RCW 19.290.010, and the costs of the damage to the ((public service company's or consumer owned utility's)) owner's property exceed seven hundred fifty dollars but does not exceed five thousand dollars in value; or~~

(d) An access device.

(2) Theft in the second degree is a class C felony.

Sec. 4. RCW 19.290.010 and 2008 c 233 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under RCW 19.290.030.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, commercial mobile radio services, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four-inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Private metal property" means catalytic converters, either singly or in bundles, bales, or bulk, that have been removed from vehicles for sale as a specific commodity.

(7) "Record" means a paper, electronic, or other method of storing information.

(8) "Scrap metal business" means a scrap metal supplier, scrap metal ~~((recycling center))~~ recycler, and scrap metal processor.

(9) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving private metal property, nonferrous metal property, and commercial metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(10) "Scrap metal ~~((recycling center))~~ recycler" means a person with a current business license that is engaged in the business of purchasing or receiving private metal property, nonferrous metal property, and commercial metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(11) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving private metal property or nonferrous metal property for the purpose of aggregation and sale to a scrap metal ~~((recycling center))~~ recycler or scrap metal processor and that does not maintain a fixed business location in the state.

(12) "Transaction" means a pledge, or the purchase of, or the trade of any item of private metal property or nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of private metal property or nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

(13) "Engage in business" means conducting more than five transactions in a twelve-month period.

(14) "Person means an individual, domestic or foreign corporation, limited liability corporation, partnership, trust, unincorporated association, or other entity; an affiliate or associate of any such person; or any two or more persons acting as a partnership, syndicate, or other group for the purpose of acquiring, holding, or dispersing of securities of a domestic or foreign corporation.

Sec. 5. RCW 19.290.020 and 2008 c 233 s 2 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, ~~((including the property's classification code as provided in))~~ utilizing the institute of scrap recycling industries' ((scrap specifications circular, 2006)) generally accepted terminology, and including weight, quantity, or volume.

(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for ~~((one))~~ five years following the date of the transaction.

Sec. 6. RCW 19.290.030 and 2008 c 233 s 3 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive private metal property or nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive private metal property or commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4)(a) No transaction involving private metal property or nonferrous metal property ~~((valued at greater than thirty dollars))~~ may be made in cash or with any person who does not provide a street address under the requirements of RCW 19.290.020 except as described in (b) of this subsection. ~~((For transactions valued at greater than thirty dollars,))~~ The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under RCW 19.290.020, no earlier than ~~((ten))~~ three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 19.290.020.

(b) A scrap metal business that is in compliance with this chapter that digitally captures: (i) A copy of one piece of current government-issued picture identification, including a current driver's license or identification card issued by any state and (ii) either a picture or video of either the material subject to the transaction in the form received or the material subject to the transaction within the vehicle which the material was transported to the scrap metal business, may pay up to a maximum of thirty dollars

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in cash, stored value device, or electronic funds transfer. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made. A scrap metal business's usage of video surveillance shall be sufficient to comply with this subsection (4)(b)(ii) as long as the video captures the material subject to the transaction. A digital image or picture taken under this subsection must be available for two years from the date of transaction, while a video recording must be available for thirty days.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

Sec. 7. RCW 19.290.040 and 2008 c 233 s 4 are each amended to read as follows:

(1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account; and

(c) The full name of the person employed by the commercial enterprise who is authorized to deliver private metal property, nonferrous metal property, and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of private metal property, nonferrous metal property, and commercial metal property from the commercial enterprise. The record must be maintained for three years following the date of the transfer or receipt. The documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received; and

(c) The signature of the person delivering the property to the scrap metal business.

Sec. 8. RCW 19.290.050 and 2008 c 233 s 5 are each amended to read as follows:

(1) Upon written request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full, true, and correct transcript of the records from the purchase or receipt of private metal property, nonferrous metal property, and commercial metal property involving only a ((specific)) specified individual, vehicle, or item of private metal property, nonferrous metal property, or commercial metal property. Any written request shall become an addition to the permanent records required under RCW 19.290.020 or 19.290.040. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer. A scrap metal business shall not be required (a) to furnish a transcript of its records for a specified time period without reference to a specified individual, vehicle, or item of private metal property, nonferrous metal property, or commercial metal property, or (b) to furnish any requested transcript under this section to any party other than directly to the applicable law enforcement agency, as required by this section. For purposes of this subsection, the term "law enforcement agency" does not include any third-party agency

contracted by a law enforcement agency or commercial for profit entity acting on behalf of a law enforcement agency.

(2) Any records created or produced under this section are exempt from disclosure under chapter 42.56 RCW.

(3) If the scrap metal business has good cause to believe that any private metal property, nonferrous metal property, or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

(4) Compliance with this section shall not give rise to or form the basis of private civil liability on the part of a scrap metal business or scrap metal recycler.

Sec. 9. RCW 19.290.060 and 2008 c 233 s 6 are each amended to read as follows:

(1) Following notification ~~((either verbally or))~~ in writing ~~((;))~~ from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of private metal property, nonferrous metal property, or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of private metal property, nonferrous metal property, or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

Sec. 10. RCW 19.290.070 and 2008 c 233 s 7 are each amended to read as follows:

It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of private metal property, nonferrous metal property, or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any private metal property, nonferrous metal property, or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

(3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(4) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver

methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ~~((ten))~~ four years whether the person is acting in his or her own behalf or as the agent of another;

(6) Any person to sign the declaration required under RCW 19.290.020 knowing that the private metal property or nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under RCW 19.290.020 constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the private metal property or nonferrous metal property subject to the transaction was stolen;

(7) Any scrap metal business to possess private metal property or commercial metal property that was not lawfully purchased or received under the requirements of this chapter; ~~((or))~~

(8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of RCW 19.290.030(4); or

(9) Any person to knowingly make a false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, with the intent to deceive a scrap metal business as to the actual seller of the scrap metal.

Sec. 11. RCW 19.290.090 and 2008 c 233 s 8 are each amended to read as follows:

The provisions of this chapter do not apply to transactions involving metal from the components of vehicles acquired by vehicle wreckers, hulk haulers, or scrap processors licensed under chapter 46.79 or 46.80 RCW, and acquired in accordance with those laws or transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

~~(2) ((Metal from the components of vehicles acquired by vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW, and acquired in accordance with those laws;~~

~~—(3))~~ Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

~~((4))~~ (3) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

NEW SECTION. Sec. 12. A new section is added to chapter 19.290 RCW to read as follows:

(1) It is unlawful for a person to engage in the business of a scrap metal processor, scrap metal recycler, or scrap metal supplier without having first applied for and received a scrap metal license.

(2)(a) Except as provided in (b) of this subsection, a person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

(b) A second or subsequent offense is a class C felony.

NEW SECTION. Sec. 13. A new section is added to chapter 19.290 RCW to read as follows:

Application for a scrap metal license or renewal of a scrap metal license shall be made on a form for this purpose, furnished by the department of licensing, and shall be signed by the license holder or his or her authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association, limited liability company, or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief executive officer or chief of police, or a designee, if the application is for a license within an incorporated city or town or, in any unincorporated area, the county legislative authority, the sheriff, or a designee, certifying that:

(a) The applicant has an established place of business at the address shown on the application;

(b) There are no known environmental, building code, zoning, or other land use regulation violations associated with the business being located at the address; and

(c) In the case of a renewal of a scrap metal license, the applicant is in compliance with this chapter: **PROVIDED**, That an authorized representative of the department of licensing may make the certification described in this section in any instance;

(4) Any other information that the department of licensing may require.

NEW SECTION. Sec. 14. A new section is added to chapter 19.290 RCW to read as follows:

The application, together with the required fee, shall be forwarded to the department of licensing. Upon receipt of the application the department shall, if the application is in order, issue a scrap metal license authorizing the processor, recycler, or supplier to do business as such and forward the fee to the state treasurer. Upon receiving the certificate, the owner shall cause it to be prominently displayed in the place of business, where it may be inspected by an investigating officer at any time. Every license must be issued in the name of the applicant and the holder thereof may not allow any other person to use the license.

NEW SECTION. Sec. 15. A new section is added to chapter 19.290 RCW to read as follows:

Before issuing a scrap metal license to a scrap metal processor or scrap metal recycler, the department of licensing shall require the applicant to file with the department a surety bond in the amount of ten thousand dollars, running to the state of Washington, and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved as to form by the attorney general and conditioned upon the licensee conducting the business in conformity with the provisions of this chapter. Except as prohibited elsewhere in this chapter, any person who has suffered loss or damage by reason of fraud or gross negligence, or an intentional or reckless violation of the terms of this chapter, or misrepresentation on the part of the scrap metal processor or recycler, may institute an action for recovery against the licensee and surety upon the bond. However, the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

NEW SECTION. Sec. 16. A new section is added to chapter 19.290 RCW to read as follows:

A license issued on the scrap metal license application remains in force until suspended or revoked and may be renewed annually upon reapplication and upon payment of the required fee. A licensee who fails or neglects to renew the license before the assigned expiration date shall pay the fee for an original scrap metal license as provided in this chapter.

Whenever a scrap metal processor, recycler, or supplier ceases to do business as such or the license has been suspended or revoked, the licensee shall immediately surrender the license to the department of licensing.

NEW SECTION. Sec. 17. A new section is added to chapter 19.290 RCW to read as follows:

The licensee shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of such vehicles. The special plates must be displayed on vehicles owned and/or operated by the licensee and used in the conduct of the business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. A licensee with more than one licensed location in the state may use special plates bearing the same license number for vehicles operated out of any of the licensed locations.

NEW SECTION. Sec. 18. A new section is added to chapter 19.290 RCW to read as follows:

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The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 19. A new section is added to chapter 19.290 RCW to read as follows:

If a person whose scrap metal license has previously been canceled for cause by the department of licensing files an application for a license to conduct business as a scrap metal processor, recycler, or supplier, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department may refuse to issue the person a license to conduct business as a scrap metal processor, recycler, or supplier.

NEW SECTION. Sec. 20. A new section is added to chapter 19.290 RCW to read as follows:

(1) The director of licensing is hereby authorized to adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

(2) The director shall set all license and renewal fees in accordance with RCW 43.24.086.

NEW SECTION. Sec. 21. A new section is added to chapter 19.290 RCW to read as follows:

The chiefs of police, the county sheriffs, and the Washington state patrol may make periodic inspection of the licensee's licensed premises and records provided for in this chapter during normal business hours, and furnish a certificate of inspection to the department of licensing in such manner as may be determined by the department. In any instance, an authorized representative of the department may make the inspection. Licensees are subject to unannounced periodic inspections, as described in this section.

NEW SECTION. Sec. 22. A new section is added to chapter 19.290 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of regulation of scrap metal processors, recyclers, or suppliers within the boundaries of the state. Any political subdivision in this state may enact or enforce only those laws and ordinances relating to the regulation of scrap metal processors, recyclers, or suppliers that are specifically authorized by state law and are consistent with this chapter. Nothing in this chapter is intended to limit the authority of any political subdivision to impose generally applicable zoning, land use, permitting, general business licensing, environmental, and health and safety requirements or authorized business taxes upon scrap metal processors, recyclers, or suppliers within their jurisdictions. Local ordinances pertaining specifically to scrap metal processors, recyclers, or suppliers shall have the same or lesser penalty as provided for by state law. Local scrap metal laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are hereby preempted and repealed, regardless of the code, charter, or home rule status of such political subdivision.

NEW SECTION. Sec. 23. A new section is added to chapter 19.290 RCW to read as follows:

(1) In addition to the powers granted in chapter 18.235 RCW, the department of licensing or its authorized agent may examine or subpoena any persons, books, papers, records, data, vehicles, or metal property bearing upon the investigation or proceeding under this chapter.

(2) The persons subpoenaed may be required to testify and produce any books, papers, records, data, vehicles, or metal property that the director of licensing deems relevant or material to the inquiry.

(3) The director of the department of licensing or an authorized agent may administer an oath to the person required to testify, and a

person giving false testimony after the administration of the oath is guilty of perjury in the first degree under RCW 9A.72.020.

(4)(a) Any authorized representative of the director of the department of licensing may apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in the county where the subpoenaed person resides or is found, or the county where the subpoenaed records or documents are located, or in Thurston county. The application must:

(i) State that an order is sought pursuant to this subsection;

(ii) Adequately specify the records, documents, or testimony; and

(iii) Declare under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the department's authority and that the subpoenaed documents or testimony are reasonably related to an investigation within the department's authority.

(b) Where the application under this subsection is made to the satisfaction of the court, the court must issue an order approving the subpoena. An order under this subsection constitutes authority of law for the agency to subpoena the records or testimony.

(c) Any authorized representative of the director of the department of licensing may seek approval and a court may issue an order under this subsection without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation.

(5) Any records created or produced under this section are exempt from disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 24. A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington association of sheriffs and police chiefs shall establish a grant program to assist local law enforcement agencies in the support of special enforcement emphasis targeting metal theft. Grant applications shall be reviewed and awarded through peer review panels. Grant applicants are encouraged to utilize multijurisdictional efforts.

(2) Each grant applicant shall:

(a) Show a significant metal theft problem in the jurisdiction or jurisdictions receiving the grant;

(b) Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;

(c) Design an enforcement program that best suits the specific metal theft problem in the jurisdiction or jurisdictions receiving the grant;

(d) Demonstrate community coordination focusing on prevention, intervention, and suppression; and

(e) Collect data on performance.

(3) The cost of administering the grants shall not exceed sixty thousand dollars, or three percent of appropriated funding, whichever is greater.

(4) Grant awards may not be used to supplant preexisting funding sources for special enforcement targeting metal theft.

NEW SECTION. Sec. 25. A new section is added to chapter 19.290 RCW to read as follows:

(1) Law enforcement agencies may register with the scrap theft alert system that is maintained and provided at no charge to users by the institute of scrap recycling industries, incorporated, or its successor organization, to receive alerts regarding thefts of private, nonferrous, or commercial metal property in the relevant geographic area.

(2) Any business licensed under this chapter shall:

(a) Sign up with the scrap theft alert system that is maintained and provided at no charge to users by the institute of scrap recycling industries, incorporated, or its successor organization, to receive

alerts regarding thefts of private, nonferrous, or commercial metal property in the relevant geographic area;

(b) Download the scrap metal theft alerts generated by the scrap theft alert system on a daily basis;

(c) Use the alerts to identify potentially stolen commercial metal property, nonferrous metal property, and private metal property; and

(d) Maintain for ninety days copies of any theft alerts received and downloaded pursuant to this section.

Sec. 26. RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicle Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))

	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run--Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
VIII	Arson 1 (RCW 9A.48.020)
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Theft of Ammonia (RCW 69.55.010)
	Vehicle Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Burglary 1 (RCW 9A.52.020)
	Child Molestation 2 (RCW 9A.44.086)
	Civil Disorder Training (RCW 9A.48.120)
	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Drive-by Shooting (RCW 9A.36.045)
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
	Introducing Contraband 1 (RCW 9A.76.140)
	Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

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- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesigned Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

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- Escape from Community Custody (RCW 72.09.310)
 - Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.132)
 - Health Care False Claims (RCW 48.80.030)
 - Identity Theft 2 (RCW 9.35.020(3))
 - Improperly Obtaining Financial Information (RCW 9.35.010)
 - Malicious Mischief 1 (RCW 9A.48.070)
 - Organized Retail Theft 2 (RCW 9A.56.350(3))
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Possession of a Stolen Vehicle (RCW 9A.56.068)
 - Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
 - Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (section 12 of this act)
 - Theft 1 (RCW 9A.56.030)
 - Theft of a Motor Vehicle (RCW 9A.56.065)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
 - Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
 - Trafficking in Insurance Claims (RCW 48.30A.015)
 - Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
 - Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
 - Unlawful Practice of Law (RCW 2.48.180)
 - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
 - Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
 - Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
 - Voyeurism (RCW 9A.44.115)
 - I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - False Verification for Welfare (RCW 74.08.055)
 - Forgery (RCW 9A.60.020)
 - Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Mineral Trespass (RCW 78.44.330)
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
 - Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
 - Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
 - Theft 2 (RCW 9A.56.040)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
 - Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
 - Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
 - Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
 - Unlawful Possession of Payment Instruments (RCW 9A.56.320)
 - Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
 - Unlawful Production of Payment Instruments (RCW 9A.56.320)
 - Unlawful Release of Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
 - Unlawful Trafficking in Food Stamps (RCW 9.91.142)
 - Unlawful Use of Food Stamps (RCW 9.91.144)
 - Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
 - Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
 - Vehicle Prowl 1 (RCW 9A.52.095)
 - Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))
- NEW SECTION. Sec. 27.** A new section is added to chapter 19.290 RCW to read as follows:
- (1) The following personal property is subject to seizure and forfeiture and no property right exists in them: All personal property including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which the seizing agency proves by a preponderance of the evidence was used or intended to be used by its owner or the person in charge to knowingly or intentionally

facilitate the commission of, or to knowingly or intentionally abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, or which the seizing agency proves by a preponderance of the evidence was knowingly or intentionally furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, a crime involving theft, trafficking, or the unlawful possession of commercial metal property, or which the property owner acquired in whole or in part with proceeds traceable to a knowing or intentional commission of a crime involving the theft, trafficking, or unlawful possession of commercial metal property provided that such activity is not less than a class C felony; except that:

(a) No vehicle used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the seizing agency proves by a preponderance of the evidence that the owner or other person in charge of the vehicle is a consenting party or is privy to any crime involving theft, trafficking, or the unlawful possession of commercial metal property;

(b) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had actual or constructive knowledge of nor consented to the commission of any crime involving the theft, trafficking, or unlawful possession of commercial metal property; and

(c) A property owner's property is not subject to seizure if an employee or agent of that property owner uses the property owner's property to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally aid and abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, in violation of that property owner's instructions or policies against such activity, and without the property owner's knowledge or consent.

(2) The following real property is subject to seizure and forfeiture and no property right exists in them: All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements, that the seizing agency proves by a preponderance of the evidence are being used with the knowledge of the owner for the intentional commission of any crime involving the theft, trafficking, or unlawful possession of commercial metal property, or which have been acquired in whole or in part with proceeds traceable to the commission of any crime involving the trafficking, theft, or unlawful possession of commercial metal, if such activity is not less than a class C felony and a substantial nexus exists between the commission of the violation or crime and the real property. However:

(a) No property may be forfeited pursuant to this subsection (2), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's actual or constructive knowledge; and further, a property owner's real property is not subject to seizure if an employee or agent of that property owner uses the property owner's real property to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally aid and abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, in violation of that property owner's instructions or policies against such activity, and without the property owner's knowledge or consent; and

(b) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, neither had actual or constructive knowledge, nor consented to the act or omission.

(3) Property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by

the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant; or

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.

(4) In the event of seizure pursuant to this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure of personal property may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking

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removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the property involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property.

(7) At the hearing, the seizing agency has the burden of proof to establish by a preponderance of the evidence that seized property is subject to forfeiture, and that the use or intended use of the seized property in connection with a crime pursuant to this section occurred with the owner's actual or constructive knowledge or consent. The person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property has the burden of proof to establish by a preponderance of the evidence that the person owns or has a right to possess the seized property. The possession of bare legal title is not sufficient to establish ownership of seized property if the seizing agency proves by a preponderance of the evidence that the person claiming ownership or right to possession is a nominal owner and did not actually own or exert a controlling interest in the property.

The seizing law enforcement agency shall promptly return the property to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.

(8) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:

(a) Retain it for official use or, upon application by any law enforcement agency of this state, release such property to such agency; or

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.

(9)(a) Within one hundred twenty days after the entry of an order of forfeiture, each seizing agency shall remit to, if known, the victim of the crime involving the seized property, an amount equal to fifty percent of the net proceeds of any property forfeited.

(b) Retained property and net proceeds not required to be paid to victims shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(c) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages.

(d) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(10) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county

in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

NEW SECTION. Sec. 28. A new section is added to chapter 19.290 RCW to read as follows:

The provisions of this chapter shall be liberally construed to the end that traffic in stolen private metal property or nonferrous metal property may be prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of processing, recycling, or supplying scrap metal in this state and reliable persons may be encouraged to engage in businesses of processing, recycling, or supplying scrap metal in this state.

Sec. 29. RCW 18.235.020 and 2010 c 179 s 18 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;
 (ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Scrap metal processors, scrap metal recyclers, and scrap metal suppliers under chapter 19.290 RCW;

(xvii) Security guards under chapter 18.170 RCW;

~~((xvii))~~ (xviii) Sellers of travel under chapter 19.138 RCW;

~~((xviii))~~ (xix) Timeshares and timeshare salespersons under chapter 64.36 RCW;

~~((xix))~~ (xx) Whitewater river outfitters under chapter 79A.60 RCW;

~~((xx))~~ (xxi) Home inspectors under chapter 18.280 RCW;

~~((xxi))~~ (xxii) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and

~~((xxii))~~ (xxiii) Appraisal management companies under chapter 18.310 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board ~~((of registration))~~ for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

Sec. 30. RCW 43.24.150 and 2011 c 298 s 25 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.145 RCW, court reporters;
- (d) Chapter 18.165 RCW, private investigators;
- (e) Chapter 18.170 RCW, security guards;
- (f) Chapter 18.185 RCW, bail bond agents;
- (g) Chapter 18.280 RCW, home inspectors;
- (h) Chapter 19.16 RCW, collection agencies;
- (i) Chapter 19.31 RCW, employment agencies;
- (j) Chapter 19.105 RCW, camping resorts;
- (k) Chapter 19.138 RCW, sellers of travel;
- (l) Chapter 42.44 RCW, notaries public;
- (m) Chapter 64.36 RCW, timeshares;
- (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- (p) Chapter 79A.60 RCW, whitewater river outfitters; ~~(and)~~
- (q) Chapter 19.158 RCW, commercial telephone solicitation; and
- (r) Chapter 19.290 RCW, scrap metal businesses.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

NEW SECTION. Sec. 31. A new section is added to chapter 43.43 RCW to read as follows:

(1) Beginning on July 1, 2014, when funded, the Washington association of sheriffs and police chiefs shall implement and operate an ongoing electronic statewide no-buy list database program.

(2) The database must be made available on a web site.

(3) The no-buy list database program shall allow for any scrap metal business to enter a customer's name and date of birth into the database. The database must determine if the customer pursuing

the transaction with the scrap metal business has been convicted in Washington of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years.

(4) If the customer has been convicted of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years despite whether the person was acting in his or her own behalf or as the agent of another then, at a minimum, the no-buy list database program must immediately send an alert to the scrap metal business stating: (a) That the customer is listed on a current no-buy list, (b) the four-year expiration period for the customer's most recent crime listed, and (c) a notification that entering into a transaction with the customer is prohibited under RCW 19.290.070.

NEW SECTION. Sec. 32. A new section is added to chapter 19.290 RCW to read as follows:

A scrap metal business shall, before completing any transaction under this chapter, determine whether such customer is listed in the Washington association of sheriffs and police chiefs no-buy list database program established and made available under section 31 of this act.

NEW SECTION. Sec. 33. A new section is added to chapter 43.43 RCW to read as follows:

The Washington association of sheriffs and police chiefs shall not be held liable for civil damages resulting from any act or omission in carrying out the requirements of section 31 of this act other than an act or omission constituting gross negligence or willful or wanton misconduct.

NEW SECTION. Sec. 34. If specific funding for the purposes of sections 31 through 33 of this act, referencing sections 31 through 33 of this act by bill or chapter number and section number, is not provided by June 30, 2013, in the omnibus appropriations act, sections 31 through 33 of this act are null and void.

NEW SECTION. Sec. 35. Sections 12 through 21 and 23 of this act take effect January 1, 2014.

NEW SECTION. Sec. 36. The director of the department of licensing may take the necessary steps to ensure that sections 12 through 21 and 23 of this act are implemented on January 1, 2014."

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 9A.48.100, 9A.56.030, 9A.56.040, 19.290.010, 19.290.020, 19.290.030, 19.290.040, 19.290.050, 19.290.060, 19.290.070, 19.290.090, 18.235.020, and 43.24.150; reenacting and amending RCW 9.94A.515; adding new sections to chapter 19.290 RCW; adding a new section to chapter 36.28A RCW; adding new sections to chapter 43.43 RCW; creating new sections; prescribing penalties; and providing an effective date."

The President declared the question before the Senate to be the motion by Senator Padden to not adopt the committee striking amendment by the Committee on Law & Justice to Engrossed Substitute House Bill No. 1552.

The motion by Senator Padden carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Padden moved that the following striking amendment by Senators Padden and Kline be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.48.100 and 1984 c 273 s 4 are each amended to read as follows:

For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive:

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(1) "Physical damage", in addition to its ordinary meaning, shall include the total or partial alteration, damage, obliteration, or erasure of records, information, data, computer programs, or their computer representations, which are recorded for use in computers or the impairment, interruption, or interference with the use of such records, information, data, or computer programs, or the impairment, interruption, or interference with the use of any computer or services provided by computers. "Physical damage" also includes any diminution in the value of any property as the consequence of an act and the cost to repair any physical damage;

(2) If more than one item of property is physically damaged as a result of a common scheme or plan by a person and the physical damage to the property would, when considered separately, constitute mischief in the third degree because of value, then the value of the damages may be aggregated in one count. If the sum of the value of all the physical damages exceeds two hundred fifty dollars, the defendant may be charged with and convicted of malicious mischief in the second degree.

Sec. 2. RCW 9A.56.030 and 2012 c 233 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) five thousand dollars in value other than a firearm as defined in RCW 9.41.010;

(b) Property of any value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, taken from the person of another;

(c) A search and rescue dog, as defined in RCW 9.91.175, while the search and rescue dog is on duty; or

(d) Commercial metal (wire, taken from a public service company, as defined in RCW 80.04.010, or a consumer owned utility, as defined in RCW 19.280.020,) property, nonferrous metal property, or private metal property, as those terms are defined in RCW 19.290.010, and the costs of the damage to the ((public service company's or consumer owned utility's)) owner's property exceed five thousand dollars in value.

(2) Theft in the first degree is a class B felony.

Sec. 3. RCW 9A.56.040 and 2012 c 233 s 3 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) seven hundred fifty dollars in value but does not exceed five thousand dollars in value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle;

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant;

(c) Commercial metal (wire, taken from a public service company, as defined in RCW 80.04.010, or a consumer owned utility, as defined in RCW 19.280.020,) property, nonferrous metal property, or private metal property, as those terms are defined in RCW 19.290.010, and the costs of the damage to the ((public service company's or consumer owned utility's)) owner's property exceed seven hundred fifty dollars but does not exceed five thousand dollars in value; or

(d) An access device.

(2) Theft in the second degree is a class C felony.

Sec. 4. RCW 19.290.010 and 2008 c 233 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under RCW 19.290.030.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political

subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, commercial mobile radio services, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four-inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Private metal property" means catalytic converters, either singly or in bundles, bales, or bulk, that have been removed from vehicles for sale as a specific commodity.

(7) "Record" means a paper, electronic, or other method of storing information.

(8) "Scrap metal business" means a scrap metal supplier, scrap metal ~~((recycling center))~~ recycler, and scrap metal processor.

(9) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving private metal property, nonferrous metal property, and commercial metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(10) "Scrap metal ~~((recycling center))~~ recycler" means a person with a current business license that is engaged in the business of purchasing or receiving private metal property, nonferrous metal property, and commercial metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(11) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving private metal property or nonferrous metal property for the purpose of aggregation and sale to a scrap metal ~~((recycling center))~~ recycler or scrap metal processor and that does not maintain a fixed business location in the state.

(12) "Transaction" means a pledge, or the purchase of, or the trade of any item of private metal property or nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of private metal property or nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

(13) "Engage in business" means conducting more than twelve transactions in a twelve-month period.

(14) "Person" means an individual, domestic or foreign corporation, limited liability corporation, partnership, trust, unincorporated association, or other entity; an affiliate or associate of any such person; or any two or more persons acting as a partnership, syndicate, or other group for the purpose of acquiring, holding, or dispersing of securities of a domestic or foreign corporation.

Sec. 5. RCW 19.290.020 and 2008 c 233 s 2 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, ~~((including the property's classification code as provided in))~~ utilizing the institute of scrap recycling industries' ((scrap specifications circular, 2006)) generally accepted terminology, and including weight, quantity, or volume.

(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for ~~((one))~~ five years following the date of the transaction.

Sec. 6. RCW 19.290.030 and 2008 c 233 s 3 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive private metal property or nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive private metal property or commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can

produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4)(a) No transaction involving private metal property or nonferrous metal property ~~((valued at greater than thirty dollars))~~ may be made in cash or with any person who does not provide a street address under the requirements of RCW 19.290.020 except as described in (b) of this subsection. ~~((For transactions valued at greater than thirty dollars,))~~ The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under RCW 19.290.020, no earlier than ~~((ten))~~ three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 19.290.020.

(b) A scrap metal business that is in compliance with this chapter that digitally captures: (i) A copy of one piece of current government-issued picture identification, including a current driver's license or identification card issued by any state and (ii) either a picture or video of either the material subject to the transaction in the form received or the material subject to the transaction within the vehicle which the material was transported to the scrap metal business, may pay up to a maximum of thirty dollars in cash, stored value device, or electronic funds transfer. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made. A scrap metal business's usage of video surveillance shall be sufficient to comply with this subsection (4)(b)(ii) as long as the video captures the material subject to the transaction. A digital image or picture taken under this subsection must be available for two years from the date of transaction, while a video recording must be available for thirty days.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

Sec. 7. RCW 19.290.040 and 2008 c 233 s 4 are each amended to read as follows:

(1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account; and

(c) The full name of the person employed by the commercial enterprise who is authorized to deliver private metal property, nonferrous metal property, and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of private metal property, nonferrous metal property, and commercial metal property from the commercial enterprise. The record must be maintained for three years following the date of the transfer or receipt. The documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received; and

(c) The signature of the person delivering the property to the scrap metal business.

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Sec. 8. RCW 19.290.050 and 2008 c 233 s 5 are each amended to read as follows:

(1) Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full, true, and correct transcript of the records from the purchase or receipt of private metal property, nonferrous metal property, and commercial metal property involving only a ((specific)) specified individual, vehicle, or item of private metal property, nonferrous metal property, or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) Any records created or produced under this section are exempt from disclosure under chapter 42.56 RCW.

(3) If the scrap metal business has good cause to believe that any private metal property, nonferrous metal property, or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

(4) Compliance with this section shall not give rise to or form the basis of private civil liability on the part of a scrap metal business or scrap metal recycler.

Sec. 9. RCW 19.290.060 and 2008 c 233 s 6 are each amended to read as follows:

(1) Following notification ~~((either verbally or))~~ in writing ~~((;))~~ from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of private metal property, nonferrous metal property, or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of private metal property, nonferrous metal property, or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

Sec. 10. RCW 19.290.070 and 2008 c 233 s 7 are each amended to read as follows:

It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of private metal property, nonferrous metal property, or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any private metal property, nonferrous metal property, or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

(3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(4) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ~~((ten))~~ four years whether the person is acting in his or her own behalf or as the agent of another;

(6) Any person to sign the declaration required under RCW 19.290.020 knowing that the private metal property or nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under RCW 19.290.020 constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the private metal property or nonferrous metal property subject to the transaction was stolen;

(7) Any scrap metal business to possess private metal property or commercial metal property that was not lawfully purchased or received under the requirements of this chapter; ~~((or))~~

(8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of RCW 19.290.030(4); or

(9) Any person to knowingly make a false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, with the intent to deceive a scrap metal business as to the actual seller of the scrap metal.

Sec. 11. RCW 19.290.090 and 2008 c 233 s 8 are each amended to read as follows:

The provisions of this chapter do not apply to transactions involving metal from the components of vehicles acquired by vehicle wreckers, hulk haulers, or scrap processors licensed under chapter 46.79 or 46.80 RCW, and acquired in accordance with those laws or transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

~~((2) ((Metal from the components of vehicles acquired by vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW, and acquired in accordance with those laws;~~

~~—(3))~~ Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

~~((4))~~ (3) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

NEW SECTION. **Sec. 12.** A new section is added to chapter 19.290 RCW to read as follows:

(1) It is unlawful for a person to engage in the business of a scrap metal processor, scrap metal recycler, or scrap metal supplier without having first applied for and received a scrap metal license.

(2)(a) Except as provided in (b) of this subsection, a person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

(b) A second or subsequent offense is a class C felony.

NEW SECTION. Sec. 13. A new section is added to chapter 19.290 RCW to read as follows:

Application for a scrap metal license or renewal of a scrap metal license shall be made on a form for this purpose, furnished by the department of licensing, and shall be signed by the license holder or his or her authorized agent and shall include the following information:

- (1) Name and address of the person, firm, partnership, association, limited liability company, or corporation under which name the business is to be conducted;
- (2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;
- (3) Certificate of approval of the chief executive officer or chief of police, or a designee, if the application is for a license within an incorporated city or town or, in any unincorporated area, the county legislative authority, the sheriff, or a designee, certifying that:
 - (a) The applicant has an established place of business at the address shown on the application;
 - (b) There are no known environmental, building code, zoning, or other land use regulation violations associated with the business being located at the address; and
 - (c) In the case of a renewal of a scrap metal license, the applicant is in compliance with this chapter: PROVIDED, That an authorized representative of the department of licensing may make the certification described in this section in any instance;
 - (4) Any other information that the department of licensing may require.

NEW SECTION. Sec. 14. A new section is added to chapter 19.290 RCW to read as follows:

The application, together with the required fee, shall be forwarded to the department of licensing. Upon receipt of the application the department shall, if the application is in order, issue a scrap metal license authorizing the processor, recycler, or supplier to do business as such and forward the fee to the state treasurer. Upon receiving the certificate, the owner shall cause it to be prominently displayed in the place of business, where it may be inspected by an investigating officer at any time. Every license must be issued in the name of the applicant and the holder thereof may not allow any other person to use the license.

NEW SECTION. Sec. 15. A new section is added to chapter 19.290 RCW to read as follows:

Before issuing a scrap metal license to a scrap metal processor or scrap metal recycler, the department of licensing shall require the applicant to file with the department a surety bond in the amount of ten thousand dollars, running to the state of Washington, and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved as to form by the attorney general and conditioned upon the licensee conducting the business in conformity with the provisions of this chapter. Except as prohibited elsewhere in this chapter, any person who has suffered loss or damage by reason of fraud or gross negligence, or an intentional or reckless violation of the terms of this chapter, or misrepresentation on the part of the scrap metal processor or recycler, may institute an action for recovery against the licensee and surety upon the bond. However, the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

NEW SECTION. Sec. 16. A new section is added to chapter 19.290 RCW to read as follows:

A license issued on the scrap metal license application remains in force until suspended or revoked and may be renewed annually upon reapplication and upon payment of the required fee. A licensee who fails or neglects to renew the license before the assigned expiration date shall pay the fee for an original scrap metal license as provided in this chapter.

Whenever a scrap metal processor, recycler, or supplier ceases to do business as such or the license has been suspended or revoked, the licensee shall immediately surrender the license to the department of licensing.

NEW SECTION. Sec. 17. A new section is added to chapter 19.290 RCW to read as follows:

The licensee shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of such vehicles. The special plates must be displayed on vehicles owned and/or operated by the licensee and used in the conduct of the business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. A licensee with more than one licensed location in the state may use special plates bearing the same license number for vehicles operated out of any of the licensed locations.

NEW SECTION. Sec. 18. A new section is added to chapter 19.290 RCW to read as follows:

The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 19. A new section is added to chapter 19.290 RCW to read as follows:

If a person whose scrap metal license has previously been canceled for cause by the department of licensing files an application for a license to conduct business as a scrap metal processor, recycler, or supplier, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department may refuse to issue the person a license to conduct business as a scrap metal processor, recycler, or supplier.

NEW SECTION. Sec. 20. A new section is added to chapter 19.290 RCW to read as follows:

(1) The director of licensing is hereby authorized to adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

(2) The director shall set all license and renewal fees in accordance with RCW 43.24.086.

NEW SECTION. Sec. 21. A new section is added to chapter 19.290 RCW to read as follows:

The chiefs of police, the county sheriffs, and the Washington state patrol may make periodic inspection of the licensee's licensed premises and records provided for in this chapter during normal business hours, and furnish a certificate of inspection to the department of licensing in such manner as may be determined by the department. In any instance, an authorized representative of the department may make the inspection. Licensees are subject to unannounced periodic inspections, as described in this section.

NEW SECTION. Sec. 22. A new section is added to chapter 19.290 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of regulation of scrap metal processors, recyclers, or suppliers within the boundaries of the state. Any political subdivision in this state may enact or enforce only those laws and ordinances relating to the regulation of scrap metal processors, recyclers, or suppliers that are specifically authorized by state law and are consistent with this chapter. Nothing in this chapter is intended to limit the authority of any political subdivision to impose generally applicable zoning, land use, permitting, general business licensing, environmental, and health and safety requirements or authorized business taxes upon scrap metal processors, recyclers, or suppliers within their jurisdictions. Local ordinances pertaining specifically to scrap metal processors, recyclers, or suppliers shall have the same or lesser penalty as provided for by state law. Local scrap metal laws and ordinances that are inconsistent with, more

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restrictive than, or exceed the requirements of state law shall not be enacted and are hereby preempted and repealed, regardless of the code, charter, or home rule status of such political subdivision.

NEW SECTION. Sec. 23. A new section is added to chapter 19.290 RCW to read as follows:

(1) In addition to the powers granted in chapter 18.235 RCW, the department of licensing or its authorized agent may examine or subpoena any persons, books, papers, records, data, vehicles, or metal property bearing upon the investigation or proceeding under this chapter.

(2) The persons subpoenaed may be required to testify and produce any books, papers, records, data, vehicles, or metal property that the director of licensing deems relevant or material to the inquiry.

(3) The director of the department of licensing or an authorized agent may administer an oath to the person required to testify, and a person giving false testimony after the administration of the oath is guilty of perjury in the first degree under RCW 9A.72.020.

(4)(a) Any authorized representative of the director of the department of licensing may apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in the county where the subpoenaed person resides or is found, or the county where the subpoenaed records or documents are located, or in Thurston county. The application must:

- (i) State that an order is sought pursuant to this subsection;
- (ii) Adequately specify the records, documents, or testimony; and

(iii) Declare under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the department's authority and that the subpoenaed documents or testimony are reasonably related to an investigation within the department's authority.

(b) Where the application under this subsection is made to the satisfaction of the court, the court must issue an order approving the subpoena. An order under this subsection constitutes authority of law for the agency to subpoena the records or testimony.

(c) Any authorized representative of the director of the department of licensing may seek approval and a court may issue an order under this subsection without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation.

(5) Any records created or produced under this section are exempt from disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 24. A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington association of sheriffs and police chiefs shall establish a grant program to assist local law enforcement agencies in the support of special enforcement emphasis targeting metal theft. Grant applications shall be reviewed and awarded through peer review panels. Grant applicants are encouraged to utilize multijurisdictional efforts.

(2) Each grant applicant shall:

- (a) Show a significant metal theft problem in the jurisdiction or jurisdictions receiving the grant;
- (b) Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;
- (c) Design an enforcement program that best suits the specific metal theft problem in the jurisdiction or jurisdictions receiving the grant;
- (d) Demonstrate community coordination focusing on prevention, intervention, and suppression; and
- (e) Collect data on performance.

(3) The cost of administering the grants shall not exceed sixty thousand dollars, or three percent of appropriated funding, whichever is greater.

(4) Grant awards may not be used to supplant preexisting funding sources for special enforcement targeting metal theft.

NEW SECTION. Sec. 25. A new section is added to chapter 19.290 RCW to read as follows:

(1) Law enforcement agencies may register with the scrap theft alert system that is maintained and provided at no charge to users by the institute of scrap recycling industries, incorporated, or its successor organization, to receive alerts regarding thefts of private, nonferrous, or commercial metal property in the relevant geographic area.

(2) Any business licensed under this chapter shall:

(a) Sign up with the scrap theft alert system that is maintained and provided at no charge to users by the institute of scrap recycling industries, incorporated, or its successor organization, to receive alerts regarding thefts of private, nonferrous, or commercial metal property in the relevant geographic area;

(b) Download the scrap metal theft alerts generated by the scrap theft alert system on a daily basis;

(c) Use the alerts to identify potentially stolen commercial metal property, nonferrous metal property, and private metal property; and

(d) Maintain for ninety days copies of any theft alerts received and downloaded pursuant to this section.

Sec. 26. RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are each reenacted and amended to read as follows:

TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)

- Rape of a Child 2 (RCW 9A.44.076)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- X Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9A.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9A.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220,

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- 26.26.138, 26.50.110, 26.52.070,
or 74.34.145)
- Driving While Under the Influence
(RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW
9A.82.020)
- Extortionate Means to Collect
Extensions of Credit (RCW
9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW
9.94.070)
- Physical Control of a Vehicle While
Under the Influence (RCW
46.61.504(6))
- Possession of a Stolen Firearm (RCW
9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1
(RCW 9A.76.070)
- Sending, Bringing into State Depictions
of Minor Engaged in Sexually
Explicit Conduct 2 (RCW
9.68A.060(2))
- Sexual Misconduct with a Minor 1
(RCW 9A.44.093)
- Sexually Violating Human Remains
(RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without
Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a
Projectile Stun Gun) (RCW
9A.36.031(1)(h))
- Assault by Watercraft (RCW
79A.60.060)
- Bribing a Witness/Bribe Received by
Witness (RCW 9A.72.090,
9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled
Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW
46.52.020(4)(b))
- Hit and Run with Vessel--Injury
Accident (RCW 79A.60.200(3))

- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under
Age Fourteen (subsequent sex
offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event
(RCW 9A.82.070)
- Malicious Harassment (RCW
9A.36.080)
- Possession of Depictions of a Minor
Engaged in Sexually Explicit
Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW
9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW
9A.82.050)
- Unlawful factoring of a credit card or
payment card transaction (RCW
9A.56.290(4)(b))
- Unlawful transaction of health
coverage as a health care service
contractor (RCW 48.44.016(3))
- Unlawful transaction of health
coverage as a health maintenance
organization (RCW 48.46.033(3))
- Unlawful transaction of insurance
business (RCW 48.15.023(3))
- Unlicensed practice as an insurance
professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal
Profiteering (RCW 9A.82.080 (1)
and (2))
- Vehicular Assault, by being under the
influence of intoxicating liquor or
any drug, or by the operation or
driving of a vehicle in a reckless
manner (RCW 46.61.522)
- Viewing of Depictions of a Minor
Engaged in Sexually Explicit
Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from
Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or
Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace
Officer With a Projectile Stun
Gun) (RCW 9A.36.031 except
subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony
(RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for
Immoral Purposes (RCW
9.68A.090)
- Criminal Gang Intimidation (RCW
9A.46.120)

Custodial Assault (RCW 9A.36.100)	for the safety of others (RCW 46.61.522)
Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))	Willful Failure to Return from Work Release (RCW 72.65.070)
Escape 2 (RCW 9A.76.120)	II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
Extortion 2 (RCW 9A.56.130)	Computer Trespass 1 (RCW 9A.52.110)
Harassment (RCW 9A.46.020)	Counterfeiting (RCW 9.16.035(3))
Intimidating a Public Servant (RCW 9A.76.180)	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
Introducing Contraband 2 (RCW 9A.76.150)	Escape from Community Custody (RCW 72.09.310)
Malicious Injury to Railroad Property (RCW 81.60.070)	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.132)
Mortgage Fraud (RCW 19.144.080)	Health Care False Claims (RCW 48.80.030)
Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)	Identity Theft 2 (RCW 9.35.020(3))
Organized Retail Theft 1 (RCW 9A.56.350(2))	Improperly Obtaining Financial Information (RCW 9.35.010)
Perjury 2 (RCW 9A.72.030)	Malicious Mischief 1 (RCW 9A.48.070)
Possession of Incendiary Device (RCW 9.40.120)	Organized Retail Theft 2 (RCW 9A.56.350(3))
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)	Possession of Stolen Property 1 (RCW 9A.56.150)
Promoting Prostitution 2 (RCW 9A.88.080)	Possession of a Stolen Vehicle (RCW 9A.56.068)
Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))	Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
Securities Act violation (RCW 21.20.400)	<u>Scrap Processing, Recycling, or Supplying Without a License</u> (second or subsequent offense) (section 12 of this act)
Tampering with a Witness (RCW 9A.72.120)	Theft 1 (RCW 9A.56.030)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))	Theft of a Motor Vehicle (RCW 9A.56.065)
Theft of Livestock 2 (RCW 9A.56.083)	Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
Theft with the Intent to Resell 1 (RCW 9A.56.340(2))	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
Trafficking in Stolen Property 2 (RCW 9A.82.055)	Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
Unlawful Imprisonment (RCW 9A.40.040)	Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
Unlawful possession of firearm in the second degree (RCW 9.41.040(2))	Unlawful Practice of Law (RCW 2.48.180)
Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))	Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))	Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
Vehicular Assault, by the operation or driving of a vehicle with disregard	

Voyeurism (RCW 9A.44.115)

Violating Commercial Fishing Area or

Time 1 (RCW 77.15.550(3)(b))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Release of Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. **Sec. 27.** A new section is added to chapter 19.290 RCW to read as follows:

(1) The following personal property is subject to seizure and forfeiture and no property right exists in them: All personal property including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which the seizing agency proves by a preponderance of the evidence was used or intended to be used by its owner or the person in charge to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, or which the seizing agency proves by a preponderance of the evidence was knowingly or intentionally furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, a crime involving theft, trafficking, or the unlawful possession of commercial metal property, or which the property owner acquired in whole or in part with proceeds traceable to a knowing or intentional commission of a crime involving the theft, trafficking, or unlawful possession of commercial metal property provided that such activity is not less than a class C felony; except that:

(a) No vehicle used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the seizing agency proves by a preponderance of the evidence that the owner or other person in charge of the vehicle is a consenting party or is privy to any crime involving theft, trafficking, or the unlawful possession of commercial metal property;

(b) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had actual or constructive knowledge of nor consented to the commission of any crime involving the theft, trafficking, or unlawful possession of commercial metal property; and

(c) A property owner's property is not subject to seizure if an employee or agent of that property owner uses the property owner's property to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally aid and abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, in violation of that property owner's instructions or policies against such activity, and without the property owner's knowledge or consent.

(2) The following real property is subject to seizure and forfeiture and no property right exists in them: All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements, that the seizing agency proves by a preponderance of the evidence are being used with the knowledge of the owner for the intentional commission of any crime involving the theft, trafficking, or unlawful possession of commercial metal property, or which have been acquired in whole or in part with proceeds traceable to the commission of any crime involving the trafficking, theft, or unlawful possession of commercial metal, if such activity is not less than a class C felony and a substantial nexus exists between the commission of the violation or crime and the real property. However:

(a) No property may be forfeited pursuant to this subsection (2), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's actual or constructive knowledge; and further, a property owner's real property is not subject to seizure if an employee or agent of that property owner uses the property owner's real property to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally aid and abet the commission of, a crime involving

theft, trafficking, or unlawful possession of commercial metal property, in violation of that property owner's instructions or policies against such activity, and without the property owner's knowledge or consent; and

(b) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, neither had actual or constructive knowledge, nor consented to the act or omission.

(3) Property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant; or

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.

(4) In the event of seizure pursuant to this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure of personal property may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the

seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the property involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property.

(7) At the hearing, the seizing agency has the burden of proof to establish by a preponderance of the evidence that seized property is subject to forfeiture, and that the use or intended use of the seized property in connection with a crime pursuant to this section occurred with the owner's actual or constructive knowledge or consent. The person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property has the burden of proof to establish by a preponderance of the evidence that the person owns or has a right to possess the seized property. The possession of bare legal title is not sufficient to establish ownership of seized property if the seizing agency proves by a preponderance of the evidence that the person claiming ownership or right to possession is a nominal owner and did not actually own or exert a controlling interest in the property.

The seizing law enforcement agency shall promptly return the property to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.

(8) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:

(a) Retain it for official use or, upon application by any law enforcement agency of this state, release such property to such agency; or

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.

(9)(a) Within one hundred twenty days after the entry of an order of forfeiture, each seizing agency shall remit to, if known, the victim of the crime involving the seized property, an amount equal to fifty percent of the net proceeds of any property forfeited.

(b) Retained property and net proceeds not required to be paid to victims shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(c) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages.

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(d) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(10) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

NEW SECTION. Sec. 28. A new section is added to chapter 19.290 RCW to read as follows:

The provisions of this chapter shall be liberally construed to the end that traffic in stolen private metal property or nonferrous metal property may be prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of processing, recycling, or supplying scrap metal in this state and reliable persons may be encouraged to engage in businesses of processing, recycling, or supplying scrap metal in this state.

Sec. 29. RCW 18.235.020 and 2010 c 179 s 18 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

- (i) Auctioneers under chapter 18.11 RCW;
- (ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;
- (iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;
- (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- (v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;
- (vi) Court reporters under chapter 18.145 RCW;
- (vii) Driver training schools and instructors under chapter 46.82 RCW;
- (viii) Employment agencies under chapter 19.31 RCW;
- (ix) For hire vehicle operators under chapter 46.72 RCW;
- (x) Limousines under chapter 46.72A RCW;
- (xi) Notaries public under chapter 42.44 RCW;
- (xii) Private investigators under chapter 18.165 RCW;
- (xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;
- (xiv) Real estate appraisers under chapter 18.140 RCW;
- (xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;
- (xvi) Scrap metal processors, scrap metal recyclers, and scrap metal suppliers under chapter 19.290 RCW;
- (~~(xvii)~~) (xvii) Security guards under chapter 18.170 RCW;
- (~~(xviii)~~) (xviii) Sellers of travel under chapter 19.138 RCW;
- (~~(xviii)~~) (xix) Timeshares and timeshare salespersons under chapter 64.36 RCW;
- (~~(xix)~~) (xx) Whitewater river outfitters under chapter 79A.60 RCW;
- (~~(xx)~~) (xxi) Home inspectors under chapter 18.280 RCW;

(~~(xxii)~~) (xxii) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and

(~~(xxiii)~~) (xxiii) Appraisal management companies under chapter 18.310 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board (~~(of registration)~~) for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

Sec. 30. RCW 43.24.150 and 2011 c 298 s 25 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.145 RCW, court reporters;
- (d) Chapter 18.165 RCW, private investigators;
- (e) Chapter 18.170 RCW, security guards;
- (f) Chapter 18.185 RCW, bail bond agents;
- (g) Chapter 18.280 RCW, home inspectors;
- (h) Chapter 19.16 RCW, collection agencies;
- (i) Chapter 19.31 RCW, employment agencies;
- (j) Chapter 19.105 RCW, camping resorts;
- (k) Chapter 19.138 RCW, sellers of travel;
- (l) Chapter 42.44 RCW, notaries public;
- (m) Chapter 64.36 RCW, timeshares;
- (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- (p) Chapter 79A.60 RCW, whitewater river outfitters; (~~and~~)
- (q) Chapter 19.158 RCW, commercial telephone solicitation; and
- (r) Chapter 19.290 RCW, scrap metal businesses.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and

professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

NEW SECTION. Sec. 31. A new section is added to chapter 43.43 RCW to read as follows:

(1) Beginning on July 1, 2014, when funded, the Washington association of sheriffs and police chiefs shall implement and operate an ongoing electronic statewide no-buy list database program.

(2) The database must be made available on a web site.

(3) The no-buy list database program shall allow for any scrap metal business to enter a customer's name and date of birth into the database. The database must determine if the customer pursuing the transaction with the scrap metal business has been convicted in Washington of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years.

(4) If the customer has been convicted of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years despite whether the person was acting in his or her own behalf or as the agent of another then, at a minimum, the no-buy list database program must immediately send an alert to the scrap metal business stating: (a) That the customer is listed on a current no-buy list, (b) the four-year expiration period for the customer's most recent crime listed, and (c) a notification that entering into a transaction with the customer is prohibited under RCW 19.290.070.

NEW SECTION. Sec. 32. A new section is added to chapter 19.290 RCW to read as follows:

A scrap metal business shall, before completing any transaction under this chapter, determine whether such customer is listed in the Washington association of sheriffs and police chiefs no-buy list database program established and made available under section 31 of this act.

NEW SECTION. Sec. 33. A new section is added to chapter 43.43 RCW to read as follows:

The Washington association of sheriffs and police chiefs shall not be held liable for civil damages resulting from any act or omission in carrying out the requirements of section 31 of this act other than an act or omission constituting gross negligence or willful or wanton misconduct.

NEW SECTION. Sec. 34. If one million five hundred thousand dollars for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2013, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 35. Sections 12 through 23 of this act take effect January 1, 2014.

NEW SECTION. Sec. 36. The director of the department of licensing may take the necessary steps to ensure that sections 12 through 23 of this act are implemented on January 1, 2014."

Senators Padden and Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Padden and Kline to Engrossed Substitute House Bill No. 1552.

The motion by Senator Padden carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 9A.48.100, 9A.56.030, 9A.56.040, 19.290.010, 19.290.020, 19.290.030, 19.290.040, 19.290.050, 19.290.060, 19.290.070, 19.290.090, 18.235.020, and 43.24.150; reenacting and amending RCW 9.94A.515; adding new

sections to chapter 19.290 RCW; adding a new section to chapter 36.28A RCW; adding new sections to chapter 43.43 RCW; creating new sections; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1552 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Eide and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1552 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1552 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1330, by Representatives Moeller, Harris, Green, Cody, Tharinger, Pettigrew, Appleton, Springer, Roberts, Kagi, Pollet, Moscoso and Morrell

Allowing dental hygienists and dental assistants to provide certain services under the supervision of a dentist.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, House Bill No. 1330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1330.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1330 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

HOUSE BILL NO. 1330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1498, by House Committee on Environment (originally sponsored by Representatives Upthegrove, Short and Ryu)

Improving reports on electronic waste collection.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute House Bill No. 1498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1498.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1498 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SUBSTITUTE HOUSE BILL NO. 1498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:13 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Wednesday, April 17, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

NINETY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 17, 2013

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Carrell.

The Sergeant at Arms Color Guard consisting of Pages Rob Horenstein and Anastasya Sergoian, presented the Colors. The Reverend Greg Asimakoupoulos, faith and values columnist for *The Mercer Island Reporter*, Mercer Island, offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 16, 2013

SB 5865 Prime Sponsor, Senator Roach: Exempting from use tax certain purchases from nonprofit organizations or libraries sold as a fund-raising activity. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5865 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Conway; Dammeier; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:
The House has passed:
ENGROSSED SENATE BILL NO. 5603,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:
The House has passed:
SUBSTITUTE HOUSE BILL NO. 1961,
SUBSTITUTE HOUSE BILL NO. 1982,
SUBSTITUTE HOUSE BILL NO. 2002,
SUBSTITUTE HOUSE BILL NO. 2018,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:
The House has passed:
ENGROSSED HOUSE BILL NO. 1920,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1971,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:
The House has passed:
SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5411,
SUBSTITUTE SENATE BILL NO. 5416,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5669,
SUBSTITUTE SENATE BILL NO. 5702,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:
The Speaker has signed:
HOUSE BILL NO. 1006,
HOUSE BILL NO. 1108,
HOUSE BILL NO. 1124,
SUBSTITUTE HOUSE BILL NO. 1141,
HOUSE BILL NO. 1148,
HOUSE BILL NO. 1154,
HOUSE BILL NO. 1175,
SUBSTITUTE HOUSE BILL NO. 1192,
SUBSTITUTE HOUSE BILL NO. 1327,
HOUSE BILL NO. 1351,
ENGROSSED HOUSE BILL NO. 1400,
HOUSE BILL NO. 1404,
SUBSTITUTE HOUSE BILL NO. 1435,

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SUBSTITUTE HOUSE BILL NO. 1512,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
 ENGROSSED HOUSE BILL NO. 1677,
 SUBSTITUTE HOUSE BILL NO. 1752,
 SUBSTITUTE HOUSE BILL NO. 1853,
 HOUSE BILL NO. 1903,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1944,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
 8656

By Senators McAuliffe, Hewitt, Baumgartner, Shin, Parlette, Eide, Kohl-Welles, Rolfes, Keiser, Roach, and Chase

WHEREAS, Timothy Desmond Owen was born August 8, 1954, in San Luis Obispo, California to Arthur and Katherine Owen, and his wife, Cheryl Janine Reed Owen, was born on August 18, 1955, in Anaheim, California to George and Grace Reed. Together Timothy and Cheryl tragically passed away on December 21, 2012, outside of Leavenworth, Washington. They are survived by their three children: Jessica (Jessie) Owen, Jamie Mayer, and Jeremy Owen, and Jamie's husband, Steven Mayer, after a tragic accident on Steven's Pass; and

WHEREAS, Cheryl was a Mom who gladly opened her home and her heart. She was accepting and generous and taught others to give back to their community; and

WHEREAS, Tim's passion was for coaching girl's youth soccer, and he is remembered for being a father figure. He possessed a natural ability to lead, always made it a priority to make sure his players came together and bonded, and taught his children to try new things and to push themselves; and

WHEREAS, Tim and Cheryl's true love was their family. Cheryl referred to her family as the "rainbow family" in reference to her two adopted children, Jamie and Jeremy. They loved being together with their family. A proud, multicultural family. Whether on vacation, around the dinner table, or together in their big blue van, if they were together, they were happy; and

WHEREAS, Cheryl and Tim were always there to serve their family, friends, and community; and

WHEREAS, Tim and Cheryl loved each other dearly. Their love was the kind of love you only find once in a lifetime; and

WHEREAS, Tim and Cheryl were honored to welcome Steven Mayer to their family. Steven, from Canada, and Jamie married at the Yacht Club in Edmonds. Jamie crocheted her own wedding dress. Before the wedding, Steven came to Cheryl and Tim and asked if he could join the family. Tim, never shying away from a moment to kid around joked, "We're not adopting anymore kids!"; and

WHEREAS, This tragic accident has left Jamie, a law student at Seattle University, and Steven, a software developer at Microsoft, with the challenge to walk on their own again, and has left Jessie, an elementary teacher at Frank Love Elementary in Bothell, with a spinal-cord injury that will require months of intensive therapy. Jeremy was released from the hospital within days, and at his parents' memorial, he promised his mom and dad that he would take care of his sisters and brother-in-law; and

WHEREAS, Jamie, Steven, Jeremy, and Jessie recognize the long road ahead. They believe that goodness can come out of tragedies; and

WHEREAS, Jamie, Steven, Jeremy, and Jessie are fighters. Tim and Cheryl Owen taught their children to be strong. Their conditions are improving, using the strength they learned to continue on;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Owen family and honor Tim and Cheryl Owen for their service to community, their passion for life, and their legacy of love.

Senator McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8656.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that David Nicandri, Gubernatorial Appointment No. 9152, be confirmed as a member of the Board of Trustees, The Evergreen State College.

Senators Fraser, Honeyford, Conway and Darneille spoke in favor of passage of the motion.

APPOINTMENT OF DAVID NICANDRI

The President declared the question before the Senate to be the confirmation of David Nicandri, Gubernatorial Appointment No. 9152, as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of David Nicandri, Gubernatorial Appointment No. 9152, as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Ericksen

Excused: Senator Carrell

David Nicandri, Gubernatorial Appointment No. 9152, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Baumgartner moved that Paul Tanaka, Gubernatorial Appointment No. 9182, be confirmed as a member of the Board of Trustees, Eastern Washington University.

Senator Baumgartner spoke in favor of the motion.

APPOINTMENT OF PAUL TANAKA

The President declared the question before the Senate to be the confirmation of Paul Tanaka, Gubernatorial Appointment No. 9182, as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Paul Tanaka, Gubernatorial Appointment No. 9182, as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Paul Tanaka, Gubernatorial Appointment No. 9182, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 1006,
HOUSE BILL NO. 1108,
HOUSE BILL NO. 1124,
SUBSTITUTE HOUSE BILL NO. 1141,
HOUSE BILL NO. 1148,
HOUSE BILL NO. 1154,
HOUSE BILL NO. 1175,
SUBSTITUTE HOUSE BILL NO. 1192,
SUBSTITUTE HOUSE BILL NO. 1327,
HOUSE BILL NO. 1351,

ENGROSSED HOUSE BILL NO. 1400,
HOUSE BILL NO. 1404,
SUBSTITUTE HOUSE BILL NO. 1435,
SUBSTITUTE HOUSE BILL NO. 1512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED HOUSE BILL NO. 1677,
SUBSTITUTE HOUSE BILL NO. 1752,
SUBSTITUTE HOUSE BILL NO. 1853,
HOUSE BILL NO. 1903,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1944.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1566, by House Committee on Appropriations (originally sponsored by Representatives Carlyle, Kagi, Ryu, Roberts, Moscoso and Pollet)

Concerning educational outcomes of youth in out-of-home care.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee amendment by the Committee on Ways & Means be adopted:

On page 10, beginning on line 1, strike all of section 7, and insert the following:

"**NEW SECTION. Sec. 7.** A new section is added to chapter 74.13 RCW to read as follows:

(1) A university-based child welfare research entity shall include in its reporting the educational experiences and progress of students in children's administration out-of-home care. This data must be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which children's administration offices and school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

(2) By January 1, 2015 and annually thereafter, the university-based child welfare research entity must submit a report to the legislature. To the extent possible, the report should include, but is not limited to, information on the following measures for a youth who is a dependent pursuant to chapter 13.34 RCW:

(a) Aggregate scores from the Washington state kindergarten readiness assessment;

(b) Aggregate scores from the third grade statewide student assessment in reading;

(c) Number of youth graduating from high school with a documented plan for postsecondary education, employment, or military service;

(d) Number of youth completing one year of postsecondary education, the equivalent of first-year student credits, or achieving a postsecondary certificate; and

(e) Number of youth who complete an associate or bachelor's degree.

(3) The report must identify strengths and weaknesses in practice and recommend to the legislature strategy and needed resources for improvement."

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Senator Pearson spoke in favor of adoption of the committee amendment.

the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1566.

Senator Holmquist Newbry spoke in favor of passage of the bill.

The motion by Senator Pearson carried and the committee amendment was adopted by voice vote.

POINT OF ORDER

MOTION

Senator Darneille: "I would like to inquiry about whether or not the content of this bill triggers additional need for more votes relative to the Initiative?"

There being no objection, the following title amendment was adopted:

MOTION

On page 1, line 2 of the title, after "13.34.069," strike "28A.300.525," and on line 4 of the title, after "13.34 RCW; adding" strike "a new section" and insert "new sections"

On motion of Senator Fain, further consideration of House Bill No. 1149 was deferred and the bill held its place on the third reading calendar.

MOTION

SECOND READING

On motion of Senator Pearson, the rules were suspended, Second Substitute House Bill No. 1566 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

HOUSE BILL NO. 1768, by Representatives Moscoso, Lias, Ryu, Moeller, Johnson, Kochmar and McCoy

Senators Pearson and Darneille spoke in favor of passage of the bill.

Authorizing use of the job order contracting procedure by the department of transportation.

The measure was read the second time.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1566 as amended by the Senate.

MOTION

ROLL CALL

Senator King moved that the following committee striking amendment by the Committee on Transportation be adopted:

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1566 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Strike everything after the enacting clause and insert the following:

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

"Sec. 1. RCW 39.10.420 and 2012 c 102 s 1 are each amended to read as follows:

Voting nay: Senator Padden

Excused: Senator Carrell

SECOND SUBSTITUTE HOUSE BILL NO. 1566 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(1) The following public bodies are authorized to use the job order contracting procedure:

- (a) The department of enterprise services;
- (b) The state universities, regional universities, and The Evergreen State College;
- (c) Sound transit (central Puget Sound regional transit authority);
- (d) Every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755;
- (e) Every county with a population greater than four hundred fifty thousand;
- (f) Every port district with total revenues greater than fifteen million dollars per year;
- (g) Every public utility district with revenues from energy sales greater than twenty-three million dollars per year;
- (h) Every school district; ~~(and)~~
- (i) The state ferry system; and
- (j) The Washington state department of transportation, for the administration of building improvement, replacement, and renovation projects only.

SECOND READING

HOUSE BILL NO. 1149, by Representatives Hurst, Ryu, Hunt and Santos

(2)(a) The department of enterprise services may issue job order contract work orders for Washington state parks department projects.

Increasing the volume of spirits that may be sold per day to a customer of a craft distillery.

(b) The department of enterprise services, the University of Washington, and Washington State University may issue job order contract work orders for the state regional universities and The Evergreen State College.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1149 was advanced to third reading,

(3) Public bodies may use a job order contract for public works projects when a determination is made that the use of job order contracts will benefit the public by providing an effective

means of reducing the total lead-time and cost for the construction of public works projects for repair and renovation required at public facilities through the use of unit price books and work orders by eliminating time-consuming, costly aspects of the traditional public works process, which require separate contracting actions for each small project.

Sec. 2. RCW 39.10.440 and 2007 c 494 s 403 are each amended to read as follows:

(1) The maximum total dollar amount that may be awarded under a job order contract is four million dollars per year for a maximum of three years.

(2) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

(3) A public body may have no more than two job order contracts in effect at any one time, with the exception of the department of (~~general administration~~) enterprise services, which may have four job order contracts in effect at any one time.

(4) At least ninety percent of work contained in a job order contract must be subcontracted to entities other than the job order contractor. The job order contractor must distribute contracts as equitably as possible among qualified and available subcontractors including minority and woman-owned subcontractors to the extent permitted by law.

(5) The job order contractor shall publish notification of intent to perform public works projects at the beginning of each contract year in a statewide publication and in a legal newspaper of general circulation in every county in which the public works projects are anticipated.

(6) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.

(7) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the contract award coefficient for services as specified in the request for proposals. This is the contractor's sole remedy.

(8) All job order contracts awarded under this section must be signed before July 1, (~~2013~~) 2021; however the job order contract may be extended or renewed as provided for in this section.

(9) Public bodies may amend job order contracts awarded prior to July 1, 2007, in accordance with this chapter.

Sec. 3. RCW 39.10.490 and 2007 c 494 s 501 are each amended to read as follows:

The alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, (~~2013~~) 2021. Methods of public works contracting authorized under this chapter shall remain in full force and effect until completion of contracts signed before July 1, (~~2013~~) 2021.

Sec. 4. RCW 43.131.407 and 2007 c 494 s 506 are each amended to read as follows:

The alternative (~~public~~) public works contracting procedures under chapter 39.10 RCW shall be terminated June 30, (~~2013~~) 2021, as provided in RCW 43.131.408.

Sec. 5. RCW 43.131.408 and 2012 c 102 s 4 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~2014~~) 2022:

(1) RCW 39.10.200 and 2010 1st sp.s. c 21 s 2, 2007 c 494 s 1, & 1994 c 132 s 1;

(2) RCW 39.10.210 and 2010 1st sp.s. c 36 s 6014, 2007 c 494 s 101, & 2005 c 469 s 3;

(3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;

(4) RCW 39.10.230 and 2010 1st sp.s. c 21 s 3, 2009 c 75 s 1, 2007 c 494 s 103, & 2005 c 377 s 2;

(5) RCW 39.10.240 and 2007 c 494 s 104;

(6) RCW 39.10.250 and 2009 c 75 s 2 & 2007 c 494 s 105;

(7) RCW 39.10.260 and 2007 c 494 s 106;

(8) RCW 39.10.270 and 2009 c 75 s 3 & 2007 c 494 s 107;

(9) RCW 39.10.280 and 2007 c 494 s 108;

(10) RCW 39.10.290 and 2007 c 494 s 109;

(11) RCW 39.10.300 and 2009 c 75 s 4 & 2007 c 494 s 201;

(12) RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;

(13) RCW 39.10.330 and 2009 c 75 s 5 & 2007 c 494 s 204;

(14) RCW 39.10.340 and 2007 c 494 s 301;

(15) RCW 39.10.350 and 2007 c 494 s 302;

(16) RCW 39.10.360 and 2009 c 75 s 6 & 2007 c 494 s 303;

(17) RCW 39.10.370 and 2007 c 494 s 304;

(18) RCW 39.10.380 and 2007 c 494 s 305;

(19) RCW 39.10.385 and 2010 c 163 s 1;

(20) RCW 39.10.390 and 2007 c 494 s 306;

(21) RCW 39.10.400 and 2007 c 494 s 307;

(22) RCW 39.10.410 and 2007 c 494 s 308;

(23) RCW 39.10.420 and 2013 c . . . s 1 (section 1 of this act), 2012 c 102 s 1, 2009 c 75 s 7, 2007 c 494 s 401, & 2003 c 301 s 1;

(24) RCW 39.10.430 and 2007 c 494 s 402;

(25) RCW 39.10.440 and 2013 c . . . s 2 (section 2 of this act) & 2007 c 494 s 403;

(26) RCW 39.10.450 and 2012 c 102 s 2 & 2007 c 494 s 404;

(27) RCW 39.10.460 and 2012 c 102 s 3 & 2007 c 494 s 405;

(28) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;

(29) RCW 39.10.480 and 1994 c 132 s 9;

(30) RCW 39.10.490 and 2013 c . . . s 3 (section 3 of this act), 2007 c 494 s 501, & 2001 c 328 s 5;

(31) RCW 39.10.500 and 2007 c 494 s 502;

(32) RCW 39.10.510 and 2007 c 494 s 503;

(33) RCW 39.10.900 and 1994 c 132 s 13;

(34) RCW 39.10.901 and 1994 c 132 s 14;

(35) RCW 39.10.903 and 2007 c 494 s 510;

(36) RCW 39.10.904 and 2007 c 494 s 512; and

(37) RCW 39.10.905 and 2007 c 494 s 513."

Senator King spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1768.

The motion by Senator King carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "transportation;" strike the remainder of the title and insert "and amending RCW 39.10.420, 39.10.440, 39.10.490, 43.131.407, and 43.131.408."

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1768 as amended by the Senate was advanced to third

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reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1768 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1768 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1768 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1863, by Representatives Stonier, Chandler, Sells, Haler, Fitzgibbon, Ross, Bergquist, Goodman, Carlyle, Hope, Reykdal, Ormsby, Stanford, Green, Ryu, Pollet and Freeman

Allowing the department of labor and industries to provide information about certain scholarships.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1863 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1863.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1863 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1863, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins and Ryu)

Regarding the disclosure of health care information.

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.02.010 and 2006 c 235 s 2 are each amended to read as follows:

DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

~~((2))~~ (3) "Commitment" has the same meaning as in RCW 71.05.020.

(4) "Custody" has the same meaning as in RCW 71.05.020.

(5) "Department" means the department of social and health services.

(6) "Designated mental health professional" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(7) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(8) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

~~((3))~~ (9) "Discharge" has the same meaning as in RCW 71.05.020.

(10) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(11) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

~~((4))~~ (12) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

~~((5))~~ (13) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

~~((6))~~ (14) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

~~((7))~~ (15) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

~~((8))~~ (16) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset ~~(and~~

~~fund-raising))~~ for the benefit of the health care provider, health care facility, or third-party payor.

~~((9))~~ (17) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

~~((10))~~ (18) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(19) "Imminent" has the same meaning as in RCW 71.05.020.

(20) "Information and records related to mental health services" means a type of health care information that relates to all information and records, including mental health treatment records, compiled, obtained, or maintained in the course of providing services by a mental health service agency, as defined in this section. This may include documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community mental health program as defined in RCW 71.24.025(6).

(21) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(22) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

~~((11))~~ (23) "Legal counsel" has the same meaning as in RCW 71.05.020.

(24) "Local public health officer" has the same meaning as in RCW 70.24.017.

(25) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

~~((12))~~ (26) "Mental health professional" has the same meaning as in RCW 71.05.020.

(27) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community mental health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(28) "Mental health treatment records" include registration records, as defined in RCW 71.05.020, and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staff, and by treatment facilities. "Mental health treatment records" include mental health information contained in a medical bill including, but not limited to, mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. "Mental health treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(29) "Minor" has the same meaning as in RCW 71.34.020.

(30) "Parent" has the same meaning as in RCW 71.34.020.

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(31) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

~~((43))~~ (32) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

~~((44))~~ (33) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~((45))~~ (34) "Professional person" has the same meaning as in RCW 71.05.020.

(35) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

(36) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

~~((46))~~ (37) "Release" has the same meaning as in RCW 71.05.020.

(38) "Resource management services" has the same meaning as in RCW 71.05.020.

(39) "Serious violent offense" has the same meaning as in RCW 71.05.020.

(40) "Sexually transmitted infection" or "sexually transmitted

disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(41) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(42) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

~~((47))~~ (43) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

Sec. 2. RCW 70.02.020 and 2005 c 468 s 2 are each amended to read as follows:

DISCLOSURE BY HEALTH CARE PROVIDER--PATIENT WRITTEN AUTHORIZATION REQUIRED. (1) Except as authorized (~~in RCW 70.02.050~~) elsewhere in this chapter, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient to any other person without the patient's written authorization. A disclosure made under a patient's written authorization must conform to the authorization.

(2) A patient has a right to receive an accounting of all disclosures of mental health treatment records except disclosures made under RCW 71.05.425.

(3) A patient has a right to receive an accounting of disclosures of health care information, except for mental health treatment records which are addressed in subsection (2) of this section, made by a health care provider or a health care facility in the six years before the date on which the accounting is requested, except for disclosures:

(a) To carry out treatment, payment, and health care operations;

(b) To the patient of health care information about him or her;

(c) Incident to a use or disclosure that is otherwise permitted or required;

(d) Pursuant to an authorization where the patient authorized the disclosure of health care information about himself or herself;

(e) Of directory information;

(f) To persons involved in the patient's care;

(g) For national security or intelligence purposes if an accounting of disclosures is not permitted by law;

(h) To correctional institutions or law enforcement officials if an accounting of disclosures is not permitted by law; and

(i) Of a limited data set that excludes direct identifiers of the patient or of relatives, employers, or household members of the patient.

Sec. 3. RCW 70.02.050 and 2007 c 156 s 12 are each amended to read as follows:

DISCLOSURE WITHOUT PATIENT'S AUTHORIZATION--NEED-TO-KNOW BASIS. (1) A health care provider or health care facility may disclose health care information, except for information and records related to sexually transmitted diseases which are addressed in section 6 of this act, about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider or facility reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, actuarial services to, or other health care operations for or on behalf of the health care provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) ~~(To any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;~~

~~(d)) To any person if the health care provider or health care facility reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider or facility to so disclose. The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential;~~

~~((e) To immediate family members of the patient, including a patient's state registered domestic partner, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;~~

~~(f) To a health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;~~

~~(g) For use in a research project that an institutional review board has determined:~~

~~(i) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;~~

~~(ii) Is impracticable without the use or disclosure of the health care information in individually identifiable form;~~

~~(iii) Contains reasonable safeguards to protect the information from redisclosure;~~

~~(iv) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and~~

~~(v) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project;~~

~~(h) To a person who obtains information for purposes of an audit, if that person agrees in writing to:~~

~~(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and~~

~~(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;~~

~~(i)) (d) To an official of a penal or other custodial institution in which the patient is detained;~~

~~((j) To provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;~~

~~(k) To fire, police, sheriff, or another public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted;~~

~~(l) To federal, state, or local law enforcement authorities and the health care provider, health care facility, or third party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the premises of the health care provider, health care facility, or third party payor;~~

~~(m) To another health care provider, health care facility, or third party payor for the health care operations of the health care provider, health care facility, or third party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the disclosure is for the purposes described in RCW 70.02.010(8)(a) and (b);) or~~

~~((n)) (e) For payment, including information necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.~~

(2) A health care provider shall disclose health care information, except for information and records related to sexually transmitted diseases, unless otherwise authorized in section 6 of this act, about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws, or to investigate unprofessional conduct or ability to practice with reasonable skill and safety under chapter 18.130 RCW. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW; or

(b) When needed to protect the public health((;

~~(b) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;~~

~~(c) To federal, state, or local law enforcement authorities, upon receipt of a written or oral request made to a nursing supervisor, administrator, or designated privacy official, in a case in which the patient is being treated or has been treated for a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person, or a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act, the following information, if known:~~

~~(i) The name of the patient;~~

~~(ii) The patient's residence;~~

~~(iii) The patient's sex;~~

~~(iv) The patient's age;~~

~~(v) The patient's condition;~~

~~(vi) The patient's diagnosis, or extent and location of injuries as determined by a health care provider;~~

~~(vii) Whether the patient was conscious when admitted;~~

~~(viii) The name of the health care provider making the determination in (c)(v), (vi), and (vii) of this subsection;~~

~~(ix) Whether the patient has been transferred to another facility; and~~

~~(x) The patient's discharge time and date;~~

~~(d) To county coroners and medical examiners for the~~

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~~investigations of deaths;~~

~~(e) Pursuant to compulsory process in accordance with RCW 70.02.060.~~

~~(3) All state or local agencies obtaining patient health care information pursuant to this section shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter).~~

NEW SECTION. Sec. 4. A new section is added to chapter 70.02 RCW to read as follows:

DISCLOSURE WITHOUT PATIENT'S AUTHORIZATION--PERMITTED AND MANDATORY DISCLOSURES. (1) In addition to the disclosures authorized by RCW 70.02.050 and section 5 of this act, a health care provider or health care facility may disclose health care information, except for information and records related to sexually transmitted diseases and information related to mental health services which are addressed by sections 6 through 10 of this act, about a patient without the patient's authorization, to:

(a) Any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(b) Immediate family members of the patient, including a patient's state registered domestic partner, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(c) A health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;

(d) A person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(e) Provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;

(f) Fire, police, sheriff, or other public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted;

(g) Federal, state, or local law enforcement authorities and the health care provider, health care facility, or third-party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the premises of the health care provider, health care facility, or third-party payor; and

(h) Another health care provider, health care facility, or third-party payor for the health care operations of the health care provider, health care facility, or third-party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the

disclosure is for the purposes described in RCW 70.02.010(16) (a) and (b).

(2) In addition to the disclosures required by RCW 70.02.050 and section 5 of this act, a health care provider shall disclose health care information, except for information related to sexually transmitted diseases and information related to mental health services which are addressed by sections 6 through 10 of this act, about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(b) To federal, state, or local law enforcement authorities, upon receipt of a written or oral request made to a nursing supervisor, administrator, or designated privacy official, in a case in which the patient is being treated or has been treated for a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person, or a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act, the following information, if known:

(i) The name of the patient;

(ii) The patient's residence;

(iii) The patient's sex;

(iv) The patient's age;

(v) The patient's condition;

(vi) The patient's diagnosis, or extent and location of injuries as determined by a health care provider;

(vii) Whether the patient was conscious when admitted;

(viii) The name of the health care provider making the determination in (b)(v), (vi), and (vii) of this subsection;

(ix) Whether the patient has been transferred to another facility; and

(x) The patient's discharge time and date;

(c) Pursuant to compulsory process in accordance with RCW 70.02.060.

NEW SECTION. Sec. 5. A new section is added to chapter 70.02 RCW to read as follows:

DISCLOSURE WITHOUT PATIENT'S AUTHORIZATION--RESEARCH. (1) A health care provider or health care facility may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is for use in a research project that an institutional review board has determined:

(a) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

(b) Is impracticable without the use or disclosure of the health care information in individually identifiable form;

(c) Contains reasonable safeguards to protect the information from redisclosure;

(d) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

(e) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project.

(2) In addition to the disclosures required by RCW 70.02.050 and section 4 of this act, a health care provider or health care facility shall disclose health care information about a patient without the patient's authorization if:

(a) The disclosure is to county coroners and medical examiners for the investigations of deaths; or

(b) The disclosure is to a procurement organization or person to whom a body part passes for the purpose of examination necessary to assure the medical suitability of the body part.

NEW SECTION. Sec. 6. A new section is added to chapter 70.02 RCW to read as follows:

SEXUALLY TRANSMITTED DISEASES--PERMITTED AND MANDATORY DISCLOSURES. (1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this section, section 5 of this act, or chapter 70.24 RCW.

(2) No person may disclose or be compelled to disclose information and records related to sexually transmitted diseases, except as authorized by this section, section 5 of this act, or chapter 70.24 RCW. A person may disclose information related to sexually transmitted diseases about a patient without the patient's authorization, to the extent a recipient needs to know the information, if the disclosure is to:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor fourteen years of age or over and otherwise competent;

(b) The state public health officer as defined in RCW 70.24.017, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(c) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that was provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens;

(d) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, so long as the record was obtained by means of court-ordered HIV testing pursuant to RCW 70.24.340 or 70.24.024;

(e) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure must: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services;

(f) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(g) A law enforcement officer, firefighter, health care provider, health care facility staff person, department of correction's staff person, jail staff person, or other persons as defined by the board of health in rule pursuant to RCW 70.24.340(4), who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340(4), if a state or local public health officer performs the test;

(h) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance

organization, self-funded health plan, state administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection must be confidential and may not be released or available to persons who are not involved in handling or determining medical claims payment; and

(i) A department of social and health services worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of social and health services or a licensed child placing agency. This information may also be received by a person responsible for providing residential care for such a child when the department of social and health services or a licensed child placing agency determines that it is necessary for the provision of child care services.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender or detained person, except as provided in subsection (2)(d) of this section, is governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available by department of corrections health care providers and local public health officers to the department of corrections health care administrator or infection control coordinator of the facility in which the offender is housed. The information made available to the health care administrator or the infection control coordinator under this subsection (4)(a) may be used only for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of corrections' jurisdiction according to the provisions of (d) and (e) of this subsection.

(b) The sexually transmitted disease status of a person detained in a jail who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the local public health officer to a jail health care administrator or infection control coordinator. The information made available to a health care administrator under this subsection (4)(b) may be used only for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. The information may be submitted to transporting officers and receiving facilities according to the provisions of (d) and (e) of this subsection.

(c) Information regarding the sexually transmitted disease status of an offender or detained person is confidential and may be disclosed by a correctional health care administrator or infection control coordinator or local jail health care administrator or infection control coordinator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law.

(d) Notwithstanding the limitations on disclosure contained in (a), (b), and (c) of this subsection, whenever any member of a jail staff or department of corrections staff has been substantially exposed to the bodily fluids of an offender or detained person, then the results of any tests conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370, must be immediately disclosed to the staff

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person in accordance with the Washington Administrative Code rules governing employees' occupational exposure to bloodborne pathogens. Disclosure must be accompanied by appropriate counseling for the staff member, including information regarding follow-up testing and treatment. Disclosure must also include notice that subsequent disclosure of the information in violation of this chapter or use of the information to harass or discriminate against the offender or detainee may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080, and imposition of other penalties prescribed by law.

(e) The staff member must also be informed whether the offender or detained person had any other communicable disease, as defined in RCW 72.09.251(3), when the staff person was substantially exposed to the offender's or detainee's bodily fluids.

(f) The test results of voluntary and anonymous HIV testing or HIV-related condition, as defined in RCW 70.24.017, may not be disclosed to a staff person except as provided in this section and RCW 70.02.050(1)(e) and 70.24.340(4). A health care administrator or infection control coordinator may provide the staff member with information about how to obtain the offender's or detainee's test results under this section and RCW 70.02.050(1)(e) and 70.24.340(4).

(5) The requirements of this section do not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor do they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties.

(6) Upon request of the victim, disclosure of test results under this section to victims of sexual offenses under chapter 9A.44 RCW must be made if the result is negative or positive. The county prosecuting attorney shall notify the victim of the right to such disclosure. The disclosure must be accompanied by appropriate counseling, including information regarding follow-up testing.

(7) A person, including a health care facility or health care provider, shall disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease and information and records related to sexually transmitted diseases to federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal certification or registration rules or laws; or when needed to protect the public health. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 70.02 RCW to read as follows:

MENTAL HEALTH SERVICES, CONFIDENTIALITY OF RECORDS--PERMITTED DISCLOSURES. (1) Except as provided in this section, RCW 70.02.050, 71.05.445, 70.96A.150, 74.09.295, sections 5, 8, 9, and 10 of this act, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;

- (iii) Who is a designated mental health professional;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is

known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the director of regional support networks, to resource management services

responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department;

(s) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information contained in the mental health treatment records could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(t) Consistent with the requirements of the federal health information portability and accountability act, to a licensed mental health professional or a health care professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes, as defined in 45 C.F.R. Sec. 164.501, may not be released without authorization of the person who is the subject of the request for release of information;

(u) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (t) of this subsection;

(v) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one treatment facility to another. The release of records under this subsection is limited to the mental health treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(w) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(x) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

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(y) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(e). The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in section 10 of this act, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

- (i) One thousand dollars; or
- (ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

NEW SECTION. Sec. 8. A new section is added to chapter 70.02 RCW to read as follows:

MENTAL HEALTH SERVICES--MINORS--PERMITTED DISCLOSURES. The fact of admission and all information and records related to mental health services obtained through treatment under chapter 71.34 RCW is confidential, except as authorized in RCW 70.02.050 and sections 5, 7, 9, and 10 of this act. Such confidential information may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

(6) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(7) To the secretary of social and health services for assistance in data collection and program evaluation or research so long as the secretary adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/";

(8) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(9) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(10) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(11) Upon the death of a minor, to the minor's next of kin;

(12) To a facility in which the minor resides or will reside;

(13) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(14) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary of the department of social and health services. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

(15) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

(16) Pursuant to a lawful order of a court.

NEW SECTION. Sec. 9. A new section is added to chapter 70.02 RCW to read as follows:

MENTAL HEALTH SERVICES--DEPARTMENT OF CORRECTIONS. (1) Information and records related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW must be released, upon request, by a mental health service agency to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an

incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request must be in writing and may not require the consent of the subject of the records.

(2) The information to be released to the department of corrections must include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (1) of this section.

(3) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service agencies that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

(4) The department and the department of corrections, in consultation with regional support networks, mental health service agencies as defined in RCW 70.02.010, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules must:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(5) The information received by the department of corrections under this section must remain confidential and subject to the limitations on disclosure outlined in chapter 71.34 RCW, except as provided in RCW 72.09.585.

(6) No mental health service agency or individual employed by a mental health service agency may be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under this chapter.

NEW SECTION. Sec. 10. A new section is added to chapter 70.02 RCW to read as follows:

MENTAL HEALTH SERVICES--REQUESTS FOR INFORMATION AND RECORDS. (1)(a) A mental health service agency shall release to the persons authorized under subsection (2) of this section, upon request:

(i) The fact, place, and date of an involuntary commitment, the fact and date of discharge or release, and the last known address of a person who has been committed under chapter 71.05 RCW.

(ii) Information and records related to mental health services, in the format determined under subsection (9) of this section, concerning a person who:

(A) Is currently committed to the custody or supervision of the department of corrections or the indeterminate sentence review board under chapter 9.94A or 9.95 RCW;

(B) Has been convicted or found not guilty by reason of insanity of a serious violent offense; or

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(C) Was charged with a serious violent offense and the charges were dismissed under RCW 10.77.086.

(b) Legal counsel may release such information to the persons authorized under subsection (2) of this section on behalf of the mental health service agency, so long as nothing in this subsection requires the disclosure of attorney work product or attorney-client privileged information.

(2) The information subject to release under subsection (1) of this section must be released to law enforcement officers, personnel of a county or city jail, designated mental health professionals, public health officers, therapeutic court personnel as defined in RCW 71.05.020, or personnel of the department of corrections, including the indeterminate sentence review board and personnel assigned to perform board-related duties, when such information is requested during the course of business and for the purpose of carrying out the responsibilities of the requesting person's office. No mental health service agency or person employed by a mental health service agency, or its legal counsel, may be liable for information released to or used under the provisions of this section or rules adopted under this section except under RCW 71.05.680.

(3) A person who requests information under subsection (1)(a)(ii) of this section must comply with the following restrictions:

(a) Information must be requested only for the purposes permitted by this subsection and for the purpose of carrying out the responsibilities of the requesting person's office. Appropriate purposes for requesting information under this section include:

(i) Completing presentence investigations or risk assessment reports;

(ii) Assessing a person's risk to the community;

(iii) Assessing a person's risk of harm to self or others when confined in a city or county jail;

(iv) Planning for and provision of supervision of an offender, including decisions related to sanctions for violations of conditions of community supervision; and

(v) Responding to an offender's failure to report for department of corrections supervision;

(b) Information may not be requested under this section unless the requesting person has reasonable suspicion that the individual who is the subject of the information:

(i) Has engaged in activity indicating that a crime or a violation of community custody or parole has been committed or, based upon his or her current or recent past behavior, is likely to be committed in the near future; or

(ii) Is exhibiting signs of a deterioration in mental functioning which may make the individual appropriate for civil commitment under chapter 71.05 RCW; and

(c) Any information received under this section must be held confidential and subject to the limitations on disclosure outlined in this chapter, except:

(i) The information may be shared with other persons who have the right to request similar information under subsection (2) of this section, solely for the purpose of coordinating activities related to the individual who is the subject of the information in a manner consistent with the official responsibilities of the persons involved;

(ii) The information may be shared with a prosecuting attorney acting in an advisory capacity for a person who receives information under this section. A prosecuting attorney under this subsection is subject to the same restrictions and confidentiality limitations as the person who requested the information; and

(iii) As provided in RCW 72.09.585.

(4) A request for information and records related to mental health services under this section does not require the consent of the subject of the records. The request must be provided in writing, except to the extent authorized in subsection (5) of this section. A written request may include requests made by e-mail or facsimile so

long as the requesting person is clearly identified. The request must specify the information being requested.

(5) In the event of an emergency situation that poses a significant risk to the public or the offender, a mental health service agency, or its legal counsel, shall release information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found to the department of corrections or law enforcement upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health service agency and the address or information about the location or whereabouts of the offender.

(6) Disclosure under this section to state or local law enforcement authorities is mandatory for the purposes of the federal health insurance portability and accountability act.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under this chapter.

(9) In collaboration with interested organizations, the department shall develop a standard form for requests for information related to mental health services made under this section and a standard format for information provided in response to the requests. Consistent with the goals of the health information privacy provisions of the federal health insurance portability and accountability act, in developing the standard form for responsive information, the department shall design the form in such a way that the information disclosed is limited to the minimum necessary to serve the purpose for which the information is requested.

NEW SECTION. Sec. 11. A new section is added to chapter 70.02 RCW to read as follows:

HEALTH CARE INFORMATION--USE OR DISCLOSURE PROHIBITED. (1) No person who receives health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, or actuarial services, or other health care operations for or on behalf of a health care provider or health care facility, may use or disclose any health care information received from the health care provider or health care facility in any manner that is inconsistent with the duties of the health care provider or health care facility under this chapter.

(2) A health care provider or health care facility that has a contractual relationship with a person to provide services described under subsection (1) of this section must terminate the contractual relationship with the person if the health care provider or health care facility learns that the person has engaged in a pattern of activity that violates the person's duties under subsection (1) of this section, unless the person took reasonable steps to correct the breach of confidentiality or has discontinued the violating activity.

NEW SECTION. Sec. 12. A new section is added to chapter 70.02 RCW to read as follows:

HEALTH CARE PROVIDERS AND FACILITIES--PROHIBITED ACTIONS. A health care provider, health care facility, and their assistants, employees, agents, and contractors may not:

(1) Use or disclose health care information for marketing or fund-raising purposes, unless permitted by federal law;

(2) Sell health care information to a third party, except in a form that is deidentified and aggregated; or

(3) Sell health care information to a third party, except for the following purposes:

- (a) Treatment or payment;
- (b) Sale, transfer, merger, or consolidation of a business;
- (c) Remuneration to a third party for services;
- (d) Disclosures required by law;
- (e) Providing access to or accounting of disclosures to an individual;
- (f) Public health purposes;
- (g) Research;
- (h) With an individual's authorization;
- (i) Where a reasonable cost-based fee is paid to prepare and transmit health information, where authority to disclose the information is provided in this chapter.

NEW SECTION. Sec. 13. A new section is added to chapter 70.02 RCW to read as follows:

AGENCY RULE-MAKING REQUIREMENTS. All state or local agencies obtaining patient health care information pursuant to RCW 70.02.050 and sections 4 through 8 of this act that are not health care facilities or providers shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 70.02 RCW to read as follows:

SEXUALLY TRANSMITTED DISEASES--REQUIRED STATEMENT UPON DISCLOSURE. Whenever disclosure is made of information and records related to sexually transmitted diseases pursuant to this chapter, except for RCW 70.02.050(1)(a) and section 6 (2) (a) and (b) and (7) of this act, it must be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written authorization of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure must be accompanied or followed by such a notice within ten days.

NEW SECTION. Sec. 15. A new section is added to chapter 70.02 RCW to read as follows:

MENTAL HEALTH SERVICES--RECORDS. (1) Resource management services shall establish procedures to provide reasonable and timely access to individual mental health treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the person.

(2) Following discharge, a person who has received mental health services has a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Mental health treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge resource management services shall inform all persons who have received mental health services of their rights as provided in this chapter and RCW 71.05.620.

NEW SECTION. Sec. 16. A new section is added to chapter 70.02 RCW to read as follows:

MENTAL HEALTH SERVICES--MINORS--NOTE IN RECORD UPON DISCLOSURE. When disclosure of information and records related to mental services pertaining to a minor, as defined in RCW 71.34.020, is made, the date and circumstances

under which the disclosure was made, the name or names of the persons or agencies to whom such disclosure was made and their relationship if any, to the minor, and the information disclosed must be entered promptly in the minor's clinical record.

NEW SECTION. Sec. 17. A new section is added to chapter 70.02 RCW to read as follows:

OBTAINING CONFIDENTIAL RECORDS UNDER FALSE PRETENSES--PENALTY. Any person who requests or obtains confidential information and records related to mental health services pursuant to this chapter under false pretenses is guilty of a gross misdemeanor.

NEW SECTION. Sec. 18. A new section is added to chapter 70.02 RCW to read as follows:

MENTAL HEALTH TREATMENT RECORDS--AGENCY RULE-MAKING AUTHORITY. The department of social and health services shall adopt rules related to the disclosure of mental health treatment records in this chapter.

NEW SECTION. Sec. 19. A new section is added to chapter 70.02 RCW to read as follows:

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--RELEASE OF INFORMATION TO PROTECT THE PUBLIC. In addition to any other information required to be released under this chapter, the department of social and health services is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public, concerning a specific person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex offense as defined in RCW 9.94A.030.

Sec. 20. RCW 70.02.900 and 2011 c 305 s 10 are each amended to read as follows:

CONFLICTING LAWS. (1) This chapter does not restrict a health care provider, a third-party payor, or an insurer regulated under Title 48 RCW from complying with obligations imposed by federal or state health care payment programs or federal or state law.

(2) This chapter does not modify the terms and conditions of disclosure under Title 51 RCW and chapters 13.50, 26.09, 70.24, 70.96A, ((71.05, 71.34,)) and 74.09 RCW and rules adopted under these provisions.

Sec. 21. RCW 71.05.660 and 2009 c 217 s 9 are each amended to read as follows:

TREATMENT RECORDS--PRIVILEGED COMMUNICATIONS UNAFFECTED. Nothing in this chapter or chapter 70.02, 70.96A, ((71.05,)) 71.34, or 70.96B RCW shall be construed to interfere with communications between physicians, psychiatric advanced registered nurse practitioners, or psychologists and patients and attorneys and clients.

Sec. 22. RCW 71.05.680 and 2005 c 504 s 713 are each amended to read as follows:

TREATMENT RECORDS--ACCESS UNDER FALSE PRETENSES, PENALTY. Any person who requests or obtains confidential information pursuant to RCW 71.05.620 ((through 71.05.690)) under false pretenses shall be guilty of a gross misdemeanor.

Sec. 23. RCW 71.05.620 and 2005 c 504 s 111 are each amended to read as follows:

COURT FILES AND RECORDS. (1) The files and records of court proceedings under this chapter and chapters 70.96A, 71.34, and 70.96B RCW shall be closed but shall be accessible to any person who is the subject of a petition and to the person's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.

(2) The department shall adopt rules to implement this section.

Sec. 24. RCW 71.24.035 and 2011 c 148 s 4 are each amended to read as follows:

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STATE MENTAL HEALTH AUTHORITY, PROGRAM.

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045, until such time as a new regional support network is designated under RCW 71.24.320.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental illness. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents, including parents who are respondents in dependency cases, in the following order of priority: (i) Persons with acute mental illness; (ii) adults with chronic mental illness and children who are severely emotionally disturbed; and (iii) persons who are seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for persons with mental illness which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in persons with mental illness becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are

respondents in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, RCW 71.24.320 and 71.24.330, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and (~~in RCW 71.05.390, 71.05.420, and 71.05.440~~) chapter 70.02 RCW;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter;

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services;

(o) Certify crisis stabilization units that meet state minimum standards;

(p) Certify clubhouses that meet state minimum standards; and

(q) Certify triage facilities that meet state minimum standards.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also

review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification of crisis stabilization units shall include standards that:

(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

(14) The standards for certification of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(15) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(16) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05~~(:)~~ and 71.34~~(:)~~ RCW and ~~((71.24 RCW))~~ this chapter. Such responsibilities shall include those which would have been

assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05~~(:)~~ and 71.34~~(:)~~ RCW and ~~((71.24 RCW))~~ this chapter, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(17) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(18) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 25. RCW 43.185C.030 and 2005 c 484 s 6 are each amended to read as follows:

WASHINGTON HOMELESS CENSUS OR COUNT. The department shall annually conduct a Washington homeless census or count consistent with the requirements of RCW ~~((43.63A.655))~~ 43.185C.180. The census shall make every effort to count all homeless individuals living outdoors, in shelters, and in transitional housing, coordinated, when reasonably feasible, with already existing homeless census projects including those funded in part by the United States department of housing and urban development under the McKinney-Vento homeless assistance program. The department shall determine, in consultation with local governments, the data to be collected.

All personal information collected in the census is confidential, and the department and each local government shall take all necessary steps to protect the identity and confidentiality of each person counted.

The department and each local government are prohibited from disclosing any personally identifying information about any homeless individual when there is reason to believe or evidence indicating that the homeless individual is an adult or minor victim of domestic violence, dating violence, sexual assault, or stalking or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking; or revealing other confidential information regarding HIV/AIDS status, as found in ~~((RCW 70.24.105))~~ section 6 of this act. The department and each local government shall not ask any homeless housing provider to disclose personally identifying information about any homeless individuals

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when the providers implementing those programs have reason to believe or evidence indicating that those clients are adult or minor victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. Summary data for the provider's facility or program may be substituted.

The Washington homeless census shall be conducted annually on a schedule created by the department. The department shall make summary data by county available to the public each year. This data, and its analysis, shall be included in the department's annual updated homeless housing program strategic plan.

Based on the annual census and provider information from the local government plans, the department shall, by the end of year four, implement an online information and referral system to enable local governments and providers to identify available housing for a homeless person. The department shall work with local governments and their providers to develop a capacity for continuous case management to assist homeless persons.

By the end of year four, the department shall implement an organizational quality management system.

Sec. 26. RCW 70.05.070 and 2007 c 343 s 10 are each amended to read as follows:

LOCAL HEALTH OFFICER. The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or 70.05.035, if any, shall:

(1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030 and 70.118.130, the confidentiality provisions in (~~RCW 70.24.105~~) section 6 of this act and rules adopted to implement those provisions, and filing of actions authorized by RCW 43.70.190;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the secretary of health or his or her authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;

(8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;

(9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

Sec. 27. RCW 70.24.450 and 1999 c 391 s 3 are each amended to read as follows:

CONFIDENTIALITY OF REPORTED INFORMATION--UNAUTHORIZED DISCLOSURE. (1) In order to assure compliance with the protections under this chapter

and the rules of the board, and to assure public confidence in the confidentiality of reported information, the department shall:

(a) Report annually to the board any incidents of unauthorized disclosure by the department, local health departments, or their employees of information protected under (~~RCW 70.24.105~~) section 6 of this act. The report shall include recommendations for preventing future unauthorized disclosures and improving the system of confidentiality for reported information; and

(b) Assist health care providers, facilities that conduct tests, local health departments, and other persons involved in disease reporting to understand, implement, and comply with this chapter and the rules of the board related to disease reporting.

(2) This section is exempt from RCW 70.24.084, 70.05.070, and 70.05.120.

Sec. 28. RCW 74.13.280 and 2009 c 520 s 72 are each amended to read as follows:

CHILDREN PLACED IN OUT-OF-HOME CARE--CLIENT INFORMATION. (1) Except as provided in (~~RCW 70.24.105~~) section 6 of this act, whenever a child is placed in out-of-home care by the department or a supervising agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or supervising agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or supervising agencies to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

Sec. 29. RCW 74.13.289 and 2009 c 520 s 76 are each amended to read as follows:

CHILDREN PLACED IN OUT-OF-HOME CARE--BLOOD-BORNE PATHOGENS, TRAINING. (1) Upon any placement, the department or supervising agency shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department or supervising agency.

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with ((RCW 70.24.105)) section 6 of this act.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section.

Sec. 30. RCW 71.05.425 and 2011 c 305 s 5 are each amended to read as follows:

PERSONS COMMITTED FOLLOWING DISMISSAL OF SEX, VIOLENT, OR FELONY HARASSMENT OFFENSE--NOTIFICATION OF CONDITIONAL RELEASE, FINAL RELEASE, LEAVE, TRANSFER, OR ESCAPE. (1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) to the following:

(i) The chief of police of the city, if any, in which the person will reside; and

(ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(3)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings;

(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter; and

(iv) The chief of police of the city, if any, and the sheriff of the county, if any, which had jurisdiction of the person on the date of the applicable offense.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person escaped and in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(3) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to ((RCW 71.05.390(18))) section 7(2)(n) of this act. If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 31. RCW 71.05.445 and 2009 c 320 s 4 are each amended to read as follows:

COURT-ORDERED MENTAL HEALTH TREATMENT--NOTIFICATIONS. (1)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health service provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health service provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health service provider is not required to notify the department of corrections that the mental health service provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

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(2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties.

(3) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in RCW 71.05.020, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(4) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

(5) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section ~~((except under RCW 71.05.440)).~~

(6) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(8) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 32. RCW 72.09.585 and 2011 1st sp.s. c 40 s 24 are each amended to read as follows:

MENTAL HEALTH SERVICES, CORRECTIONS--REQUIRED INQUIRIES AND DISCLOSURES. (1) When the department is determining an offender's risk management level, the department shall inquire of the offender and shall be told whether the offender is subject to court-ordered treatment for mental health services or chemical dependency services. The department shall request and the offender shall provide an authorization to release information form that meets applicable state and federal requirements and shall provide the offender with written notice that the department will request the offender's mental health and substance abuse treatment information. An offender's failure to inform the department of court-ordered treatment is a violation of the conditions of supervision if the offender is in the community and an infraction if the offender is in confinement, and the violation or infraction is subject to sanctions.

(2) When an offender discloses that he or she is subject to court-ordered mental health services or chemical dependency treatment, the department shall provide the mental health services

provider or chemical dependency treatment provider with a written request for information and any necessary authorization to release information forms. The written request shall comply with rules adopted by the department of social and health services or protocols developed jointly by the department and the department of social and health services. A single request shall be valid for the duration of the offender's supervision in the community. Disclosures of information related to mental health services made pursuant to a department request shall not require consent of the offender.

(3) The information received by the department under RCW 71.05.445 or ~~((71.34.345))~~ section 9 of this act may be released to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction. Further disclosure by the indeterminate sentence review board is subject to the limitations set forth in subsections (5) and (6) of this section and must be consistent with the written policy of the indeterminate sentence review board. The decision to disclose or not shall not result in civil liability for the indeterminate sentence review board or staff assigned to perform board-related duties provided that the decision was reached in good faith and without gross negligence.

(4) The information received by the department under RCW 71.05.445 or ~~((71.34.345))~~ section 9 of this act may be used to meet the statutory duties of the department to provide evidence or report to the court. Disclosure to the public of information provided to the court by the department related to mental health services shall be limited in accordance with RCW 9.94A.500 or this section.

(5) The information received by the department under RCW 71.05.445 or ~~((71.34.345))~~ section 9 of this act may be disclosed by the department to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. The information received by a state or local agency from the department shall remain confidential and subject to the limitations on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and, subject to these limitations, may be released only as relevant and necessary to counteract the danger created by a particular offender.

(6) The information received by the department under RCW 71.05.445 or ~~((71.34.345))~~ section 9 of this act may be disclosed by the department to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2). The information may not be disclosed for the purpose of engaging the public in a system of supervision, monitoring, and reporting offender behavior to the department. The department must limit the disclosure of information related to mental health services to the public to descriptions of an offender's behavior, risk he or she may present to the community, and need for mental health treatment, including medications, and shall not disclose or release to the public copies of treatment documents or records, except as otherwise provided by law. All disclosure of information to the public must be done in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. Nothing in this subsection prevents any person from reporting to law enforcement or the department behavior that he or she believes creates a public safety risk.

Sec. 33. RCW 9.94A.500 and 2008 c 231 s 2 are each amended to read as follows:

SENTENCING HEARINGS--PREVENTION OF WRONGFUL DISCLOSURE OF MENTAL HEALTH SERVICES RECORDS AND INFORMATION. (1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW, a criminal solicitation to commit such a violation under chapter 9A.28 RCW, or any felony where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

A criminal history summary relating to the defendant from the prosecuting authority or from a state, federal, or foreign governmental agency shall be prima facie evidence of the existence and validity of the convictions listed therein. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

(2) To prevent wrongful disclosure of information and records related to mental health services, as ~~((defined))~~ described in RCW 71.05.445 and ~~((71.34.345))~~ section 9 of this act, a court may take only those steps necessary during a sentencing hearing or any hearing in which the department presents information related to mental health services to the court. The steps may be taken on motion of the defendant, the prosecuting attorney, or on the court's own motion. The court may seal the portion of the record relating to information relating to mental health services, exclude the public from the hearing during presentation or discussion of information

and records relating to mental health services, or grant other relief to achieve the result intended by this subsection, but nothing in this subsection shall be construed to prevent the subsequent release of information and records related to mental health services as authorized by RCW 71.05.445, ~~((71.34.345))~~ section 9 of this act, or 72.09.585. Any person who otherwise is permitted to attend any hearing pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the hearing solely because the department intends to disclose or discloses information related to mental health services.

NEW SECTION. Sec. 34. REPEALERS. The following acts or parts of acts are each repealed:

(1) RCW 70.24.105 (Disclosure of HIV antibody test or testing or treatment of sexually transmitted diseases--Exchange of medical information) and 2011 c 232 s 1;

(2) RCW 71.05.390 (Confidential information and records--Disclosure) and 2011 c 305 s 4;

(3) RCW 71.05.640 (Treatment records--Access procedures) and 2005 c 504 s 712, 2005 c 504 s 113, 2000 c 94 s 11, & 1999 c 13 s 9;

(4) RCW 71.05.385 (Information subject to disclosure to authorized persons--Restrictions) and 2011 1st sp.s. c 40 s 23 & 2009 c 320 s 2;

(5) RCW 71.05.420 (Records of disclosure) and 2009 c 217 s 7, 2005 c 504 s 110, 1990 c 3 s 113, & 1973 1st ex.s. c 142 s 47;

(6) RCW 71.05.440 (Action for unauthorized release of confidential information--Liquidated damages--Treble damages--Injunction) and 1990 c 3 s 114, 1974 ex.s. c 145 s 28, & 1973 1st ex.s. c 142 s 49;

(7) RCW 71.05.427 (Persons committed following dismissal of sex offense--Release of information authorized) and 1990 c 3 s 110;

(8) RCW 71.05.630 (Treatment records--Confidential--Release) and 2009 c 398 s 1, 2009 c 320 s 5, 2009 c 217 s 8, 2007 c 191 s 1, 2005 c 504 s 112, 2000 c 75 s 5, & 1989 c 205 s 13;

(9) RCW 71.05.690 (Treatment records--Rules) and 2005 c 504 s 714 & 1999 c 13 s 12;

(10) RCW 71.34.340 (Information concerning treatment of minors confidential--Disclosure--Admissible as evidence with written consent) and 2011 c 305 s 9, 2005 c 453 s 6, 2000 c 75 s 7, & 1985 c 354 s 18;

(11) RCW 71.34.345 (Mental health services information--Release to department of corrections--Rules) and 2004 c 166 s 8, 2002 c 39 s 1, & 2000 c 75 s 2; and

(12) RCW 71.34.350 (Disclosure of information or records--Required entries in minor's clinical record) and 1985 c 354 s 22.

NEW SECTION. Sec. 35. EFFECTIVE DATE. Except for section 5 of this act, this act takes effect July 1, 2014.

NEW SECTION. Sec. 36. EMERGENCY CLAUSE--EFFECTIVE DATE. Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Becker moved that the following amendment by Senators Becker and Keiser to the committee striking amendment be adopted:

On page 1, line 18 of the amendment, after "(5)" insert ""Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(6)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

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On page 9, line 36 of the amendment, after "agencies" strike "must be confidential" and insert "is not subject to disclosure unless disclosure is permitted in section 7 of this act"

On page 16, line 5 of the amendment, after "deaths;" strike "or"

On page 16, line 8 of the amendment, after "part" insert "; or

(c) The disclosure is to a person subject to the jurisdiction of the federal food and drug administration in regards to a food and drug administration-regulated product or activity for which that person has responsibility for quality, safety, or effectiveness of activities"

On page 28, after line 14 of the amendment, insert the following:

"(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170."

Senator Becker spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker and Keiser on page 1, line 18 to the committee striking amendment to Engrossed Substitute House Bill No. 1679.

The motion by Senator Becker carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care as amended to Engrossed Substitute House Bill No. 1679.

The motion by Senator Becker carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "amending RCW 70.02.010, 70.02.020, 70.02.050, 70.02.900, 71.05.660, 71.05.680, 71.05.620, 71.24.035, 43.185C.030, 70.05.070, 70.24.450, 74.13.280, 74.13.289, 71.05.425, 71.05.445, 72.09.585, and 9.94A.500; adding new sections to chapter 70.02 RCW; repealing RCW 70.24.105, 71.05.390, 71.05.640, 71.05.385, 71.05.420, 71.05.440, 71.05.427, 71.05.630, 71.05.690, 71.34.340, 71.34.345, and 71.34.350; prescribing penalties; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute House Bill No. 1679 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1679 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1679 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier,

Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Padden

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1071, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Chandler)

Regarding state and private partnerships for managing salmonid hatcheries.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1071.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1071 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Harper was excused.

SECOND READING

HOUSE BILL NO. 1468, by Representatives Sells, Reykdal, Manweller, Condotta, Ormsby, Van De Wege, Fagan and Green

Modifying payment methods on certain claimants' benefits.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 1468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1468.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1468 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1381, by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Jinkins, Hunt, Wylie, Morrell, Cody, Green, Roberts, Clibborn, Ormsby, Reykdal and Ryu)

Regarding administrative adjudicatory proceedings coming before the department of health.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute House Bill No. 1381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1381.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1381 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper,

Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Padden

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1733, by Representatives Riccelli, Hawkins, Bergquist, Alexander, Fitzgibbon, Buys, Tarleton, Manweller, Vick, Reykdal, Sawyer, Sells, Springer, Ryu, Clibborn, Angel, Jinkins, Maxwell, Pollet, Farrell, Moscoso, Ormsby, Morrell and Magendanz

Requiring capital and transportation project investments to be searchable by the public for certain detailed information.

The measure was read the second time.

MOTION

Senator Hill moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The intent of the legislature is to make state capital budget and transportation budget appropriation and expenditure data as transparent and easy to use by the public as is feasible. It is important to provide information to the public on state capital and transportation investments by legislative district and county in a format that is easy to navigate and comprehend. Providing such information contributes to governmental accountability, public participation, agency efficiency, and open government.

Sec. 2. RCW 44.48.150 and 2008 c 326 s 2 are each amended to read as follows:

(1) By January 1, 2009, in collaboration with the office of financial management, using existing databases and structures currently shared, the office of the legislative evaluation and accountability program committee shall establish and make available to the public a searchable state expenditure information web site. The state expenditure information web site shall provide access to current budget data, access to current accounting data for budgeted expenditures and staff, and access to historical data. At a minimum, the web site will provide access or links to the following information as data are available:

- (a) State expenditures by fund or account;
- (b) State expenditures by agency, program, and subprogram;
- (c) State revenues by major source;
- (d) State expenditures by object and subobject;
- (e) State agency workloads, caseloads, and performance measures, and recent performance audits; and
- (f) State agency budget data by activity.

(2) "State agency," as used in this section, includes every state agency, office, board, commission, or institution of the executive, legislative, or judicial branches, including institutions of higher education.

(3) The state expenditure information web site shall be updated periodically as subsequent fiscal year data become available, and the prior year expenditure data shall be maintained by the legislative

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evaluation and accountability program committee as part of its ten-year historical budget data.

(4) For each capital appropriation bill considered by the full body or fiscal committees of either chamber of the legislature it must be accompanied by a summary of capital appropriations by legislative district. The summary of capital appropriations by legislative district must include the following categories for each legislative district:

(a) The total level of all appropriations:

(i) The level of appropriations attributable to competitive grant and loan programs;

(ii) The level of appropriations to state institutions of higher education;

(iii) The level of appropriations for state agency facilities other than higher education; and

(iv) The level of all other appropriations which are attributable to an individual district.

(b) The summary of capital appropriations required by this section must include the percent of total capital appropriations each legislative district would receive.

(c) For the purposes of this section, a capital appropriation bill includes the original capital appropriations bill filed by a member of the house or the senate, any substitute bill, and any striking amendment.

(5) By January 1, 2014, current and future capital project and transportation project investments must be coded with the geographic information sufficient to permit the public to search and identify appropriation and expenditure data at the parent and subproject level to the extent available by:

(a) State legislative district;

(b) County; and

(c) Agency project identifier.

(6) The office of the legislative evaluation and accountability program committee must, within existing resources, update the state expenditure information web site to allow the public to search for capital budget and transportation projects by selecting from an online geographical map. The map must allow an in-depth examination of financial and other data associated with such projects. Data elements must include:

(a) Project title;

(b) Total appropriation;

(c) Project description;

(d) Expenditure data; and

(e) Administering agency.

(7) The web site must be easy to use, contain current and readily available data, and allow for review and analysis by the public. The legislative evaluation and accountability program committee must test the web site with potential users to ensure that it is easy to navigate and comprehend."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 1733.

The motion by Senator Hill carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "expenditures;" strike the remainder of the title and insert "amending RCW 44.48.150; and creating a new section."

MOTION

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On motion of Senator Hill, the rules were suspended, Engrossed House Bill No. 1733 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1733 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1733 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Fraser, Frockt, Hargrove, Harper, Hatfield, Kohl-Welles, McAuliffe, Murray, Nelson and Ranker

Excused: Senator Carrell

ENGROSSED HOUSE BILL NO. 1733 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1800, by Representatives Cody, Morrell and Schmick

Concerning the compounding of medications for physician offices or ambulatory surgical centers or facilities to be used by a physician for ophthalmic purposes for nonspecific patients.

The measure was read the second time.

MOTION

Senator Parlette moved that the following committee striking amendment by the Committee on Health Care be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.64.011 and 2009 c 549 s 1008 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

(1) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(2) "Board" means the Washington state board of pharmacy.

(3) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(4) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(5) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(6) "Department" means the department of health.

(7) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals, or (b) to affect the structure or any function of the body of human beings or other animals.

(8) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(9) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(10) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than human beings.

(11) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of human beings or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(12) "Health care entity" means an organization that provides health care services in a setting that is not otherwise licensed by the state. Health care entity includes a freestanding outpatient surgery center or a freestanding cardiac care center. It does not include an individual practitioner's office or a multipractitioner clinic.

(13) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

(14) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(15) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, personally prepares, compounds, packages, or labels such substance or device. The term does not include:

(a) The activities of a licensed pharmacy that compounds a product on or in anticipation of an order of a licensed practitioner for use in the course of their professional practice to administer to patients, either personally or under their direct supervision;

(b) The practice of a licensed pharmacy when repackaging commercially available medication in small, reasonable quantities for a practitioner legally authorized to prescribe the medication for

office use only;

(c) The distribution of a drug product that has been compounded by a licensed pharmacy to other appropriately licensed entities under common ownership or control of the facility in which the compounding takes place;

(d) The delivery of finished and appropriately labeled compounded products dispensed pursuant to a valid prescription to alternate delivery locations, other than the patient's residence, when requested by the patient, or the prescriber to administer to the patient, or to another licensed pharmacy to dispense to the patient; or

(e) The distribution of a drug that has been compounded by a licensed pharmacy to other licensed persons or commercial entities for subsequent resale or distribution, without specific product item approval of the board.

(16) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(17) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(18) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.

(19) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(20) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(21) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(22) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(23) "Practice of pharmacy" includes the practice of and responsibility for: Interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(24) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(25) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(26) "Secretary" means the secretary of health or the secretary's designee.

(27) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

Sec. 2. RCW 18.64.270 and 2003 c 53 s 137 are each amended to read as follows:

(1) Every proprietor of a wholesale or retail drug store shall be held responsible for the quality of all drugs, chemicals or medicines sold or dispensed by him or her except those sold in original packages of the manufacturer and except those articles or preparations known as patent or proprietary medicines.

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(2) Any medicinal products that are compounded or prepared for patient administration or distribution to a licensed practitioner for patient use or administration shall, at a minimum, meet the standards of the official United States pharmacopeia as it applies to oral products and parenteral administered products.

(3) Any person who shall knowingly, willfully or fraudulently falsify or adulterate any drug or medicinal substance or preparation authorized or recognized by an official compendium or used or intended to be used in medical practice, or shall willfully, knowingly or fraudulently offer for sale, sell or cause the same to be sold for medicinal purposes, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not less than seventy-five nor more than one hundred and fifty dollars or by imprisonment in the county jail for a period of not less than one month nor more than three months, and any person convicted a third time for violation of this section may suffer both fine and imprisonment. In any case he or she shall forfeit to the state of Washington all drugs or preparations so falsified or adulterated.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "medications;" strike the remainder of the title and insert "amending RCW 18.67.270; reenacting and amending RCW 18.64.011; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Parlette to not adopt the committee striking amendment by the Committee on Health Care to House Bill No. 1800.

The motion by Senator Parlette carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Parlette moved that the following striking amendment by Senator Parlette and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.64.011 and 2009 c 549 s 1008 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

(1) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(2) "Board" means the Washington state board of pharmacy.

(3) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(4) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(5) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(6) "Department" means the department of health.

(7) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals, or (b) to affect the structure or any function of the body of human beings or other animals.

(8) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that

prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(9) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(10) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than human beings.

(11) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of human beings or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(12) "Health care entity" means an organization that provides health care services in a setting that is not otherwise licensed by the state. Health care entity includes a freestanding outpatient surgery center or a freestanding cardiac care center. It does not include an individual practitioner's office or a multipractitioner clinic.

(13) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

(14) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(15) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, personally prepares, compounds, packages, or labels such substance or device. "Manufacture" includes the distribution of a licensed pharmacy compounded drug product to other state licensed persons or commercial entities for subsequent resale or distribution, unless a specific product item has approval of the board. The term does not include:

(a) The activities of a licensed pharmacy that compounds a product on or in anticipation of an order of a licensed practitioner for use in the course of their professional practice to administer to patients, either personally or under their direct supervision;

(b) The practice of a licensed pharmacy when repackaging commercially available medication in small, reasonable quantities for a practitioner legally authorized to prescribe the medication for office use only;

(c) The distribution of a drug product that has been compounded by a licensed pharmacy to other appropriately licensed entities under common ownership or control of the facility in which the

compounding takes place; or

(d) The delivery of finished and appropriately labeled compounded products dispensed pursuant to a valid prescription to alternate delivery locations, other than the patient's residence, when requested by the patient, or the prescriber to administer to the patient, or to another licensed pharmacy to dispense to the patient.

(16) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(17) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(18) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.

(19) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(20) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(21) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(22) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(23) "Practice of pharmacy" includes the practice of and responsibility for: Interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(24) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(25) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(26) "Secretary" means the secretary of health or the secretary's designee.

(27) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

Sec. 2. RCW 18.64.270 and 2003 c 53 s 137 are each amended to read as follows:

(1) Every proprietor of a wholesale or retail drug store shall be held responsible for the quality of all drugs, chemicals or medicines sold or dispensed by him or her except those sold in original packages of the manufacturer and except those articles or preparations known as patent or proprietary medicines.

(2) Any medicinal products that are compounded for patient administration or distribution to a licensed practitioner for patient use or administration shall, at a minimum, meet the standards of the official United States pharmacopeia as it applies to nonsterile products and sterile administered products.

(3) Any person who shall knowingly, willfully or fraudulently falsify or adulterate any drug or medicinal substance or preparation authorized or recognized by an official compendium or used or

intended to be used in medical practice, or shall willfully, knowingly or fraudulently offer for sale, sell or cause the same to be sold for medicinal purposes, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not less than seventy-five nor more than one hundred and fifty dollars or by imprisonment in the county jail for a period of not less than one month nor more than three months, and any person convicted a third time for violation of this section may suffer both fine and imprisonment. In any case he or she shall forfeit to the state of Washington all drugs or preparations so falsified or adulterated.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette and others to House Bill No. 1800.

The motion by Senator Parlette carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "medications;" strike the remainder of the title and insert "amending RCW 18.67.270; reenacting and amending RCW 18.64.011; and declaring an emergency."

MOTION

On motion of Senator Parlette, the rules were suspended, House Bill No. 1800 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1800 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1800 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1800 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOITON

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Pursuant to Rule 18, Senator Keiser moved that Substitute House Bill No. 1638, addressing insurance, generally, be a special order to be considered at 4:59 p.m.

the merits, any more than an explanation, rather than the merits of the bill.”

Senator Keiser spoke on the motion.

POINT OF ORDER

POINT OF ORDER

Senator Fain: “I shall repeat myself. I do not believe that the member can speak to how they attempt to change a bill in an order of special consideration.”

Senator Schoesler: “Yes. The member’s remarks should be directed to the issue and not members of the body.”

REPLY BY THE PRESIDENT

REPLY BY THE PRESIDENT

President Owen: “Senator Keiser.”

President Owen: “She was not addressing any particular member of the body.”

Senator Keiser spoke further on the motion.

POINT OF ORDER

POINT OF ORDER

Senator Schoesler: “Mr. President, she was referring to the leadership.”

Senator Fain: “I apologize Mr. President, but I believe that you may not address an attempt to amend a bill when you’re making a motion for an order of special consideration.”

REPLY BY THE PRESIDENT

REPLY BY THE PRESIDENT

President Owen: “She was not addressing any particular member. Senator Keiser.”

President Owen: “Senator Fain, there is a fine line here in explaining why we are going to, what the purpose of going to addressing that bill at a certain time. The President believes that by the fact that we are bringing that up so that they can amend it is an explanation of why they would bring that bill up at 4:59. She is not talking about the merits of it. She is not talking or debating it. It is the action she is talking about and the President believes that is appropriate. Would you like to respond?”

Senator Keiser spoke further on the motion.

Senator Schoesler spoke against the motion.

POINT OF ORDER

Senator Schoesler: “The member is referring to other members and impugning them, Mr. President, in defining a motion for the last bill of the day.”

Senator Frockt demanded a roll call.

REPLY BY THE PRESIDENT

President Owen: “The President did not hear her demeaning or impugning anybody’s motives. She asked if she could quote what the Senator had said. That is exactly what she was doing.”

The President declared that one-sixth of the members supported the demand and the demand was sustained.

PARLIMENTARY INQUIRY

POINT OF ORDER

Senator Schoesler: “Referring to members by name on the floor or their motives in legislation.”

Senator Frockt: “Are other members permitted to speak on this motion?”

REPLY BY THE PRESIDENT

REPLY BY THE PRESIDENT

President Owen: “Senator, your, you as a body changed that rule to allow members to address members names on the floor. That is a rule that this body changed about two years ago, three or four years ago. But Senator Keiser, please make sure your remarks are relevant to the motion to consider this motion at 4:59 today.”

President Owen: “Yes, the precedent has been set that you are allowed to debate this issue. Not the motion to go to consider this at 4:59 may be discussed only.”

PARLIMENTARY INQUIRY

Senator Keiser spoke again further on the motion.

Senator Frockt: “The members can speak to the issue of the bill being brought forth?”

REPLY BY THE PRESIDENT

POINT OF ORDER

Senator Fain: “Thank you Mr. President, I do not believe that a member can speak to the attempt to amend a bill in making a motion for a special order of consideration.”

President Owen: “That’s correct.”

Senators Murray and Hobbs spoke in favor of the motion.

REPLY BY THE PRESIDENT

President Owen: “Senator, make sure that your remarks are relevant only to your motion to consider this bill at 4:59 and not

The President declared the question before the Senate to be the motion by Senator Keiser that Substitute House Bill No. 1638 be the special order of business at 4:59 pm.

The Secretary called the roll on the motion by Senator Keiser and the motion failed by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Excused: Senator Carrell

PERSONAL PRIVILEGE

Senator Sheldon: "Mr. President, I object to the term 'Republican controlled Majority Coalition.' You know, I know we're on steroids here on politics but the Majority Coalition is just that, members with shared principles and shared goals. It is not dominated by one particular party. Thank you."

PERSONAL PRIVILEGE

Senator Murray: "Thank you Mr. President. My apology if I created any offense, it wasn't intended. I believe that I was describing a reality and I believe I still have my first amendment rights as a member of this body."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1076, by House Committee on Education (originally sponsored by Representatives Haigh, Johnson, Takko, Fagan, Lytton, Short and Dahlquist)

Expanding participation in innovation academy cooperatives.

The measure was read the second time.

MOTION

Senator Smith moved that the following amendment by Senator Dammeier be adopted:

On page 1, line 12, after "the" strike "cooperative" and insert "cooperative's reporting district"

On page 1, beginning on line 15, after "in" strike all material through "28A.250.010" on line 16 and insert "alternative learning experience courses or programs as defined by RCW 28A.150.325. Nothing in this section is intended to affect or otherwise modify the superintendent of public instruction's duty to approve and monitor online providers pursuant to RCW 28A.250.020"

PARLIAMENTARY INQUIRY

Senator McAuliffe: "Mr. President, does the Senator plan to explain the amendment? I don't know that we can vote on an amendment at the final passage unless we know what it does."

REPLY BY THE PRESIDENT

President Owen: "Senator there is no requirement that they explain the amendment. It's up to the body whether or not they want that amendment."

Senator Dammeier spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Dammeier on page 1, line 12 to Substitute House Bill No. 1076.

The motion by Senator Smith carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Smith, the rules were suspended, Substitute House Bill No. 1076 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Smith and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1076 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1076 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1076 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. I believe Senator McAuliffe provided a good reminder to the body about speaking to floor amendments. So, I do believe it's a good idea for members that are moving bills that if there is a floor amendment being offered on that that we should speak to the content of that briefly so that members have an idea of what they're being asked to vote on. Thank you."

REPLY BY THE PRESIDENT

President Owen: "Senator Fain, it might be useful for the President to do just a slight explanation. I don't mean to be talking down to anybody here but there are members who have not had experiences with that. With a senate bill and you amend it in committee and you do a substitute, you have a substitute bill that's normally not debated. When you have a house bill you cannot substitute it so you do a striking amendment, normally not debated, however, you have that option because it is an amendment and all amendments must be passed on the floor that come out of committee. But when you have a floor amendment then by a member on the floor then it is customary to explain that amendment. You are correct about that. So, for the new members, the reason they have not been debating the committee amendments is because that is the same as a substitute bill, if it was a senate bill, and those are traditionally not debated unless

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there is something specific that the members are trying to explain or make aware of or someone is in opposition to those committee amendments or substitute bills. I hope that helps. Thank you Senator Fain, good point.”

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1420, by House Committee on Finance (originally sponsored by Representatives Liias, Orcutt, Clibborn and Fey)

Concerning public contracts for transportation improvement projects.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Substitute House Bill No. 1420 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1420.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1420 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Farrell, Pollet and Fey)

Changing licensing provisions for certain before and after-school programs in school buildings.

The measure was read the second time.

MOTION

Senator Roach moved that the following committee striking amendment by the Committee on Governmental Operations be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.210 and 2006 c 265 s 302 are each amended to read as follows:

The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the director and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to this chapter necessary to protect all persons residing therein from fire hazards;

(2) To adopt licensing minimum standard requirements to allow children who attend classes in a school building during school hours to remain in the same building to participate in before-school or after-school programs and to allow participation in such before-school and after-school programs by children who attend other schools and are transported to attend such before-school and after-school programs;

(3) To make or cause to be made such inspections and investigations of agencies as he or she deems necessary;

~~((3))~~ (4) To make a periodic review of requirements under RCW 43.215.200(5) and to adopt necessary changes after consultation as required in subsection (1) of this section;

~~((4))~~ (5) To issue to applicants for licenses under this chapter who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department before a license shall be issued, except that an initial license may be issued as provided in RCW 43.215.280.

NEW SECTION. Sec. 2. The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty to adopt licensing minimum standard requirements for before-school and after-school programs in existing buildings approved by the state fire marshal."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Governmental Operations to Engrossed Substitute House Bill No. 1968.

The motion by Senator Roach carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.215.210; and creating a new section."

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 1968 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1968 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1968 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1114, by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Rodne, Morrell, Nealey, Green and Jinkins)

Addressing criminal incompetency and civil commitment.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that persons with a mental illness or developmental disability are more likely to be victimized by crime than to be perpetrators of crime. The legislature further finds that there are a small number of individuals who commit repeated violent acts against others while suffering from the effects of a mental illness and/or developmental disability that both contributes to their criminal behaviors and renders them legally incompetent to be held accountable for those behaviors. The legislature further finds that the primary statutory mechanisms designed to protect the public from violent behavior, either criminal commitment to a corrections institution, or long-term commitment as not guilty by reason of insanity, are unavailable due to the legal incompetence of these individuals to stand trial. The legislature further finds that the existing civil system of short-term commitments under the Washington's involuntary treatment act is insufficient to protect the public from these violent acts. Finally, the legislature finds that changes to the involuntary treatment act to account for this small number of individuals is necessary in order to serve Washington's compelling interest in public safety and to provide for the proper care of these individuals.

Sec. 2. RCW 10.77.086 and 2012 c 256 s 6 are each amended to read as follows:

(1)(a) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, or has been determined unlikely to regain competency pursuant to RCW 10.77.084(1)(b), but in any event for a period of no longer than ninety days, the court:

(i) Shall commit the defendant to the custody of the secretary who shall place such defendant in an appropriate facility of the department for evaluation and treatment; or

(ii) May alternatively order the defendant to undergo evaluation and treatment at some other facility as determined by the department, or under the guidance and control of a professional person.

(b) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial period of commitment for competency restoration is forty-five days.

(2) On or before expiration of the initial period of commitment under subsection (1) of this section the court shall conduct a hearing, at which it shall determine whether or not the defendant is incompetent.

(3) If the court finds by a preponderance of the evidence that a defendant charged with a felony is incompetent, the court shall have the option of extending the order of commitment or alternative treatment for an additional period of ninety days, but the court must at the time of extension set a date for a prompt hearing to determine the defendant's competency before the expiration of the second restoration period. The defendant, the defendant's attorney, or the prosecutor has the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third restoration period as provided in subsection (4) of this section if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension.

(4) For persons charged with a felony, at the hearing upon the expiration of the second restoration period or at the end of the first restoration period, in the case of a defendant with a developmental disability, if the jury or court finds that the defendant is incompetent, the charges shall be dismissed without prejudice, and the court shall ~~((either order the release of the defendant or))~~ order the defendant be committed to a state hospital ~~((or secure mental health facility))~~ as defined in RCW 72.23.010 for up to seventy-two hours starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. The criminal charges shall not be dismissed if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months.

Sec. 3. RCW 10.77.270 and 2010 c 263 s 1 are each amended to read as follows:

(1) The secretary shall establish an independent public safety review panel for the purpose of advising the secretary and the courts with respect to persons who have been found not guilty by reason of insanity, or persons committed under the involuntary treatment act where the court has made a special finding under RCW 71.05.280(3)(b). The panel shall provide advice regarding all recommendations to the secretary, decisions by the secretary, or actions pending in court: (a) For a change in commitment status; (b) to allow furloughs or temporary leaves accompanied by staff; (c) not to seek further commitment terms under RCW 71.05.320; or ~~((e))~~ (d) to permit movement about the grounds of the treatment facility, with or without the accompaniment of staff.

(2) The members of the public safety review panel shall be appointed by the governor for a renewable term of three years and shall include the following:

(a) A psychiatrist;

(b) A licensed clinical psychologist;

(c) A representative of the department of corrections;

(d) A prosecutor or a representative of a prosecutor's association;

(e) A representative of law enforcement or a law enforcement association;

(f) A consumer and family advocate representative; and

(g) A public defender or a representative of a defender's association.

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(3) Thirty days prior to issuing a recommendation for conditional release under RCW 10.77.150 or forty-five days prior to issuing a recommendation for release under RCW 10.77.200, the secretary shall submit its recommendation with the committed person's application and the department's risk assessment to the public safety review panel. The public safety review panel shall complete an independent assessment of the public safety risk entailed by the secretary's proposed conditional release recommendation or release recommendation and provide this assessment in writing to the secretary. The public safety review panel may, within funds appropriated for this purpose, request additional evaluations of the committed person. The public safety review panel may indicate whether it is in agreement with the secretary's recommendation, or whether it would issue a different recommendation. The secretary shall provide the panel's assessment when it is received along with any supporting documentation, including all previous reports of evaluations of the committed person in the person's hospital record, to the court, prosecutor in the county that ordered the person's commitment, and counsel for the committed person.

(4) The secretary shall notify the public safety review panel at appropriate intervals concerning any changes in the commitment or custody status of persons found not guilty by reason of insanity, or persons committed under the involuntary treatment act where the court has made a special finding under RCW 71.05.280(3)(b). The panel shall have access, upon request, to a committed person's complete hospital record, and any other records deemed necessary by the public safety review panel.

(5) The department shall provide administrative and financial support to the public safety review panel. The department, in consultation with the public safety review panel, may adopt rules to implement this section.

(6) By December 1, 2014, the public safety review panel shall report to the appropriate legislative committees the following:

(a) Whether the public safety review panel has observed a change in statewide consistency of evaluations and decisions concerning changes in the commitment status of persons found not guilty by reason of insanity;

(b) Whether the public safety review panel should be given the authority to make release decisions and monitor release conditions;

(c) Whether further changes in the law are necessary to enhance public safety when incompetency prevents operation of the criminal justice system and long-term commitment of the criminally insane; and

(d) Any other issues the public safety review panel deems relevant.

Sec. 4. RCW 71.05.280 and 2008 c 213 s 6 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be confined for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of mental disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of mental disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a

result of a mental disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled.

Sec. 5. RCW 71.05.320 and 2009 c 323 s 2 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

(3) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated mental health professional, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm; or

(c) (i) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present((s)) a substantial likelihood of repeating ((similar)) acts ((considering)) similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety. (ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or

developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

(4) For a person committed under subsection (2) of this section who has been remanded to a period of less restrictive treatment, in addition to the grounds specified in subsection (3) of this section, the designated mental health professional may file a new petition for continued less restrictive treatment if:

(a) The person was previously committed by a court to detention for involuntary mental health treatment during the thirty-six months that preceded the person's initial detention date during the current involuntary commitment cycle, excluding any time spent in a mental health facility or in confinement as a result of a criminal conviction;

(b) In view of the person's treatment history or current behavior, the person is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive treatment; and

(c) Outpatient treatment that would be provided under a less restrictive treatment order is necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

(5) A new petition for involuntary treatment filed under subsection (3) or (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. However, a commitment is not permissible under subsection (4) of this section if thirty-six months have passed since the last date of discharge from detention for inpatient treatment that preceded the current less restrictive alternative order, nor shall a commitment under subsection (4) of this section be permissible if the likelihood of serious harm in subsection (4)(c) of this section is based solely on harm to the property of others.

(7) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

Sec. 6. RCW 71.05.425 and 2011 c 305 s 5 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of

a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) to the following:

(i) The chief of police of the city, if any, in which the person will reside; ~~((and))~~

(ii) The sheriff of the county in which the person will reside; and

(iii) The prosecuting attorney of the county in which the criminal charges against the committed person were dismissed.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(3)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings;

(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter; and

(iv) The chief of police of the city, if any, and the sheriff of the county, if any, which had jurisdiction of the person on the date of the applicable offense.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person escaped and in which the person resided immediately before the person's arrest and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(3) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 71.05.390(18). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings, and children;

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(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 7. RCW 10.77.200 and 2010 c 263 s 8 are each amended to read as follows:

(1) Upon application by the committed or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for release. In making this determination, the secretary may consider the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case. If the secretary approves the release he or she then shall authorize the person to petition the court.

(2) In instances in which persons have not made application for release, but the secretary believes, after consideration of the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case, that reasonable grounds exist for release, the secretary may petition the court. If the secretary petitions the court for release under this subsection, notice of the petition must be provided to the person who is the subject of the petition and to his or her attorney.

(3) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for release, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the ~~((petitioner))~~ person who is the subject of the petition examined by an expert or professional person of the prosecuting attorney's choice. If the secretary is the petitioner, the attorney general shall represent the secretary. If the ~~((petitioner))~~ person who is the subject of the petition is indigent, and the person so requests, the court shall appoint a qualified expert or professional person to examine him or her. If the ~~((petitioner))~~ person who is the subject of the petition has a developmental disability, the examination shall be performed by a developmental disabilities professional. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the ~~((petitioner))~~ person who is the subject of the petition no longer presents, as a result of a mental disease or defect, a substantial danger to other persons, or a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions. If the person who is the subject of the petition will be transferred to a state correctional institution or facility upon release to serve a sentence for any class A felony, the petitioner must show that the person's mental disease or defect is manageable within a state correctional institution or facility, but must not be required to prove that the person does not present either a substantial danger to other persons, or a substantial likelihood of committing criminal acts jeopardizing public safety or security, if released.

(4) For purposes of this section, a person affected by a mental disease or defect in a state of remission is considered to have a mental disease or defect requiring supervision when the disease may, with reasonable medical probability, occasionally become active and, when active, render the person a danger to others. Upon a finding that the ~~((petitioner))~~ person who is the subject of the petition has a mental disease or defect in a state of remission under this subsection, the court may deny release, or place or continue such a person on conditional release.

(5) Nothing contained in this chapter shall prohibit the patient from petitioning the court for release or conditional release from the institution in which he or she is committed. The petition shall be served upon the court, the prosecuting attorney, and the secretary. Upon receipt of such petition, the secretary shall develop a

recommendation as provided in subsection (1) of this section and provide the secretary's recommendation to all parties and the court. The issue to be determined on such proceeding is whether the ~~((petitioner))~~ patient, as a result of a mental disease or defect, is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(6) Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. If specific funding for the purposes of sections 3 through 5 of this act, referencing sections 3 through 5 of this act by bill or chapter number and section number, is not provided by June 30, 2013, in the omnibus appropriations act, sections 3 through 5 of this act are null and void."

Senator Pearson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1114.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "criminal incompetency, civil commitment, and commitments based on criminal insanity; amending RCW 10.77.086, 10.77.270, 71.05.280, 71.05.320, 71.05.425, and 10.77.200; and creating new sections."

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Second Substitute House Bill No. 1114 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1114 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1114 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers,

Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Hasegawa

Excused: Senator Carrell

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1114 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1822, by House Committee on Judiciary (originally sponsored by Representative Stanford)

Concerning debt collection practices.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1822 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1822.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1822 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1822, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1218, by Representatives Takko, Klippert, Blake, Orcutt, Kirby, Buys, Lytton, Goodman, Kretz, Van De Wege, Nealey, Hudgins, Wilcox, Stanford, Short, Warnick, Haigh and Ryu

Concerning department of fish and wildlife license suspensions.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 1218 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1218.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1218 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1012, by House Committee on Business & Financial Services (originally sponsored by Representatives Stanford, Kirby, Ryu and Hudgins)

Increasing the penal sum of a surety bond required to be maintained by an appraisal management company.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1012 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SUBSTITUTE HOUSE BILL NO. 1868, by House Committee on Appropriations (originally sponsored by Representatives Freeman, Goodman, Van De Wege, Appleton, Morrell, Tarleton, Tharinger, Ryu, Maxwell, Bergquist and Pollet)

Providing access to health insurance for certain law enforcement officers' and firefighters' plan 2 members catastrophically disabled in the line of duty.

The measure was read the second time.

MOTION

Senator Hill moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known as the Wynn Loiland act.

Sec. 2. RCW 41.26.470 and 2010 c 259 s 2 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the director shall be eligible to receive an allowance under the provisions of RCW 41.26.410 through 41.26.550. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.26.420 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-three, except under subsection (7) of this section.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is no longer entitled to benefits under Title 51 RCW, the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the member at the time of retirement or, if unable to perform the duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.05 RCW, the administrative procedure act.

(3) Those members subject to this chapter who became disabled in the line of duty on or after July 23, 1989, and who receive benefits under RCW 41.04.500 through 41.04.530 or similar benefits under RCW 41.04.535 shall receive or continue to receive service credit subject to the following:

(a) No member may receive more than one month's service credit in a calendar month.

(b) No service credit under this section may be allowed after a member separates or is separated without leave of absence.

(c) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.

(d) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.

(e) State contributions shall be as provided in RCW 41.45.060 and 41.45.067.

(f) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred.

(g) The service and compensation credit under this section shall be granted for a period not to exceed six consecutive months.

(h) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

(4)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse or domestic partner, or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse or domestic partner, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he or she shall be paid the excess, if any, of the accumulated contributions at the time of retirement over all payments made on his or her behalf under this chapter.

(6) A member who becomes disabled in the line of duty, and who ceases to be an employee of an employer except by service or disability retirement, may request a refund of one hundred fifty percent of the member's accumulated contributions. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent. A person in receipt of this benefit is a retiree.

(7) A member who becomes disabled in the line of duty shall be entitled to receive a minimum retirement allowance equal to ten percent of such member's final average salary. The member shall additionally receive a retirement allowance equal to two percent of such member's average final salary for each year of service beyond five.

(8) A member who became disabled in the line of duty before January 1, 2001, and is receiving an allowance under RCW 41.26.430 or subsection (1) of this section shall be entitled to receive a minimum retirement allowance equal to ten percent of such member's final average salary. The member shall additionally receive a retirement allowance equal to two percent of such member's average final salary for each year of service beyond five, and shall have the allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-three. An additional benefit shall not result in a total monthly benefit greater than that provided in subsection (1) of this section.

(9) A member who is totally disabled in the line of duty is entitled to receive a retirement allowance equal to seventy percent of the member's final average salary. The allowance provided under this subsection shall be offset by:

(a) Temporary disability wage-replacement benefits or permanent total disability benefits provided to the member under Title 51 RCW; and

(b) Federal social security disability benefits, if any;

so that such an allowance does not result in the member receiving combined benefits that exceed one hundred percent of the member's final average salary. However, the offsets shall not in any case reduce the allowance provided under this subsection below the member's accrued retirement allowance.

A member is considered totally disabled if he or she is unable to perform any substantial gainful activity due to a physical or mental condition that may be expected to result in death or that has lasted or is expected to last at least twelve months. Substantial gainful activity is defined as average earnings in excess of eight hundred sixty dollars a month in 2006 adjusted annually as determined by the director based on federal social security disability standards. The department may require a person in receipt of an allowance under this subsection to provide any financial records that are necessary to determine continued eligibility for such an allowance. A person in receipt of an allowance under this subsection whose earnings exceed the threshold for substantial gainful activity shall have their benefit converted to a line-of-duty disability retirement allowance as provided in subsection (7) of this section.

Any person in receipt of an allowance under the provisions of this section is subject to comprehensive medical examinations as may be required by the department under subsection (2) of this section in order to determine continued eligibility for such an allowance.

(10)(a) In addition to the retirement allowance provided in subsection (9) of this section, the retirement allowance of a member who is totally disabled in the line of duty shall include reimbursement for any payments made by the member after June 10, 2010, for premiums on employer-provided medical insurance, insurance authorized by the consolidated omnibus budget reconciliation act of 1985 (COBRA), medicare part A (hospital insurance), and medicare part B (medical insurance). A member who is entitled to medicare must enroll and maintain enrollment in both medicare part A and medicare part B in order to remain eligible for the reimbursement provided in this subsection. The legislature reserves the right to amend or repeal the benefits provided in this subsection in the future and no member or beneficiary has a contractual right to receive any distribution not granted prior to that time.

(b) The retirement allowance of a member who became disabled prior to July 1, 2013, and who is not eligible for reimbursement provided in (a) of this subsection shall include reimbursement for any payments made after June 30, 2013, for premiums on other medical insurance. However, in no instance shall the reimbursement exceed the amount reimbursed for premiums authorized by the consolidated omnibus budget reconciliation act of 1985 (COBRA)."

On page 1, line 3 of the title, after "duty;" strike the remainder of the title and insert "amending RCW 41.26.470; and creating a new section."

The President declared the question before the Senate to be the motion by Senator Hill to not adopt the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1868.

The motion by Senator Hill carried and the committee striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Hill, the rules were suspended, Substitute House Bill No. 1868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Conway spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senators Harper and Nelson were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1868.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1868 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Rivers

Excused: Senators Carrell, Harper and Nelson

SUBSTITUTE HOUSE BILL NO. 1868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1474, by Representatives Pedersen, Rodne, Goodman, Buys, Hunt, Hunter, Hudgins, Carlyle, Fey and Pollet

Giving general election voters the power to choose between the top two candidates for nonpartisan offices.

The measure was read the second time.

MOTION

Senator Roach moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.36.170 and 2005 c 2 s 6 are each reenacted and amended to read as follows:

((+)) For any office for which a primary was held, only the names of the top two candidates will appear on the general election ballot; the name of the candidate who received the greatest number of votes will appear first and the candidate who received the next greatest number of votes will appear second. No candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary, if a primary was conducted. On the ballot at the general election for an office for which no primary was held,

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the names of the candidates shall be listed in the order determined ((under)) pursuant to RCW ((29A.36.130)) 29A.36.131.

~~((2) For the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed for that position on the ballot at the general election.))~~

NEW SECTION. Sec. 2. RCW 29A.36.171 (Nonpartisan candidates qualified for general election) and 2004 c 271 s 170 are each repealed."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 1474.

The motion by Senator Roach carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "offices;" strike the remainder of the title and insert "reenacting and amending RCW 29A.36.170; and repealing RCW 29A.36.171."

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1474 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

Senator Frockt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1474 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1474 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Darneille, Frockt, Kline, Kohl-Welles, Mullet, Murray and Padden

Excused: Senators Carrell, Harper and Nelson

HOUSE BILL NO. 1474 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1519, by House Committee on Appropriations (originally sponsored by Representatives Cody, Green, Jinkins, Ryu and Pollet)

Establishing accountability measures for service coordination organizations. Revised for 1st Substitute: Establishing accountability measures for service coordination organizations. (REVISED FOR ENGROSSED: Establishing accountability measures for certain health care coordination services.)

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Department" means the department of social and health services.

(3) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well-established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in this section.

(4) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(5) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in this subsection but does not meet the full criteria for evidence-based.

(6) "Service coordination organization" or "service contracting entity" means the authority and department, or an entity that may contract with the state to provide, directly or through subcontracts, a comprehensive delivery system of medical, behavioral, long-term care, or social support services, including entities such as regional support networks as defined in RCW 71.24.025, managed care organizations that provide medical services to clients under chapter 74.09 RCW, counties providing chemical dependency services under chapters 74.50 and 70.96A RCW, and area agencies on aging providing case management services under chapter 74.39A RCW.

NEW SECTION. Sec. 2. (1) The authority and the department shall base contract performance measures developed under section 3 of this act on the following outcomes when contracting with service contracting entities: Improvements in client health status and wellness; increases in client participation in meaningful activities; reductions in client involvement with criminal justice systems; reductions in avoidable costs in hospitals, emergency rooms, crisis services, and jails and prisons; increases in stable housing in the community; improvements in client satisfaction with quality of life; and reductions in population-level health disparities.

(2) The performance measures must demonstrate the manner in which the following principles are achieved within each of the outcomes under subsection (1) of this section:

(a) Maximization of the use of evidence-based practices will be given priority over the use of research-based and promising practices, and research-based practices will be given priority over the use of promising practices. The agencies will develop strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities and community organizations that serve diverse communities;

(b) The maximization of the client's independence, recovery, and employment;

(c) The maximization of the client's participation in treatment decisions; and

(d) The collaboration between consumer-based support programs in providing services to the client.

(3) In developing performance measures under section 3 of this act, the authority and the department shall consider expected outcomes relevant to the general populations that each agency serves. The authority and the department may adapt the outcomes to account for the unique needs and characteristics of discrete subcategories of populations receiving services, including ethnically diverse communities.

(4) The authority and the department shall coordinate the establishment of the expected outcomes and the performance measures between each agency as well as each program to identify expected outcomes and performance measures that are common to the clients enrolled in multiple programs and to eliminate conflicting standards among the agencies and programs.

(5) The authority and the department shall establish timelines and mechanisms for service contracting entities to report data related to performance measures and outcomes, including phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance measures and levels of improvement between geographic regions of Washington.

NEW SECTION. Sec. 3. By September 1, 2014:

(1) The authority shall adopt performance measures to determine whether service contracting entities are achieving the outcomes described in section 2 of this act for clients enrolled in medical managed care programs operated according to Title XIX or XXI of the federal social security act.

(2) The department shall adopt performance measures to determine whether service contracting entities are achieving the outcomes described in section 2 of this act for clients receiving mental health, long-term care, or chemical dependency services.

NEW SECTION. Sec. 4. By July 1, 2015, the authority and the department shall require that contracts with service coordination organizations include provisions requiring the adoption of the outcomes and performance measures developed under this chapter and mechanisms for reporting data to support each of the outcomes and performance measures.

NEW SECTION. Sec. 5. (1) By December 1, 2014, the department and the authority shall report jointly to the legislature on the expected outcomes and the performance measures. The report must identify the performance measures and the expected outcomes established for each program, the relationship between the performance measures and expected improvements in client outcomes, mechanisms for reporting outcomes and measuring performance, and options for applying the performance measures and expected outcomes development process to other health and social service programs.

(2) By December 1, 2016, the department and the authority shall report to the legislature on the incorporation of the performance

measures into contracts with service coordination organizations and progress toward achieving the identified outcomes.

NEW SECTION. Sec. 6. The outcomes and performance measures established pursuant to this chapter do not establish a standard of care in any civil action brought by a recipient of services. The failure of a service coordination organization to meet the outcomes and performance measures established pursuant to this chapter does not create civil liability on the part of the service coordination organization in a claim brought by a recipient of services.

NEW SECTION. Sec. 7. A new section is added to chapter 74.09 RCW to read as follows:

The authority shall incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.-- RCW (the new chapter created in section 11 of this act) into contracts with managed care organizations that provide services to clients under this chapter.

Sec. 8. RCW 70.96A.320 and 1990 c 151 s 9 are each amended to read as follows:

(1) A county legislative authority, or two or more counties acting jointly, may establish an alcoholism and other drug addiction program. If two or more counties jointly establish the program, they shall designate one county to provide administrative and financial services.

(2) To be eligible for funds from the department for the support of the county alcoholism and other drug addiction program, the county legislative authority shall establish a county alcoholism and other drug addiction board under RCW 70.96A.300 and appoint a county alcoholism and other drug addiction program coordinator under RCW 70.96A.310.

(3) The county legislative authority may apply to the department for financial support for the county program of alcoholism and other drug addiction. To receive financial support, the county legislative authority shall submit a plan that meets the following conditions:

(a) It shall describe the services and activities to be provided;

(b) It shall include anticipated expenditures and revenues;

(c) It shall be prepared by the county alcoholism and other drug addiction program board and be adopted by the county legislative authority;

(d) It shall reflect maximum effective use of existing services and programs; and

(e) It shall meet other conditions that the secretary may require.

(4) The county may accept and spend gifts, grants, and fees, from public and private sources, to implement its program of alcoholism and other drug addiction.

(5) The department shall require that any agreement to provide financial support to a county that performs the activities of a service coordination organization for alcoholism and other drug addiction services must incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.-- RCW (the new chapter created in section 11 of this act).

(6) The county may subcontract for detoxification, residential treatment, or outpatient treatment with treatment programs that are approved treatment programs. The county may subcontract for other services with individuals or organizations approved by the department.

~~((6))~~ (7) To continue to be eligible for financial support from the department for the county alcoholism and other drug addiction program, an increase in state financial support shall not be used to supplant local funds from a source that was used to support the county alcoholism and other drug addiction program before the effective date of the increase.

Sec. 9. RCW 71.24.330 and 2008 c 261 s 6 are each amended to read as follows:

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(1)(a) Contracts between a regional support network and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and procurement of the contract.

(b) The department shall incorporate the criteria to measure the performance of service coordination organizations into contracts with regional support networks as provided in chapter 70.-- RCW (the new chapter created in section 11 of this act).

(2) The regional support network procurement processes shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. However, a regional support network selected through the procurement process is not required to contract for services with any county-owned or operated facility. The regional support network procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the regional support network does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices;

(d) Maintain the decision-making independence of designated mental health professionals;

(e) Except at the discretion of the secretary or as specified in the biennial budget, require regional support networks to pay the state for the costs associated with individuals who are being served on the grounds of the state hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025;

(f) Include a negotiated alternative dispute resolution clause; and

(g) Include a provision requiring either party to provide one hundred eighty days' notice of any issue that may cause either party to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to act as a regional support network. If either party decides to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to serve as a regional support network they shall provide ninety days' advance notice in writing to the other party.

Sec. 10. RCW 74.39A.090 and 2004 c 141 s 3 are each amended to read as follows:

(1) The legislature intends that any staff reassigned by the department as a result of shifting of the reauthorization responsibilities by contract outlined in this section shall be dedicated for discharge planning and assisting with discharge planning and information on existing discharge planning cases. Discharge planning, as directed in this section, is intended for residents and patients identified for discharge to long-term care pursuant to RCW 70.41.320, 74.39A.040, and 74.42.058. The purpose of discharge planning is to protect residents and patients from the financial incentives inherent in keeping residents or patients in a more expensive higher level of care and shall focus on care options that are in the best interest of the patient or resident.

(2) The department shall contract with area agencies on aging:

(a) To provide case management services to consumers receiving home and community services in their own home; and

(b) To reassess and reauthorize home and community services in home or in other settings for consumers consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive home and community services; and

(ii) Who, at the time of reassessment and reauthorization, are receiving home and community services in their own home.

(3) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract or an individual consumer's need for case management services will be met through an alternative delivery system, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

(4)(a) The department shall include, in its oversight and monitoring of area agency on aging performance, assessment of case management roles undertaken by area agencies on aging in this section. The scope of oversight and monitoring includes, but is not limited to, assessing the degree and quality of the case management performed by area agency on aging staff for elderly and ~~((disabled))~~ persons with disabilities in the community.

(b) The department shall incorporate the expected outcomes and criteria to measure the performance of service coordination organizations into contracts with area agencies on aging as provided in chapter 70.-- RCW (the new chapter created in section 11 of this act).

(5) Area agencies on aging shall assess the quality of the in-home care services provided to consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider or home care agency. Quality indicators may include, but are not limited to, home care consumers satisfaction surveys, how quickly home care consumers are linked with home care workers, and whether the plan of care under RCW 74.39A.095 has been honored by the agency or the individual provider.

(6) The department shall develop model language for the plan of care established in RCW 74.39A.095. The plan of care shall be in clear language, and written at a reading level that will ensure the ability of consumers to understand the rights and responsibilities expressed in the plan of care.

NEW SECTION. Sec. 11. Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1519.

The motion by Senator Becker carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 70.96A.320, 71.24.330, and 74.39A.090; adding a new section to chapter 74.09 RCW; and adding a new chapter to Title 70 RCW."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute House Bill No. 1519 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1519 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1519 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Harper and Nelson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1519 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1644, by Representatives Fey, Klippert, Ryu, Clibborn, Rodne, Hargrove, Moscoso and Pollet

Concerning transportation planning objectives and performance measures for local and regional agencies.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

MOTION

On motion of Senator Ericksen, Senator Roach was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1644.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1644 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson,

Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Roach

HOUSE BILL NO. 1644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:39 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:43 a.m. by President Owen.

SECOND READING

ENGROSSED HOUSE BILL NO. 1826, by Representative Morris

Updating integrated resource plan requirements to address changing energy markets.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following committee striking amendment by the Committee on Energy, Environment & Telecommunications be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.280.010 and 2006 c 195 s 1 are each amended to read as follows:

It is the intent of the legislature to encourage the development of new safe, clean, and reliable energy resources to meet demand in Washington for affordable and reliable electricity. To achieve this end, the legislature finds it essential that electric utilities in Washington develop comprehensive resource plans that explain the mix of generation and demand-side resources they plan to use to meet their customers' electricity needs in both the short term and the long term. The legislature intends that information obtained from integrated resource planning under this chapter will be used to assist in identifying and developing: (1) New energy generation(±); (2) conservation and efficiency resources(±); (3) methods, commercially available technologies, and facilities for integrating renewable resources, including addressing any overgeneration event; and (4) related infrastructure to meet the state's electricity needs.

Sec. 2. RCW 19.280.020 and 2009 c 565 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Conservation and efficiency resources" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production, transmission, or distribution.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business

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of distributing electricity to one or more retail electric customers in the state.

(4) "Department" means the department of commerce.

(5) "Electric utility" means a consumer-owned or investor-owned utility.

(6) "Full requirements customer" means an electric utility that relies on the Bonneville power administration for all power needed to supply its total load requirement other than that served by nondispatchable generating resources totaling no more than six megawatts or renewable resources.

(7) "Governing body" means the elected board of directors, city council, commissioners, or board of any consumer-owned utility.

(8) "High efficiency cogeneration" means the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output.

(9) "Integrated resource plan" means an analysis describing the mix of generating resources (~~and~~), conservation, methods, technologies, and resources to integrate renewable resources and, where applicable, address overgeneration events, and efficiency resources that will meet current and projected needs at the lowest reasonable cost to the utility and its ratepayers and that complies with the requirements specified in RCW 19.280.030(1).

(10) "Investor-owned utility" means a corporation owned by investors that meets the definition in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

(11) "Lowest reasonable cost" means the lowest cost mix of generating resources and conservation and efficiency resources determined through a detailed and consistent analysis of a wide range of commercially available resources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on the utility and its ratepayers, public policies regarding resource preference adopted by Washington state or the federal government, and the cost of risks associated with environmental effects including emissions of carbon dioxide.

(12) "Plan" means either an "integrated resource plan" or a "resource plan."

(13) "Renewable resources" means electricity generation facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) biomass energy utilizing animal waste, solid organic fuels from wood, forest, or field residues or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (g) by-products of pulping or wood manufacturing processes, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (h) ocean thermal, wave, or tidal power; or (i) gas from sewage treatment facilities.

(14) "Resource plan" means an assessment that estimates electricity loads and resources over a defined period of time and complies with the requirements in RCW 19.280.030(2).

(15) "Overgeneration event" means an event within an operating period of a balancing authority when the electricity supply, including generation from intermittent renewable resources, exceeds the demand for electricity for that utility's energy delivery obligations and when there is a negatively priced regional market.

Sec. 3. RCW 19.280.030 and 2011 c 180 s 305 are each amended to read as follows:

Each electric utility must develop a plan consistent with this section.

(1) Utilities with more than twenty-five thousand customers that are not full requirements customers shall develop or update an integrated resource plan by September 1, 2008. At a minimum, progress reports reflecting changing conditions and the progress of the integrated resource plan must be produced every two years thereafter. An updated integrated resource plan must be developed at least every four years subsequent to the 2008 integrated resource plan. The integrated resource plan, at a minimum, must include:

(a) A range of forecasts, for at least the next ten years or longer, of projected customer demand which takes into account econometric data and customer usage;

(b) An assessment of commercially available conservation and efficiency resources. Such assessment may include, as appropriate, high efficiency cogeneration, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources;

(c) An assessment of commercially available, utility scale renewable and nonrenewable generating technologies including a comparison of the benefits and risks of purchasing power or building new resources;

(d) A comparative evaluation of renewable and nonrenewable generating resources, including transmission and distribution delivery costs, and conservation and efficiency resources using "lowest reasonable cost" as a criterion;

(e) An assessment of methods, commercially available technologies, or facilities for integrating renewable resources, and addressing overgeneration events, if applicable to the utility's resource portfolio;

(f) The integration of the demand forecasts and resource evaluations into a long-range assessment describing the mix of supply side generating resources and conservation and efficiency resources that will meet current and projected needs, including mitigating overgeneration events, at the lowest reasonable cost and risk to the utility and its ratepayers; and

~~((f))~~ (g) A short-term plan identifying the specific actions to be taken by the utility consistent with the long-range integrated resource plan.

(2) All other utilities may elect to develop a full integrated resource plan as set forth in subsection (1) of this section or, at a minimum, shall develop a resource plan that:

(a) Estimates loads for the next five and ten years;

(b) Enumerates the resources that will be maintained and/or acquired to serve those loads; and

(c) Explains why the resources in (b) of this subsection were chosen and, if the resources chosen are not: (i) Renewable resources ~~((f))~~; (ii) methods, commercially available technologies, or facilities for integrating renewable resources, including addressing any overgeneration event; or (iii) conservation and efficiency resources, why such a decision was made.

(3) An electric utility that is required to develop a resource plan under this section must complete its initial plan by September 1, 2008.

(4) Resource plans developed under this section must be updated on a regular basis, at a minimum on intervals of two years.

(5) Plans shall not be a basis to bring legal action against electric utilities.

(6) Each electric utility shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

Sec. 4. RCW 19.280.060 and 2006 c 195 s 6 are each amended to read as follows:

The department shall review the plans of consumer-owned utilities and investor-owned utilities, and data available from other state, regional, and national sources, and prepare an electronic report

to the legislature aggregating the data and assessing the overall adequacy of Washington's electricity supply. The report shall include a statewide summary of utility load forecasts, load/resource balance, and utility plans for the development of thermal generation, renewable resources, ~~(and)~~ conservation and efficiency resources, and an examination of assessment methods used by utilities to address overgeneration events. The commission shall provide the department with data summarizing the plans of investor-owned utilities for use in the department's statewide summary. The department may submit its report within the biennial report required under RCW 43.21F.045."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Energy, Environment & Telecommunications to Engrossed House Bill No. 1826.

The motion by Senator Ericksen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "markets;" strike the remainder of the title and insert "and amending RCW 19.280.010, 19.280.020, 19.280.030, and 19.280.060."

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed House Bill No. 1826 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1826 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1826 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED HOUSE BILL NO. 1826 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:50 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:06 p.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1645, by Representatives Riccelli, Sells, Ryu and Moscoco

Increasing the number of public members on the Washington higher education facilities authority.

The measure was read the second time.

MOTION

Senator Bailey moved that the following committee striking amendment by the Committee on Higher Education be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.07.030 and 2011 1st sp.s. c 11 s 137 are each amended to read as follows:

(1) The Washington higher education facilities authority is hereby established as a public body corporate and politic, with perpetual corporate succession, constituting an agency of the state of Washington exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010.

(2) The authority shall consist of ~~((six))~~ seven members as follows: The governor, lieutenant governor, chair of the student achievement council or the chair's designee, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor, subject to confirmation by the senate, on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the governor shall appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Any person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute book or a journal of the authority, and the authority's official seal, if any. The person may cause copies to be made of all minutes and other records and documents of the authority, and may give certificates to the effect that such copies are

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true copies. All persons dealing with the authority may rely upon the certificates.

(5) Four members of the authority constitute a quorum. Members participating in a meeting through the use of any means of communication by which all members participating can hear each other during the meeting shall be deemed to be present in person at the meeting for all purposes. The authority may act on the basis of a motion except when authorizing the issuance and sale of bonds, in which case the authority shall act by resolution. Bond resolutions and other resolutions shall be adopted upon the affirmative vote of four members of the authority, and shall be signed by those members voting yes. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the authority. All actions taken by the authority shall take effect immediately without need for publication or other public notice. A vacancy in the membership of the authority does not impair the power of the authority to act under this chapter.

(6) The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses as determined by the authority incurred in the discharge of their duties under this chapter."

The President declared the question before the Senate to be the adoption of the committee striking amendment to the Committee on Higher Education to House Bill No. 1645.

The motion by Senator Bailey carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "and amending RCW 28B.07.030."

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1645 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1645 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1645 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1645 as amended by the Senate, having received the constitutional majority, was declared passed. There

being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1065, by Representative Goodman

Addressing the applicability of statutes of limitation in arbitration proceedings.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1065.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1065 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1821, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman and Santos)

Concerning good cause exceptions during permanency hearings.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee amendment by the Committee on Human Services & Corrections be adopted:

On page 4, line 7, after "(IV)" strike "Where a" and insert "A"

On page 4, beginning on line 10, after "(V)" strike all material through "service" on line 14 and insert "A parent who has been court ordered to complete services necessary for the child's safe return home files a declaration under penalty of perjury stating the parent's financial inability to pay for the same court-ordered services, and

also declares the department was unwilling or unable to pay for the same services necessary for the child's safe return home"

Senator Pearson spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1821.

The motion by Senator Pearson carried and the committee amendment was adopted by voice vote.

MOTION

Senator Darneille moved that the following amendment by Senators Darneille and Pearson be adopted:

On page 4, line 7, after "(IV)" strike "Where" and insert "Until June 30, 2015, where"

On page 4, line 10, after "(V)" strike "Where" and insert "Until June 30, 2015, where"

Senators Darneille and Pearson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Darneille and Pearson on page 4, line 7 to Substitute House Bill No. 1821.

The motion by Senator Darneille carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1821 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson, Darneille and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1821 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1821 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1821 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you Mr. President. For those that have been with us today here or watched on TVW, I would like to

point out the Senate had a very unique meeting of the Rules Committee that is out of our normal protocol and I would like to talk about that. The Lieutenant Governor allowed us to have a Rules meeting at the rostrum to relieve the Rules Committee of one particular bill. The sponsor of this bill is struggling with great health challenges, like our own Senator Carrell, and he could not be here to encourage us onward to moving a good piece of legislation of his own. Therefore, the Senate acted in a unique manner, passed a bill for a member that has struggling health challenges and we responded as the Senate should. I would like to wish Representative Freeman all of the best, on behalf of the Senate for his recovery."

SECOND READING

ENGROSSED HOUSE BILL NO. 1887, by Representatives Sawyer, Ryu, Green and Freeman

Increasing educational options under vocational rehabilitation plans. (REVISED FOR ENGROSSED: Ordering consideration of increased educational options under vocational rehabilitation plans.)

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed House Bill No. 1887 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1887.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1887 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED HOUSE BILL NO. 1887, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1737, by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Manweller, Clibborn and Moeller)

Concerning supervision of physician assistants.

The measure was read the second time.

MOTION

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Senator Becker moved that the following amendment by Senators Becker and Keiser be adopted:

On page 3, line 30, after "supervision" insert ": (a) more than three physician assistants who are working in remote sites; or (b)"

On page 5, line 2, after "supervision" insert ":(a) more than three physician assistants who are working in remote sites; or (b)"

Senator Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker and Keiser on page 3, line 30 to Substitute House Bill No. 1737.

The motion by Senator Becker carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Becker, the rules were suspended, Substitute House Bill No. 1737 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1737 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1737 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1737 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1629, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Schmick, Jinkins, Tharinger, Green, Pollet, Morrell, Santos and Ryu)

Concerning credentialing and continuing education requirements for long-term care workers.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, Substitute House Bill No. 1629 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

Senator Dammeier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1629.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1629 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294, by House Committee on Environment (originally sponsored by Representatives Van De Wege, Hudgins, Pollet, Maxwell, Hunt, Upthegrove, Tharinger, Fey, Farrell, Moscoso, Hunter, Stanford, Reykdal, Fitzgibbon, Bergquist, Tarleton, Goodman, Kagi, Hansen, Jinkins, Habib, Pedersen, Ryu, Lias, Riccelli, Roberts, Morrell, Clibborn and Ormsby)

Concerning flame retardants.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following committee striking amendment by the Committee on Energy, Environment & Telecommunications be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.240 RCW to read as follows:

Beginning July 1, 2015, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state children's products containing TDCPP (tris(1,3-dichloro-2-propyl)phosphate), chemical abstracts service number 13674-87-8, as of the effective date of this section, or TCEP (tris(2-chloroethyl)phosphate), chemical abstracts service number 115-96-8, as of the effective date of this section in amounts greater than one hundred parts per million in any product component.

Sec. 2. RCW 70.240.050 and 2008 c 288 s 7 are each amended to read as follows:

(1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter shall recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of children's products in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

(5) The sale or purchase of any previously owned product containing a chemical restricted under this chapter made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter."

Senators Hargrove, Nelson and Ranker spoke against adoption of the committee striking amendment.

Senator Ericksen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Energy, Environment & Telecommunications to Engrossed Substitute House Bill No. 1294.

The motion by Senator Ericksen carried and the committee striking amendment was adopted by a rising vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "retardants;" strike the remainder of the title and insert "amending RCW 70.240.050; and adding a new section to chapter 70.240 RCW."

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Substitute House Bill No. 1294 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1294 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1294 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Braun, Cleveland, Dammeier, Darneille, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, King, Kohl-Welles, Litzow, Mullet, Murray, Parlette, Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Baumgartner, Billig, Brown, Chase, Conway, Fraser, Frockt, Harper, Hasegawa, Holmquist Newbry, Keiser, Kline, McAuliffe, Nelson, Padden, Ranker, Rolfes and Shin

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1613, by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Hudgins, Parker, Maxwell, Hayes, Moscoso, Ryu and Stanford)

Establishing the criminal justice training commission firing range maintenance account.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1613.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1613 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Nelson

SUBSTITUTE HOUSE BILL NO. 1613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1183, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Smith, Habib, Crouse, Morrell, Magendanz, Freeman, Kochmar, Walsh, Tarleton, Dahlquist, Vick, Zeiger, Maxwell, Hudgins, Upthegrove, Ryu and Bergquist)

Regarding wireless communications structures.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following committee striking amendment by the Committee on Energy, Environment & Telecommunications be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21C.0384 and 1996 c 323 s 2 are each amended to read as follows:

(1) Decisions pertaining to applications to site personal wireless service facilities are not subject to the requirements of RCW 43.21C.030(2)(c), if those facilities meet the following requirements:

(a)(i) ~~The ((facility to be sited is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school))~~ collocation of new transmission equipment, removal of transmission equipment, or replacement of existing transmission equipment on existing or replacement structures that do not substantially change the physical dimensions of such structures; or (ii) ~~((the facility includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or a school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agricultural zone; or (iii))~~ the siting project involves constructing a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone. This exemption does not apply to projects within a designated environmentally sensitive area; and

(b) ~~((The project is not in a designated environmentally sensitive area; and~~

~~(e))~~ The project does not consist of a series of actions: (i) Some of which are not categorically exempt; or (ii) that together may have a probable significant adverse environmental impact.

(2) The department of ecology shall adopt rules to create a categorical exemption for ~~((microcells and other))~~ personal wireless service facilities that meet the conditions set forth in subsection (1) of this section.

(3) ~~((For the purposes of this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Collocation" means the mounting or installation of equipment on an existing tower, building, or structure for the purpose of either transmitting or receiving, or both, radio frequency signals for communications purposes.

(b) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

~~((b))~~ (c) "Personal wireless service facilities" means facilities for the provision of personal wireless services.

~~((c))~~ "Microcell" means a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.)

(d) "Substantially change the physical dimensions" means:

(i) The mounting of equipment on a structure that would increase the height of the structure by more than ten percent, or twenty feet, whichever is greater;

(ii) The mounting of equipment that would involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Energy, Environment & Telecommunications to Substitute House Bill No. 1183.

The motion by Senator Ericksen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "structures;" strike the remainder of the title and insert "and amending RCW 43.21C.0384."

MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute House Bill No. 1183 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Ranker spoke in favor of passage of the bill.

Senator Rolfes spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1183 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1183 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Eide, Ericksen, Fain, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Conway, Darneille, Fraser, Frockt, Kline, Kohl-Welles, Murray, Nelson, Rolfes and Schlicher

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1183 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1576, by Representatives Springer, Kochmar, McCoy, Habib, Upthegrove, Fitzgibbon, Ryu, Maxwell, Riccelli and Moscoco

Creating greater efficiency in the offices of county assessors by allowing notification via electronic means.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1576 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1576.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1576 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner and Chase

Excused: Senator Carrell

HOUSE BILL NO. 1576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1003, by Representatives Moeller, Cody, Morrell, Pedersen, Hunt, Clibborn, Green, Van De Wege, Fitzgibbon, Lytton, Appleton and Jinkins

Concerning disciplinary actions against the health professions license of the subject of a department of social and health services' finding.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, House Bill No. 1003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1003.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1003 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Harper, Senator Chase was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1075, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lytton, Blake, Chandler, Haigh and Morris)

Concerning the number of Puget Sound Dungeness crab fishery licenses that one vessel may be designated to carry.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1075.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1075 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Absent: Senators Benton and Shin

Excused: Senators Carrell and Chase

SUBSTITUTE HOUSE BILL NO. 1075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Benton: "I was recorded as Absent on the roll call vote for Substitute House Bill No. 1075. I was present in the wings of the Senate working intensely on amendments to the Transportation budget to restrict light rail from the I-5 Columbia River Bridge. I simply missed the roll call. I would have voted Aye on Substitute House Bill No. 1075."

SENATOR DON BENTON, 17th Legislative District

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1403, by House Committee on Technology & Economic Development (originally sponsored by Representatives Smith, Morris, Short,

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Ryu, Magendanz, Blake, Walsh, Hansen, Dahlquist and Maxwell)

Promoting economic development by providing information to businesses.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute House Bill No. 1403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1403.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1403 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Absent: Senator Shin

Excused: Senator Carrell

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1612, by House Committee on Judiciary (originally sponsored by Representatives Hope, Pedersen, Hayes, Buys, Dahlquist, Hargrove, O'Ban, Holy, Goodman, Fagan, Smith, Magendanz, Orcutt, Klippert, Kretz, Warnick, Roberts, Moscoso, Ryu and Bergquist)

Concerning information on firearm offenders.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.56.240 and 2012 c 88 s 1 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology

agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) The statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and e-mail address; and

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business; and

(10) The felony firearm offense conviction database of felony firearm offenders established in section 6 of this act.

Sec. 2. RCW 9.41.010 and 2009 c 216 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(3) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or

an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(4) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(5) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

(6) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(7) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(8) "Felony firearm offense" means:

(a) Any felony offense that is a violation of chapter 9A.41 RCW;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(9) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

~~((8))~~ (10) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

~~((9))~~ (11) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

~~((10))~~ (12) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

~~((11))~~ (13) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other

mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

~~((12))~~ (14) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

~~((13))~~ (15) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

~~((14))~~ (16) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((15))~~ (17) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money.

~~((16))~~ (18) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW ~~((9.94A.602))~~ 9.94A.825; or

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense.

~~((17))~~ (19) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((18))~~ (20) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((19))~~ (21) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed

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shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW to read as follows:

(1) On or after the effective date of this section, whenever a defendant in this state is convicted of a felony firearm offense or found not guilty by reason of insanity of any felony firearm offense, the court must consider whether to impose a requirement that the person comply with the registration requirements of section 4 of this act and may, in its discretion, impose such a requirement.

(2) In determining whether to require the person to register, the court shall consider all relevant factors including, but not limited to:

- (a) The person's criminal history;
- (b) Whether the person has previously been found not guilty by reason of insanity of any offense in this state or elsewhere; and
- (c) Evidence of the person's propensity for violence that would likely endanger persons.

NEW SECTION. Sec. 4. A new section is added to chapter 9.41 RCW to read as follows:

(1) Any adult or juvenile residing, whether or not the person has a fixed residence, in this state who has been required by a court to comply with the registration requirements of this section shall personally register with the county sheriff for the county of the person's residence.

(2) A person required to register under this section must provide the following information when registering:

- (a) Name and any aliases used;
- (b) Complete and accurate residence address or, if the person lacks a fixed residence, where he or she plans to stay;
- (c) Identifying information of the gun offender, including a physical description;
- (d) The offense for which the person was convicted;
- (e) Date and place of conviction; and
- (f) The names of any other county where the offender has registered pursuant to this section.

(3) The county sheriff may require the offender to provide documentation that verifies the contents of his or her registration.

(4) The county sheriff may take the offender's photograph or fingerprints for the inclusion of such record in the registration.

(5) Felony firearm offenders shall register with the county sheriff not later than forty-eight hours after:

- (a) The date of release from custody, as a result of the felony firearm offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility; or

(b) The date the court imposes the felony firearm offender's sentence, if the offender receives a sentence that does not include confinement.

(6)(a) Except as described in (b) of this subsection, the felony firearm offender shall register with the county sheriff not later than twenty days after each twelve-month anniversary of the date the offender is first required to register, as described in subsection (5) of this section.

(b) If the felony firearm offender is confined to any correctional institution, state institution or facility, or health care facility throughout the twenty-day period described in (a) of this subsection, the offender shall personally appear before the county sheriff not later than forty-eight hours after release to verify and update, as appropriate, his or her registration.

(7) If the felony firearm offender changes his or her residence address and his or her new residence address is within this state, the offender shall personally register with the county sheriff for the county of the person's residence not later than forty-eight hours after the change of address. If the offender's residence address is within the same county as the offender's immediately preceding address,

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the offender shall update the contents of his or her current registration.

(8) The duty to register shall continue for a period of four years from the date the offender is first required to register, as described in subsection (5) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 9.41 RCW to read as follows:

(1) A person commits the crime of failure to register as a felony firearm offender if the person has a duty to register under section 4 of this act and knowingly fails to comply with any of the requirements of section 4 of this act.

(2) Failure to register as a felony firearm offender is a gross misdemeanor.

NEW SECTION. Sec. 6. A new section is added to chapter 43.43 RCW to read as follows:

(1) The county sheriff shall forward registration information, photographs, and fingerprints obtained pursuant to section 4 of this act to the Washington state patrol within five working days.

(2) Upon implementation of this act, the Washington state patrol shall maintain a felony firearm offense conviction database of felony firearm offenders required to register under section 4 of this act and shall adopt rules as are necessary to carry out the purposes of this act.

(3) Upon expiration of the person's duty to register, as described in section 4(8) of this act, the Washington state patrol shall automatically remove the person's name and information from the database.

(4) The felony firearm offense conviction database of felony firearm offenders shall be used only for law enforcement purposes and is not subject to public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Padden spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1612.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "felony firearm offenders; amending RCW 42.56.240; reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; adding a new section to chapter 43.43 RCW; and prescribing penalties."

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1612 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1612 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1612 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brown, Ericksen, Holmquist Newbry, Honeyford, Pearson and Smith

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1612 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1568, by House Committee on Finance (originally sponsored by Representatives Carlyle, Nealey and Ryu)

Concerning the business licensing service program administered by the department of revenue.

The measure was read the second time.

MOTION

Senator Braun moved that the following committee amendment by the Committee on Ways & Means be not adopted:

On page 63, after line 24, insert the following:

"NEW SECTION. Sec. 57. A new section is added to chapter 35.102 RCW to read as follows:

(1) Except as provided in subsection (3) of this section, all cities that impose a business and occupation tax under this chapter must have by July 1, 2016, their general business licenses issued and renewed, if the license is required to be renewed, through the business licensing system in accordance with chapter 19.02 RCW or through a city-developed portal.

(2) Except as provided in subsection (3) of this section, by January 1, 2019, all cities that require general business licenses and that do not impose a business and occupation tax must have such licenses issued and renewed, if the license is required to be renewed, through the business licensing system in accordance with chapter 19.02 RCW or through a city-developed portal.

(3) The department may delay or phase-in the issuance and renewal of general business licenses beyond the dates provided in subsections (1) and (2) of this section if funding or other resources are insufficient to enable the department to meet the deadlines in subsection (1) or (2) of this section or as necessary to ensure the business licensing system is adequately prepared to handle all general business licenses and that the transition to mandatory department issuance and renewal of general business licenses is as seamless as possible. To that end, the department, working with affected cities, is authorized to establish a schedule for assuming the issuance and renewal of general business licenses as required by this section. Cities may continue to issue and renew their general business licenses until those licenses have been incorporated into the business licensing system. A city whose general business license

has been incorporated into the business licensing system may no longer issue and renew those licenses.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Business and occupation tax" has the same meaning as in RCW 35.102.030.

(b) "City-developed portal" means a single portal with at least five participating cities that allows for the issuance or renewal of general business licenses for all participating cities."

Renumber the remaining sections consecutively.

On page 1, line 13 of the title, after "70.290 RCW;" insert "adding a new section to chapter 35.102 RCW;"

The President declared the question before the Senate to be the motion by Senator Braun to not adopt the committee amendment by the Committee on Ways & Means to Substitute House Bill No. 1568.

The motion by Senator Braun carried and the committee amendment was not adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Substitute House Bill No. 1568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1568.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1568 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Hasegawa

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1683, by Representatives Reykdal, Haler and Van De Wege

Authorizing recognition of institutions of postsecondary study in order to retain federal financial aid eligibility.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1683 was advanced to third reading, the second

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reading considered the third and the bill was placed on final passage.

Senators Bailey, Kohl-Welles and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1683.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1683 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE SENATE BILL NO. 5182,
- SUBSTITUTE SENATE BILL NO. 5263,
- SUBSTITUTE SENATE BILL NO. 5264,
- SENATE BILL NO. 5476,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5681.
- SENATE BILL NO. 5715,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

RULING BY THE PRESIDENT

President Owen: "In ruling on the Point of Inquiry raised by Senator Darneille as to whether House Bill No. 1149 amends Initiative 1183 so as to require a 2/3 vote on final passage, the President finds and rules as follows:

Initiative 1183 privatized the sale of spirits, allowing certain private retailers to sell the product. The initiative amends RCW 66.24.145, the same statute that would be amended in House Bill No. 1149. That statute limits sales of spirits by craft distilleries to two liters per person per day. The bill would amend a portion of RCW 66.24.145 that the initiative did not directly amend, by changing the limit to three liters per day.

In this specific instance, the initiative maintained preexisting limits on the amount of spirits that one person could buy: two liters per person per day. The sponsors altered the statute slightly to make it consistent with the privatization process, while making no explicit change to the daily limit.

The President may not determine the precise intent of the sponsors of Initiative 1183. However, the limit on individual sales of spirits was contained in the statute that the sponsors wrote, it was placed before the voters with the limitation intact, and was passed by those same voters. Perhaps most importantly, the limitation on individual sales of spirits is consistent with the broad purpose of the initiative to provide for private sales of spirits within the framework of a heavily regulated commercial environment.

If the President were to conclude that the passage of House Bill No. 1149 did not contradict Initiative 1183, he would have to speculate about the sponsors' intent, in a manner that is beyond his powers. Instead, he must evaluate the question by considering the initiative's purpose and its function: to allow sales of spirits by private commercial businesses, but within a limited and regulated environment. Restricting the daily sales of spirits is part of that limited and regulated environment, and House Bill No. 1149 would change a small part of that environment.

For these reasons, the President finds that House Bill No. 1149 would amend Initiative 1183, and will require a two-thirds Constitutional supermajority vote on final passage."

The Senate resumed consideration of House Bill No. 1149 which had been deferred earlier in the day.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1149.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1149 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Pearson, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Dammeier, Darneille, Hargrove, Parlette and Roach

Excused: Senator Carrell

HOUSE BILL NO. 1149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1493, by Representatives Springer, Warnick, Hansen, Short, Orcutt, Tharinger, Seaquist, Zeiger, Hunt, Wilcox, Nealey, Morrell, Moscoso, Liias, Stanford,

Hudgins, Green, Pettigrew, Moeller, Appleton, Ryu, Bergquist and Stonier

Concerning the property taxation of mobile homes and park model trailers.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.56 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, if the landlord of a manufactured/mobile home park takes ownership of a manufactured/mobile home or park model trailer with the intent to resell or rent the same after (a) the manufactured/mobile home or park model trailer has been abandoned; or (b) a final judgment for restitution of the premises under RCW 59.18.410 has been executed in favor of the landlord with regard to the manufactured/mobile home or park model trailer and title has been lawfully transferred to the landlord, the outstanding taxes become the responsibility of the landlord. After the outstanding taxes, interest, and penalties are removed from the tax rolls under subsection (2) of this section, all future taxes are the responsibility of the owner of the manufactured/mobile home or park model trailer.

(2) Upon notification by the assessor, the county treasurer must remove from the tax rolls any outstanding taxes, as well as interest and penalties, on a manufactured/mobile home or park model trailer if the landlord of a manufactured/mobile home park:

(a) Submits a signed affidavit to the assessor indicating that the landlord has taken ownership of the manufactured/mobile home or park model trailer with the intent to resell or rent after: (i) The manufactured/mobile home or park model trailer has been abandoned; or (ii) a final judgment for restitution of the premises under RCW 59.18.410 has been executed in favor of the landlord with regard to the manufactured/mobile home or park model trailer and title has been lawfully transferred to the landlord; and

(b) The most current assessed value of the manufactured/mobile home or park model trailer is less than eight thousand dollars.

(3) For the purposes of this section, "abandoned," "manufactured/mobile home," and "park model" have the same meanings as provided in RCW 59.20.030.

Sec. 2. RCW 46.44.170 and 2010 c 161 s 1118 are each amended to read as follows:

(1) Any person moving a mobile home as defined in RCW 46.04.302 or a park model trailer as defined in RCW 46.04.622 upon public highways of the state must obtain:

(a) A special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and ~~((shall))~~ **must** pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096; and

(b) For mobile homes constructed before June 15, 1976, and already situated in the state: (i) A certification from the department of labor and industries that the mobile home was inspected for fire safety; or (ii) an affidavit in the form prescribed by the department of commerce signed by the owner at the county treasurer's office at the time of the application for the movement permit stating that the mobile home is being moved by the owner for his or her continued occupation or use; or (iii) a copy of the certificate of title together with an affidavit signed under penalty of perjury by the certified

owner stating that the mobile home is being transferred to a wrecking yard or similar facility for disposal. In addition, the destroyed mobile home must be removed from the assessment rolls of the county and any outstanding taxes on the destroyed mobile home must be removed by the county treasurer.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home or a park model trailer that is assessed for purposes of property taxes ~~((shall))~~ **is** not ~~((be))~~ valid until the county treasurer of the county in which the mobile home or park model trailer is located ~~((shall))~~ **must** endorse or attach his or her certificate that all property taxes which are a lien or which are delinquent, or both, upon the mobile home or park model trailer being moved have been satisfied. Further, any mobile home or park model trailer required to have a special movement permit under this section ~~((shall))~~ **must** display an easily recognizable decal. However, endorsement or certification by the county treasurer and the display of the decal is not required:

(a) When a mobile home or park model trailer is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets;

(b) When a signed affidavit of destruction is filed with the county assessor and the mobile home or park model trailer is being moved to a disposal site by a landlord as defined in RCW 59.20.030 after (i) the mobile home or park model trailer has been abandoned as defined in RCW 59.20.030; or (ii) a final judgment for restitution of the premises under RCW 59.18.410 has been executed in favor of the landlord with regard to the mobile home or park model trailer and title has been lawfully transferred to the landlord. The mobile home or park model trailer will be removed from the tax rolls and, upon notification by the assessor, any outstanding taxes on the destroyed mobile home or park model trailer will be removed by the county treasurer; or

(c) When a signed affidavit of destruction is filed with the county assessor by any mobile home or park model trailer owner or any property owner with an abandoned mobile home or park model trailer, the same ~~((shall))~~ **must** be removed from the tax rolls and upon notification by the assessor, any outstanding taxes on the destroyed mobile home or park model trailer ~~((shall))~~ **must** be removed by the county treasurer.

(3) Except as provided in section 1(1) of this act, if the landlord of a manufactured/mobile home park takes ownership of a manufactured/mobile home or park model trailer with the intent to resell or rent the same under RCW 59.20.030 after (a) the manufactured/mobile home or park model trailer has been abandoned as defined in RCW 59.20.030; or (b) a final judgment for restitution of the premises under RCW 59.18.410 has been executed in favor of the landlord with regard to the manufactured/mobile home or park model trailer and title has been lawfully transferred to the landlord, the outstanding taxes become the responsibility of the landlord.

(4) It is the responsibility of the owner of the mobile home or park model trailer subject to property taxes or the agent to obtain the endorsement and decal from the county treasurer before a mobile home or park model trailer is moved.

(5) This section does not prohibit the issuance of vehicle license plates for a mobile home or park model trailer subject to property taxes, but plates ~~((shall))~~ **may** not be issued unless the mobile home or park model trailer subject to property taxes for which plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for the license has been paid.

(6) The department of transportation, the department of labor and industries, and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section. The department of transportation ~~((shall))~~ **must** adopt rules

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specifying the design, reflective characteristics, annual coloration, and for the uniform implementation of the decal required by this section. The department of labor and industries ~~((shall))~~ must adopt procedures for notifying destination local jurisdictions concerning the arrival of mobile homes that failed safety inspections."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Insurance to Engrossed House Bill No. 1493.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "trailers;" strike the remainder of the title and insert "amending RCW 46.44.170; and adding a new section to chapter 84.56 RCW."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 1493 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1493 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1493 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Frockt and Hasegawa

Excused: Senator Carrell

ENGROSSED HOUSE BILL NO. 1493 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1194, by Representatives Stanford, Warnick, Lytton, Goodman, Wilcox, Tharinger, Chandler, Blake, Nealey, Orcutt, Hansen, Kirby, Ryu, Fagan and McCoy

Limiting liability for habitat projects.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.85.050 and 2009 c 345 s 3 and 2009 c 333 s 25 are each reenacted and amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the salmon recovery funding board in accordance with procedures adopted by the board.

(4) The recreation and conservation office shall administer funding to support the functions of lead entities.

(5) A landowner whose land is used for a habitat project that is included on a habitat project list may not be held civilly liable for any property damages resulting from the habitat project regardless of whether or not the project was funded by the salmon recovery funding board. Identification markers shall be attached to key pieces of large woody material used in construction of the habitat restoration projects in accordance with Washington department of fish and wildlife habitat restoration guidelines."

MOTION

Senator Padden moved that the following amendment by Senator Parlette and others to the committee striking amendment be adopted:

On page 2, beginning on line 8 of the amendment, strike all of subsection (5) and insert the following:

"(5) A landowner whose land is used for a habitat project that is included on a habitat project list, and who has received notice from the project sponsor that the conditions of this section have been met, may not be held civilly liable for any property damages resulting from the habitat project regardless of whether or not the project was funded by the salmon recovery funding board. This subsection is subject to the following conditions:

(a) The project was designed by a licensed professional engineer (PE) or a licensed geologist (LG, LEG, or LHG) with experience in riverine restoration;

(b) The project is designed to withstand one-hundred year floods

(c) The project is not located within one-quarter mile of an established downstream boat launch;

(d) The project is designed to allow adequate response time for in-river boaters to safely evade in-stream structures; and

(e) If the project includes large wood placement, each individual root wad and each log larger than ten feet long and one foot in diameter must be visibly tagged with a unique numerical identifier that will withstand typical river conditions for at least three years."

Senators Padden and Parlette spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette and others on page 2, line 8 to the committee striking amendment to House Bill No. 1194.

The motion by Senator Padden carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice as amended to House Bill No. 1194.

The motion by Senator Padden carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "projects;" strike the remainder of the title and insert "and reenacting and amending RCW 77.85.050."

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1194 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1194 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1194 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1194 as amended by the Senate, having received the constitutional majority, was declared passed. There

being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5411,
SUBSTITUTE SENATE BILL NO. 5416,
ENGROSSED SENATE BILL NO. 5603,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5669,
SUBSTITUTE SENATE BILL NO. 5702.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1009, by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Hunt, Appleton, McCoy and Johnson)

Prohibiting certain liquor self-checkout machines. Revised for 1st Substitute: Concerning liquor self-checkout machines.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute House Bill No. 1009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Hargrove: "Would Senator Holmquist Newbry yield to a question? I was just, somebody whispered in my ear that this is actually restricts current practice by making sure that there is ID presented and that isn't necessarily the case now? Is that correct? I'm looking for a way to vote for one of these bills."

Senator Holmquist Newbry: "Senator Hargrove, this is my understanding in reading the background of the bill. Presently Washington has no statutes regulating the use of such self-checkout systems with respect to the purchase of alcoholic beverages so I think you would see it as a restriction but so you know that the common practice used by our retailers in Washington State does follow this premise. So, yes, I would love your support Senator Hargrove."

Senators Darneille and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1009.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1009 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier,

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Darneille, Eide, Ericksen, Fain, Fraser, Frock, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1284, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Walsh, Kagi, Sawyer, Goodman, Freeman, Farrell, Appleton, Ryu, Reykdal, Santos and Habib)

Concerning the rights of parents who are incarcerated or in residential substance abuse treatment.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.067 and 2009 c 520 s 23 are each amended to read as follows:

(1)(a) Following shelter care and no later than thirty days prior to fact-finding, the department or supervising agency shall convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department or supervising agency and the parent regarding voluntary services for the parent.

(b) The case conference shall include the parent, counsel for the parent, caseworker, counsel for the state, guardian ad litem, counsel for the child, and any other person agreed upon by the parties. Once the shelter care order is entered, the department or supervising agency is not required to provide additional notice of the case conference to any participants in the case conference.

(c) The written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific services to be provided to the parent.

(d) The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department or supervising agency, upon the parent's request, shall convene a case conference.

(3) If a case conference is convened pursuant to subsection (1) or (2) of this section and the parent is unable to participate in person

due to incarceration, the parent must have the option to participate through the use of a teleconference or videoconference.

Sec. 2. RCW 13.34.136 and 2011 c 309 s 29 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's or supervising agency's proposed permanency plan must be provided to the department or supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(~~((6))~~) (8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the supervising agency or the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department or supervising agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's or supervising agency's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement. If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The supervising agency or department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is

not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the department or supervising agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department or supervising agency.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The supervising agency or department shall provide all reasonable services that are available within the department or supervising agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(~~((6))~~) (8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department or supervising agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not made a good cause exception, the court shall require the department or supervising agency to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(~~((4))~~) (6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other supervising agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the

siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department of social and health services or other supervising agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 3. RCW 13.34.145 and 2011 c 330 s 6 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why

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the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

- (i) The continuing necessity for, and the safety and appropriateness of, the placement;
- (ii) The extent of compliance with the permanency plan by the department or supervising agency and any other service providers, the child's parents, the child, and the child's guardian, if any;
- (iii) The extent of any efforts to involve appropriate service providers in addition to department or supervising agency staff in planning to meet the special needs of the child and the child's parents;
- (iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;
- (v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and
- (vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department or supervising agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

- (A) Being returned safely to his or her home;
- (B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;
- (C) Being placed for adoption;
- (D) Being placed with a guardian;
- (E) Being placed in the home of a fit and willing relative of the child; or
- (F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

~~(At this)~~ (4) Following this inquiry, at the permanency planning hearing, the court shall order the department or supervising agency to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child.

(a) For purposes of this ~~(section)~~ subsection, "good cause exception" includes but is not limited to the following:

- (i) The child is being cared for by a relative;
- (ii) The department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; ~~(or)~~
- (iii) The department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests; or

(iv) The parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for fifteen of the last twenty-two months, the parent maintains a meaningful role in the child's life, and the department has not documented another reason why it would be otherwise appropriate to file a petition pursuant to this section.

(b) The court's assessment of whether a parent who is incarcerated maintains a meaningful role in the child's life may include consideration of the following:

(i) The parent's expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child;

(ii) The parent's efforts to communicate and work with the department or supervising agency or other individuals for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship;

(iii) A positive response by the parent to the reasonable efforts of the department or the supervising agency;

(iv) Information provided by individuals or agencies in a reasonable position to assist the court in making this assessment, including but not limited to the parent's attorney, correctional and mental health personnel, or other individuals providing services to the parent;

(v) Limitations in the parent's access to family support programs, therapeutic services, and visiting opportunities, restrictions to telephone and mail services, inability to participate in foster care planning meetings, and difficulty accessing lawyers and participating meaningfully in court proceedings; and

(vi) Whether the continued involvement of the parent in the child's life is in the child's best interest.

(c) The constraints of a parent's current or prior incarceration and associated delays or barriers to accessing court-mandated services may be considered in rebuttal to a claim of aggravated circumstances under RCW 13.34.132(4)(g) for a parent's failure to complete available treatment.

~~((e)(i))~~ (5)(a) If the permanency plan identifies independent living as a goal, the court at the permanency planning hearing shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

~~((ii))~~ (b) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

~~((iii))~~ (c) The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

~~((d))~~ (6) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

~~((i))~~ (a) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

~~((ii))~~ (b) If the department or supervising agency is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

~~((4))~~ (7) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the supervising agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((5))~~ (8) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

~~((6))~~ (9) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

~~((7))~~ (10) If the court orders the child returned home, casework supervision by the department or supervising agency shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

~~((8))~~ (11) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

~~((9))~~ (12) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection ~~((8))~~ (11) of this section are met.

~~((10))~~ (13) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department or supervising agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((11))~~ (14) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

~~((12))~~ (15) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 4. RCW 13.34.180 and 2009 c 520 s 34 and 2009 c 477 s 5 are each reenacted and amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party, including the supervising agency, to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection ~~((2) or)~~ (3) or (4) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental

deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts;

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's current or prior incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her child's life based on factors identified in RCW 13.34.145(4)(b); whether the department or supervising agency made reasonable efforts as defined in this chapter; and whether particular barriers existed as described in RCW 13.34.145(4)(b) including, but not limited to, delays or barriers experienced in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(2) As evidence of rebuttal to any presumption established pursuant to subsection (1)(e) of this section, the court may consider the particular constraints of a parent's current or prior incarceration. Such evidence may include, but is not limited to, delays or barriers a parent may experience in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(3) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

~~((3))~~ (4) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

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(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

((4)) (5) When a parent has been sentenced to a long-term incarceration and has maintained a meaningful role in the child's life considering the factors provided in RCW 13.34.145(4)(b), and it is in the best interest of the child, the department should consider a permanent placement that allows the parent to maintain a relationship with his or her child, such as, but not limited to, a guardianship pursuant to chapter 13.36 RCW.

(6) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services or the supervising agency and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Senator Pearson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1284.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the rights of parents who are incarcerated; amending RCW 13.34.067, 13.34.136, and 13.34.145; and reenacting and amending RCW 13.34.180."

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1284 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson, Darneille and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1284 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1284 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Baumgartner
Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1284 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1456, by House Committee on Government Operations & Elections (originally sponsored by Representatives Hunt, Moscoso, Seaquist, Blake, Riccelli, Reykdal, Stanford, Fitzgibbon and Bergquist)

Authorizing pretax payroll deductions for qualified transit and parking benefits.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1456.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1456 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Brown, Ericksen, Holmquist Newbry, Honeyford, King, Rivers and Smith

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1617, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McCoy, Warnick, Orwall, Ryu, Smith, Maxwell, Moscoso and Freeman)

Concerning the administrative costs for the allocation, management, and oversight of housing trust fund investments.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1617.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1617 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Hatfield

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1093, by House Committee on Government Operations & Elections (originally sponsored by Representatives Shea, Overstreet and Taylor).

Regarding state agency lobbying activities.

The bill was read on Third Reading.

MOTION

On motion of Senator Fain, the rules were suspended and Substitute House Bill No. 1093 was returned to second reading for the purpose of amendment.

NOTICE OF IMMEDIATE RECONSIDERATION

On motion of Senator Fain, who had voted on the prevailing side, the rules were suspended and the vote by which the amendment by Senator Hasegawa on page 3, after line 4 to Substitute House Bill No. 1093 was not adopted by the Senate on a previous day was immediately reconsidered.

MOTION

Senator Fain moved that the following amendment by Senator Hasegawa be adopted:

On page 3, after line 4, insert the following:

"Sec. 2. RCW 42.17A.055 and 2010 c 204 s 202 are each amended to read as follows:

(1) The commission shall make available to candidates, public officials, and political committees that are required to file reports under this chapter an electronic filing alternative for submitting financial affairs reports, contribution reports, and expenditure reports.

(2) The commission shall make available to lobbyists and lobbyists' employers required to file reports under RCW 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630 an electronic filing alternative for submitting these reports.

(3) State agencies required to report under RCW 42.17A.635 must file all reports electronically.

(4) The commission shall make available to candidates, public officials, political committees, lobbyists, and lobbyists' employers an electronic copy of the appropriate reporting forms at no charge."

Renumber the remaining section consecutively.

Senator Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 3, after line 4 to Substitute House Bill No. 1093.

The motion by Senator Fain carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "42.17A.750" insert "and 42.17A.055"

MOTION

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On motion of Senator Fain, the rules were suspended, Substitute House Bill No. 1093 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Hasegawa spoke in favor of passage of the bill.

Senator Fraser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1093 as amended by the Senate .

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1093 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Conway, Dammeier, Eide, Ericksen, Fain, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Darneille, Fraser, Frockt, Hargrove, Kohl-Welles and Murray

Excused: Senator Carrell

SUBSTITUTE HOUSE BILL NO. 1093 as amended by the Senate , having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1736, by Representatives Zeiger, Sequist, Haler, Pollet, Ryu, Sawyer, Bergquist, Magendanz and Farrell

Concerning higher education operating efficiencies.

The measure was read the second time.

MOTION

Senator Bailey moved that the following committee striking amendment by the Committee on Higher Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) In order to enhance the efficiency and effectiveness of operations of institutions of higher education, the office of financial management shall work with the department of enterprise services, the department of transportation, the department of commerce, institutions of higher education, and others as necessary to comprehensively review reporting requirements related to the provisions in RCW 19.27A.020,

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19.27A.150, 70.235.020, 39.35D.020, 43.19.565, 43.41.130, 47.01.440, 70.94.151, 70.94.161, 70.94.527, 70.120A.010, 70.120A.050, 70.235.030, 70.235.040, 70.235.050, 70.235.060, 70.235.070, 80.80.030, 80.80.040, and 80.80.080. By September 1, 2014, the office of financial management shall report to the governor and the higher education committees of the legislature. The report shall include recommendations for coordinating and streamlining reporting, and promoting the most efficient use of state resources at institutions of higher education.

(2) This section expires August 1, 2015.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Institutions of higher education and state higher education agencies may use or accept secure electronic signatures for any human resource, benefits, or payroll processes that require a signature. Such signatures are valid and enforceable.

(2) The definitions in this subsection apply throughout this section.

(a) "Electronic signature" means an electronic sound, symbol, or process, attached to, or logically associated with, a contract or other record and executed or adopted by a person with the intent to sign the record.

(b) "Secure electronic signature" means an electronic signature that:

(i) Is unique to the person making the signature;

(ii) Uses a technology or process to make the signature that is under the sole control of the person making the signature;

(iii) Uses a technology or process that can identify the person using the technology or process; and

(iv) Can be linked with an electronic record in such a way that it can be used to determine whether the electronic record has been changed since the electronic signature was incorporated in, attached to, or associated with the electronic record.

Sec. 3. RCW 28B.85.020 and 2012 c 229 s 543 are each amended to read as follows:

(1) The council:

(a) Shall adopt by rule, in accordance with chapter 34.05 RCW, minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The rules shall require that an institution operating in Washington:

(i) Be accredited;

(ii) Have applied for accreditation and such application is pending before the accrediting agency;

(iii) Have been granted a waiver by the council waiving the requirement of accreditation; or

(iv) Have been granted an exemption by the council from the requirements of this subsection (1)(a);

(b) May investigate any entity the council reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the council may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the council deems relevant or material to the investigation. The council, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(c) May negotiate and enter into interstate reciprocity agreements with other state or multistate entities if the agreements are consistent with the purposes in this chapter as determined by the council;

(d) May enter into agreements with degree-granting institutions of higher education based in this state, that are otherwise exempt

under the provisions of subsection (1)(a) of this section, for the purpose of ensuring consistent consumer protection in interstate distance delivery of higher education;

(e) Shall develop an interagency agreement with the workforce training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

((4)) (f) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the council by degree-granting private vocational schools are not subject to public disclosure under chapter 42.56 RCW."

MOTION

Senator Billig moved that the following amendment by Senators Billig and Kohl-Welles to the committee striking amendment be adopted:

On page 3, after line 28 of the amendment, insert the following: "**NEW SECTION. Sec. 4.** A new section is added to chapter 28B.15 RCW to read as follows:

(1) One student advisory committee may be formed at each four-year institution of higher education by that institution's recognized student government organization for the purpose of advising and assisting the administration of that four-year institution of higher education on issues that directly affect students' ability to access and succeed in their educational programs. Issues that the student advisory committee may consider include:

- (a) The institution's annual budget;
- (b) Tuition and fee levels;
- (c) Financial aid policies;
- (d) Long-range budget priorities and allocation planning; and
- (e) Admission and enrollment policies.

(2) Members of a student advisory committee may be appointed in a manner that is consistent with policies adopted by the recognized student government organizations at each institution. If there is both an undergraduate and graduate recognized student government organization at one institution, members of the student advisory committee may be appointed in a manner consistent with policies adopted by both organizations.

(3) The administration of each four-year institution of higher education must: (a) Make readily available all nonconfidential information, documents, and reports requested by the student advisory committee and that are necessary for the committee to provide informed recommendations; and (b) provide the opportunity to present recommendations to the boards of regents or trustees before final decisions of the administration that relate to the issues described in subsection (1) of this section.

(4) A student advisory committee must: (a) Make reasonable efforts to solicit feedback from students regarding the issues described in subsection (1) of this section and matters that are of general interest and impact students; and (b) take reasonable steps to keep students informed of deliberations and actions of the student advisory committee."

Senators Billig and Bailey spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Billig and

Kohl-Welles on page 3, after line 28 to the committee striking amendment to House Bill No. 1736.

The motion by Senator Billig carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education as amended to House Bill No. 1736.

The motion by Senator Bailey carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "efficiencies;" strike the remainder of the title and insert "amending RCW 28B.85.020; adding a new section to chapter 28B.10 RCW; creating a new section; and providing an expiration date."

On page 4, line 1 of the title amendment, after "RCW;" insert "adding a new section to chapter 28B.15 RCW;"

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1736 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1736 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1736 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Nelson

HOUSE BILL NO. 1736 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1779, by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Ryu)

Concerning esthetics.

The measure was read the second time.

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MOTION

Senator Holmquist Newbry moved that the following committee striking amendment by the Committee on Commerce & Labor be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.16.020 and 2008 c 20 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Apprenticeship program" means a state-approved apprenticeship program pursuant to chapter 49.04 RCW and approved under RCW 18.16.280 for the training of cosmetology, barbering, esthetics, master esthetics, and manicuring.

(2) "Apprentice" means a person who is engaged in a state-approved apprenticeship program and who must receive a wage or compensation while engaged in the program.

(3) "Apprenticeship training committee" means a committee approved by the Washington apprenticeship and training council established in chapter 49.04 RCW.

(4) "Department" means the department of licensing.

(5) "Board" means the cosmetology, barbering, esthetics, and manicuring advisory board.

(6) "Director" means the director of the department of licensing or the director's designee.

(7) "The practice of cosmetology" means arranging, dressing, cutting, trimming, styling, shampooing, permanent waving, chemical relaxing, straightening, curling, bleaching, lightening, coloring, waxing, tweezing, shaving, and mustache and beard design of the hair of the face, neck, and scalp; temporary removal of superfluous hair by use of depilatories, waxing, or tweezing; manicuring and pedicuring, limited to cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and nails of the hands and feet, excluding the application and removal of sculptured or otherwise artificial nails; esthetics limited to toning the skin of the scalp, stimulating the skin of the body by the use of preparations, tonics, lotions, or creams; and tinting eyelashes and eyebrows.

(8) "Cosmetologist" means a person licensed under this chapter to engage in the practice of cosmetology.

(9) "The practice of barbering" means the cutting, trimming, arranging, dressing, curling, shampooing, shaving, and mustache and beard design of the hair of the face, neck, and scalp.

(10) "Barber" means a person licensed under this chapter to engage in the practice of barbering.

(11) "Practice of manicuring" means the cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and the nails of the hands or feet, and the application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances.

(12) "Manicurist" means a person licensed under this chapter to engage in the practice of manicuring.

(13) "Practice of esthetics" means the care of the skin for compensation by application ~~(and)~~ use of preparations, antiseptics, tonics, essential oils, ~~((or))~~ exfoliants, superficial and light peels, or by any device, except laser, or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, superficial skin stimulation, pore extraction, or product application and removal; ~~((the))~~ temporary removal of superfluous hair by means of lotions, creams, ~~((mechanical or electrical apparatus,))~~ appliance, waxing, threading, tweezing, or depilatories, including chemical means; ~~((tinting of))~~ and application of product to the eyelashes and eyebrows((s)), including extensions, design and

treatment, tinting and lightening of the hair, ((except)) excluding the scalp((, on another person)).

(14) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.

(15) "Practice of master esthetics" means the care of the skin for compensation including all of the methods allowed in the definition of the practice of esthetics. It also includes the performance of medium depth peels and the use of medical devices for care of the skin and permanent hair reduction. The medical devices include, but are not limited to, lasers, light, radio frequency, plasma, intense pulsed light, and ultrasound. The use of a medical device must comply with state law and rules, including any laws or rules that require delegation or supervision by a licensed health professional acting within the scope of practice of that health profession.

(16) "Master esthetician" means a person licensed under this chapter to engage in the practice of master esthetics.

(17) "Instructor-trainee" means a person who is currently licensed in this state as a cosmetologist, barber, manicurist, ~~((or))~~ esthetician, or master esthetician, and is enrolled in an instructor-trainee curriculum in a school licensed under this chapter.

~~((16))~~ (18) "School" means any establishment that offers curriculum of instruction in the practice of cosmetology, barbering, esthetics, master esthetics, manicuring, or instructor-trainee to students and is licensed under this chapter.

~~((17))~~ (19) "Student" means a person sixteen years of age or older who is enrolled in a school licensed under this chapter and receives instruction in any of the curricula of cosmetology, barbering, esthetics, master esthetics, manicuring, or instructor-training with or without tuition, fee, or cost, and who does not receive any wage or commission.

~~((18))~~ (20) "Instructor" means a person who gives instruction in a school, or who provides classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter, has completed at least five hundred hours of instruction in teaching techniques and lesson planning in a school, and has passed a licensing examination approved or administered by the director. An applicant who holds a degree in education from an accredited postsecondary institution shall upon application be licensed as an instructor to give instruction in a school, or to provide classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter. An applicant who holds an instructional credential from an accredited community or technical college and who has passed a licensing examination approved or administered by the director shall upon application be licensed as an instructor to give instruction in a school, or to provide classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter. To be approved as an "instructor" in an approved apprenticeship program, the instructor must be a competent instructor as defined in rules adopted under chapter 49.04 RCW.

~~((19))~~ (21) "Apprentice trainer" means a person who gives training to an apprentice in an approved apprenticeship program and who is approved under RCW 18.16.280.

~~((20))~~ (22) "Person" means any individual, partnership, professional service corporation, joint stock association, joint venture, or any other entity authorized to do business in this state.

~~((21))~~ (23) "Salon/shop" means any building, structure, or any part thereof, other than a school, where the commercial practice of cosmetology, barbering, esthetics, master esthetics, or manicuring is conducted; provided that any person, except employees of a salon/shop, who operates from a salon/shop is required to meet all salon/shop licensing requirements and may participate in the apprenticeship program when certified as established by the

Washington state apprenticeship and training council established in chapter 49.04 RCW.

~~((22))~~ (24) "Approved apprenticeship shop" means a salon/shop that has been approved under RCW 18.16.280 and chapter 49.04 RCW to participate in an apprenticeship program.

~~((23))~~ (25) "Crossover training" means training approved by the director as training hours that may be credited to current licensees for similar training received in another profession licensed under this chapter.

~~((24))~~ (26) "Approved security" means surety bond.

~~((25))~~ (27) "Personal services" means a location licensed under this chapter where the practice of cosmetology, barbering, manicuring, ~~((€))~~ esthetics, or master esthetics is performed for clients in the client's home, office, or other location that is convenient for the client.

~~((26))~~ (28) "Individual license" means a cosmetology, barber, manicurist, esthetician, master esthetician, or instructor license issued under this chapter.

~~((27))~~ (29) "Location license" means a license issued under this chapter for a salon/shop, school, personal services, or mobile unit.

~~((28))~~ (30) "Mobile unit" is a location license under this chapter where the practice of cosmetology, barbering, esthetics, master esthetics, or manicuring is conducted in a mobile structure. Mobile units must conform to the health and safety standards set by rule under this chapter.

~~((29))~~ (31) "Curriculum" means the courses of study taught at a school, or in an approved apprenticeship program established by the Washington state apprenticeship and training council and conducted in an approved salon/shop, set by rule under this chapter, and approved by the department. After consulting with the board, the director may set by rule a percentage of hours in a curriculum, up to a maximum of ten percent, that could include hours a student receives while training in a salon/shop under a contract approved by the department. Each curriculum must include at least the following required hours:

(a) School curriculum:

- (i) Cosmetologist, one thousand six hundred hours;
- (ii) Barber, one thousand hours;
- (iii) Manicurist, six hundred hours;
- (iv) Esthetician, ~~((s*))~~ seven hundred fifty hours;
- (v) Master esthetician either:

(A) One thousand two hundred hours; or

(B) Esthetician licensure plus four hundred fifty hours of training;

(vi) Instructor-trainee, five hundred hours.

(b) Apprentice training curriculum:

- (i) Cosmetologist, two thousand hours;
- (ii) Barber, one thousand two hundred hours;
- (iii) Manicurist, eight hundred hours;
- (iv) Esthetician, eight hundred hours;
- (v) Master esthetician, one thousand four hundred hours.

~~((30))~~ (32) "Student monthly report" means the student record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the school and provided to the student, audited annually by the department, and kept on file by the school for three years.

~~((31))~~ (33) "Apprentice monthly report" means the apprentice record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the approved apprenticeship program and provided to the apprentice, audited annually by the department, and kept on file by the approved apprenticeship program for three years.

Sec. 2. RCW 18.16.030 and 2008 c 20 s 2 are each amended to read as follows:

In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director shall have the following powers and duties:

(1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(2) To adopt rules necessary to implement this chapter;

(3) To prepare and administer or approve the preparation and administration of licensing examinations;

(4) To establish minimum safety and sanitation standards for schools, instructors, cosmetologists, barbers, manicurists, estheticians, master estheticians, salons/, personal services, and mobile units;

(5) To establish curricula for the training of students and apprentices under this chapter;

(6) To maintain the official department record of applicants and licensees;

(7) To establish by rule the procedures for an appeal of an examination failure;

(8) To set license expiration dates and renewal periods for all licenses consistent with this chapter;

(9) To ensure that all informational notices produced and mailed by the department regarding statutory and regulatory changes affecting any particular class of licensees are mailed to each licensee in good standing or on inactive status in the affected class whose mailing address on record with the department has not resulted in mail being returned as undeliverable for any reason; and

(10) To make information available to the department of revenue to assist in collecting taxes from persons required to be licensed under this chapter.

Sec. 3. RCW 18.16.050 and 2008 c 20 s 3 are each amended to read as follows:

(1) There is created a state cosmetology, barbering, esthetics, and manicuring advisory board consisting of a maximum of ten members appointed by the director. These members of the board shall include: A representative of private schools licensed under this chapter; a representative from an approved apprenticeship program conducted in an approved salon/shop; a representative of public vocational technical schools licensed under this chapter; a consumer who is unaffiliated with the cosmetology, barbering, esthetics, master esthetics, or manicuring industry; and six members who are currently practicing licensees who have been engaged in the practice of manicuring, esthetics, master esthetics, barbering, or cosmetology for at least three years. Members shall serve a term of three years. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term.

(2) Board members shall be entitled to compensation pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(3) The board may seek the advice and input of officials from the following state agencies: (a) The workforce training and education coordinating board; (b) the ~~((department of))~~ employment security department; (c) the department of labor and industries; (d) the department of health; (e) the department of licensing; and (f) the department of revenue.

Sec. 4. RCW 18.16.060 and 2008 c 20 s 4 are each amended to read as follows:

(1) It is unlawful for any person to engage in a practice listed in subsection (2) of this section unless the person has a license in good standing as required by this chapter. A license issued under this chapter shall be considered to be "in good standing" except when:

(a) The license has expired or has been canceled and has not been renewed in accordance with RCW 18.16.110;

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(b) The license has been denied, revoked, or suspended under RCW 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated;

(c) The license is held by a person who has not fully complied with an order of the director issued under RCW 18.16.210 requiring the licensee to pay restitution or a fine, or to acquire additional training; or

(d) The license has been placed on inactive status at the request of the licensee, and has not been reinstated in accordance with RCW 18.16.110(3).

(2) The director may take action under RCW 18.235.150 and 18.235.160 against any person who does any of the following without first obtaining, and maintaining in good standing, the license required by this chapter:

(a) Except as provided in subsections (3) and (4) of this section, engages in the commercial practice of cosmetology, barbering, esthetics, master esthetics, or manicuring;

(b) Instructs in a school;

(c) Operates a school; or

(d) Operates a salon/, personal services, or mobile unit.

(3) A person who receives a license as an instructor may engage in the commercial practice for which he or she held a license when applying for the instructor license without also renewing the previously held license. However, a person licensed as an instructor whose license to engage in a commercial practice is not or at any time was not renewed may not engage in the commercial practice previously permitted under that license unless that person renews the previously held license.

(4) An apprentice actively enrolled in an apprenticeship program for cosmetology, barbering, esthetics, master esthetics, or manicuring may engage in the commercial practice as required for the apprenticeship program.

Sec. 5. RCW 18.16.130 and 1991 c 324 s 10 are each amended to read as follows:

(1) Any person who is properly licensed in any state, territory, or possession of the United States, or foreign country shall be eligible for examination if the applicant submits the approved application and fee and provides proof to the director that he or she is currently licensed in good standing as a cosmetologist, barber, manicurist, esthetician, instructor, or the equivalent in that jurisdiction. Upon passage of the required examinations the appropriate license will be issued.

(2)(a) The director shall, upon passage of the required examinations, issue a license as master esthetician to an applicant who submits the approved application and fee and provides proof to the director that the applicant is currently licensed in good standing in esthetics in any state, territory, or possession of the United States, or foreign country and holds a diplomate of the comite international d'esthetique et de cosmetologie diploma, or an international therapy examination council diploma, or a certified credential awarded by the national coalition of estheticians, manufacturers/distributors & associations.

(b) The director may upon passage of the required examinations, issue a master esthetician license to an applicant that is currently licensed in esthetics in any other state, territory, or possession of the United States, or foreign country and submits an approved application and fee and provides proof to the director that he or she is licensed in good standing and:

(i) The licensing state, territory, or possession of the United States, or foreign country has licensure requirements that the director determines are substantially equivalent to a master esthetician license in this state; or

(ii) The applicant has certification or a diploma or other credentials that the director determines has licensure requirements

that are substantially equivalent to the degree listed in (a) of this subsection.

Sec. 6. RCW 18.16.170 and 2002 c 111 s 10 are each amended to read as follows:

(1) Subject to subsection (2) of this section, licenses issued under this chapter expire as follows:

(a) A salon/shop, personal services, or mobile unit license expires one year from issuance or when the insurance required by RCW 18.16.175(1)(g) expires, whichever occurs first;

(b) A school license expires one year from issuance; and

(c) Cosmetologist, barber, manicurist, esthetician, master esthetician, and instructor licenses expire two years from issuance.

(2) The director may provide for expiration dates other than those set forth in subsection (1) of this section for the purpose of establishing staggered renewal periods.

Sec. 7. RCW 18.16.175 and 2008 c 20 s 6 are each amended to read as follows:

(1) A salon/shop or mobile unit shall meet the following minimum requirements:

(a) Maintain an outside entrance separate from any rooms used for sleeping or residential purposes;

(b) Provide and maintain for the use of its customers adequate toilet facilities located within or adjacent to the salon/shop or mobile unit;

(c) Any room used wholly or in part as a salon/shop or mobile unit shall not be used for residential purposes, except that toilet facilities may be used for both residential and business purposes;

(d) Meet the zoning requirements of the county, city, or town, as appropriate;

(e) Provide for safe storage and labeling of chemicals used in the practices under this chapter;

(f) Meet all applicable local and state fire codes; and

(g) Certify that the salon/shop or mobile unit is covered by a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.

(2) The director may by rule determine other requirements that are necessary for safety and sanitation of salons/shops, personal services, or mobile units. The director may consult with the state board of health and the department of labor and industries in establishing minimum salon/shop, personal services, and mobile unit safety requirements.

(3) Personal services license holders shall certify coverage of a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.

(4) Upon receipt of a written complaint that a salon/shop or mobile unit has violated any provisions of this chapter, chapter 18.235 RCW, or the rules adopted under either chapter, or at least once every two years for an existing salon/shop or mobile unit, the director or the director's designee shall inspect each salon/shop or mobile unit. If the director determines that any salon/shop or mobile unit is not in compliance with this chapter, the director shall send written notice to the salon/shop or mobile unit. A salon/shop or mobile unit which fails to correct the conditions to the satisfaction of the director within a reasonable time shall, upon due notice, be subject to the penalties imposed by the director under RCW 18.235.110. The director may enter any salon/shop or mobile unit during business hours for the purpose of inspection. The director may contract with health authorities of local governments to conduct the inspections under this subsection.

(5) A salon/shop, personal services, or mobile unit shall obtain a certificate of registration from the department of revenue.

(6) This section does not prohibit the use of motor homes as mobile units if the motor home meets the health and safety standards of this section.

(7) Salon/shop or mobile unit licenses issued by the department must be posted in the salon/shop or mobile unit's reception area.

(8) Cosmetology, barbering, esthetics, master esthetics, and manicuring licenses issued by the department must be posted at the licensed person's work station.

Sec. 8. RCW 18.16.180 and 2008 c 20 s 7 are each amended to read as follows:

(1) The director shall prepare and provide to all licensed salons/shops a notice to consumers. At a minimum, the notice shall state that cosmetology, barber, esthetics, master esthetics, and manicure salons/shops are required to be licensed, that salons/shops are required to maintain minimum safety and sanitation standards, that customer complaints regarding salons/shops may be reported to the department, and a telephone number and address where complaints may be made.

(2) An approved apprenticeship shop must post a notice to consumers in the reception area of the salon/shop stating that services may be provided by an apprentice. At a minimum, the notice must state: "This shop is a participant in a state-approved apprenticeship program. Apprentices in this program are in training and have not yet received a license."

Sec. 9. RCW 18.16.190 and 1991 c 324 s 20 are each amended to read as follows:

It is a violation of this chapter for any person to engage in the commercial practice of cosmetology, barbering, esthetics, master esthetics, or manicuring, except in a licensed salon/shop or the home, office, or other location selected by the client for obtaining the services of a personal service operator, or with the appropriate individual license when delivering services to placebound clients. Placebound clients are defined as persons who are ill, disabled, or otherwise unable to travel to a salon/shop.

Sec. 10. RCW 18.16.200 and 2004 c 51 s 4 are each amended to read as follows:

In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action against any applicant or licensee under this chapter if the licensee or applicant:

(1) Has been found to have violated any provisions of chapter 19.86 RCW;

(2) Has engaged in a practice prohibited under RCW 18.16.060 without first obtaining, and maintaining in good standing, the license required by this chapter;

(3) Has engaged in the commercial practice of cosmetology, barbering, manicuring, esthetics, or master esthetics in a school;

(4) Has not provided a safe, sanitary, and good moral environment for students in a school or the public;

(5) Has failed to display licenses required in this chapter; or

(6) Has violated any provision of this chapter or any rule adopted under it.

Sec. 11. RCW 18.16.260 and 2004 c 51 s 5 are each amended to read as follows:

(1)(a) Prior to July 1, 2005, (i) a cosmetology licensee who held a license in good standing between June 30, 1999, and June 30, 2003, may request a renewal of the license or an additional license in barbering, manicuring, and/or esthetics; and (ii) a licensee who held a barber, manicurist, or esthetics license between June 30, 1999, and June 30, 2003, may request a renewal of such licenses held during that period.

(b) A license renewal fee, including, if applicable, a renewal fee, at the current rate, for each year the licensee did not hold a license in good standing between July 1, 2001, and the date of the renewal request, must be paid prior to issuance of each type of license requested. After June 30, 2005, any cosmetology licensee wishing to renew an expired license or obtain additional licenses must meet

the applicable renewal, training, and examination requirements of this chapter.

(2)(a) Any person holding an active license in good standing as an esthetician prior to January 1, 2015, may be licensed as an esthetician licensee after paying the appropriate license fee.

(b) Prior to January 1, 2015, an applicant for a master esthetician license must have an active license in good standing as an esthetician, pay the appropriate license fee, and provide the department with proof of having satisfied one or more of the following requirements:

(i)(A)(I) A minimum of thirty-five hours employment as a provider of medium depth peels under the delegation or supervision of a licensed physician, advanced registered nurse practitioner, or physician assistant, or other licensed professional whose licensure permits such delegation or supervision; or

(II) Seven hours of training in theory and application of medium depth peels; and

(B)(I) A minimum of one hundred fifty hours employment as a laser operator under the delegation or supervision of a licensed physician, advanced registered nurse practitioner, or physician assistant, or other licensed professional whose licensure permits such delegation or supervision; or

(II) Seventy-five hours of laser training;

(ii) A national or international diploma or certification in esthetics that is recognized by the department by rule;

(iii) An instructor in esthetics who has been licensed as an instructor in esthetics by the department for a minimum of three years; or

(iv) Completion of one thousand two hundred hours of an esthetic curriculum approved by the department.

(3) The director may, as provided in RCW 43.24.140, modify the duration of any additional license granted under this section to make all licenses issued to a person expire on the same date.

Sec. 12. RCW 18.16.290 and 2004 c 51 s 2 are each amended to read as follows:

(1) If the holder of an individual license in good standing submits a written and notarized request that the licensee's cosmetology, barber, manicurist, esthetician and master esthetician, or instructor license be placed on inactive status, together with a fee equivalent to that established by rule for a duplicate license, the department shall place the license on inactive status until the expiration date of the license. If the date of the request is no more than six months before the expiration date of the license, a request for a two-year extension of the inactive status, as provided under subsection (2) of this section, may be submitted at the same time as the request under this subsection.

(2) If the holder of a license placed on inactive status under this section submits, by the expiration date of the license, a written and notarized request to extend that status for an additional two years, the department shall, without additional fee, extend the expiration date of: (a) The licensee's individual license; and (b) the inactive status for two years from the expiration date of the license.

(3) A license placed on inactive status under this section may not be extended more frequently than once in any twenty-four month period or for more than six consecutive years.

(4) If, by the expiration date of a license placed on inactive status under this section, a licensee is unable, or fails, to request that the status be extended and the license is not renewed, the license shall be canceled."

MOTION

Senator Brown moved that the following amendment by Senator Brown to the committee striking amendment be adopted:

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On page 2, beginning on line 30 of the amendment after "~~person~~)." insert "Under no circumstances does the practice of esthetics include the administration of injections."

Senator Brown spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 2, line 30 to the committee striking amendment to Substitute House Bill No. 1779.

The motion by Senator Brown carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Commerce & Labor as amended to Substitute House Bill No. 1779.

The motion by Senator Holmquist Newbry carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "esthetics;" strike the remainder of the title and insert "and amending RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.130, 18.16.170, 18.16.175, 18.16.180, 18.16.190, 18.16.200, 18.16.260, and 18.16.290."

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute House Bill No. 1779 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1779 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1779 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Holmquist Newbry and Smith

Excused: Senators Carrell and Nelson

SUBSTITUTE HOUSE BILL NO. 1779 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, pursuant to Rule 18, House Bill No. 1045, authorizing certain local authorities to establish maximum speed limits on certain nonarterial highways, was named a special order to be considered at 4:59 p.m.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412, by House Committee on Education (originally sponsored by Representatives Bergquist, Zeiger, Maxwell, Reykdal, Kagi, Riccelli, Santos, Fitzgibbon, Tarleton, Lytton, Pollet, Farrell, Freeman, Ryu, Stonier, Stanford, Hunt, Van De Wege, Kochmar, Buys, Magendanz, Hayes, O'Ban, Fey, Morrell and Jinkins)

Making community service a high school graduation requirement. Revised for 1st Substitute: Making community service a high school graduation requirement. (REVISED FOR PASSED LEGISLATURE: Requiring school districts to adopt policies that provide incentives for students to participate in community service.)

The measure was read the second time.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that volunteering connects students to their communities and provides an opportunity for students to practice and apply their academic and social skills in preparation for entering the workforce. Community service can better prepare and inspire students to continue their education beyond high school. Community service is also associated with increased civic awareness and participation by students.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

By September 1, 2013, each school district shall adopt a policy that is supportive of community service and provides an incentive, such as recognition or credit, for students who participate in community service."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1412.

The motion by Senator Litzow carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "requirement;" strike the remainder of the title and insert "adding a new section to chapter 28A.320 RCW; and creating a new section."

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Substitute House Bill No. 1412 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1412 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1412 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Padden

Excused: Senators Carrell and Nelson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

The hour fixed for the consideration of the special order of business having arrived, the President called the Senate to order. The Senate immediately considered House Bill No. 1045 as a special order.

SECOND READING

HOUSE BILL NO. 1045, by Representatives Ryu, Angel, Moscoso, Clibborn, Upthegrove, Fitzgibbon, Liias, Pedersen, Stanford, Farrell, Morrell, Pollet, Bergquist and Fey

Authorizing certain local authorities to establish maximum speed limits on certain nonarterial highways.

The measure was read the second time.

MOTION

On motion of Senator Billig, the rules were suspended, House Bill No. 1045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig, Frockt, King, Baumgartner, Schlicher and Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1045.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1045 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray,

Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Hatfield and Honeyford

Excused: Senators Carrell and Nelson

HOUSE BILL NO. 1045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. Tonight currently from 5:30 to 8:00 is a Turkish American Legislative dialogue and friendship dinner in the Columbia Room. It is presented by the Acacia Foundation, West American Turnik Council, Northwest Turkish American Chamber of Commerce and they request your company for our friendship dinner. I want to tell you the food is absolutely amazing. Because I am Lebanese I will tell you that this food is very close to my culture and I'm sure any of our cultures are even close to this will enjoy it very much. So, please stop by, say hello even if you can't stay awhile. Let them know that you appreciate this. Thank you very much Mr. President."

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. I want to thank the body this evening for having another successful cut off. I think it shows that while we have some very distinct differences here on this floor we can quickly move on and get to the work of the people and pass the bills before us. I want to thank Senator Frockt for being great to work with and I very much appreciate everyone here this evening."

MOTION

At 5:09 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 a.m. Thursday, April 18, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

NINETY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 18, 2013

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Carrell.

The Sergeant at Arms Color Guard consisting of Pages Benjamin Byers and James Juntti, presented the Colors. Reverend Jim Erlandson of Community of Christ Church of Olympia offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5052,

SENATE BILL NO. 5297,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5914 by Senator Parlette

AN ACT Relating to a medicaid waiver for premium assistance to purchase market-based exchange coverage for medicaid-eligible adults and children; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5915 by Senators Kline, Darneille, Eide, Hasegawa, Braun and McAuliffe

AN ACT Relating to funding and requiring the use of distributions from the additional tax on beer and strong beer for improving impaired driving safety and enforcement; amending RCW 66.24.290, 46.68.260, and 46.20.117; adding a new section to chapter 46.68 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5916 by Senators Bailey, Baumgartner, Hill, Holmquist Newbry, Ericksen, Schoesler, Hewitt and Mullet

AN ACT Relating to administration of public retirement plans; amending RCW 41.50.150 and 41.26.200; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5917 by Senators Kline, Darneille, Eide, Braun and McAuliffe

AN ACT Relating to funding improved impaired driving safety and enforcement; amending RCW 82.08.160, 46.68.260, and 46.20.117; adding a new section to chapter 46.68 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1864 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Liias, Ryu and Fey)

AN ACT Relating to transportation funding and appropriations; amending RCW 47.64.170, 47.64.270, 43.19.642, 46.12.630, 46.18.060, 46.68.113, 46.68.170, 46.68.325, 47.29.170, 47.56.403, 47.56.876, 46.20.745, and 90.58.140; amending 2012 c 86 ss 102, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 302, 303, 305, 306, 307, 308, 309, 310, 401, 402, 404, 405, 406, 407, and 701 (uncodified); amending 2011 c 367 s 601 (uncodified); reenacting and amending RCW 46.63.170; adding a new section to chapter 47.06A RCW; creating new sections; repealing 2012 c 86 ss 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, and 716 (uncodified); prescribing penalties; making appropriations and authorizing expenditures for capital improvements; providing an effective date; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Transportation.

EHB 1920 by Representatives Ormsby, Carlyle, Hunter and Pollet

AN ACT Relating to preserving funding deposited into the education legacy trust account used to support common schools and access to higher education by restoring the application of the Washington estate and transfer tax to certain property transfers; amending RCW 83.100.020, 83.100.047, and 83.100.047; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1961 by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Rodne, Hudgins, Hunter and Ryu)

AN ACT Relating to judicial stabilization trust account surcharges; amending RCW 3.62.060, 36.18.018, and 36.18.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

E2SHB 1971 by House Committee on Appropriations (originally sponsored by Representatives Carlyle and Nealey)

AN ACT Relating to communications services reform; amending RCW 82.14B.040, 82.14B.042, 82.14B.030, 82.14B.200, 80.36.430, 43.20A.725, 80.36.420, 80.36.450, 80.36.460, 80.36.470, and 80.36.610; reenacting and amending RCW 82.14B.020 and 82.08.0289; adding new sections to chapter 80.36 RCW; creating new sections; repealing RCW 82.72.010, 82.72.020, 82.72.030, 82.72.040, 82.72.050, 82.72.060, 82.72.070, 82.72.080, 82.72.090, and 80.36.600; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 1982 by House Committee on Appropriations (originally sponsored by Representative Hunter)

AN ACT Relating to eliminating lottery games that generate insufficient net revenue; amending RCW 67.70.240; and repealing RCW 67.70.500.

Referred to Committee on Ways & Means.

SHB 2002 by House Committee on Appropriations (originally sponsored by Representatives Condotta and Reykdal)

AN ACT Relating to snowmobile license fees; amending RCW 46.17.350 and 46.17.350; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

2ESHB 2016 by House Committee on Appropriations (originally sponsored by Representatives Jinkins, Hunter and Alexander)

AN ACT Relating to a hospital safety net assessment; amending RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.050, 74.60.070, 74.60.080, 74.60.090, 74.60.100, 74.60.110, 74.60.120, 74.60.130, 74.60.140, 74.60.150, 74.60.900, and 74.60.901; adding a new section to chapter 74.60 RCW; adding a new section to chapter 74.09 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2018 by House Committee on Appropriations (originally sponsored by Representative Hunter)

AN ACT Relating to additional contribution rates for contributions made after the date the service is rendered for individual employers of the Washington state retirement systems; amending RCW 41.45.010, 41.45.050, and

41.45.060; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Baumgartner moved adoption of the following resolution:

SENATE RESOLUTION 8657

By Senators Baumgartner, Padden, Brown, Smith, Parlette, Honeyford, Rivers, Shin, Bailey, Hill, Tom, Litzow, Ericksen, Becker, Roach, Fain, Dammeier, Holmquist Newbry, Sheldon, and Braun

WHEREAS, Baroness Margaret Thatcher, the daughter of a British grocer, rose to become the first woman to lead a conservative political party and Britain's first female Prime Minister; and

WHEREAS, While serving as Prime Minister, Margaret Thatcher was an unapologetic supporter of the special relationship forged between the United Kingdom and the United States and maintained with unyielding resolve that together the two nations could defeat the communist Soviet empire and extend freedom's promise; and

WHEREAS, Margaret Thatcher, who was the longest serving British Prime Minister of the 20th century, worked tirelessly during her 11 years and 209 days in office to end Britain's precipitous decline and restore the confidence and pride that is the hallmark of the Old Empire at its best; and

WHEREAS, She earned the respect of the world and the nickname the "Iron Lady" from the Soviet press for her uncompromising political savvy and decisive style of leadership; and

WHEREAS, She did not base her policies on textbook political or economic theory but on the values and attitudes everyday people lived by, with guiding sayings such as an honest day's work for an honest day's pay and live within your means and pay your bills on time; and

WHEREAS, Her work to restructure the British financial system provided paramount examples of the proper way to revitalize economies around the world; and

WHEREAS, Her policies helped expand women's rights; and
WHEREAS, Margaret Thatcher demonstrated confidence, conviction, and decisiveness during events such as the Falklands War; and

WHEREAS, She believed a life's path is determined by a force more powerful than fate and everyone is brought together for a

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profound purpose to accomplish much more than any individual would be able to on his or her own;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life, accomplishments, and legacy of Baroness Margaret Thatcher and strive to live by her words, "Where there is discord, may we bring harmony. Where there is error, may we bring truth. Where there is doubt, may we bring faith. And where there is despair, may we bring hope."

Senators Baumgartner, Brown, Parlette, Smith, Benton and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8657.

MOTION

On motion of Senator Billig, Senator Murray was excused.

MOTION

On motion of Senator Billig, Senators Keiser and Ranker were excused.

The motion by Senator Baumgartner carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Kline moved adoption of the following resolution:

SENATE RESOLUTION
8638

By Senators Kline, Padden, Schlicher, Mullet, Kohl-Welles, Darneille, Eide, Hobbs, Keiser, Chase, Fain, Pearson, Smith, Harper, Murray, Conway, Hasegawa, Ranker, Fraser, Nelson, Cleveland, and McAuliffe

WHEREAS, In 1961 an obscure, penniless drifter was criminally charged with breaking into the Bay Harbor Poolroom in Panama City, Florida, and stealing approximately \$65 in change, 12 beers, 12 Coca-Colas, and four fifths of wine; and

WHEREAS, The trial court denied the indigent man's request for a lawyer to help him defend against the felony charges and convicted and sentenced Clarence Earl Gideon to five years in state prison, and the Florida Supreme Court declined his appeal; and

WHEREAS, From prison, again without a lawyer, Mr. Gideon mailed the United States Supreme Court a humble, hand-printed petition asking the High Court to find that he was deprived of a fair trial because he was denied assistance of legal counsel; and

WHEREAS, Washington State, whose State Constitution guarantees the right to counsel in Article 1, Section 22, was among 22 states that submitted amicus curiae briefs supporting Mr. Gideon's right to a court-appointed lawyer; and

WHEREAS, 50 years ago, in March 1963, the United States Supreme Court announced a unanimous decision in *Gideon v.*

Wainwright, establishing as the law of the land that the United States Constitution's Sixth Amendment guarantee of legal counsel is a fundamental right of all persons, essential to a fair trial, and is applied to the states through the due process requirements of the Fourteenth Amendment; and

WHEREAS, As Justice Hugo Black wrote for the court, "The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours"; and

WHEREAS, As a result of the ruling, the state of Florida granted Mr. Gideon a new trial in August 1963, where a court-appointed lawyer was able to present crucial evidence and the jury found Mr. Gideon not guilty; and

WHEREAS, Subsequent United States and Washington Supreme Court rulings have maintained the right to counsel, and have held that the right to counsel means the right to competent, effective counsel; and

WHEREAS, Although the functions of the three branches of Washington State Government differ, they complement one another in regards to the pursuit of justice: Their purpose is to assure the fair and impartial trial of those accused of crime, whether the result be conviction or acquittal;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commemorate the March 18 anniversary of *Gideon v. Wainwright*, marking a significant step toward ensuring that in America, regardless of material wealth or personal privilege, all persons facing the deprivation of liberty at the hands of the government are guaranteed due process and the right to effective assistance of counsel to defend themselves.

Senators Kline and Padden spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8638.

The motion by Senator Kline carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President recognized representatives of the hundreds of attorneys who ensure that citizens can exercise their constitutional right to legal counsel despite their circumstance who were present in the gallery. The President recognized Senator Padden's and Senator Harper's membership on the Office of Public Defense Advisory Committee and welcomed and introduced Ms. Joanne Moore, Director, Washington State Office of Public Defense, who was also present in the gallery.

MOTION

At 11:28 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:21 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5052,
 SUBSTITUTE SENATE BILL NO. 5182,
 SUBSTITUTE SENATE BILL NO. 5263,
 SUBSTITUTE SENATE BILL NO. 5264,
 SENATE BILL NO. 5297,
 SENATE BILL NO. 5476,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5681,
 SENATE BILL NO. 5715.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5595 with the following amendment(s): 5595-S2 AMH APP H2304.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (~~((2)(a))~~), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the

purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(5) "Department" means the department of early learning.

(6) "Director" means the director of the department.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for participation.

~~___~~(8) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~((8))~~ (9) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((9))~~ (10) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

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(e) A final decision of a disciplinary board.

~~((10))~~ (11) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

~~((11))~~ (12) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((12))~~ (13) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW to read as follows:

(1) The early achievers program is designed to accomplish the following goals:

(a) Provide parents clear and easily accessible information about quality child care and early education programs;

(b) Improve early learning programs throughout Washington state;

(c) Increase school readiness for children;

(d) Close the disparity between segments of the population with regard to access to quality care; and

(e) Establish a uniform set of expectations and standards that define, measure, and improve the quality of the early learning environment.

(2) All licensed and certified child care programs may enroll in the early achievers program. Child care providers may voluntarily decide whether to participate.

(3) There are five quality levels in the early achievers program.

(4) The department shall prepare and implement rules in accordance with the early achievers program and this section.

NEW SECTION. Sec. 3. A new section is added to chapter 43.215 RCW to read as follows:

(1) The standards and guidelines described in this section are intended for the guidance of the department and the department of social and health services. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

(2) When providing services to parents applying for or receiving working connections child care benefits, the department must provide training to departmental employees on professionalism.

(3) When providing services to parents applying for or receiving working connections child care benefits, the department of social and health services has the following responsibilities:

(a) To return all calls from parents receiving working connections child care benefits within two business days of receiving the call;

(b) To develop a process by which parents receiving working connections child care benefits can submit required forms and information electronically by June 30, 2015;

(c) To notify providers and parents ten days before the loss of working connections child care benefits; and

(d) To provide parents with a document that explains in detail and in easily understood language what services they are eligible for, how they can appeal an adverse decision, and the parents' responsibilities in obtaining and maintaining eligibility for working connections child care.

NEW SECTION. Sec. 4. (1)(a) A legislative task force on child care improvements for the future is established with members as provided in this subsection.

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses in the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall appoint fifteen members representing the following interests:

(A) The department of early learning;

(B) The department of social and health services;

(C) The early learning advisory committee;

(D) Thrive by five;

(E) Private pay child care consumers;

(F) Child care consumers receiving a subsidy;

(G) Family child care providers;

(H) Child care center providers;

(I) Exempt child care providers;

(J) The collective bargaining unit representing child care providers;

(K) School-age child care providers;

(L) Child care aware;

(M) The Washington state association of head start and the early childhood education and assistance program;

(N) The early learning action alliance; and

(O) Puget Sound educational service district.

(b) The task force shall choose its cochairs from among its legislative leadership. The members of the majority party in each house shall convene the first meeting.

(2) The task force shall address the following issues:

(a) The creation of a tiered reimbursement model that works for both consumers and providers and provides incentives for quality child care across communities;

(b) The development of recommendations and an implementation plan for expansion of the program referred to in RCW 43.215.400 to include a mixed delivery system that integrates community-based early learning providers, including but not limited to family child care, child care centers, schools, and educational services districts. Recommendations shall include:

(i) Areas of alignment and conflicts in restrictions and eligibility requirements associated with early learning funding and services;

(ii) A funding plan that blends and maximizes existing resources and identifies new revenue and other funding sources; and

(iii) Incentives for integrating child care and preschool programming to better serve working families;

(c) The development of recommendations for market rate reimbursement to allow access to high quality child care; and

(d) The development of recommendations for a further graduation of the copay scale to eliminate the cliff that occurs at subsidy cut off.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature no later than December 31, 2013.

(5) This section expires July 1, 2014.

NEW SECTION. Sec. 5. (1) The legislature finds that the Aclara group report on the eligibility requirements for working connections child care which came from the pedagogy of lean management and focused on identifying and eliminating nonvalue added work should be followed. The legislature further finds that, following some of the recommendations in the report, would result in simplifying and streamlining the child care system to improve access and customer service without decreasing the program's integrity.

(2) By December 1, 2013, the department and the department of social and health services shall accomplish the following:

(a) Eliminate the current custody/visitation policy and design a subsidy system that is flexible and accounts for small fluctuations in family circumstances;

(b) Create broad authorization categories so that relatively minor changes in parents' work schedule does not require changes in authorization;

(c) Establish rules to specify that parents who receive working connections child care benefits and participate in one hundred ten hours or more of approved work or related activities are eligible for full-time child care services; and

(d) Clarify and simplify the requirement to count child support as income."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5595 and ask the House to recede therefrom.

Senator Pearson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5595 and ask the House to recede therefrom.

The motion by Senator Pearson carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5595 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5666 with the following amendment(s): 5666.E AMH JUDI H2282.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.71.030 and 2012 c 165 s 1 are each amended to read as follows:

(1) If the limitation on damages under RCW 7.71.020 and P.L. 99-660 Sec. 411(1) does not apply, this section shall provide the exclusive ((remedy)) remedies in any lawsuit by a health care provider for any action taken by a professional peer review body of health care providers as defined in RCW 7.70.020(, that is found to be based on matters not related to the competence or professional conduct of a health care provider).

(2) ((Actions)) Remedies shall be limited to appropriate injunctive relief, and damages shall be allowed only for lost earnings directly attributable to the action taken by the professional peer review body, incurred between the date of such action and the date the action is functionally reversed by the professional peer review body.

(3) Reasonable attorneys' fees and costs shall be awarded if approved by the court under RCW 7.71.035.

(4) The statute of limitations for actions under this section shall be one year from the date of the action of the professional peer review body.

Sec. 2. RCW 70.41.200 and 2007 c 273 s 22 and 2007 c 261 s 3 are each reenacted and amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of ((a)) one or more quality improvement committees with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. ((The)) Different quality improvement committees may be established as a part of a quality improvement program to review different health care services. Such committees shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A process, including a medical staff privileges sanction procedure which must be conducted substantially in accordance with medical staff bylaws and applicable rules, regulations, or policies of the medical staff through which credentials, physical and mental capacity, professional conduct, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) ((The)) A process for the periodic review of the credentials, physical and mental capacity, professional conduct, and competence in delivering health care services of all ((persons)) other health care providers who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients including health care-associated infections as defined in RCW 43.70.056, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, infection control, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who

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participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510, a coordinated quality improvement committee maintained by an ambulatory surgical facility under RCW 70.230.070, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to

implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 74.42.640 (7) and (9), and 4.24.250.

(9) A hospital that operates a nursing home as defined in RCW 18.51.010 may conduct quality improvement activities for both the hospital and the nursing home through a quality improvement committee under this section, and such activities shall be subject to the provisions of subsections (2) through (8) of this section.

(10) Violation of this section shall not be considered negligence per se.

Sec. 3. RCW 70.41.230 and 1994 sp.s. c 9 s 744 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the hospital may request additional information going back further than five years, and the physician shall use his or her best efforts to comply with such a request for additional information;

(b) ~~(If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation))~~ Whether the physician has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity listed in (b)(i) through (x) of this subsection, or has ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity listed in (b)(i) through (x) of this subsection in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct:

(i) License to practice any profession in any jurisdiction;

(ii) Other professional registration or certification in any jurisdiction;

(iii) Specialty or subspecialty board certification;

(iv) Membership on any hospital medical staff;

(v) Clinical privileges at any facility, including hospitals, ambulatory surgical centers, or skilled nursing facilities;

(vi) Medicare, medicaid, the food and drug administration, the national institute of health (office of human research protection), governmental, national, or international regulatory agency, or any public program;

(vii) Professional society membership or fellowship;

(viii) Participation or membership in a health maintenance organization, preferred provider organization, independent practice association, physician-hospital organization, or other entity;

(ix) Academic appointment;

(x) Authority to prescribe controlled substances (drug enforcement agency or other authority);

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.71.0195.

(3) The medical quality assurance commission shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude:

(a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical quality assurance commission and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

Sec. 4. RCW 70.230.080 and 2007 c 273 s 9 are each amended to read as follows:

(1) Every ambulatory surgical facility shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of ~~((a))~~ one or more quality improvement committees with the responsibility to review the services rendered in the ambulatory surgical facility, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. ~~((The))~~ Different quality improvement committees may be established as a part of the quality improvement program to review different health care services. Such committees shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise the policies and procedures of the ambulatory surgical facility;

(b) A process, including a medical staff privileges sanction procedure which must be conducted substantially in accordance with medical staff bylaws and applicable rules, regulations, or policies of the medical staff through which credentials, physical and mental capacity, professional conduct, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the ambulatory surgical facility;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the ambulatory surgical facility's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the ambulatory surgical facility for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual practitioners within the practitioner's personnel or credential file maintained by the ambulatory surgical facility;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee is not subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the

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presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence of information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the management of the ambulatory surgical facility, as identified in the facility's application, in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission, the board of osteopathic medicine and surgery, or the podiatric medical board, as appropriate, may review and audit the records of committee decisions in which a practitioner's privileges are terminated or restricted. Each ambulatory surgical facility shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained is not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of an ambulatory surgical facility to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department and any accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of the ambulatory surgical facility. Information so obtained is not subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each ambulatory surgical facility shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality

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improvement programs maintained in accordance with this section or RCW 43.70.510 or 70.41.200, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents are not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 70.41.200(3), 74.42.640 (7) and (9), and 4.24.250.

(9) An ambulatory surgical facility that participates in a coordinated quality improvement program under RCW 43.70.510 shall be deemed to have met the requirements of this section.

(10) Violation of this section shall not be considered negligence per se.

Sec. 5. RCW 70.230.140 and 2007 c 273 s 15 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any practitioner or hiring a practitioner, an ambulatory surgical facility approved pursuant to this chapter shall request from the practitioner and the practitioner shall provide the following information:

(a) The name of any hospital, ambulatory surgical facility, or other facility with or at which the practitioner had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the ambulatory surgical facility may request additional information going back further than five years, and the physician shall use his or her best efforts to comply with such a request for additional information;

(b) ~~(If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation))~~ Whether the physician has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity listed in (b)(i) through (x) of this subsection, or has ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity listed in (b)(i) through (x) of this subsection in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct:

(i) License to practice any profession in any jurisdiction;

(ii) Other professional registration or certification in any jurisdiction;

(iii) Specialty or subspecialty board certification;

(iv) Membership on any hospital medical staff;

(v) Clinical privileges at any facility, including hospitals, ambulatory surgical centers, or skilled nursing facilities;

(vi) Medicare, medicaid, the food and drug administration, the national institute of health (office of human research protection), governmental, national, or international regulatory agency, or any public program;

(vii) Professional society membership or fellowship;

(viii) Participation or membership in a health maintenance organization, preferred provider organization, independent practice association, physician-hospital organization, or other entity;

(ix) Academic appointment;(x) Authority to prescribe controlled substances (drug enforcement agency or other authority);

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the practitioner deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the practitioner deems appropriate;

(e) A waiver by the practitioner of any confidentiality provisions concerning the information required to be provided to ambulatory surgical facilities pursuant to this subsection; and

(f) A verification by the practitioner that the information provided by the practitioner is accurate and complete.

(2) Prior to granting privileges or association to any practitioner or hiring a practitioner, an ambulatory surgical facility approved under this chapter shall request from any hospital or ambulatory surgical facility with or at which the practitioner had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the practitioner:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals or ambulatory surgical facilities pursuant to RCW 18.130.070.

(3) The medical quality assurance commission, board of osteopathic medicine and surgery, podiatric medical board, or dental quality assurance commission, as appropriate, shall be advised within thirty days of the name of any practitioner denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital, ambulatory surgical facility, or other facility that receives a request for information from another hospital, ambulatory surgical facility, or other facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital, ambulatory surgical facility, or other facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital, ambulatory surgical facility, or facility. A hospital, ambulatory surgical facility, other facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude:

(a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that

individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(6) Ambulatory surgical facilities shall be granted access to information held by the medical quality assurance commission, board of osteopathic medicine and surgery, or podiatric medical board pertinent to decisions of the ambulatory surgical facility regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Dammeier moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5666 and request of the House a conference thereon.

Senator Dammeier spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Dammeier that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5666 and request a conference thereon.

The motion by Senator Dammeier carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5666 and requested of the House a conference thereon by voice vote.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5732 with the following amendment(s): 5732-S2 AMH APP H2375.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.20A RCW to read as follows:

(1) The systems responsible for financing, administration, and delivery of publicly funded mental health and chemical dependency services to adults must be designed and administered to achieve improved outcomes for adult clients served by those systems through increased use and development of evidence-based, research-based, and promising practices, as defined in RCW 71.24.025. For purposes of this section, client outcomes include: Improved health status; increased participation in employment and education; reduced involvement with the criminal justice system; enhanced safety and access to treatment for forensic patients; reduction in avoidable utilization of and costs associated with hospital, emergency room, and crisis services; increased housing stability; improved quality of life, including measures of recovery and resilience; and decreased population level disparities in access to treatment and treatment outcomes.

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(2) The department and the health care authority must implement a strategy for the improvement of the adult behavioral health system.

(a) The department must establish a steering committee that includes at least the following members: Behavioral health service recipients and their families; local government; representatives of regional support networks; representatives of county coordinators; law enforcement; city and county jails; tribal representatives; behavioral health service providers, including at least one chemical dependency provider and at least one psychiatric advanced registered nurse practitioner; housing providers; medicaid managed care plan representatives; long-term care service providers; organizations representing health care professionals providing services in mental health settings; the Washington state hospital association; the Washington state medical association; individuals with expertise in evidence-based and research-based behavioral health service practices; and the health care authority.

(b) The adult behavioral health system improvement strategy must include:

(i) An assessment of the capacity of the current publicly funded behavioral health services system to provide evidence-based, research-based, and promising practices;

(ii) Identification, development, and increased use of evidence-based, research-based, and promising practices;

(iii) Design and implementation of a transparent quality management system, including analysis of current system capacity to implement outcomes reporting and development of baseline and improvement targets for each outcome measure provided in this section;

(iv) Identification and phased implementation of service delivery, financing, or other strategies that will promote improvement of the behavioral health system as described in this section and incentivize the medical care, behavioral health, and long-term care service delivery systems to achieve the improvements described in this section and collaborate across systems. The strategies must include phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance and levels of improvement between geographic regions of Washington; and

(v) Identification of effective methods for promoting workforce capacity, efficiency, stability, diversity, and safety.

(c) The department must seek private foundation and federal grant funding to support the adult behavioral health system improvement strategy.

(d) By May 15, 2014, the Washington state institute for public policy, in consultation with the department, the University of Washington evidence-based practice institute, the University of Washington alcohol and drug abuse institute, and the Washington institute for mental health research and training, shall prepare an inventory of evidence-based, research-based, and promising practices for prevention and intervention services pursuant to subsection (1) of this section. The department shall use the inventory in preparing the behavioral health improvement strategy. The department shall provide the institute with data necessary to complete the inventory.

(e) By August 1, 2014, the department must report to the governor and the relevant fiscal and policy committees of the legislature on the status of implementation of the behavioral health improvement strategy, including strategies developed or implemented to date, timelines, and costs to accomplish phased implementation of the adult behavioral health system improvement strategy.

(3) The department must contract for the services of an independent consultant to review the provision of forensic mental health services in Washington state and provide recommendations

as to whether and how the state's forensic mental health system should be modified to provide an appropriate treatment environment for individuals with mental disorders who have been charged with a crime while enhancing the safety and security of the public and other patients and staff at forensic treatment facilities. By August 1, 2014, the department must submit a report regarding the recommendations of the independent consultant to the governor and the relevant fiscal and policy committees of the legislature.

NEW SECTION. Sec. 2. A new section is added to chapter 70.97 RCW to read as follows:

To the extent that funds are specifically appropriated for this purpose, the department must issue a request for a proposal for enhanced services facility services by June 1, 2014, and complete the procurement process by January 1, 2015.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of ninety or one hundred eighty days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the regional support network responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan and arrange for a transition to the community in accordance with the person's individualized discharge plan within twenty-one days of the determination.

Sec. 4. RCW 71.24.025 and 2012 c 10 s 59 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(6) "Community mental health program" means all mental health services, activities, or programs using available resources.

(7) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(8) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(9) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(10) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(11) "Department" means the department of social and health services.

(12) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(13) "Emerging best practice" or "promising practice" means a ~~((practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice))~~ program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (14) of this section.

(14) "Evidence-based" means a program or practice that has ~~((had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population))~~ been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(15) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or persons licensed under chapter 18.57, 18.71,

18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(16) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(17) "Mental health services" means all services provided by regional support networks and other services provided by the state for persons who are mentally ill.

(18) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (27), and (28) of this section.

(19) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(20) "Regional support network" means a county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(21) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(22) "Research-based" means a program or practice that has ~~((some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices))~~ been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (14) of this section but does not meet the full criteria for evidence-based.

(23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental

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health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

(26) "Secretary" means the secretary of social and health services.

(27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(30) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 5. RCW 18.19.210 and 2008 c 135 s 9 are each amended to read as follows:

(1)(a) An applicant for registration as an agency affiliated counselor who applies to the department within seven days of employment by an agency may work as an agency affiliated counselor for up to sixty days while the application is processed. The applicant must stop working on the sixtieth day of employment if the registration has not been granted for any reason.

(b) The applicant may not provide unsupervised counseling prior to completion of a criminal background check performed by either the employer or the secretary. For purposes of this subsection, "unsupervised" means the supervisor is not physically present at the location where the counseling occurs.

(2) Agency affiliated counselors shall notify the department if they are either no longer employed by the agency identified on their application or are now employed with another agency, or both. Agency affiliated counselors may not engage in the practice of counseling unless they are currently affiliated with an agency.

NEW SECTION. Sec. 6. A new section is added to chapter 43.20A RCW to read as follows:

(1) By November 30, 2013, the department and the health care authority must report to the governor and the relevant fiscal and policy committees of the legislature, consistent with RCW 43.01.036, a plan that establishes a tribal-centric behavioral health system incorporating both mental health and chemical dependency services. The plan must assure that child, adult, and older adult American Indians and Alaskan Natives eligible for medicaid have increased access to culturally appropriate mental health and chemical dependency services. The plan must:

(a) Include implementation dates, major milestones, and fiscal estimates as needed;

(b) Emphasize the use of culturally appropriate evidence-based and promising practices;

(c) Address equitable access to crisis services, outpatient care, voluntary and involuntary hospitalization, and behavioral health care coordination;

(d) Identify statutory changes necessary to implement the tribal-centric behavioral health system; and

(e) Be developed with the department's Indian policy advisory committee and the American Indian health commission, in consultation with Washington's federally recognized tribes.

(2) The department shall enter into agreements with the tribes and urban Indian health programs and modify regional support network contracts as necessary to develop a tribal-centric behavioral health system that better serves the needs of the tribes.

NEW SECTION. Sec. 7. Section 3 of this act takes effect July 1, 2018."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5732 and ask the House to recede therefrom.

Senators Pearson and Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate refuse to concur in

the House amendment(s) to Second Substitute Senate Bill No. 5732 and ask the House to recede therefrom.

The motion by Senator Pearson carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5732 and asked the House to recede therefrom by voice vote.

MOTION

At 3:30 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Friday, April 19, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

NINETY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 19, 2013

The Senate was called to order at 9:00 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

POINT OF ORDER

Senator Fain: "Senator Litzow is being awfully loud in the gallery and I just wanted to..."

REPLY BY THE PRESIDENT

President Owen: "Would the Sergeant at Arms please clear the, take him under arrest."

REPORTS OF STANDING COMMITTEES

April 18, 2013

SB 5024 Prime Sponsor, Senator King: Making transportation appropriations for the 2011-2013 and 2013-2015 fiscal biennia. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5024 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

April 18, 2013

SB 5906 Prime Sponsor, Senator Roach: Maintaining access to state recreational lands managed by the department of natural resources. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5906 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hatfield; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 18, 2013

SB 5910 Prime Sponsor, Senator Hill: Providing that a quarterly revenue forecast is due on February 20th during both a

long and short legislative session year. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 18, 2013

SGA 9209 DOROTHY F TEETER, appointed on March 4, 2013, for the term ending at the governors pleasure, as Director of the Washington State Health Care Authority, Administrator. Reported by Committee on Health Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

At 9:03 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:07 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:
The House has passed:
SUBSTITUTE SENATE BILL NO. 5152,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- SUBSTITUTE HOUSE BILL NO. 1115,
- SUBSTITUTE HOUSE BILL NO. 1116,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1134,

- SUBSTITUTE HOUSE BILL NO. 1216,
- HOUSE BILL NO. 1277,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1383,
- ENGROSSED HOUSE BILL NO. 1394,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432,
- SUBSTITUTE HOUSE BILL NO. 1541,
- HOUSE BILL NO. 1547,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652,
- ENGROSSED HOUSE BILL NO. 1808,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The House has passed:

- ENGROSSED HOUSE BILL NO. 1287,
- ENGROSSED HOUSE BILL NO. 1421,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1437,

- HOUSE BILL NO. 1634,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1957,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,
- SUBSTITUTE HOUSE BILL NO. 1986,
- HOUSE BILL NO. 1988,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE SENATE BILL NO. 5008,
- SENATE BILL NO. 5030,
- SENATE BILL NO. 5056,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5095,
- SENATE BILL NO. 5149,
- SUBSTITUTE SENATE BILL NO. 5180,
- SENATE BILL NO. 5258,
- SENATE BILL NO. 5343,

- SUBSTITUTE SENATE BILL NO. 5362,
- SUBSTITUTE SENATE BILL NO. 5396,
- SUBSTITUTE SENATE BILL NO. 5444,
- SENATE BILL NO. 5496,
- SUBSTITUTE SENATE BILL NO. 5559,
- SENATE BILL NO. 5593,
- SECOND ENGROSSED SENATE BILL NO. 5701,
- SENATE BILL NO. 5770,
- SENATE BILL NO. 5806,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The Speaker has signed:

- SENATE BILL NO. 5052,
- SUBSTITUTE SENATE BILL NO. 5182,
- SUBSTITUTE SENATE BILL NO. 5195,
- SUBSTITUTE SENATE BILL NO. 5263,
- SUBSTITUTE SENATE BILL NO. 5264,
- SENATE BILL NO. 5297,
- SENATE BILL NO. 5411,
- SUBSTITUTE SENATE BILL NO. 5416,
- SENATE BILL NO. 5476,
- ENGROSSED SENATE BILL NO. 5603,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5669,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5681,
- SUBSTITUTE SENATE BILL NO. 5702,
- SENATE BILL NO. 5715,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The Speaker has signed:

- HOUSE BILL NO. 1003,
- SUBSTITUTE HOUSE BILL NO. 1009,
- SUBSTITUTE HOUSE BILL NO. 1012,
- HOUSE BILL NO. 1045,
- HOUSE BILL NO. 1065,
- SUBSTITUTE HOUSE BILL NO. 1071,
- SUBSTITUTE HOUSE BILL NO. 1075,
- HOUSE BILL NO. 1149,
- HOUSE BILL NO. 1218,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1381,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1403,
- SUBSTITUTE HOUSE BILL NO. 1420,
- SUBSTITUTE HOUSE BILL NO. 1456,
- HOUSE BILL NO. 1468,
- SUBSTITUTE HOUSE BILL NO. 1568,
- HOUSE BILL NO. 1576,
- SUBSTITUTE HOUSE BILL NO. 1613,
- SUBSTITUTE HOUSE BILL NO. 1617,
- SUBSTITUTE HOUSE BILL NO. 1629,
- HOUSE BILL NO. 1644,
- HOUSE BILL NO. 1683,
- SUBSTITUTE HOUSE BILL NO. 1822,
- HOUSE BILL NO. 1863,

NINETY SIXTH DAY, APRIL 19, 2013
 SUBSTITUTE HOUSE BILL NO. 1868,
 ENGROSSED HOUSE BILL NO. 1887,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1021,
 HOUSE BILL NO. 1036,
 SUBSTITUTE HOUSE BILL NO. 1180,
 SUBSTITUTE HOUSE BILL NO. 1200,
 HOUSE BILL NO. 1203,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,
 SUBSTITUTE HOUSE BILL NO. 1256,
 SUBSTITUTE HOUSE BILL NO. 1261,
 SUBSTITUTE HOUSE BILL NO. 1270,
 SUBSTITUTE HOUSE BILL NO. 1271,
 HOUSE BILL NO. 1330,
 SUBSTITUTE HOUSE BILL NO. 1370,
 SUBSTITUTE HOUSE BILL NO. 1397,
 SUBSTITUTE HOUSE BILL NO. 1422,
 HOUSE BILL NO. 1447,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480,
 SUBSTITUTE HOUSE BILL NO. 1498,
 SUBSTITUTE HOUSE BILL NO. 1499,
 HOUSE BILL NO. 1534,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1717,
 HOUSE BILL NO. 1738,
 SUBSTITUTE HOUSE BILL NO. 1812,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Kline moved adoption of the following resolution:

SENATE RESOLUTION
 8652

By Senators Kline, Frockt, Hargrove, Cleveland, Smith, Parlette, Rolfes, Pearson, Bailey, Becker, Honeyford, Roach, Padden, Litzow, Murray, and Ericksen

WHEREAS, The United States Constitution is the supreme law of our nation, and this body has full confidence in its ability to endure all tests; and

WHEREAS, Many immigrants came to our nation to escape government-sanctioned persecution of their faith; and

WHEREAS, This body believes that any law which is designed to restrict the liberty of one faith tradition erodes the founding principle of religious liberty and that it is, as James Madison wrote in 1785, proper to "take alarm" at any such "experiment on our liberties"; and

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WHEREAS, Our state has a history of embracing individuals' right to practice the faith tradition of their choice within the law and free of government interference; and

WHEREAS, A multiplicity of religious beliefs, traditions, and heritages bring strength to our state; and

WHEREAS, This body believes that it is not the role of the legislature of Washington State to disparage or marginalize any religious tradition; and

WHEREAS, This body finds abhorrent all forms of discrimination, including those forms of discrimination targeting religion or belief; and

WHEREAS, Our state benefits from a number of individuals and institutions whose faith motivates them to provide food to the hungry, shelter to the needy, inexpensive or free health services, and other humanitarian services; and

WHEREAS, Religious leaders who facilitate conflict resolution often achieve results that ease the burdens on our courts;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, that diverse religious beliefs, traditions, and heritages are welcome in Washington, and that this body has full confidence in the United States Constitution and the laws of the state of Washington and does not entertain concern that religious practices, beliefs, or laws offer a threat to the law of our land.

Senators Kline, Padden and Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8652.

The motion by Senator Kline carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President recognized representatives and organizations celebrating religious freedom in Washington including: Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia; Shayk Ahmed Noor, Imam, Abubakr Islamic Center & Mosque, Tukwila; Mark Moloscia, Washington Catholic Conference; Ms. Jackie O’Ryan, Co-Director, Faith Action Network of Washington; Ms. Jasmit Singh, Gurudwara Singh Sabha, Washington, of the Sikh faith; and Mr. Arsalan Bukhari, Executive Director, Washington State Chapter of the Council on American-Islamic Relations, who were present in the gallery.

MOTION

At 10:19 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:12 a.m. by President Owen.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5666 and the House amendment(s) thereto: Senators Dammeier, Becker, and Frockt.

MOTION

On motion of Senator Fain, the appointments to the conference committee were confirmed.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1021,
HOUSE BILL NO. 1036,
SUBSTITUTE HOUSE BILL NO. 1180,
SUBSTITUTE HOUSE BILL NO. 1200,
HOUSE BILL NO. 1203,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,
SUBSTITUTE HOUSE BILL NO. 1256,
SUBSTITUTE HOUSE BILL NO. 1261,
SUBSTITUTE HOUSE BILL NO. 1270,
SUBSTITUTE HOUSE BILL NO. 1271,
HOUSE BILL NO. 1330,
SUBSTITUTE HOUSE BILL NO. 1370,
SUBSTITUTE HOUSE BILL NO. 1397,
SUBSTITUTE HOUSE BILL NO. 1422,
HOUSE BILL NO. 1447,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480,
SUBSTITUTE HOUSE BILL NO. 1498,
SUBSTITUTE HOUSE BILL NO. 1499,
HOUSE BILL NO. 1534,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1717,
HOUSE BILL NO. 1738,
SUBSTITUTE HOUSE BILL NO. 1812.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1009,
SUBSTITUTE HOUSE BILL NO. 1012,
HOUSE BILL NO. 1045,
HOUSE BILL NO. 1065,
SUBSTITUTE HOUSE BILL NO. 1071,
SUBSTITUTE HOUSE BILL NO. 1075,
HOUSE BILL NO. 1149,
HOUSE BILL NO. 1218,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1381,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1403,
SUBSTITUTE HOUSE BILL NO. 1420,
SUBSTITUTE HOUSE BILL NO. 1456,
HOUSE BILL NO. 1468,
SUBSTITUTE HOUSE BILL NO. 1568,
HOUSE BILL NO. 1576,
SUBSTITUTE HOUSE BILL NO. 1613,
SUBSTITUTE HOUSE BILL NO. 1617,
SUBSTITUTE HOUSE BILL NO. 1629,
HOUSE BILL NO. 1644,
HOUSE BILL NO. 1683,
SUBSTITUTE HOUSE BILL NO. 1822,
HOUSE BILL NO. 1863,
SUBSTITUTE HOUSE BILL NO. 1868,
ENGROSSED HOUSE BILL NO. 1887.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5024, by Senators King, Eide and McAuliffe

Making transportation appropriations for the 2011-2013 and 2013-2015 fiscal biennia.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5024 was substituted for Senate Bill No. 5024 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Roach moved that the following amendment by Senator Roach and others be adopted:

On page 8, beginning on line 4, strike all of subsections (1) and (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Roach spoke in favor of adoption of the amendment.

Senators Rolfes and King spoke against adoption of the amendment.

MOTION

On motion of Senator Billig, Senator Shin was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach and others on page 8, line 4 to Substitute Senate Bill No. 5024.

The motion by Senator Roach failed and the amendment was not adopted by voice vote.

MOTION

Senator Padden moved that the following amendment by Senators Padden and Kline be adopted:

On page 9, line 10, strike "\$19,429,000" and insert "\$20,002,000"

On page 9, line 13, strike "\$405,342,000" and insert "\$405,915,000"

On page 9, after line 31, insert the following:

"(4) \$573,000 of the highway safety account--state appropriation is provided solely for the ignition interlock program at the Washington State Patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program."

Senators Padden, Froct and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Padden and Kline on page 9, line 10 to Substitute Senate Bill No. 5024.

The motion by Senator Padden carried and the amendment was adopted by voice vote.

MOTION

Senator Bailey moved that the following amendment by Senator Bailey and others be adopted:

On page 21, line 27, after "2013" insert the following:

", except that the project in the Document titled 'Skagit Transit, Everett Connector Expansion' is retitled 'Skagit Transit, Everett Connector', and the project total amount is \$940,000"

On page 22, after line 21, insert the following:

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"(8) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies."

SENATE BILL NO. 5785, by Senators Ericksen, Rolfes, King, Ranker and Eide

Modifying requirements for the display and replacement of license plates.

WITHDRAWAL OF AMENDMENT

On motion of Senator Bailey, the amendment by Senator Bailey and others on page 21, line 27 to Substitute Senate Bill No. 5024 was withdrawn.

MOTION

On motion of Senator Ericksen, Substitute Senate Bill No. 5785 was substituted for Senate Bill No. 5785 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following amendment by Senators King and Eide be adopted:

On page 28, line 28, strike "\$31,020,000", and insert "\$32,020,000"

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Eide on page 28, line 28 to Substitute Senate Bill No. 5024.

The motion by Senator King carried and the amendment was adopted by voice vote.

MOTION

Senator Ericksen moved that the following striking amendment by Senators Ericksen and Rolfes be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16A.200 and 2011 c 171 s 46 are each amended to read as follows:

(1) **Design.** All license plates may be obtained by the director from the metal working plant of a state correctional facility or from any source in accordance with existing state of Washington purchasing procedures. License plates:

(a) May vary in background, color, and design;

(b) Must be legible and clearly identifiable as a Washington state license plate;

(c) Must designate the name of the state of Washington without abbreviation;

(d) Must be treated with fully reflectorized materials designed to increase visibility and legibility at night;

(e) Must be of a size and color and show the registration period as determined by the director; and

(f) Before July 1, 2010, may display a symbol or artwork approved by the former special license plate review board and the legislature. Beginning July 1, 2010, special license plate series approved by the department and enacted into law by the legislature may display a symbol or artwork approved by the department.

(2) **Exceptions to reflectorized materials.** License plates issued before January 1, 1968, are not required to be treated with reflectorized materials.

(3) **Dealer license plates.** License plates issued to a dealer must contain an indication that the license plates have been issued to a vehicle dealer.

(4)(a) **Furnished.** The director shall furnish to all persons making satisfactory application for a vehicle registration:

(i) Two identical license plates each containing the license plate number; or

(ii) One license plate if the vehicle is a trailer, semitrailer, camper, moped, collector vehicle, horseless carriage, or motorcycle.

(b) The director may adopt types of license plates to be used as long as the license plates are legible.

(5)(a) **Display.** License plates must be:

(i) Attached conspicuously at the front and rear of each vehicle if two license plates have been issued;

(ii) Attached to the rear of the vehicle if one license plate has been issued;

(iii) Kept clean and be able to be plainly seen and read at all times; and

(iv) Attached in a horizontal position at a distance of not more than four feet from the ground.

(b) The Washington state patrol may grant exceptions to this subsection if the body construction of the vehicle makes compliance with this section impossible.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 5024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, King, Hobbs and Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5024.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frock, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5152.

SECOND READING

(6) **Change of license classification.** A person who has altered a vehicle that makes the current license plate or plates invalid for the vehicle's use shall:

(a) Surrender the current license plate or plates to the department, county auditor or other agent, or subagent appointed by the director;

(b) Apply for a new license plate or plates; and

(c) Pay a change of classification fee required under RCW 46.17.310.

(7) **Unlawful acts.** It is unlawful to:

(a) Display a license plate or plates on the front or rear of any vehicle that were not issued by the director for the vehicle;

(b) Display a license plate or plates on any vehicle that have been changed, altered, or disfigured, or have become illegible;

(c) Use holders, frames, or other materials that change, alter, or make a license plate or plates illegible. License plate frames may be used on license plates only if the frames do not obscure license tabs or identifying letters or numbers on the plates and the license plates can be plainly seen and read at all times;

(d) Operate a vehicle unless a valid license plate or plates are attached as required under this section;

(e) Transfer a license plate or plates issued under this chapter between two or more vehicles without first making application to transfer the license plates. A violation of this subsection (7)(e) is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines that a license plate or plates have been transferred between two or more vehicles shall confiscate the license plate or plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license plate or plates upon application by the owner or owners and the payment of full fees and taxes; or

(f) Fail, neglect, or refuse to endorse the registration certificate ~~((and deliver the license plate or plates to the purchaser or transferee of the vehicle))~~, except as authorized under this section.

(8) **Transfer.** (a) Standard issue license plates ~~((follow the vehicle))~~ must be replaced when ownership of the vehicle changes ~~((unless))~~, pursuant to subsection (9)(a)(i) of this section, but the registered owner ~~((wishes to))~~ may retain the license plates and transfer them to a replacement vehicle of the same use. In addition to all other taxes and fees due upon change in ownership, a registered owner wishing to keep standard issue license plates shall pay the license plate transfer fee required under RCW 46.17.200(1)(c) when applying for license plate transfer.

(b) Special license plates and personalized license plates may be treated in the same manner as described in (a) of this subsection unless otherwise limited by law.

(c) License plates issued to the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law may be treated in the same manner as described in (a) of this subsection.

(9) **Replacement.** (a) Except as provided in subsection (8)(a) of this section, an owner or the owner's authorized representative ((shall)) must apply for a replacement license plate or plates: (i) When taking ownership of the vehicle; (ii) if the current license plate or plates assigned to the vehicle have been lost, defaced, or destroyed(,); or (iii) if one or both plates have become so illegible or are in such a condition as to be difficult to distinguish. An owner or the owner's authorized representative may apply for a replacement license plate or plates at any time the owner chooses. The department shall offer to owners the option of retaining the current license plate number when obtaining replacement license plates for the fee required in RCW 46.17.200(1)(b).

(b) The application for a replacement license plate or plates must:

(i) Be on a form furnished or approved by the director; and

(ii) Be accompanied by the fee required under RCW 46.17.200(1)(a).

(c) When a vehicle is sold to a vehicle dealer for resale, the application for a replacement plate or plates need not be made until the vehicle is sold by the vehicle dealer.

(d) The department shall not require the payment of any fee to replace a license plate or plates for vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty.

(10) **(Periodic replacement.** License plates must be replaced periodically to ensure maximum legibility and reflectivity. The department shall:

(a) Use empirical studies documenting the longevity of the reflective materials used to make license plates;

(b) Determine how frequently license plates must be replaced; and

(c) Offer to owners the option of retaining the current license plate number when obtaining replacement license plates for the fee required in RCW 46.17.200(1)(b).

(11) **Periodic) Replacement--Exceptions.** The following license plates are not required to be ~~((periodically))~~ replaced as required in subsection ~~((10))~~ (9) of this section:

(a) Horseless carriage license plates issued under RCW 46.18.255 before January 1, 1987;

(b) Congressional Medal of Honor license plates issued under RCW 46.18.230;

(c) License plates for commercial motor vehicles with a gross weight greater than twenty-six thousand pounds.

~~((42))~~ (11) **Rules.** The department may adopt rules to implement this section.

~~((43))~~ (12) **Tabs or emblems.** The director may issue tabs or emblems to be attached to license plates or elsewhere on the vehicle to signify initial registration and renewals. Renewals become effective when tabs or emblems have been issued and properly displayed ~~((on license plates))~~.

Sec. 2. RCW 46.16A.020 and 2010 c 161 s 402 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director shall assign a new registration year to a vehicle if:

(a) The ~~((Washington state vehicle registration has expired and))~~ registered ownership ~~((to))~~ of the vehicle is being transferred. The renewed ~~((license))~~ vehicle registration is valid for a full twelve-month period unless: (i) The vehicle changes ownership during the twelve-month period, in which case the registration expires; or (ii) a specific expiration date is required by law, rule, or program; or

(b) The Washington vehicle registration has expired and the registered owner:

(i) Is a member of the United States armed forces;

(ii) Was stationed outside of Washington under military orders during the prior vehicle registration year; and

(iii) Provides the department a copy of the military orders.

(2) Each registration year may be divided into twelve registration months. Each registration month begins at 12:01 a.m. on a day of the month assigned by the department and ends at 12:00 a.m. on the same day the following month.

(3) A registration period extends through the end of the next business day when the final day of a registration year or month falls on a Saturday, Sunday, or legal holiday.

Sec. 3. RCW 46.16A.110 and 2010 c 161 s 428 and 2010 c 8 s 9012 are each reenacted and amended to read as follows:

(1) A registered owner or the registered owner's authorized representative must apply for a renewal vehicle registration to the department, county auditor or other agent, or subagent appointed by the director on a form approved by the director. The application for

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a renewal vehicle registration must be accompanied by a draft, money order, certified bank check, or cash for all fees and taxes required by law for the application for a renewal vehicle registration.

(2)(a) When a vehicle changes ownership, the person taking ownership or his or her authorized representative must apply for a renewal vehicle registration as provided in subsection (1) of this section and, except as provided in (b) of this subsection, pay all the taxes and fees that are due at the time of registration renewal. For the purposes of this section, when a vehicle is sold to a vehicle dealer for resale, the application for a renewal registration need not be made until the vehicle is sold by the vehicle dealer.

(b) The person taking ownership or his or her authorized representative must be given credit for the portion of a motor vehicle excise tax, including the motor vehicle excise tax collected under RCW 81.104.160, that reflects the remaining period for which the tax was initially paid by the previous owner.

(3) An application and the fees and taxes for a renewal vehicle registration must be handled in the same manner as an original vehicle registration application. The registration does not need to show the name of the lien holder when the application for renewal vehicle registration becomes the renewal registration upon validation.

~~((3))~~ (4) A person expecting to be out of state during the normal renewal period of a vehicle registration may renew a vehicle registration and have license plates or tabs preissued by applying for a renewal as described in subsection (1) of this section. A vehicle registration may be renewed for the subsequent registration year up to eighteen months before the current expiration date and must be displayed from the date of issue or from the day of the expiration of the current registration year, whichever date is later.

~~((4))~~ (5) An application for a renewal vehicle registration is not required for those vehicles owned, rented, or leased by:

(a) The state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington; or

(b) A governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior.

Sec. 4. RCW 46.17.200 and 2012 c 74 s 3 are each amended to read as follows:

(1) In addition to all other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
Original issue	\$ 10.00	RCW 46.68.070
Reflectivity	\$ 2.00	RCW 46.68.070
Replacement	\$ 10.00	RCW 46.68.070
Original issue, motorcycle	\$ 4.00	RCW 46.68.070
Replacement, motorcycle	\$ 4.00	RCW 46.68.070
Original issue, moped	\$1.50	RCW 46.68.070

(b) A license plate retention fee, as required under RCW 46.16A.200~~((10)(e))~~ (9)(a), of twenty dollars if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from

payment. The twenty dollar fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c) A ten dollar license plate transfer fee, as required under RCW 46.16A.200(8)(a), when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The ten dollar license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(d) Former prisoner of war license plates, as described in RCW 46.18.235, may be transferred to a replacement vehicle upon payment of a five dollar license plate fee, in addition to any other fee required by law.

(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to five dollars per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

Sec. 5. RCW 46.18.130 and 2011 c 171 s 68 are each amended to read as follows:

(1) Revenues generated from the sale of special license plates for those sponsoring organizations who used the application process in RCW 46.18.110 must be deposited into the motor vehicle fund created in RCW 46.68.070 until the department determines that the state's implementation costs have been fully reimbursed.

(2) When it is determined that the state has been fully reimbursed the department must notify the house of representatives and senate transportation committees, the sponsoring organization, and the state treasurer, and begin distributing the revenue as otherwise provided by law.

(3) If reimbursement does not occur within two years from the date the special license plate is first offered for sale to the public, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the special license plate series must be discontinued immediately. Special license plates issued before discontinuation are valid until replaced ~~((under RCW 46.16A.200(10)))~~.

(4) The department shall:

(a) Provide the special license plate applicant with a written receipt for the payment; and

(b) Maintain a record of each special license plate applicant trust account deposit including, but not limited to, the name and address of each special license plate applicant whose funds are being deposited, the amount paid, and the date of the deposit.

(5) After the department receives written notice that the special license plate applicant's application has been approved by the legislature, the director shall request that the money be transferred to the motor vehicle fund created in RCW 46.68.070.

(6) After the department receives written notice that the special license plate applicant's application has been denied by the department or the legislature, the director shall provide a refund to the applicant within thirty days.

(7) After the department receives written notice that the special license plate applicant's application has been withdrawn by the special license plate applicant, the director shall provide a refund to the applicant within thirty days.

Sec. 6. RCW 46.18.140 and 2010 1st sp.s. c 7 s 97 and 2010 c 161 s 609 are each reenacted and amended to read as follows:

(1) A special license plate series created by the legislature after January 1, 2011, that has not been reviewed and approved by the department is subject to the following requirements:

(a) The organization sponsoring the license plate series shall, within thirty days of enactment of the legislation creating the special license plate series, submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The prepayment will be credited to the motor vehicle fund created in RCW 46.68.070. The creation and implementation of the special license plate series may not begin until payment is received by the department.

(b) If the sponsoring organization is not able to meet the prepayment requirements in (a) of this subsection and can demonstrate this fact to the satisfaction of the department, the revenues generated from the sale of the special license plates must be deposited in the motor vehicle fund created in RCW 46.68.070 until the department determines that the state's portion of the implementation costs have been fully reimbursed. When it has determined that the state has been fully reimbursed, the department must notify the treasurer to commence distribution of the revenue according to statutory provisions.

(c) The sponsoring organization must provide a proposed special license plate design to the department within thirty days of enactment of the legislation creating the special license plate series.

(2) The state must be reimbursed for its portion of the implementation costs within two years from the date the new special license plate series goes on sale to the public. If the reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the special license plate series must be discontinued immediately. Those special license plates issued before discontinuation are valid until replaced ((under RCW 46.16A.200(10)).

(3) If the sponsoring organization ceases to exist or the purpose of the special license plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle fund created in RCW 46.68.070.

(4) A sponsoring organization may not seek to redesign its special license plate series until the entire existing inventory is sold or purchased by the organization itself. All costs for the redesign of a special license plate series must be paid by the sponsoring organization.

NEW SECTION. Sec. 7. This act applies to vehicle registrations that are due or become due on or after January 1, 2014."

Senator Ericksen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Ericksen and Rolfes to Substitute Senate Bill No. 5785.

The motion by Senator Ericksen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "amending RCW 46.16A.200, 46.16A.020, 46.17.200, and 46.18.130; reenacting and amending RCW 46.16A.110 and 46.18.140; and creating a new section."

On motion of Senator Ericksen, the rules were suspended, Engrossed Substitute Senate Bill No. 5785 was advanced to third

reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5785.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5785 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5857, by Senators King and Eide

Concerning vehicle-related fees.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5857 was substituted for Senate Bill No. 5857 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following amendment by Senator King be adopted:

On page 11, after line 4, insert the following:

"(5) The vehicle owner is solely responsible for obtaining a studded tire permit under this section, and a tire dealer is not obligated to confirm, validate, document, disclose, enforce, report, or educate on the requirements of this section. This section does not create a right of action, whether civil or criminal, against any tire dealer."

Re-number the remaining subsection consecutively and correct any internal references accordingly.

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 11, after line 4 to Substitute Senate Bill No. 5857.

The motion by Senator King carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5857 was advanced to third

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reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Eide spoke in favor of passage of the bill. Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5857.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5857 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Rivers, Rolfes, Schoesler and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Brown, Chase, Ericksen, Hasegawa, Holmquist Newbry, Honeyford, Kline, Padden, Pearson, Roach, Schlicher, Sheldon and Smith

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5002 with the following amendment(s): 5002-S AMH TAKK MURD 073

On page 2, line 3, after "(5)" insert "(a)"

On page 2, after line 11, insert the following:

"(b) For land adjacent to land within the district, a district must give prior written notice to the property owner of the district's intent to enter upon the land for the purposes specified in (a) of this subsection."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5002.

Senators Honeyford and Hasegawa spoke in favor of the motion.

Senator Benton spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5002.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5002 by voice vote.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5002, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5002, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Parlette, Ranker, Roach, Rolfes, Schlicher, Schoesler, Sheldon and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Brown, Ericksen, Holmquist Newbry, Padden, Pearson, Rivers and Smith

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5002, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5022 with the following amendment(s): 5022-S AMH PS H2077.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.56.360 and 2006 c 277 s 3 are each amended to read as follows:

(1) A person commits retail theft with ~~((extenuating))~~ special circumstances if he or she commits theft of property from a mercantile establishment with one of the following ~~((extenuating))~~ special circumstances:

(a) To facilitate the theft, the person leaves the mercantile establishment through a designated emergency exit;

(b) The person was, at the time of the theft, in possession of an item, article, implement, or device designed to overcome security systems including, but not limited to, lined bags or tag removers; or

(c) The person committed theft at three or more separate and distinct mercantile establishments within a one hundred eighty-day period.

(2) A person is guilty of retail theft with ~~((extenuating))~~ special circumstances in the first degree if the theft involved constitutes theft in the first degree. Retail theft with ~~((extenuating))~~ special circumstances in the first degree is a class B felony.

(3) A person is guilty of retail theft with ~~((extenuating))~~ special circumstances in the second degree if the theft involved constitutes theft in the second degree. Retail theft with ~~((extenuating))~~ special circumstances in the second degree is a class C felony.

(4) A person is guilty of retail theft with ~~((extenuating))~~ special circumstances in the third degree if the theft involved constitutes theft in the third degree. Retail theft with ~~((extenuating))~~ special circumstances in the third degree is a class C felony.

(5) For the purposes of this section, "special circumstances" means the particular aggravating circumstances described in subsection (1)(a) through (c) of this section.

Sec. 2. RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
XV	Homicide by abuse (RCW 9A.32.055)	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious explosion 1 (RCW 70.74.280(1))	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Murder 1 (RCW 9A.32.030)	Robbery 1 (RCW 9A.56.200)
XIV	Murder 2 (RCW 9A.32.050)	Sexual Exploitation (RCW 9.68A.040)
	Trafficking 1 (RCW 9A.40.100(1))	VIII Arson 1 (RCW 9A.48.020)
XIII	Malicious explosion 2 (RCW 70.74.280(2))	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Malicious placement of an explosive 1 (RCW 70.74.270(1))	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
XII	Assault 1 (RCW 9A.36.011)	Manslaughter 2 (RCW 9A.32.070)
	Assault of a Child 1 (RCW 9A.36.120)	Promoting Prostitution 1 (RCW 9A.88.070)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))	Theft of Ammonia (RCW 69.55.010)
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
	Rape 1 (RCW 9A.44.040)	VII Burglary 1 (RCW 9A.52.020)
	Rape of a Child 1 (RCW 9A.44.073)	Child Molestation 2 (RCW 9A.44.086)
	Trafficking 2 (RCW 9A.40.100(2))	Civil Disorder Training (RCW 9A.48.120)
XI	Manslaughter 1 (RCW 9A.32.060)	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Rape 2 (RCW 9A.44.050)	Drive-by Shooting (RCW 9A.36.045)
	Rape of a Child 2 (RCW 9A.44.076)	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
X	Child Molestation 1 (RCW 9A.44.083)	Introducing Contraband 1 (RCW 9A.76.140)
	Criminal Mistreatment 1 (RCW 9A.42.020)	Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
	Kidnapping 1 (RCW 9A.40.020)	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
	Leading Organized Crime (RCW 9A.82.060(1)(a))	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
	Malicious explosion 3 (RCW 70.74.280(3))	Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
	Sexually Violent Predator Escape (RCW 9A.76.115)	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)	VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
	Assault of a Child 2 (RCW 9A.36.130)	
	Explosive devices prohibited (RCW 70.74.180)	
	Hit and Run--Death (RCW 46.52.020(4)(a))	

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- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with ((~~Extenuating~~) Special) Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)

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Possession of a Stolen Vehicle (RCW 9A.56.068)

Retail Theft with ~~((Extenuating))~~ Special Circumstances 2 (RCW 9A.56.360(3))

Theft 1 (RCW 9A.56.030)

Theft of a Motor Vehicle (RCW 9A.56.065)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

Voyeurism (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Release of Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

NEW SECTION. **Sec. 3.** This act takes effect January 1, 2014."

Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5022. Senators Padden and Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5022.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5022 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5022, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5022, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5022, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5050 with the following amendment(s): 5050 AMH TR H2115.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.625 and 1999 c 398 s 9 are each amended to read as follows:

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) Except as provided in subsection (3) of this section, no person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010.

(3)(a) A tow truck operator may allow passengers to ride in a vehicle that is carried on the deck of a flatbed tow truck only when the following conditions are met:

(i) The number of people that need to be transported exceeds the seating capacity of the tow truck or a person needing to be transported has a disability that limits that person's ability to enter the tow truck;

(ii) All passengers in the carried vehicle and in the tow truck comply with RCW 46.61.687 and 46.61.688;

(iii) Any passenger under sixteen years of age is accompanied by an adult riding in the same vehicle; and

(iv) There is a way for the passengers in the carried vehicle to immediately communicate, either verbally, audibly, or visually, with the tow truck operator in case of an emergency.

(b) No passenger of such a carried vehicle may exit the carried vehicle, ride outside of the passenger compartment of the carried vehicle, or exhibit dangerous or distracting behaviors while in the carried vehicle."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Sheldon moved that the Senate concur in the House amendment(s) to Senate Bill No. 5050.

The President declared the question before the Senate to be the motion by Senator Sheldon that the Senate concur in the House amendment(s) to Senate Bill No. 5050.

The motion by Senator Sheldon carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5050 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5050, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5050, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SENATE BILL NO. 5050, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5078 with the following amendment(s): 5078-S2.E AMH FIN H2258.5

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that nonprofit fairs provide educational opportunities for youth and promote agriculture and the welfare of rural Washington. The legislature further finds that publicly owned fairgrounds can be rented or loaned out on a temporary basis without jeopardizing the property's exempt status for property tax purposes. The legislature further finds that many cities and counties have transferred ownership in fairground properties to nonprofit fair associations to achieve operational efficiencies. The legislature further finds that properties previously owned by cities or counties, and now owned and operated by nonprofit fair associations, may be subject to property tax even though the use of the property has not changed.

(2) It is the intent of the legislature to mitigate an unintended consequence of the property tax code that would otherwise interfere with a city's or county's ability to achieve operational efficiencies and follows best practices by transferring fairgrounds to nonprofit fair associations for an identical use of the property. It is the further intent of the legislature to expire the property tax exemption in five years to evaluate if the exemption has created any unintended consequences, including any unfair competitive advantage that may be conferred by the property tax exemption over private businesses, and identify other similar tax situations where ownership of property may be transferred from a public entity to a nonprofit association.

Sec. 2. RCW 84.36.480 and 1984 c 220 s 6 are each amended to read as follows:

~~((The following property shall be exempt from taxation:))~~ (1) Except as provided otherwise in subsections (2) and (3) of this section, the real and personal property of a nonprofit fair association that sponsors or conducts a fair or fairs (~~(which)~~) that is eligible to receive support from ~~((revenues collected pursuant to RCW~~

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~~67.16.100~~) the fair fund, as created in RCW 15.76.115 and allocated by the director of the department of agriculture, is exempt from taxation. To be exempt under this ~~(section)~~ subsection (1), the property must be used exclusively for fair purposes, except as provided in RCW 84.36.805. However, the loan or rental of property otherwise exempt under this section to a private concessionaire or to any person for use as a concession in conjunction with activities permitted under this section shall not nullify the exemption if the concession charges are subject to agreement and the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

(2)(a) Except as provided otherwise in subsection (3) of this section, the real and personal property owned by a nonprofit fair association organized under chapter 24.06 RCW and used for fair purposes is exempt from taxation if the majority of such property, as determined by assessed value, was purchased or acquired by the same nonprofit fair association from a county or a city between 1995 and 1998.

(b) The exemption under this subsection (2) may not be claimed for taxes levied for collection in 2019 and thereafter.

(3) A nonprofit fair association with real and personal property having an assessed value of more than fifteen million dollars is not eligible for the exemptions under this section.

Sec. 3. RCW 84.36.805 and 2006 c 319 s 1 and 2006 c 226 s 3 are each reenacted and amended to read as follows:

(1) In order to qualify for an exemption under this chapter, the nonprofit organizations, associations, or corporations must satisfy the conditions in this section.

(2) The property must be used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4), 84.36.037, 84.36.050, and 84.36.060(1) (a) and (b), the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted.

(3) The facilities and services must be available to all regardless of race, color, national origin or ancestry.

(4) The organization, association, or corporation must be duly licensed or certified where such licensing or certification is required by law or regulation.

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller ~~((shall))~~ does not qualify for exempt status. This subsection does not apply to property sold to a nonprofit entity, as defined in RCW 84.36.560(7), by:

(a) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under ~~((section))~~ 26 U.S.C. Sec. 501(c) of the federal internal revenue code;

(b) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

(c) A housing authority created under RCW 35.82.030;

(d) A housing authority meeting the definition in RCW 35.82.210(2)(a); or

(e) A housing authority established under RCW 35.82.300.

(6) The department ~~((shall))~~ must have access to its books in order to determine whether the nonprofit organization, association, or corporation is exempt from taxes under this chapter.

(7) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, ~~((and))~~ 84.36.260, and 84.36.480(2)."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5078.

Senator Ericksen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5078.

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5078 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5078, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5078, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5078, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5161 with the following amendment(s): 5161 AMH TR H2149.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.18.245 and 2010 c 161 s 621 are each amended to read as follows:

(1) A registered owner who is ~~((the mother or father))~~ an eligible family member of a member of the United States armed forces who died while in service to his or her country, or as a result of his or her service, may apply to the department for special gold

star license plates for use on a motor vehicle. The registered owner must:

(a) Be a resident of this state;
 (b) Provide proof to the satisfaction of the department that the registered owner is an eligible family member, which includes:

- (i) A widow;
- (ii) A widower;
- (iii) A biological parent;
- (iv) An adoptive parent;
- (v) A stepparent;
- (vi) An adult in loco parentis or foster parent;
- (vii) A biological child; or
- (viii) An adopted child;

(c) Provide certification from the Washington state department of veterans affairs that the registered owner qualifies for the special license plate under this section;

~~((e))~~ (d) Be recorded as the registered owner of the motor vehicle on which the gold star license plates will be displayed; and

~~((d))~~ (e) Pay all fees and taxes required by law for registering the motor vehicle.

(2) Gold star license plates must be issued:

- (a) Only for motor vehicles owned by qualifying applicants; and
- (b) Without payment of any license plate fee.

(3) Gold star license plates must be replaced, free of charge, if the license plates become lost, stolen, damaged, defaced, or destroyed.

(4) Gold star license plates may be transferred from one motor vehicle to another motor vehicle owned by the ~~((mother or father))~~ eligible family member, as described in subsection (1) of this section, upon application to the department, county auditor or other agent, or subagent appointed by the director.

NEW SECTION. Sec. 2. This act takes effect August 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Senate Bill No. 5161.

Senator Eide spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Senate Bill No. 5161.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5161 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5161, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5161, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow,

McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SENATE BILL NO. 5161, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5197 with the following amendment(s): 5197-S2 AMH CB H2371.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

School districts must work collaboratively with local law enforcement agencies and school security personnel to develop an emergency response system using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. School districts are encouraged to use the model policies developed by the school safety advisory committee of the office of the superintendent of public instruction as a resource. Each school district must submit a progress report on its implementation of an emergency response system as required under this section to the office of the superintendent of public instruction by December 1, 2014.

Sec. 2. RCW 28A.335.010 and 1969 ex.s. c 223 s 28A.58.102 are each amended to read as follows:

(1) Every board of directors, unless otherwise specifically provided by law, shall:

~~((4))~~ (a) Cause all school buildings to be properly heated, lighted, and ventilated and maintained in a clean and sanitary condition; and

~~((2))~~ (b) Maintain and repair, furnish, and insure such school buildings.

(2) Every board of directors, unless otherwise specifically provided by law, shall also:

(a) Consider installing a perimeter security control mechanism or system on all school campuses, as appropriate to the design of the campus; and

(b) For new school construction projects or remodeling projects of more than forty percent of an existing school building that are initiated after the effective date of this section, consider school building plans and designs that promote:

(i) An optimal level of security for the specific school site that incorporates evolving technology and best practices to protect students and staff in the event of a threat during school hours;

(ii) Direct control and observation of the public entering school grounds; and

(iii) The public entering school grounds through as few entrances as possible, such as through the main entrance of a school's administrative offices.

(3) The purpose of subsection (2) of this section is to promote generally the safety of all students and staff in Washington public schools. Nothing in subsection (2) of this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state.

NEW SECTION. Sec. 3. (1) The school safety advisory committee convened by the office of the superintendent of public

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instruction shall develop model policies and strategies for school districts and local law enforcement agencies to design emergency response systems using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. The committee shall develop policies and strategies appropriate for a range of different threat or emergency scenarios.

(2)(a) The school safety advisory committee shall also develop recommendations related to incorporating school safety features in the planning and design of new or remodeled school facilities. The recommendations shall address, at a minimum:

(i) Options to address public access to school buildings and grounds;

(ii) Interior design features to address public access to classrooms; and

(iii) Options and best practices to protect students and staff in the event of a threat during school hours.

(b) The recommendations shall consider and provide flexibility regarding varying campus designs, geographic locations, site-specific needs, grade-level configurations, cost-effectiveness, and coordination with local law enforcement in a manner suitable to the locale.

(3) The school safety advisory committee shall submit a report to the education committees of the legislature by December 1, 2013, and post the report, model policies and recommendations developed under this section, and other resource information to assist school districts on the school safety center web site.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction shall allocate grants to school districts on a competitive basis for the purpose of implementing emergency response systems using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Dammeier moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5197.

Senators Dammeier and McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dammeier that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5197.

The motion by Senator Dammeier carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5197 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5197, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5197, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SECOND SUBSTITUTE SENATE BILL NO. 5197, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5591 with the following amendment(s): 5591-S AMH ENGR H2316.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.01.130 and 2010 c 161 s 203 are each amended to read as follows:

The director:

(1) Shall supervise and control the issuing of vehicle certificates of title, vehicle registrations, and vehicle license plates, and has the full power to do all things necessary and proper to carry out the provisions of the law relating to the registration of vehicles;

(2) May appoint and employ deputies, assistants, representatives, and clerks;

(3) May establish branch offices in different parts of the state;

(4) May appoint county auditors in Washington state or, in the absence of a county auditor, the department or an official of county government as agents for applications for and the issuance of vehicle certificates of title and vehicle registrations; and

(5)(a) Shall investigate the conviction records and pending charges of any current employee of or prospective employee being considered for any position with the department (~~that~~) who has or will have:

(i)(A) The ability to create or modify records of applicants for enhanced drivers' licenses and identicards issued under RCW 46.20.202; and

((~~ii~~)) (B) The ability to issue enhanced drivers' licenses and identicards under RCW 46.20.202; or

(ii) Access to information pertaining to vehicle license plates, drivers' licenses, or identicards under RCW 46.08.066, or vessel registrations issued under RCW 88.02.330 that, alone or in combination with any other information, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.

(b) The investigation consists of a background check as authorized under RCW 10.97.050, 43.43.833, and 43.43.834, and the federal bureau of investigation. The background check must be conducted through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which is through the submission of fingerprints. The director shall use the information solely to determine the character, suitability, and competence of current or prospective employees subject to this section.

(c) The director shall investigate the conviction records and pending charges of an employee subject to this subsection every five years.

(d) Criminal justice agencies shall provide the director with information that they may possess and that the director may require solely to determine the employment suitability of current or prospective employees subject to this section.

Sec. 2. RCW 46.08.066 and 2010 c 161 s 211 are each amended to read as follows:

(1) The department may issue confidential license plates to:

(a) Units of local government and agencies of the federal government for law enforcement purposes only;

(b) Any state official elected on a statewide basis for use on official business. Only one set of confidential license plates may be issued to these elected officials;

(c) Any other public officer or public employee for the personal security of the officer or employee when recommended by the chief of the Washington state patrol. These confidential license plates may only be used on an unmarked publicly owned or controlled vehicle of the employing government agency for the conduct of official business for the period of time that the personal security of the state official, public officer, or other public employee may require; and

(d) The office of the state treasurer. These confidential license plates may only be used on an unmarked state owned or controlled vehicle when required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(2) The use of confidential license plates on other vehicles owned or operated by the state of Washington by any officer or employee of the state is limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or child support investigations.

(3)(a) The department may issue confidential drivers' licenses and identicards to commissioned officers of state and local law enforcement agencies and agencies of the federal government only for undercover or covert law enforcement activities.

(b) Any driver's license or identicard issued under this subsection shall display an expiration date that complies with the department's rules, but a driver's license or identicard issued under this subsection may be used only during the duration of the officer's assignment to an undercover or covert operation.

(c) Any driver's license or identicard issued under this subsection must be returned to the department within thirty days of the end of the officer's undercover assignment. Any driver's license or identicard issued under this subsection must be returned to the department immediately upon the officer's retirement, termination, dismissal, change in job assignment, or leave from the agency.

(4) The director may adopt rules governing applications for, and the use of, confidential license plates, drivers' licenses, and identicards.

Sec. 3. RCW 42.56.230 and 2011 c 350 s 2 and 2011 c 173 s 1 are each reenacted and amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2) Personal information(;) including, but not limited to, addresses, telephone numbers, personal electronic mail addresses, social security numbers, emergency contact and date of birth information for a participant in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs. Emergency contact information may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law;

(6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093; and

(7)(a) (~~Documents and related materials and scanned images of documents and related materials~~) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

(c) Any record pertaining to a vehicle license plate, driver's license, or identicard issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(e) Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in (c) and (d) of this subsection that is subject to public disclosure.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5591.

Senators Eide and Hasegawa spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5591.

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The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5591 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5591, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5591, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5591, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5329 with the following amendment(s): 5329-S2.E AMH ENGR H2372.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.657.005 and 2010 c 235 s 101 are each amended to read as follows:

(1) The legislature finds that an effective educational accountability system is premised on creating and maintaining partnerships between the state and local school district boards of directors. The legislature also recognizes it takes time to make significant changes that are sustainable over the long term in an educational system that serves more than one million students from diverse communities.

(2) The legislature further finds that it is the state's responsibility to create a coherent and effective accountability framework for the continuous improvement (~~(for)~~) of all schools and school districts. This system must provide an excellent and equitable education for all students(~~(s)~~), an aligned (~~(federal/state)~~) federal and state accountability system(~~(s)~~), and the tools necessary for schools and school districts to be accountable. These tools include (~~(the necessary)~~) accounting and data reporting systems, assessment systems to monitor student achievement, and a comprehensive system of (~~(general)~~) differentiated support, targeted assistance, and, if necessary, intervention.

(3) The office of the superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. The legislature assigned the state board of education responsibility and oversight for creating an accountability framework. This framework provides a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for

decisions. Such a system will identify schools and their districts for recognition as well as for additional state support.

(4) For a specific group of (~~(challenged schools, defined as)~~) persistently lowest-achieving schools(~~(s)~~) and their districts, it is necessary to provide a required action process that creates a partnership between the state and local district to target funds and assistance to turn around the identified (~~(lowest achieving)~~) schools. The legislature finds that state takeover of persistently lowest-achieving schools is unlikely to produce long-term improvement in student achievement because takeover is an unsustainable approach to school governance and an inadequate response to addressing the underlying barriers to improved outcomes for all students. However, in the rare case of a persistently lowest-achieving school that continues to fail to improve even after required action and supplemental assistance, it is appropriate and necessary to assign the superintendent of public instruction the responsibility to intercede, provide robust technical assistance, and direct the necessary interventions. Even though the superintendent of public instruction continues to work in partnership with the local school board, the superintendent of public instruction is accountable for assuring that adequate steps are taken to improve student achievement in these schools.

(5) Phase I of this accountability system will recognize schools that have done an exemplary job of raising student achievement and closing the achievement gaps using the (~~(state board of education's accountability)~~) Washington achievement index adopted by the state board of education. The state board of education shall have ongoing collaboration with the (~~(achievement)~~) educational opportunity gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and (~~(the)~~) recognition provided to the school districts for closing the achievement gaps. Phase I will also target the lowest five percent of persistently lowest-achieving schools defined under federal guidelines to provide federal funds and federal intervention models through a voluntary option in 2010, and for those who do not volunteer and have not improved student achievement, a required action process beginning in 2011.

(6) Phase II of this accountability system will work toward implementing the (~~(state board of education's accountability)~~) Washington achievement index for identification of challenged schools in need of improvement, including those that are not Title I schools, and the use of state and local intervention models and federal and state funds through a (~~(required action process)~~) comprehensive system of differentiated support, targeted assistance, and intervention beginning in (~~(2013, in addition to the federal program)~~) the 2014-15 school year. If federal approval of the (~~(state board of education's accountability)~~) Washington achievement index (~~(must be)~~) is not obtained (~~(or else)~~), the federal guidelines for (~~(persistently lowest achieving)~~) identifying schools will continue to be used. If it ever becomes necessary, a process is established to assign responsibility to the superintendent of public instruction to intervene in persistently lowest-achieving schools that have failed to improve despite required action.

(7) The expectation from implementation of this accountability system is the improvement of student achievement for all students to prepare them for postsecondary education, work, and global citizenship in the twenty-first century.

Sec. 2. RCW 28A.657.010 and 2010 c 235 s 112 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "All students group" means those students in grades three through eight and high school who take the state's assessment in reading or English language arts and mathematics required under 20 U.S.C. Sec. 6311(b)(3).

(2) "Title I" means Title I, part A of the federal elementary and secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

(3) "Turnaround principles" include but are not limited to the following:

- (a) Providing strong leadership;
- (b) Ensuring teachers are effective and able to improve instruction;
- (c) Increasing learning time;
- (d) Strengthening the school's instructional program;
- (e) Using data to inform instruction;
- (f) Establishing a safe and supportive school environment; and
- (g) Engaging families and communities.

Sec. 3. RCW 28A.657.020 and 2010 c 235 s 102 are each amended to read as follows:

(1) Beginning in 2010, and each year thereafter, ~~(-by)~~ through December (4th) 1, 2012, the superintendent of public instruction shall annually identify schools as one of the state's persistently lowest-achieving schools if the school is a Title I school, or a school that is eligible for but does not receive Title I funds, that is among the lowest-achieving five percent of Title I or Title I eligible schools in the state.

(2) The criteria for determining whether a school is among the persistently lowest-achieving five percent of Title I schools, or Title I eligible schools, under subsection (1) of this section shall be established by the superintendent of public instruction. The criteria must meet all applicable requirements for the receipt of a federal school improvement grant under the American recovery and reinvestment act of 2009 and Title I of the elementary and secondary education act of 1965, and take into account both:

- (a) The academic achievement of the "all students" group in a school in terms of proficiency on the state's assessment, and any alternative assessments, in reading and mathematics combined; and
- (b) The school's lack of progress on the mathematics and reading assessments over a number of years in the "all students" group.

(3)(a) Beginning December 1, 2013, and each December thereafter, the superintendent of public instruction shall annually identify challenged schools in need of improvement and a subset of such schools that are the persistently lowest-achieving schools in the state.

(b) The criteria for determining whether a school is a challenged school in need of improvement shall be adopted by the superintendent of public instruction in rule. The criteria must meet all applicable federal requirements under Title I of the elementary and secondary education act of 1965 and other federal rules or guidance, including applicable requirements for the receipt of federal school improvement funds if available, but shall apply equally to Title I, Title I-eligible, and non-Title I schools in the state. The criteria must take into account the academic achievement of the "all students" group and subgroups of students in a school in terms of proficiency on the state assessments in reading or English language arts and mathematics and a high school's graduation rate for all students and subgroups of students. The superintendent may establish tiered categories of challenged schools based on the relative performance of all students, subgroups of students, and other factors.

(c) The superintendent of public instruction shall also adopt criteria in rule for determining whether a challenged school in need of improvement is also a persistently lowest-achieving school for purposes of the required action district process under this chapter, which shall include the school's lack of progress for all students and subgroups of students over a number of years. The criteria for identifying persistently lowest-achieving schools shall also take into account the level of state or federal resources available to implement a required action plan.

(d) If the Washington achievement index is approved by the United States department of education for use in identifying schools for federal purposes, the superintendent of public instruction shall use the approved index to identify schools under (b) and (c) of this subsection.

Sec. 4. RCW 28A.657.030 and 2010 c 235 s 103 are each amended to read as follows:

(1) Beginning in January 2011, the superintendent of public instruction shall annually recommend to the state board of education school districts for designation as required action districts. A district with at least one school identified as a persistently lowest-achieving school according to the criteria established by the superintendent of public instruction under RCW 28A.657.020 shall be designated as a required action district ~~((if it meets the criteria developed by the superintendent of public instruction))~~. However, a school district shall not be recommended for designation as a required action district if the district was awarded a federal school improvement grant by the superintendent in 2010 or 2011 and for three consecutive years following receipt of the grant implemented a federal school intervention model at each school identified for improvement. The state board of education may designate a district that received a school improvement grant in 2010 or 2011 as a required action district if after three years of voluntarily implementing a plan the district continues to have a school identified as persistently lowest-achieving and meets the criteria for designation established by the superintendent of public instruction.

(2) The superintendent of public instruction shall provide a school district superintendent with written notice of the recommendation for designation as a required action district by certified mail or personal service. A school district superintendent may request reconsideration of the superintendent of public instruction's recommendation. The reconsideration shall be limited to a determination of whether the school district met the criteria for being recommended as a required action district. A request for reconsideration must be in writing and served on the superintendent of public instruction within ten days of service of the notice of the superintendent's recommendation.

(3) The state board of education shall annually designate those districts recommended by the superintendent in subsection (1) of this section as required action districts. A district designated as a required action district shall be required to notify all parents of students attending a school identified as a persistently lowest-achieving school in the district of the state board of education's designation of the district as a required action district and the process for complying with the requirements set forth in RCW 28A.657.040 through 28A.657.100.

Sec. 5. RCW 28A.657.050 and 2012 c 53 s 10 are each amended to read as follows:

(1)(a) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community.

(b) The superintendent of public instruction shall provide a district with assistance in developing its plan if requested, and shall develop and publish guidelines for the development of required action plans. The superintendent of public instruction, in consultation with the state board of education, shall also publish a list of research and evidence-based school improvement models, consistent with turnaround principles, that are approved for use in required action plans.

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(c) The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal and state guidelines, as applicable. After the office of the superintendent of public instruction has approved that the plan is consistent with federal and state guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of ~~((one of the four federal intervention))~~ an approved school improvement model((s)) required for the receipt of ~~((a))~~ federal or state funds for school improvement ~~((grant))~~ for those persistently lowest-achieving schools that the district will be focusing on for required action. ~~((However, a district may not establish a charter school under a federal intervention model without express legislative authority. The intervention models are the turnaround, restart, school closure, and transformation models.))~~ The ~~((intervention))~~ approved school improvement model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan. The required action plan for districts with multiple persistently lowest-achieving schools must include separate plans for each school as well as a plan for how the school district will support the schools collectively;

(b) Submission of an application for ~~((a federal school improvement grant or a grant from other))~~ federal or state funds for school improvement to the superintendent of public instruction;

(c) A budget that provides for adequate resources to implement the ~~((federal))~~ model selected and any other requirements of the plan;

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school and how the district intends to address the findings of the academic performance audit; and

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include closing the educational opportunity gap, improving mathematics and reading or English language arts student achievement, and improving graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan. For any district applying to participate in a collaborative schools for innovation and success pilot project under RCW 28A.630.104, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 7, 2012, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement an innovation and success plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as

a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

(A) The name, address, and telephone number of the school district and its principal representative;

(B) The name, address, and telephone number of the employee organizations and their principal representatives;

(C) A description of the bargaining units involved;

(D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district in the case of a required action district, or the comprehensive needs assessment in the case of a collaborative schools for innovation and success pilot project.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan or innovation and success plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of ~~((a federal school improvement grant or a grant from other))~~ federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement ~~((one of the four federal intervention))~~ an approved school improvement model((s)). In the case of an innovation and success plan, the court must enter an order selecting the proposal for inclusion in the plan that best responds to the issues raised in the school's comprehensive needs assessment. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of ~~((a federal school improvement grant or other))~~ federal or state funds for school improvement by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement ~~((one of the four federal))~~ an approved school improvement model(s) in a required action plan.

Sec. 6. RCW 28A.657.050 and 2010 c 235 s 105 are each amended to read as follows:

(1)(a) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community.

(b) The superintendent of public instruction shall provide a district with assistance in developing its plan if requested, and shall develop and publish guidelines for the development of required action plans. The superintendent of public instruction, in consultation with the state board of education, shall also publish a list of research and evidence-based school improvement models, consistent with turnaround principles, that are approved for use in required action plans.

(c) The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal and state guidelines, as applicable. After the office of the superintendent of public instruction has approved that the plan is consistent with federal and state guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of ~~((one of the four federal intervention))~~ an approved school improvement model(s) required for the receipt of ~~((#))~~ federal or state funds for school improvement ~~((grant))~~ for those persistently lowest-achieving schools that the district will be focusing on for required action. ~~((However, a district may not establish a charter school under a federal intervention model without express legislative authority. The intervention models are the turnaround, restart, school closure, and transformation models.))~~ The ~~((intervention))~~ approved school improvement model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan. The required action plan for districts with multiple persistently lowest-achieving schools must include separate plans for each school as well as a plan for how the school district will support the schools collectively;

(b) Submission of an application for ~~((a federal school improvement grant or a grant from other))~~ federal or state funds for school improvement to the superintendent of public instruction;

(c) A budget that provides for adequate resources to implement the ~~((federal))~~ model selected and any other requirements of the plan;

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all

students enrolled in the school and how the district intends to address the findings of the academic performance audit; and

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include closing the educational opportunity gap, improving mathematics and reading or English language arts student achievement, and improving graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

(A) The name, address, and telephone number of the school district and its principal representative;

(B) The name, address, and telephone number of the employee organizations and their principal representatives;

(C) A description of the bargaining units involved;

(D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

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(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of ~~((a federal school improvement grant or a grant from other))~~ federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement ~~((one of the four federal intervention))~~ an approved school improvement model(s). The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of ~~((a federal school improvement grant or other))~~ federal or state funds for school improvement by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement ~~((one of the four federal))~~ an approved school improvement model(s) in a required action plan.

Sec. 7. RCW 28A.657.060 and 2010 c 235 s 106 are each amended to read as follows:

A required action plan developed by a district's school board and superintendent must be submitted to the state board of education for approval. The state board must accept for inclusion in any required action plan the final decision by the superior court on any issue certified by the executive director of the public employment relations commission under the process in RCW 28A.657.050. The state board of education shall approve a plan proposed by a school district only if the plan meets the requirements in RCW 28A.657.050 and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement. Any addendum or modification to an existing collective bargaining agreement, negotiated under RCW 28A.657.050 or by agreement of the district and the exclusive bargaining unit, related to student achievement or school improvement shall not go into effect until approval of a required action plan by the state board of education. If the state board does not approve a proposed plan, it must notify the local school board and local district's superintendent in writing with an explicit rationale for why the plan was not approved. Nonapproval by the state board of education of the local school district's initial required action plan submitted is not intended to trigger any actions under RCW 28A.657.080. With the assistance of the office of the superintendent of public instruction, the superintendent and school board of the required action district shall either: ~~((a) - (1))~~ (1) Submit a new plan to the state board of education for approval within forty days of notification that its plan was rejected, or ~~((b) - (2))~~ (2) submit a request to the required action plan review panel established under RCW 28A.657.070 for reconsideration of the state board's rejection within ten days of the notification that the plan was rejected. If federal or state funds for school improvement are not available, the plan is not required to be implemented until such funding becomes available. If federal or state funds for this purpose are available, a required action plan must be implemented in the immediate school year following the district's designation as a required action district.

Sec. 8. RCW 28A.657.070 and 2010 c 235 s 107 are each amended to read as follows:

(1) A required action plan review panel shall be established to offer an objective, external review of a request from a school district for reconsideration of the state board of education's rejection of the district's required action plan or reconsideration of a level two required action plan developed only by the superintendent of public instruction as provided under section 11 of this act. The review and reconsideration by the panel shall be based on whether the state board of education or the superintendent of public instruction gave appropriate consideration to the unique circumstances and characteristics identified in the academic performance audit or level two needs assessment and review of the local school district ~~((whose required action plan was rejected))~~.

(2)(a) The panel shall be composed of five individuals with expertise in school improvement, school and school district restructuring, or parent and community involvement in schools. Two of the panel members shall be appointed by the speaker of the house of representatives; two shall be appointed by the president of the senate; and one shall be appointed by the governor.

(b) The speaker of the house of representatives, president of the senate, and governor shall solicit recommendations for possible panel members from the Washington association of school administrators, the Washington state school directors' association, the association of Washington school principals, the ~~((achievement))~~ educational opportunity gap oversight and accountability committee, and associations representing certificated teachers, classified school employees, and parents.

(c) Members of the panel shall be appointed no later than December 1, 2010, but the superintendent of public instruction shall convene the panel only as needed to consider a school district's request for reconsideration. Appointments shall be for a four-year term, with opportunity for reappointment. Reappointments in the case of a vacancy shall be made expeditiously so that all requests are considered in a timely manner.

(3)(a) In the case of a rejection of a required action plan, the required action plan review panel may reaffirm the decision of the state board of education, recommend that the state board reconsider the rejection, or recommend changes to the required action plan that should be considered by the district and the state board of education to secure approval of the plan. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the local school district and the panel. If the school district must submit a new required action plan to the state board of education, the district must submit the plan within forty days of the board's decision.

(b) In the case of a level two required action plan where the local school district and the superintendent of public instruction have not come to agreement, the required action plan review panel may reaffirm the level two required action plan submitted by the superintendent of public instruction or recommend changes to the plan that should be considered by the state board of education, the superintendent of public instruction, and the local school district. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the local school district, the superintendent of public instruction, and the panel.

(4) The state board of education and superintendent of public instruction must develop timelines and procedures for the deliberations under this section so that school districts can implement a required action plan within the time frame required under RCW 28A.657.060.

Sec. 9. RCW 28A.657.090 and 2010 c 235 s 109 are each amended to read as follows:

A school district must implement a required action plan upon approval by the state board of education. The office of ~~((the))~~ the superintendent of public instruction must provide the required action district with technical assistance and ~~((federal school~~

~~improvement grant funds or other~~) federal or state funds for school improvement, if available, to implement an approved plan. The district must submit a report to the superintendent of public instruction that provides the progress the district is making in meeting the student achievement goals based on the state's assessments, identifying strategies and assets used to solve audit findings, and establishing evidence of meeting plan implementation benchmarks as set forth in the required action plan.

Sec. 10. RCW 28A.657.100 and 2010 c 235 s 110 are each amended to read as follows:

(1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction ~~(, in reading and mathematics on the state's assessment over the past three consecutive years)~~ using the criteria adopted under RCW 28A.657.020 including progress in closing the educational opportunity gap; and no longer has a school within the district identified as persistently lowest-achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release ~~(;)~~ after at least three years of implementing a required action plan, the board may recommend that the district remain ~~(s)~~ in required action and ~~(must)~~ submit a new or revised plan under the process in RCW 28A.657.050, or the board may direct that the school district be assigned to level two of the required action process as provided in section 11 of this act. If the required action district received a federal school improvement grant for the same persistently lowest-achieving school in 2010 or 2011, the board may direct that the school district be assigned to level two of the required action process after one year of implementing a required action plan under this chapter if the district is not making progress. Before making a determination of whether to recommend that a school district that is not making progress remain in required action or be assigned to level two of the required action process, the state board of education must submit its findings to the education accountability system oversight committee under section 13 of this act and provide an opportunity for the oversight committee to review and comment.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.657 RCW to read as follows:

(1) School districts assigned by the state board of education to level two of the required action process under this chapter are those with one or more schools that have remained as persistently lowest-achieving for more than three years and have not demonstrated recent and significant improvement or progress toward exiting persistently lowest-achieving status, despite implementation of a required action plan.

(2) Within ninety days following assignment of a school district to level two of the required action process, the superintendent of public instruction shall direct that a needs assessment and review be conducted to determine the reasons why the previous required action plan did not succeed in improving student achievement.

(3)(a) Based on the results of the needs assessment and review, the superintendent of public instruction shall work collaboratively with the school district board of directors to develop a revised required action plan for level two.

(b) The level two required action plan must explicitly address the reasons why the previous plan did not succeed and must specify

the interventions that the school district must implement, which may include assignment or reassignment of personnel, reallocation of resources, use of specified curriculum or instructional strategies, use of a specified school improvement model, or any other conditions determined by the superintendent of public instruction to be necessary for the level two required action plan to succeed, which conditions shall be binding on the school district. The level two required action plan shall also include the specific technical assistance and support to be provided by the office of the superintendent of public instruction, which may include assignment of school improvement specialists to have a regular on-site presence in the school and technical assistance provided through the educational service district. Individuals assigned as on-site school improvement specialists must have demonstrated experience in school turnaround and cultural competence.

(c) The level two required action plan must be submitted to the state board of education for approval.

(4) If the superintendent of public instruction and the school district board of directors are unable to come to an agreement on a level two required action plan within ninety days of the completion of the needs assessment and review conducted under subsection (2) of this section, the superintendent of public instruction shall complete and submit a level two required action plan directly to the state board of education for approval. The school district board of directors may submit a request to the required action plan review panel established under RCW 28A.657.070 for reconsideration of the superintendent's level two required action plan within ten days of the submission of the plan to the state board of education. After the state board of education considers the recommendations of the required action plan review panel, the decision of the board regarding the level two required action plan is final and not subject to further reconsideration.

(5) If changes to a collective bargaining agreement are necessary to implement a level two required action plan, the parties must reopen the agreement, or negotiate an addendum, using the process outlined under RCW 28A.657.050. If the level two required action plan is developed by the superintendent of public instruction under subsection (4) of this section, a designee of the superintendent shall participate in the discussions among the parties to the collective bargaining agreement.

(6) While a school district is assigned to level two of the required action process under this chapter, the superintendent of public instruction is responsible and accountable for assuring that the level two required action plan is implemented with fidelity. The superintendent of public instruction shall defer to the school district board of directors as the governing authority of the school district and continue to work in partnership with the school district to implement the level two required action plan. However, if the superintendent of public instruction finds that the level two required action plan is not being implemented as specified, including the implementation of any binding conditions within the plan, the superintendent may direct actions that must be taken by school district personnel to implement the level two required action plan or the binding conditions. If necessary, the superintendent of public instruction may exercise authority under RCW 28A.505.120 regarding allocation of funds.

(7) The superintendent of public instruction shall include in the budget estimates and information submitted to the governor under RCW 28A.300.170 a request for sufficient funds to support implementation of the level two required action plans established under this section.

(8) The superintendent of public instruction must recommend to the state board of education that a school district be released from assignment to level two of the required action process after the district implements the level two required action plan for a period of three years; has made progress, as defined by the superintendent of

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public instruction using the criteria established under RCW 28A.657.020; and no longer has a school within the district identified as persistently lowest-achieving. The state board of education shall release a school district from the level two assignment upon confirmation that the school district has met the requirements for a release.

Sec. 12. RCW 28A.657.110 and 2010 c 235 s 111 are each amended to read as follows:

(1) ~~By November 1, 2013, the state board of education shall ((continue to refine the development of)) propose rules for adoption establishing an accountability framework that creates a unified system of support for challenged schools((s)) that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. The board must seek input from the public and interested groups in developing the framework. Based on the framework, the superintendent of public instruction shall design a comprehensive system of specific strategies for recognition, provision of differentiated support and targeted assistance, and, if necessary, requiring intervention in schools and school districts. The superintendent shall submit the system design to the state board of education for review. The state board of education shall recommend approval or modification of the system design to the superintendent no later than January 1, 2014, and the system must be implemented statewide no later than the 2014-15 school year. To the extent state funds are appropriated for this purpose, the system must apply equally to Title I, Title I-eligible, and non-Title I schools in the state.~~

(2) The state board of education shall develop ~~((an accountability))~~ a Washington achievement index to identify schools and school districts for recognition, for continuous improvement, and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and school districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and school districts to self-assess their progress, and enable the identification of schools with exemplary ~~((student))~~ performance and those that need assistance to overcome challenges in order to achieve exemplary ~~((student))~~ performance.

(3) The state board of education, in cooperation with the office of the superintendent of public instruction, shall annually recognize schools for exemplary performance as measured on the ~~((state board of education accountability))~~ Washington achievement index. The state board of education shall have ongoing collaboration with the ~~((achievement))~~ educational opportunity gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps.

(4) In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the ~~((accountability))~~ Washington achievement index and the state system of differentiated support, assistance, and intervention~~((s))~~ to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

(5) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in ~~((section 112, chapter 548, Laws of 2009))~~ RCW 28A.290.020 to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and school districts but also as a tool for schools and school districts to report to the state

legislature and the state board of education on how the state resources received are being used.

NEW SECTION. Sec. 13. A new section is added to chapter 28A.657 RCW to read as follows:

(1) The education accountability system oversight committee is established to provide ongoing monitoring of the outcomes of the comprehensive system of recognition, support, and intervention for schools and school districts established under this chapter.

(2) The oversight committee shall be composed of the following members:

(a) Two members from each of the largest caucuses of the house of representatives, to be appointed by the speaker of the house of representatives;

(b) Two members from each of the largest caucuses of the senate, to be appointed by the president of the senate;

(c) Two members appointed by the governor; and

(d) One nonlegislative member of the educational opportunity gap oversight and accountability committee.

(3) The oversight committee shall choose a chair from among its membership who shall serve as chair for no more than one consecutive year.

(4) The committee shall:

(a) Monitor the progress and outcomes of the education accountability system established under this chapter, including but not limited to the effectiveness in improving student achievement of the tiered system of assistance and intervention provided to challenged schools in need of improvement, persistently lowest-achieving schools in required action districts, and level two required action districts;

(b) Review and make recommendations to the state board of education regarding the proposed assignment of a required action district to level two of the required action process under section 11 of this act;

(c) Make recommendations to the state board of education, the superintendent of public instruction, the governor, and the legislature as necessary if the oversight committee finds that changes to the accountability system should be made; and

(d) Report biennially to the education committees of the legislature.

(5) Staff support for the oversight committee must be provided by the senate committee services and the house of representatives office of program research.

(6) Legislative members of the oversight committee may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 14. RCW 28A.657.125 (Joint select committee on education accountability--Reports) and 2010 c 235 s 114 are each repealed.

NEW SECTION. Sec. 15. Section 5 of this act expires June 30, 2019.

NEW SECTION. Sec. 16. Section 6 of this act takes effect June 30, 2019."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Litzow moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5329.

Senators Litzow and McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Litzow that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5329.

The motion by Senator Litzow carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5329 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5329, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5329, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frock, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon and Tom

Voting nay: Senators Hasegawa, Padden and Smith

Excused: Senators Carrell and Shin

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5329, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5355 with the following amendment(s): 5355 AMH LWD H2301.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.16.010 and 2012 c 198 s 11 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); ~~((and))~~

(viii) The portion of the additional penalties as provided in RCW 50.20.070(2) that is fifteen percent of the amount of benefits overpaid or deemed overpaid; and

(ix) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title, except the portion of the additional penalties as provided in RCW 50.20.070(2) that is fifteen percent of the amount of benefits overpaid or deemed overpaid;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) Except as provided in (d) of this subsection, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d)(i) During the 2007-2009 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for: (A) The cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges; and (B) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of commerce. The remaining appropriation may be expended as specified in (c) of this subsection.

(ii) During the 2009-2011 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended by the department of social and health services as appropriated by the legislature for employment and training services and programs in the WorkFirst program, and for the administrative costs of state

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agencies participating in the WorkFirst program. The remaining appropriation may be expended as specified in (c) of this subsection.

(4) Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 2. RCW 50.20.070 and 2007 c 146 s 7 are each amended to read as follows:

(1) With respect to determinations delivered or mailed before January 1, 2008, an individual is disqualified for benefits for any week he or she has knowingly made a false statement or representation involving a material fact or knowingly failed to report a material fact and, as a result, has obtained or attempted to obtain any benefits under the provisions of this title, and for an additional twenty-six weeks beginning with the first week for which he or she completes an otherwise compensable claim for waiting period credit or benefits following the date of the delivery or mailing of the determination of disqualification under this section. However, such disqualification shall not be applied after two years have elapsed from the date of the delivery or mailing of the determination of disqualification under this section.

(2) With respect to determinations delivered or mailed on or after January 1, 2008:

(a) An individual is disqualified for benefits for any week he or she has knowingly made a false statement or representation involving a material fact or knowingly failed to report a material fact and, as a result, has obtained or attempted to obtain any benefits under the provisions of this title;

(b) An individual disqualified for benefits under this subsection for the first time is also;

~~(i) Disqualified for an additional twenty-six weeks beginning with the Sunday of the week in which the determination is mailed or delivered; and~~

~~(ii) With respect to determinations delivered or mailed on or after October 20, 2013, subject to an additional penalty of fifteen percent of the amount of benefits overpaid or deemed overpaid;~~

(c) An individual disqualified for benefits under this subsection for the second time is also disqualified for an additional fifty-two weeks beginning with the Sunday of the week in which the determination is mailed or delivered, and is subject to an additional penalty of twenty-five percent of the amount of benefits overpaid or deemed overpaid;

(d) An individual disqualified for benefits under this subsection a third time and any time thereafter is also disqualified for an additional one hundred four weeks beginning with the Sunday of the week in which the determination is mailed or delivered, and is subject to an additional penalty of fifty percent of the amount of benefits overpaid or deemed overpaid.

(3) All penalties collected under this section must be expended for the proper administration of this title as authorized under RCW 50.16.010 and for no other purposes.

(4) All overpayments and penalties established by such determination of disqualification must be collected as otherwise provided by this title.

Sec. 3. RCW 50.29.021 and 2011 c 4 s 14 are each amended to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of

contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050 (1)(b) (v) through (x) or (2)(b) (v) through (x).

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer ~~((—However, when a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports)), except as provided in subsection (5) of this section.~~

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050 (1)(b) (iv) or (xi) or (2)(b) (iv) or (xi), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This

subsection (3)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

(g) The forty-five dollar increase paid as part of an individual's weekly benefit amount as provided in RCW 50.20.1201 and the twenty-five dollar increase paid as part of an individual's weekly benefit amount as provided in RCW 50.20.1202 shall not be charged to the experience rating account of any contribution paying employer.

(h) With respect to claims where the minimum amount payable weekly is increased to one hundred fifty-five dollars pursuant to RCW 50.20.1201(3), benefits paid that exceed the benefits that would have been paid if the minimum amount payable weekly had been calculated pursuant to RCW 50.20.120 shall not be charged to the experience rating account of any contribution paying employer.

(i) Upon approval of an individual's training benefits plan submitted in accordance with RCW 50.22.155(2), an individual is considered enrolled in training, and regular benefits beginning with the week of approval shall not be charged to the experience rating account of any contribution paying employer.

(j) Training benefits paid to an individual under RCW 50.22.155 shall not be charged to the experience rating account of any contribution paying employer.

(4)(a) A contribution paying base year employer, except employers as provided in subsection (6) of this section, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster;

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter ~~((50.06-50.60))~~ 50.60 RCW; or

(v) Was hired to replace an employee who is a member of the military reserves or National Guard and was called to federal active military service by the president of the United States and is subsequently laid off when that employee is reemployed by their employer upon release from active duty within the time provided for reemployment in RCW 73.16.035.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

(5) When a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that

are based on the originally filed incomplete or inaccurate report or reports.

(6) An employer's experience rating account may not be relieved of charges for a benefit payment and an employer who reimburses the trust fund for benefit payments may not be credited for a benefit payment if a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to the claim or claims without establishing good cause for the failure and the employer or employer's agent has a pattern of such failures. The commissioner has the authority to determine whether the employer has good cause under this subsection.

(a) For the purposes of this subsection, "adequately" means providing accurate information of sufficient quantity and quality that would allow a reasonable person to determine eligibility for benefits.

(b)(i) For the purposes of this subsection, "pattern" means a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to a claim or claims without establishing good cause for the failure, if the greater of the following calculations for an employer is met:

(A) At least three times in the previous two years; or

(B) Twenty percent of the total current claims against the employer.

(ii) If an employer's agent is utilized, a pattern is established based on each individual client employer that the employer's agent represents.

Sec. 4. RCW 50.20.190 and 2011 c 301 s 17 are each amended to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of a back pay award, a settlement affecting the allowance of benefits, fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of or final payment made on the individual's applicable benefit year for which the purported overpayment was made, whichever is later, unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that the overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience(~~(-PROVIDED, HOWEVER, That the)~~). When determining whether the recovery would be against equity and good conscience, the department must consider whether the employer or employer's agent failed to respond timely and adequately to a written request of the department for information relating to the claim or claims without establishing good cause for the failure pursuant to RCW 50.29.021(6). An overpayment ((sø)) waived under this subsection shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating

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to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, the determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days' notice, using a method by which the mailing can be tracked or the delivery can be confirmed, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee under RCW 36.18.012(10). The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed within five days of its filing with the clerk to the person(s) mentioned in the warrant using a method by which the mailing can be tracked or the delivery can be confirmed.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) Any employer who is a party to a back pay award or settlement due to loss of wages shall, within thirty days of the award or settlement, report to the department the amount of the award or settlement, the name and social security number of the recipient of the award or settlement, and the period for which it is awarded. When an individual has been awarded or receives back pay, for benefit purposes the amount of the back pay shall constitute wages paid in the period for which it was awarded. For contribution purposes, the back pay award or settlement shall constitute wages paid in the period in which it was actually paid. The following requirements shall also apply:

(a) The employer shall reduce the amount of the back pay award or settlement by an amount determined by the department based upon the amount of unemployment benefits received by the recipient of the award or settlement during the period for which the back pay award or settlement was awarded;

(b) The employer shall pay to the unemployment compensation fund, in a manner specified by the commissioner, an amount equal to the amount of such reduction;

(c) The employer shall also pay to the department any taxes due for unemployment insurance purposes on the entire amount of the back pay award or settlement notwithstanding any reduction made pursuant to (a) of this subsection;

(d) If the employer fails to reduce the amount of the back pay award or settlement as required in (a) of this subsection, the department shall issue an overpayment assessment against the recipient of the award or settlement in the amount that the back pay award or settlement should have been reduced; and

(e) If the employer fails to pay to the department an amount equal to the reduction as required in (b) of this subsection, the department shall issue an assessment of liability against the employer which shall be collected pursuant to the procedures for collection of assessments provided herein and in RCW 50.24.110.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent per month of the outstanding balance. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070 and shall be imposed when the assessment becomes final. For any other overpayment, interest shall accrue when the individual has missed two or more of the individual's monthly payments either partially or in full.

(7) The department shall: (a) Conduct social security number cross-match audits or engage in other more effective activities that ensure that individuals are entitled to all amounts of benefits that they are paid; and (b) engage in other detection and recovery of overpayment and collection activities.

NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act takes effect October 20, 2013."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Holmquist Newbry moved that the Senate concur in the House amendment(s) to Senate Bill No. 5355.

Senators Holmquist Newbry and Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Holmquist Newbry that the Senate concur in the House amendment(s) to Senate Bill No. 5355.

The motion by Senator Holmquist Newbry carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5355 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5355, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5355, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SENATE BILL NO. 5355, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5359 with the following amendment(s): 5359 AMH ELHS H2305.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.030 and 2012 c 55 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

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(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address,

and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated

for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

Sec. 2. RCW 26.44.030 and 2012 c 259 s 3 and 2012 c 55 s 1 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the

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department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW, or by the department of early learning.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ninety days;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian sign an agreement to participate in services before services are initiated that informs the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not sign the consent form.

(14) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making

the report and any collateral sources to determine if any malice is involved in the reporting.

(20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

NEW SECTION. **Sec. 3.** Section 1 of this act expires December 1, 2013.

NEW SECTION. **Sec. 4.** Section 2 of this act takes effect December 1, 2013."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Senate Bill No. 5359.

Senators Pearson and Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Senate Bill No. 5359.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5359 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5359, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5359, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SENATE BILL NO. 5359, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5434 with the following amendment(s): 5434-S AMH CODY MORI 052; 5434-S AMH HCW MORI 041

On page 3, after line 11, insert the following:

"**Sec. 2.** RCW 48.44.070 and 1990 c 120 s 9 are each amended to read as follows:

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(1) Forms of contracts between health care service contractors and participating providers shall be filed with the insurance commissioner prior to use.

(2) Any contract form not affirmatively disapproved within fifteen days of filing shall be deemed approved, except that the commissioner may extend the approval period an additional fifteen days upon giving notice before the expiration of the initial fifteen-day period. The commissioner may approve such a contract form for immediate use at any time. Approval may be subsequently withdrawn for cause.

(3) Subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove such a contract form if it is in any respect in violation of this chapter or if it fails to conform to minimum provisions or standards required by the commissioner by rule under chapter 34.05 RCW.

(4) This section is suspended, and shall have no effect, until July 1, 2017."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, beginning on line 33, after "Sec. 4." strike all material through "repealed" on line 35 and insert "This act expires on July 1, 2017"

Correct the title.

On page 6, after line 32, insert the following:

"Sec. 4. RCW 42.56.400 and 2012 2nd sp.s. c 3 s 8 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any

other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140(3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b); ~~(and)~~

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; and

(22) Information not subject to public inspection or public disclosure under section 1(5) of this act."

Renumber the remaining section consecutively and correct any internal references accordingly.

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5434.

Senators Becker and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5434.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5434 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5434, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5434, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5434, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5565 with the following amendment(s): 5565-S AMH ELHS H2302.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that the goals of the child welfare system are the safety, permanence, and well-being of the children it serves. The legislature further recognizes the importance of background checks conducted by the department of social and health services to assess an individual's character, suitability, and competence to determine whether an individual is appropriate to be provided a license under chapter 74.13 RCW or have unsupervised access to children. The legislature does not intend to change the current secretary of social and health services' list of crimes and negative actions. However, the legislature believes that either an unreasonable delay in a determination of whether to approve or deny a license under chapter 74.13 RCW or unsupervised access to children, when such unreasonable delay or denial is based solely on a crime or civil infraction not directly related to child safety, is not appropriate and is not in the best interest of the children being served by the child welfare system.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) In determining the character, suitability, and competence of an individual, the department may not:

(a) Deny or delay a license or approval of unsupervised access to children to an individual solely because of a crime or civil infraction involving the individual or entity revealed in the background check process that is not on the secretary's list of crimes and negative actions and is not related directly to child safety, permanence, or well-being; or

(b) Delay the issuance of a license or approval of unsupervised access to children by requiring the individual to obtain records

relating to a crime or civil infraction revealed in the background check process that is not on the secretary's list of crimes and negative actions and is not related directly to child safety, permanence, or well-being and is not a permanent disqualifier pursuant to department rule.

(2) If the department determines that an individual does not possess the character, suitability, or competence to provide care or have unsupervised access to a child, it must provide the reasons for its decision in writing with copies of the records or documents related to its decision to the individual within ten days of making the decision.

(3) For purposes of this section, "individual" means a relative as defined in RCW 74.15.020(2)(a), an "other suitable person" under chapter 13.34 RCW, a person pursuing licensing as a foster parent, or a person employed or seeking employment by a business or organization licensed by the department or with whom the department has a contract to provide care, supervision, case management, or treatment of children in the care of the department. "Individual" does not include long-term care workers defined in RCW 74.39A.009(17)(a) whose background checks are conducted as provided in RCW 74.39A.056.

(4) The department or its officers, agents, or employees may not be held civilly liable based upon its decision to grant or deny unsupervised access to children if the background information it relied upon at the time the decision was made did not indicate that child safety, permanence, or well-being would be a concern.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

The department shall charge a fee to process a request made by a person in another state for an individual's child abuse or neglect history in this state or other background history on the individual possessed by the department. All proceeds from the fees collected must go directly to aiding the cost associated with the department conducting background checks.

Sec. 4. RCW 74.13.020 and 2012 c 205 s 12 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

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(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(9) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(10) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(11) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(12) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(13) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(14) "Unsupervised" has the same meaning as in RCW 43.43.830.

Sec. 5. RCW 74.13.020 and 2012 c 259 s 7 and 2012 c 205 s 12 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including

preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with

measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(14) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(15) "Unsupervised" has the same meaning as in RCW 43.43.830.

Sec. 6. RCW 13.34.065 and 2011 c 309 s 24 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, in those areas in which child welfare services are being provided by a supervising agency, the supervising agency shall assume case management responsibilities of the case. The department or supervising agency shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter

care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department or supervising agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child welfare act and chapter 13.38 RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal

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custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department or supervising agency in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative or other suitable person is not available, the court shall order continued shelter care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or supervising agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

NEW SECTION. Sec. 7. (1) The legislature finds that any person who has had a founded finding of child abuse or neglect or has been involved in a dependency action involving one or more of his or her children is able to turn his or her life around and establish good parenting relationships with his or her children. Unfortunately, his or her prior involvement with child protective services or the dependency court can hamper such a person's ability to find future employment, especially if the employment involves unsupervised access to children or other vulnerable populations.

(2) The legislature further finds that a number of states permit convicted offenders to seek a certificate of rehabilitation in certain situations. Generally, the certificate declares that a convicted individual is rehabilitated after completing a prison sentence or being released on parole or supervision. Usually, the applicant for a certificate must prove that he or she has met certain criteria before a certificate will be awarded. Such a certificate often restores certain rights to the applicant and makes him or her eligible for certain employment for which he or she would not be eligible without the certificate.

(3) A nonprofit with expertise in veteran parent programs shall convene a work group in consultation with the department of social and health services to explore options, including a certificate of rehabilitation, for addressing the impact of founded complaints on the ability of rehabilitated individuals to gain employment or care for children, including volunteer activities. The work group must contain, but not be limited to, persons representing the following: The courts, veteran parents, parent attorneys, foster parents, relative caregivers, kinship caregivers, child-placing agencies, the attorney

general's office, the governor's policy office, the office of public defense parent representation program, and the legislature.

(4) The work group shall report recommendations to the appropriate committees of the legislature no later than December 31, 2013.

NEW SECTION. Sec. 8. The department of social and health services shall adopt all necessary rules to implement this act.

NEW SECTION. Sec. 9. Section 4 of this act expires December 1, 2013.

NEW SECTION. Sec. 10. Section 5 of this act takes effect December 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5565.

Senators Pearson and Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5565.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5565 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5565, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5565, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5565, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5809 with the following amendment(s): 5809 AMH ENGR H2342.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.130 and 2010 1st sp.s. c 37 s 933 are each amended to read as follows:

(1)(a) The home visiting services account is created in the ~~(custody of the state treasurer)~~ state treasury. Revenues to the

account shall consist of appropriations by the legislature and all other sources deposited in the account. All federal funds received by the department for home visiting activities must be deposited into the account.

(b)(i) Expenditures from the account shall be used for state matching funds for the purposes of the program established in this section and federally funded activities for the home visiting program, including administrative expenses. ~~((Only the director or the director's designee may authorize expenditures from the account.))~~

(ii) The department oversees the account and is the lead state agency for home visiting system development. The nongovernmental private-public partnership administers the home visiting service delivery system and provides implementation support functions to funded programs.

(iii) It is the intent of the legislature that state funds invested in the account be matched at fifty percent by the private-public partnership each fiscal year. However, state funds in the account may be accessed in the event that the private-public partnership fails to meet the fifty percent match target. Should the private-public partnership not meet the fifty percent match target by the conclusion of the fiscal year ending on June 30th, the department and the private-public partnership, shall jointly submit a report to the relevant legislative committees detailing the reasons why the fifty percent match target was not met, the actual match rate achieved, and a plan to achieve fifty percent match in the subsequent fiscal year. This report shall be submitted as promptly as practicable, but the lack of receipt of this report shall not prevent state funds in the account from being accessed.

(iv) Amounts used for program administration by the department may not exceed an average of four percent in any two consecutive fiscal years.

(v) Authorizations for expenditures may be given only after private funds are committed ~~((and available))~~. The nongovernmental private-public partnership must report to the department quarterly to demonstrate sufficient investment of private match funds.

(c) Expenditures from the account are ~~((exempt from the appropriations and))~~ subject to appropriation and the allotment provisions of chapter 43.88 RCW. ~~((However, amounts used for program administration by the department are subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.))~~

(2) The department must expend moneys from the account to provide state matching funds for partnership activities to implement home visiting services and administer the infrastructure necessary to develop, support, and evaluate evidence-based, research-based, and promising home visiting programs.

(3) Activities eligible for funding through the account include, but are not limited to:

(a) Home visiting services that achieve one or more of the following: (i) Enhancing child development and well-being by alleviating the effects on child development of poverty and other known risk factors; (ii) reducing the incidence of child abuse and neglect; or (iii) promoting school readiness for young children and their families; and

(b) Development and maintenance of the infrastructure for home visiting programs, including training, quality improvement, and evaluation.

(4) Beginning July 1, 2010, the department shall contract with the nongovernmental private-public partnership designated in RCW 43.215.070 to administer programs funded through the home visiting services account. The department shall monitor performance and provide periodic reports on the use outcomes of the home visiting services account.

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(5) The nongovernmental private-public partnership shall, in the administration of the programs:

(a) Fund programs through a competitive bid process or in compliance with the regulations of the funding source; and

(b) Convene an advisory committee of early learning and home visiting experts, including one representative from the department, to advise the partnership regarding research and the distribution of funds from the account to eligible programs.

((6) To promote continuity for families receiving home visiting services through programs funded on May 4, 2010, those programs funded under chapter 43.121 RCW shall be funded through June 30, 2012, based on availability of funds and the achievement of stated performance goals. This section does not require any program to receive continuous funding beyond June 30, 2012. Organizations that may receive program funding include local health departments; nonprofit, neighborhood-based, community, regional, or statewide organizations; and federally recognized Indian tribes located in the state.))"

Correct the title and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Litzow moved that the Senate concur in the House amendment(s) to Senate Bill No. 5809.

Senator Litzow spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Litzow that the Senate concur in the House amendment(s) to Senate Bill No. 5809.

The motion by Senator Litzow carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5809 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5809, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5809, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Padden
Excused: Senators Carrell and Shin

SENATE BILL NO. 5809, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5897, by Senator Pearson

Concerning state parks.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5897 was substituted for Senate Bill No. 5897 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5897 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson, Rolfes, Smith and Kline spoke in favor of passage of the bill.

Senators Chase, Hasegawa and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5897.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5897 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Chase, Conway and Hasegawa
Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5897, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5904, by Senators Hill, Hargrove, Litzow and Billig

Concerning high quality early learning.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 5904 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Billig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5904 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon and Tom

Voting nay: Senators Padden and Smith

Excused: Senators Carrell and Shin

SENATE BILL NO. 5904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:27 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Monday, April 22, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

NINETY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 22, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Carrell.

The Sergeant at Arms Color Guard consisting of Pages Janet Kruschke and Peyton Wilson, presented the Colors. Colonel Gene "Chip" Fowler, retired, former U.S. Army Pacific Command Chaplain, of Lacey offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5918 by Senator Ericksen

AN ACT Relating to requesting and implementing a federal waiver to allow Washington to expand the medicaid program through private insurance markets; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5919 by Senator Ericksen

AN ACT Relating to requesting and implementing a federal waiver to ensure the ongoing sustainability and vitality of the commercial insurance market by seeking a waiver to offer multiple private health benefit exchanges; adding a new section to chapter 43.71 RCW; and creating a new section.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1287 by Representatives Appleton, Dahlquist, Hurst, McCoy, Ryu, Santos and Pollet

AN ACT Relating to subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe; amending RCW 82.29A.010, 82.29A.020, 84.36.010, 84.36.451, and 84.40.230; adding a new section to chapter 52.30 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

EHB 1421 by Representatives Tharinger and Nealey

AN ACT Relating to protecting the state's interest in collecting deferred property taxes; amending RCW 35.49.160, 36.35.110, 36.35.140, 36.35.190, 36.35.220,

36.35.250, 84.37.070, 84.38.100, 84.38.140, 84.60.010, and 84.64.050; and adding a new section to chapter 84.64 RCW.

Referred to Committee on Ways & Means.

E2SHB 1437 by House Committee on Finance (originally sponsored by Representatives Reykdal, Blake, Haigh, Orcutt, Lytton, Van De Wege and Zeiger)

AN ACT Relating to small farms under the current use property tax program for farm and agricultural lands; amending RCW 84.34.020; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1634 by Representatives Warnick and Manweller

AN ACT Relating to including the value of solar, biomass, and geothermal facilities in the property tax levy limit calculation; amending RCW 84.55.010, 84.55.015, 84.55.020, 84.55.030, and 84.55.120; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 1957 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Liias, Moscoso and Fey)

AN ACT Relating to department of transportation project delivery; amending RCW 47.01.300; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.01 RCW; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Transportation.

ESHB 1978 by House Committee on Transportation (originally sponsored by Representatives Zeiger, Clibborn, Orcutt, O'Ban, Hargrove, Liias, Fey, Moscoso and Morrell)

AN ACT Relating to permitting certain transportation projects; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SHB 1986 by House Committee on Transportation (originally sponsored by Representatives O'Ban, Rodne, Magendanz, Zeiger, Kristiansen, Klippert and Hayes)

AN ACT Relating to the reporting of highway construction project errors; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 1988 by Representatives Rodne, Magendanz, Zeiger, Kristiansen, Hayes and O'Ban

AN ACT Relating to right-sizing transportation projects; and creating a new section.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 5920 by Senators Eide and Conway

AN ACT Relating to transportation revenue; amending RCW 82.36.025, 82.38.030, 46.68.090, 46.10.530, 79A.25.070, 46.17.100, 46.17.200, 46.20.293, 46.29.050, 46.68.041, 46.70.061, 46.68.020, 46.68.280, 46.68.390, 46.17.355, 81.77.160, 47.60.322, 46.17.323, 36.73.065, 82.14.045, and 82.80.140; reenacting and amending RCW 43.84.092, 43.84.092, 46.09.520, and 46.52.130; adding a new section to chapter 46.68 RCW; adding a new section to chapter 46.17 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 82.14 RCW; creating new sections; repealing 2012 c 74 s 18 (uncodified); providing effective dates; providing a contingent effective date; and providing contingent expiration dates.

Referred to Committee on Transportation.

SB 5921 by Senator Eide

AN ACT Relating to additive transportation funding; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

SB 5922 by Senator Eide

AN ACT Relating to authorizing bonds for transportation funding; adding new sections to chapter 47.10 RCW; and providing an effective date.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, all measures listed on the Supplemental Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

At 10:07 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:32 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5045 with the following amendment(s): 5045-S AMH ENGR H2364.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 66.20 RCW to read as follows:

(1) There shall be a permit known as a day spa permit to allow the holder to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises. The glass of beer may not exceed twelve ounces and the glass of wine may not exceed six ounces. The customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed shall be purchased from a Washington state licensed retailer. A day spa offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. Any employee involved in the service of wine or beer must complete a board-approved alcohol server training program.

(2) For the purposes of this section, "day spa" means a business that offers at least three of the following types of beauty services:

(a) Hair care, including shampooing, cutting, styling, and dyeing hair;

(b) Skin care, such as facials or body wraps;

(c) Massages; or

(d) Body toning equipment.

(3) The initial annual fee for this permit is one hundred twenty-five dollars, and the legislature may thereafter adjust the fee in the omnibus operating appropriations act."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Holmquist Newbry moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5045 and ask the House to recede therefrom.

Senator Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Holmquist Newbry that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5045 and ask the House to recede therefrom.

The motion by Senator Holmquist Newbry carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5045 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5221 with the following amendment(s): 5221.E AMH JUDI H2217.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.77.065 and 2012 c 256 s 4 are each amended to read as follows:

(1)(a)(i) The expert conducting the evaluation shall provide his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant

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who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated mental health professional, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(iv) of this subsection. Upon request, the evaluator shall also provide copies of any source documents relevant to the evaluation to the designated mental health professional.

(iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the regional support network, a professional person at the regional support network to receive the report and recommendation.

(v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator of the name of the professional person, or person designated under (a)(iv) of this subsection, to receive the report and recommendation.

(b) If the evaluator concludes, under RCW 10.77.060(3)(f), the person should be evaluated by a designated mental health professional under chapter 71.05 RCW, the court shall order such evaluation be conducted prior to release from confinement when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

(2) The designated mental health professional shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated mental health professional under subsection (2) of this section to the secretary.

(4) A facility conducting a civil commitment evaluation under RCW 10.77.086(4) or 10.77.088(1)(b)(ii) that makes a determination to release the person instead of filing a civil commitment petition must provide written notification to the prosecuting attorney and defense attorney. The notification must be provided on a business day and at least twenty-four hours prior to the person's release.

(5) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5221 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5221 and ask the House to recede therefrom.

The motion by Senator Kohl-Welles carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5221 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5227 with the following amendment(s): 5227-S AMH LWD H2319.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.12.070 and 2009 c 432 s 11 are each amended to read as follows:

(1)(a) Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his or her authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he or she deems necessary for the effective administration of this title.

(b) An employer who contracts with another person or entity for work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve a record of the unified business identifier account number for and compensation paid to the person or entity performing the work. In addition to the penalty in subsection (3) of this section, failure to obtain or maintain the record is subject to RCW 39.06.010.

(2)(a) Each employer shall register with the department and obtain an employment security account number. ~~((Registration must include the names and social security numbers of the owners, partners, members, or corporate officers of the business, as well as their mailing addresses and telephone numbers and other information the commissioner may by rule prescribe. Registration of corporations must also include the percentage of stock ownership for each corporate officer, delineated by zero percent, less than ten percent, or ten percent or more. Any changes in the owners, partners, members, or corporate officers of the business, and changes in percentage of ownership of the outstanding shares of stock of the corporation, must be reported to the department at intervals prescribed by the commissioner under (b) of this subsection.~~

~~—(b))~~ Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the full names and social security numbers of all such workers, and the total hours worked by each worker and such other information as the commissioner may by regulation prescribe.

~~((=))~~ (b) If the employing unit fails or has failed to report the number of hours in a reporting period for which a worker worked, such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such hours worked, the total

wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, That although the computation so made will not be subject to appeal by the employing unit, monetary entitlement may be redetermined upon request if the department is provided with credible evidence of the actual hours worked. Benefits paid using computed hours are not considered an overpayment and are not subject to collections when the correction of computed hours results in an invalid or reduced claim; however:

(i) A contribution paying employer who fails to report the number of hours worked will have its experience rating account charged for all benefits paid that are based on hours computed under this subsection; and

(ii) An employer who reimburses the trust fund for benefits paid to workers and fails to report the number of hours worked shall reimburse the trust fund for all benefits paid that are based on hours computed under this subsection.

(3) Any employer who fails to keep and preserve records required by this section shall be subject to a penalty determined by the commissioner but not to exceed two hundred fifty dollars or two hundred percent of the quarterly tax for each offense, whichever is greater.

Sec. 2. RCW 50.04.165 and 2007 c 146 s 4 are each amended to read as follows:

~~((1)(a))~~ Services performed by a person appointed as an officer of a corporation under RCW 23B.08.400 ~~(are)~~, other than those covered by chapters 50.44 and 50.50 RCW, shall not be considered services in employment. However, a corporation ~~(, other than those covered by chapters 50.44 and 50.50 RCW,)~~ may elect to ~~(exempt from coverage under this title as provided in subsection (2) of this section, any bona fide officer of a public company as defined in RCW 23B.01.400 who:~~

~~(i) Is voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation;~~

~~(ii) Is a shareholder of the corporation;~~

~~(iii) Exercises substantial control in the daily management of the corporation; and~~

~~(iv) Whose primary responsibilities do not include the performance of manual labor.~~

~~(b) A corporation, other than those covered by chapters 50.44 and 50.50 RCW, that is not a public company as defined in RCW 23B.01.400 may exempt from coverage under this title as provided in subsection (2) of this section:~~

~~(i) Eight or fewer bona fide officers who: Voluntarily agree to be exempted from coverage; are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation; and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation; and~~

~~(ii) Any number of officers if all the exempted officers are related by blood within the third degree or marriage.~~

~~(c) Determinations with respect to the status of persons performing services for a corporation must be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance controls over form, and mandatory coverage under this title extends to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.~~

~~(2)(a) The corporation must notify the department when it elects to exempt one or more corporate officers from coverage. The notice must be in a format prescribed by the department and signed by the officer or officers being exempted and by another corporate~~

~~officer verifying the decision to be exempt from coverage.~~

~~(b) The election to exempt one or more corporate officers from coverage under this title may be made when the corporation registers as required under RCW 50.12.070. The corporation may also elect exemption at any time following registration; however, an exemption will be effective only as of the first day of a calendar year. A written notice from the corporation must be sent to the department by January 15th following the end of the last calendar year of coverage. Exemption from coverage will not be retroactive, and the corporation is not eligible for a refund or credit for contributions paid for corporate officers for periods before the effective date of the exemption.~~

~~(3) A corporation may elect to reinstate coverage for one or more officers previously exempted under this section, subject to the following:~~

~~(a) Coverage may be reinstated only at set intervals of five years beginning with the calendar year that begins five years after January 1, 2009.~~

~~(b) Coverage may only be reinstated effective the first day of the calendar year. A written notice from the corporation must be sent to the department by January 15th following the end of the last calendar year the exemption from coverage will apply.~~

~~(c) Coverage will not be reinstated if the corporation: Has committed fraud related to the payment of contributions within the previous five years; is delinquent in the payment of contributions; or is assigned the array calculation factor rate for nonqualified employers because of a failure to pay contributions when due as provided in RCW 50.29.025, or for related reasons as determined by the commissioner.~~

~~(d) Coverage will not be reinstated retroactively.~~

~~(4) Except for corporations covered by chapters 50.44 and 50.50 RCW, personal services performed by bona fide corporate officers for corporations described under RCW 50.04.080(3) and 50.04.090(2) are not considered services in employment, unless the corporation registers with the department as required in RCW 50.12.070 and elects to provide coverage for its corporate officers under RCW 50.24.160. If an employer does not elect to cover its corporate officers under RCW 50.24.160, the employer must notify its corporate officers in writing that they are ineligible for unemployment benefits. However, if the employer fails to provide notice, the individual's status as a corporate officer is unchanged and the person remains ineligible for unemployment benefits.~~

Sec. 3. RCW 50.04.080 and 2007 c 146 s 19 are each amended to read as follows:

~~((1))~~ "Employer" means any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title.

~~((2) For the purposes of collection remedies available under chapter 50.24 RCW, "employer," in the case of a corporation or limited liability company, includes persons found personally liable for any unpaid contributions and interest and penalties on those contributions under RCW 50.24.230.~~

~~(3) Except for corporations covered by chapters 50.44 and 50.50 RCW, "employer" does not include a corporation when all personal services are performed only by bona fide corporate officers, unless the corporation registers with the department as required in RCW 50.12.070 and elects to provide coverage for its corporate officers under RCW 50.24.160.)~~

Sec. 4. RCW 50.04.090 and 2007 c 146 s 20 are each amended to read as follows:

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((4)) "Employing unit" means any individual or any type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1937, had in its employ or in its "employment" one or more individuals performing services within this state. The state and its political subdivisions shall be deemed employing units as to any transactions occurring on or after September 21, 1977, which would render an employing unit liable for contributions, interest, or penalties under RCW 50.24.130. "Employing unit" includes Indian tribes as defined in RCW 50.50.010.

~~((2) Except for corporations covered by chapters 50.44 and 50.50 RCW, "employing unit" does not include a corporation when all personal services are performed only by bona fide corporate officers, unless the corporation registers with the department as required in RCW 50.12.070 and elects to provide coverage for its corporate officers under RCW 50.24.160.))~~

NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act takes effect December 29, 2013."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Holmquist Newbry moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5227.

The President declared the question before the Senate to be the motion by Senator Holmquist Newbry that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5227.

The motion by Senator Holmquist Newbry carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5227 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5227, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5227, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper,

Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Rivers, Roach, Schlicher, Schoessler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Fraser, Hasegawa, Nelson, Ranker and Rolfes

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5227, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5282 with the following amendment(s): 5282-S AMH JUDI H2218.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The department of licensing, Washington state patrol, department of social and health services, administrative office of the courts, and representatives of regional support networks and superior courts shall participate in a work group convened by the department of licensing for the purpose of making a proposal for consolidation of statewide involuntary commitment information for the purpose of accurate and efficient verification of eligibility to possess a firearm. The work group shall also make recommendations with respect to how to maintain the privacy of commitment information and whether access to the database can legally be provided to designated mental health professionals or law enforcement officials for use in the official course of their duties. The work group shall report its recommendations to the governor and the appropriate committees of the legislature by December 1, 2013.

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

By August 1, 2013, all regional support networks in the state of Washington must forward historical mental health involuntary commitment information retained by the organization including identifying information and dates of commitment to the department. As soon as feasible, the regional support networks must arrange to report new commitment data to the department within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the department. Regional support networks and the department shall be immune from liability related to the sharing of commitment information under this section."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5282.

Senator Pearson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5282.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5282 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5282, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5282, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5282, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5305 with the following amendment(s): 5305.E AMH CODY BLAC 066

On page 2, line 33, after "If the" strike all material through "family" on page 3, line 4 and insert "patient states his or her injury is the result of domestic violence, the hospital shall follow its established processes to inform the patient of resources to assure the safety of the patient and his or her family" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5305.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5305.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5305 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5305, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5305, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier,

Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SENATE BILL NO. 5305, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5344 with the following amendment(s): 5344 AMH JUDI H2220.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 11.36.010 and 1983 c 51 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the following persons are not qualified to act as personal representatives: Corporations, limited liability companies, limited liability partnerships, minors, persons of unsound mind, or persons who have been convicted of (a) any felony or ((of a misdemeanor)) (b) any crime involving moral turpitude(:(-PROVIDED, That)).

(2) Trust companies regularly organized under the laws of this state and national banks when authorized so to do may act as the personal representative of ((decedents' or incompetents' estates)) an individual's estate or of the estate of an incapacitated person upon petition of any person having a right to such appointment and may act as ((executors)) personal representatives or guardians when so appointed by will(:(- PROVIDED FURTHER, That professional service corporations regularly organized under the laws of this state whose shareholder or shareholders are exclusively attorneys may act as personal representatives)). No trust company or national bank may qualify as such ((executor) personal representative or guardian under any will hereafter drawn by it or its agents or employees, and no salaried attorney of any such company may be allowed any attorney fee for probating any such will or in relation to the administration or settlement of any such estate, and no part of any attorney fee may inure, directly or indirectly, to the benefit of any trust company or national bank.

(3) Professional service corporations, professional limited liability companies, or limited liability partnerships, that are duly organized under the laws of this state and whose shareholders, members, or partners, respectively, are exclusively attorneys, may act as personal representatives.

(4) Any nonprofit corporation may act as personal representative if the articles of incorporation or bylaws of that corporation permit the action and the corporation is in compliance with all applicable provisions of Title 24 RCW.

(5) When any person to whom letters testamentary or of administration have been issued becomes disqualified to act because of becoming of unsound mind or being convicted of (a) any felony or (b) any crime ((or misdemeanor)) involving moral turpitude, the court having jurisdiction ((shall)) must revoke his or her letters.

(6) A nonresident may be appointed to act as personal representative if the nonresident appoints an agent who is a resident of the county where such estate is being probated or who is an attorney of record of the estate, upon whom service of all papers may be made; such appointment to be made in writing and filed by the clerk with other papers of such estate; and, unless bond has been

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waived as provided by RCW 11.28.185, such nonresident personal representative ~~((shall))~~ must file a bond to be approved by the court.

Sec. 2. RCW 11.36.021 and 1991 c 72 s 1 are each amended to read as follows:

(1) The following may serve as trustees:

(a) Any suitable persons over the age of eighteen years, if not otherwise disqualified;

(b) Any trust company regularly organized under the laws of this state and national banks when authorized to do so;

(c) Any nonprofit corporation, if the articles of incorporation or bylaws of that corporation permit the action and if the corporation is in compliance with all applicable provisions of Title 24 RCW;

(d) Any professional service corporations ~~((regularly))~~, professional limited liability companies, or limited liability partnerships, that are duly organized under the laws of this state and whose ~~((shareholder or))~~ shareholders, members, or partners, respectively, are exclusively attorneys; ~~((and))~~

(e) Any state or regional college or university, as those institutions are defined in RCW 28B.10.016;

(f) Any community or technical college, as those institutions are defined in RCW 28B.50.030; and

(g) Any other entity so authorized under the laws of the state of Washington.

(2) The following are disqualified to serve as trustees:

(a) Minors, persons of unsound mind, or persons who have been convicted of (i) any felony or ~~((a misdemeanor))~~ (ii) any crime involving moral turpitude; and

(b) A corporation organized under Title 23B RCW that is not authorized under the laws of the state of Washington to act as a fiduciary.

Sec. 3. RCW 11.96A.050 and 2011 c 327 s 6 are each amended to read as follows:

(1) Venue for proceedings pertaining to trusts ~~((shall be))~~ is:

(a) For testamentary trusts established under wills probated in the state of Washington, in the superior court of the county where the probate of the will is being administered or was completed or, in the alternative, the superior court of the county where any qualified beneficiary of the trust ~~((entitled to notice under RCW 11.97.010))~~ as defined in section 8 of this act resides, the county where any trustee resides or has a place of business, or the county where any real property that is an asset of the trust is located; and

(b) For all other trusts, in the superior court of the county where any qualified beneficiary of the trust ~~((entitled to notice under RCW 11.97.010))~~ as defined in section 8 of this act resides, the county where any trustee resides or has a place of business, or the county where any real property that is an asset of the trust is located. If no county has venue for proceedings pertaining to a trust under the preceding sentence, then in any county.

(2) A party to a proceeding pertaining to a trust may request that venue be changed. If the request is made within four months of the giving of the first notice of a proceeding pertaining to the trust, except for good cause shown, venue must be moved to the county with the strongest connection to the trust as determined by the court, considering such factors as the residence of a qualified beneficiary of the trust ~~((entitled to notice under RCW 11.97.010))~~ as defined in section 8 of this act, the residence or place of business of a trustee, and the location of any real property that is an asset of the trust.

(3) Venue for proceedings subject to chapter 11.88 or 11.92 RCW ~~((shall))~~ must be determined under the provisions of those chapters.

(4) Venue for proceedings pertaining to the probate of wills, the administration and disposition of a decedent's property, including nonprobate assets, and any other matter not identified in subsection (1), (2), or (3) of this section, ~~((shall))~~ must be in any county in the state of Washington that the petitioner selects. A party to a

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proceeding may request that venue be changed if the request is made within four months of the mailing of the notice of appointment and pendency of probate required by RCW 11.28.237, and except for good cause shown, venue must be moved as follows:

(a) If the decedent was a resident of the state of Washington at the time of death, to the county of the decedent's residence; or

(b) If the decedent was not a resident of the state of Washington at the time of death, to any of the following:

(i) Any county in which any part of the probate estate might be;

(ii) If there are no probate assets, any county where any nonprobate asset might be; or

(iii) The county in which the decedent died.

(5) Once letters testamentary or of administration have been granted in the state of Washington, all orders, settlements, trials, and other proceedings under this title ~~((shall))~~ must be had or made in the county in which such letters have been granted unless venue is moved as provided in subsection (4) of this section.

(6) Venue for proceedings pertaining to powers of attorney ~~((shall))~~ must be in the superior court of the county of the principal's residence, except for good cause shown.

(7) If venue is moved, an action taken before venue is changed is not invalid because of the venue.

(8) Any request to change venue that is made more than four months after the commencement of the action may be granted in the discretion of the court.

Sec. 4. RCW 11.96A.070 and 2011 c 327 s 7 are each amended to read as follows:

(1)(a) A beneficiary of an express trust may not commence a proceeding against a trustee for breach of trust more than three years after the date a report was delivered in the manner provided in RCW 11.96A.110 to the beneficiary or to a representative of the beneficiary ~~((was sent a report that))~~ if the report adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding.

(b) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the beneficiary or representative knows or should have known of the potential claim ~~((or should have inquired into its existence))~~. A report that includes ~~((the following information))~~ all of the items described in this subsection (b) that are relevant for the reporting period is presumed to have provided such sufficient information regarding the existence of potential claims for breach of trust for such period:

(i) A statement of receipts and disbursements of principal and income that have occurred during the accounting period;

(ii) A statement of the assets and liabilities of the trust and their values at the beginning and end of the period;

(iii) The trustee's compensation for the period;

(iv) The agents hired by the trustee, their relationship to the trustee, if any, and their compensation, for the period;

(v) Disclosure of any pledge, mortgage, option, or lease of trust property, or other agreement affecting trust property binding for a period of five years or more that was granted or entered into during the accounting period;

(vi) Disclosure of all transactions during the period that are equivalent to one of the types of transactions described in RCW 11.98.078 or otherwise could have been affected by a conflict between the trustee's fiduciary and personal interests;

(vii) A statement that the recipient of the account information may petition the superior court pursuant to chapter 11.106 RCW to obtain review of the statement and of acts of the trustee disclosed in the statement; and

(viii) A statement that claims against the trustee for breach of trust may not be made after the expiration of three years from the

date the ~~((beneficiary receives the statement))~~ trustee delivers the report in the manner provided in RCW 11.96A.110.

(c) If (a) of this subsection does not apply, a judicial proceeding by a beneficiary against a trustee for breach of trust must be commenced within three years after the first to occur of:

- (i) The removal, resignation, or death of the trustee;
- (ii) The termination of the beneficiary's interest in the trust; or
- (iii) The termination of the trust.

(d) For purposes of this section, "express trust" does not include resulting trusts, constructive trusts, business trusts in which certificates of beneficial interest are issued to the beneficiary, investment trusts, voting trusts, trusts in the nature of mortgages or pledges, liquidation trusts, or trusts for the sole purpose of paying dividends, interest, interest coupons, salaries, wages, pensions, or profits, trusts created in deposits in any financial institution under chapter 30.22 RCW, unless any such trust that is created in writing specifically incorporates this chapter in whole or in part.

(2) Except as provided in RCW 11.96A.250 with respect to special representatives, an action against a personal representative for alleged breach of fiduciary duty by an heir, legatee, or other interested party must be brought before discharge of the personal representative.

(3) The legislature hereby confirms the long standing public policy of promoting the prompt and efficient resolution of matters involving trusts and estates. To further implement this policy, the legislature adopts the following statutory provisions in order to:

(a) Encourage and facilitate the participation of qualified individuals as special representatives;

(b) Serve the public's interest in having a prompt and efficient resolution of matters involving trusts or estates; and

(c) Promote complete and final resolution of proceedings involving trusts and estates.

(i) Actions against a special representative must be brought before the earlier of:

(A) Three years from the discharge of the special representative as provided in RCW 11.96A.250; or

(B) The entry of an order by a court of competent jurisdiction under RCW 11.96A.240 approving the written agreement executed by all interested parties in accord with the provisions of RCW 11.96A.220.

(ii) If a legal action is commenced against the special representative after the expiration of the period during which claims may be brought against the special representative as provided in (c)(i) of this subsection, alleging property damage, property loss, or other civil liability caused by or resulting from an alleged act or omission of the special representative arising out of or by reason of the special representative's duties or actions as special representative, the special representative ~~((shall))~~ must be indemnified: (A) From the assets held in the trust or comprising the estate involved in the dispute; and (B) by the persons bringing the legal action, for all expenses, attorneys' fees, judgments, settlements, decrees, or amounts due and owing or paid in satisfaction of or incurred in the defense of the legal action. To the extent possible, indemnification must be made first by the persons bringing the legal action, second from that portion of the trust or estate that is held for the benefit of, or has been distributed or applied to, the persons bringing the legal action, and third from the other assets held in the trust or comprising the estate involved in the dispute.

(4) The tolling provisions of RCW 4.16.190 apply to this chapter except that the running of a statute of limitations under subsection (1) or (2) of this section, or any other applicable statute of limitations for any matter that is the subject of dispute under this chapter, is not tolled as to an individual who had a guardian ad litem, limited or general guardian of the estate, or a special representative

to represent the person during the probate or dispute resolution proceeding.

Sec. 5. RCW 11.96A.120 and 2011 c 327 s 9 are each amended to read as follows:

~~(1) ((With respect to a particular matter that affects a trust, probate estate, guardianship estate, or property subject to a power of attorney, in which the interests of such fiduciary estate and the beneficiaries are not in conflict:))~~ Notice to a person who may represent and bind another person under this section has the same effect as if notice were given directly to the other person.

~~(2) The consent of a person who may represent and bind another person under this section is binding on the person represented unless the person represented objects to the representation before the consent would otherwise have become effective.~~

~~(3) The following limitations on the ability to serve as a virtual representative apply:~~

~~(a) A trustor may not represent and bind a beneficiary under this section with respect to the termination and modification of an irrevocable trust; and~~

~~(b) Representation of an incapacitated trustor with respect to his or her powers over a trust is subject to the provisions of RCW 11.103.030, and chapters 11.96A, 11.88, and 11.92 RCW.~~

~~(4) To the extent there is no conflict of interest between the representative and the person represented or among those being represented with respect to the particular question or dispute:~~

~~(a) A guardian may represent and bind the estate that the guardian controls, subject to chapters 11.96A, 11.88, and 11.92 RCW;~~

~~(b) A guardian of the person may represent and bind the incapacitated person if a guardian of the incapacitated person's estate has not been appointed;~~

~~(c) An agent having authority to act with respect to the particular question or dispute may represent and bind the principal;~~

~~((e)) (d) A trustee may represent and bind the beneficiaries of the trust; ((and~~

~~((d)) (e) A personal representative of a decedent's estate may represent and bind persons interested in the estate((~~

~~(2) This section is intended to adopt the common law concept of virtual representation. This section supplements the common law relating to the doctrine of virtual representation and shall not be construed as limiting the application of that common law doctrine.~~

~~(3) Any notice requirement in this title is satisfied if:~~

~~(a)); and~~

~~(f) A parent may represent and bind the parent's minor or unborn child or children if a guardian for the child or children has not been appointed.~~

~~(5) Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest between the representative and the person represented with regard to the particular question or dispute.~~

~~(6) Where an interest ((in an estate, trust, or nonprobate asset or an interest that may be affected by a power of attorney)) has been given to persons who comprise a certain class upon the happening of a certain event, ((notice may be given to the living persons who would constitute the class if the event had happened immediately before the commencement of the proceeding requiring notice, and the persons shall virtually represent all other members of the class;~~

~~(b))) the living persons who would constitute the class as of the date the representation is to be determined may virtually represent all other members of the class as of that date, but only to the extent that there is no conflict of interest between the representative and the person(s) represented with regard to the particular question or dispute.~~

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~~(7) Where an interest ((in an estate, trust, or nonprobate asset or an interest that may be affected by a power of attorney)) has been given to a living person, and the same interest, or a share in it, is to pass to the surviving spouse or surviving domestic partner or to persons who are, or might be, the ((distributees,)) heirs, issue, or other kindred of that living person ((upon the happening of a future event, notice may be given to that living person, and the living person shall virtually represent the surviving spouse or surviving domestic partner, distributees, heirs, issue, or other kindred of the person;~~

~~—(e)) or the distributees of the estate of that living person upon the happening of a future event, that living person may virtually represent the surviving spouse or surviving domestic partner, heirs, issue, or other kindred of the person, and the distributees of the estate of the person, but only to the extent that there is no conflict of interest between the representative and the person(s) represented with regard to the particular question or dispute.~~

~~(8) Except as otherwise provided in ((this)) subsection (7) of this section, where an interest ((in an estate, trust, or nonprobate asset or an interest that may be affected by a power of attorney)) has been given to a person or a class of persons, or both, upon the happening of any future event, and the same interest or a share of the interest is to pass to another person or class of persons, or both, upon the happening of an additional future event, ((notice may be given to)) the living person or persons who would take the interest upon the happening of the first event((and the living person or persons shall)) may virtually represent the persons and classes of persons who might take on the happening of the additional future event(;~~

~~(d) The holder of a general power of appointment, exercisable either during the power holder's life or by will, or a limited power of appointment, exercisable either during the power holder's life or by will, that excludes as possible appointees only the power holder, his or her estate, his or her creditors, and the creditors of his or her estate, may accept notice and virtually represent and bind persons whose interests, as permissible appointees, takers in default, or otherwise, are subject to the power, to the extent there is no conflict of interest between the holder of the power of appointment and the persons represented with respect to the particular question or dispute.~~

~~(4) A party is not virtually represented by a person receiving notice if a conflict of interest involving the matter is known to exist between the notified person and the party)), but only to the extent that there is no conflict of interest between the representative and the person(s) represented with regard to the particular question or dispute.~~

~~((5)) (9) To the extent there is no conflict of interest between the holder of the power of appointment and the persons represented with respect to the particular question or dispute, the holder of a lifetime or testamentary power of appointment may virtually represent and bind persons who are permissible appointees or takers in default (but only to the extent that they are permissible appointees in the case of a limited power of appointment) under the power, and who are not permissible distributees as defined in section 8 of this act.~~

~~(10) The attorney general may virtually represent and bind a charitable organization if:~~

~~(a) The charitable organization is not a qualified beneficiary as defined in section 8 of this act specified in the trust instrument or acting as trustee; or~~

~~(b) The charitable organization is a qualified beneficiary, but is not a permissible distributee, as those terms are defined in section 8 of this act, and its beneficial interest in the trust is subject to change by the trustor or by a person designated by the trustor.~~

~~(11) An action taken by the court is conclusive and binding~~

upon each person receiving actual or constructive notice or who is otherwise represented under this section.

~~(12) This section is intended to adopt the common law concept of virtual representation. This section supplements the common law relating to the doctrine of virtual representation and may not be construed as limiting the application of that common law doctrine.~~

~~Sec. 6. RCW 11.96A.125 and 2011 c 327 s 11 are each amended to read as follows:~~

~~The terms of a will or trust, even if unambiguous, may be reformed by judicial proceedings ((or binding nonjudicial procedure)) under this chapter to conform the terms to the intention of the testator or trustor if it is proved by clear, cogent, and convincing evidence((, or the parties to a binding nonjudicial agreement agree that there is clear, cogent, and convincing evidence,)) that both the intent of the testator or trustor and the terms of the will or trust were affected by a mistake of fact or law, whether in expression or inducement. This does not limit the ability to reform the will or trust using the binding nonjudicial procedures of RCW 11.96A.220.~~

~~Sec. 7. RCW 11.97.010 and 2011 c 327 s 12 are each amended to read as follows:~~

~~((4)) The trustor of a trust may by the provisions of the trust relieve the trustee from any or all of the duties, restrictions, and liabilities which would otherwise be imposed by chapters 11.95, 11.98, 11.100, and 11.104A RCW and RCW 11.106.020, or may alter or deny any or all of the privileges and powers conferred by those provisions; or may add duties, restrictions, liabilities, privileges, or powers to those imposed or granted by those provisions. If any specific provision of those chapters is in conflict with the provisions of a trust, the provisions of the trust control whether or not specific reference is made in the trust to any of those chapters, except as provided in RCW 6.32.250, 11.96A.190, 19.36.020, section 8 of this act, 11.98.200 through 11.98.240, section 16(1) of this act, 11.95.100 through 11.95.150, and chapter 11.103 RCW. In no event may a trustee be relieved of the duty to act in good faith and with honest judgment ((or the duty to provide information to beneficiaries as required in this section)). Notwithstanding the breadth of discretion granted to a trustee in the terms of the trust, including the use of such terms as "absolute," "sole," or "uncontrolled," the trustee ((shall)) must exercise a discretionary power in good faith and in accordance with the terms and purposes of the trust and the interests of the beneficiaries.~~

~~((2) Within sixty days after the date of acceptance of the position of trustee of an irrevocable trust, or the date the trustee of a formerly revocable trust acquires knowledge that the trust has become irrevocable, whether by the death of the trustor or otherwise, the trustee shall give notice of: (a) The existence of the trust, (b) the identity of the trustor or trustors, (c) the trustee's name, address, and telephone number, and (d) the right to request such information as is reasonably necessary to enable the notified person to enforce his or her rights under the trust, to all persons interested in the trust, as defined in RCW 11.96A.030, and who would be entitled to notice under RCW 11.96A.110 and 11.96A.120 if they were a party to judicial proceedings regarding the trust. If any such person is a minor and no guardian has been appointed for such person by any court, then such notice may be given to a parent of the person. If a person otherwise entitled to notice under this section is a charitable organization, and the charitable organization's only interest in the trust is a future interest that may be revoked, then such notice shall instead be given to the attorney general. A trustee who gives notice pursuant to this section satisfies the duty to inform the beneficiaries of the existence of the trust. The notice required under this subsection (2) applies only to irrevocable trusts created after December 31, 2011, and revocable trusts that become irrevocable after December 31, 2011, provided that all common law~~

duties of a trustee to notify beneficiaries applicable to trusts created or that became irrevocable before such date are not affected.

~~— (3) A trustee shall keep all persons interested in the trust, as defined in RCW 11.96A.030, and who would be entitled to notice under RCW 11.96A.110 and 11.96A.120 if they were a party to judicial proceedings regarding the trust, reasonably informed about the administration of the trust and of the material facts necessary for them to protect their interests. A report that contains the following is presumed to satisfy the trustee's duty to keep such persons reasonably informed for the relevant period of trust administration:~~

~~— (a) A statement of receipts and disbursements of principal and income that have occurred during the accounting period;~~

~~— (b) A statement of the assets and liabilities of the trust and their values at the beginning and end of the period;~~

~~— (c) The trustee's compensation for the period;~~

~~— (d) The agents hired by the trustee, their relationship to the trustee, if any, and their compensation, for the period;~~

~~— (e) Disclosure of any pledge, mortgage, option, or lease of trust property, or other agreement affecting trust property binding for a period of five years or more that was granted or entered into during the accounting period;~~

~~— (f) Disclosure of all transactions during the period that are equivalent to one of the types of transactions described in RCW 11.98.078 or otherwise could have been affected by a conflict between the trustee's fiduciary and personal interests;~~

~~— (g) A statement that the recipient of the account information may petition the superior court pursuant to chapter 11.106 RCW to obtain review of the statement and of acts of the trustee disclosed in the statement; and~~

~~— (h) A statement that claims against the trustee for breach of trust may not be made after the expiration of three years from the date the beneficiary receives the statement.~~

~~— (4) Unless unreasonable under the circumstances, a trustee shall promptly respond to any beneficiary's request for information related to the administration of the trust.~~

~~— (5) If a person entitled to notice under this section requests information reasonably necessary to enable the notified person to enforce his or her rights under the trust, then the trustee must provide such information within sixty days of receipt of such request. Delivery of the entire trust instrument to the persons entitled to notice under this section who request information concerning the terms of the trust reasonably necessary to enable the notified person to enforce his or her rights under the trust is deemed to satisfy the trustee's obligations under this subsection.)~~

NEW SECTION. Sec. 8. A new section is added to chapter 11.98 RCW to be codified before RCW 11.98.005 to read as follows:

The definitions in this section apply throughout this chapter, and throughout this title where specifically referenced, unless the context clearly requires otherwise.

(1) "Permissible distributee" means a trust beneficiary who is currently eligible to receive distributions of trust income or principal, whether the distribution is mandatory or discretionary.

(2) "Qualified beneficiary" means a trust beneficiary who, on the date that such beneficiary's qualification is determined:

(a) Is a permissible distributee;

(b) Would be a permissible distributee if the interests of the distributees described in (a) of this subsection terminated on that date; or

(c) Would be a permissible distributee if the trust terminated on that date.

Sec. 9. RCW 11.98.005 and 2011 c 327 s 22 are each amended to read as follows:

(1) If provisions of a trust instrument designate Washington as the situs of the trust or designate Washington law to govern the trust

or any of its terms, then the situs of the trust is Washington provided that one of the following conditions is met:

(a) A trustee has a place of business in or a trustee is a resident of Washington; or

(b) More than an insignificant part of the trust administration occurs in Washington; or

(c) The trustor resides in Washington at the time situs is being established, or resided in Washington at the time the trust became irrevocable; or

(d) One or more of the qualified beneficiaries resides in Washington; or

(e) An interest in real property located in Washington is an asset of the trust.

(2)(a) Unless the trust instrument designates a state other than Washington as the situs of the trust and does not expressly authorize transfer of situs, the trustee may register the trust as a Washington trust if any of the factors in subsection (1)(a) through (e) of this section are present. The trustee ~~((shall))~~ must register the trust by filing with the clerk of the court in any county where venue lies for the trust under RCW 11.96A.050, a statement including the following information:

(i) The name and address of the trustee;

(ii) The date of the trust, name of the trustor, and name of the trust, if any;

(iii) The factor or factors listed in subsection (1)(a) through (e) of this section that are present for the trust and which qualify the trust for registration.

(b) Within five days of filing the registration with the court, the trustee ~~((shall))~~ must mail a copy of the registration to each ~~((person who would be entitled to notice under RCW 11.97.010 and))~~ qualified beneficiary who has not waived notice of the registration, in writing, filed in the cause, together with a notice that must be in substantially the same form as set forth in this section. Persons receiving such notice ~~((shall))~~ have thirty days from the date of filing the registration to file a petition in the court objecting to such registration and requesting the court to issue an order that Washington is not the proper situs of the trust, and to serve a copy of such petition upon the trustee or the trustee's lawyer. If a petition objecting to the registration is filed within thirty days of the date of filing the registration, the trustee must request the court to fix a time and place for the hearing of the petition and notify by mail, personal service or electronic transmission, if a valid consent to electronic transmission is in effect under the terms of RCW 11.96A.110, all ~~((persons who were entitled to notice of the registration))~~ qualified beneficiaries of the time and place of the hearing, not less than ten days before the hearing on the petition.

(c) Unless a person receiving notice of the registration files a petition with the court objecting to the registration within thirty days of the date of filing the registration, the registration ~~((shall))~~ will be deemed the equivalent of an order entered by the court declaring that the situs of the trust is Washington. After expiration of the thirty-day period following filing of the registration, the trustee may obtain a certificate of registration signed by the clerk, and issued under the seal of the court, which may be in the form specified in (d) of this subsection.

(d) Notice of registration and certificates of registration may be in the following form:

(i) Notice form:

NOTICE OF FILING OF REGISTRATION OF [NAME AND DATE OF TRUST] AS A WASHINGTON TRUST

NOTICE IS GIVEN that the attached Registration of Trust was filed by the undersigned in the above-entitled court on the day of, 20. . . ; unless you file a petition in the above-entitled court objecting to such registration and requesting the court to issue an order that Washington is not the proper situs of the trust, and serve a

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copy thereof upon the trustee or the trustee's lawyer, within thirty days after the date of the filing, the registration will be deemed the equivalent of an order entered by the court declaring that the situs of the trust is Washington.

If you file and serve a petition within the period specified, the undersigned will request the court to fix a time and place for the hearing of your petition, and you will be notified of the time and place thereof, by mail, or personal service, not less than ten days before the hearing on the petition.

(ii) Certificate of Registration:

State of Washington, County of

In the superior court of the county of

Whereas, the attached Registration of Trust was filed with this court on , the attached Notice of Filing Registration of Trust and Affidavit of Mailing Notice of Filing Registration of Trust were filed with this court on , and no objections to such Registration have been filed with this court, the trust known as , under trust agreement dated , between as Trustor and as Trustee, is hereby registered as a Washington trust.

Witness my hand and the seal of said court this . . . day of, 20

(3) If the instrument establishing a trust does not designate ~~((Washington as the situs or designate Washington))~~ any jurisdiction as the situs or designate any jurisdiction's governing law to apply to the trust, and the trustee of the trust has not registered the trust as allowed in subsection (2) of this section, the situs of the trust is Washington if ~~((the))~~ situs has not previously been established by any court proceeding and the additional conditions specified in this subsection (3) are met.

(a) For a testamentary trust, the situs of the trust is Washington if:

- (i) The will was admitted to probate in Washington; or
- (ii) The will has not been admitted to probate in Washington, but any trustee of the trust resides or has a place of business in Washington, any qualified beneficiary ~~((entitled to notice under RCW 11.97.010))~~ resides in Washington, or any real property that is an asset of the trust is located in Washington.

(b) For an inter vivos trust ~~((where the trustor is domiciled in Washington either when the trust becomes irrevocable or, in the case of a revocable trust, when judicial proceedings under chapter 11.96A RCW are commenced))~~, the situs of the trust is Washington if:

- (i) The trustor is living and Washington is the trustor's domicile or any of the trustees reside in or have a place of business in Washington; or
- (ii) The trustor is deceased ~~((situs has not previously been established by any court proceeding))~~; and
 - (A) The trustor's will was admitted to probate in Washington; or
 - (B) The trustor's will was not admitted to probate in Washington, but any ~~((person entitled to notice under RCW 11.97.010))~~ qualified beneficiary resides in Washington, any trustee resides or has a place of business in Washington, or any real property that is an asset of the trust is located in Washington.

(c) If the situs of the trust is not determined under (a) or (b) of this subsection, the determination regarding the situs of the trust is a matter for purposes of RCW 11.96A.030. Whether Washington is the situs ~~((shall))~~ must be determined by a court in a judicial proceeding conducted under RCW 11.96A.080 if:

- (i) A trustee has a place of business in or a trustee is a resident of Washington; or
- (ii) More than an insignificant part of the trust administration occurs in Washington; or

- (iii) One or more of the qualified beneficiaries resides in Washington; or
- (iv) An interest in real property located in Washington is an asset of the trust.

(d) Determination of situs under (c) of this subsection (3) cannot be made by nonjudicial agreement under RCW 11.96A.220.

NEW SECTION. Sec. 10. A new section is added to chapter 11.98 RCW to be codified between RCW 11.98.016 and 11.98.019 to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, a person designated as trustee accepts the trusteeship:

(a) By substantially complying with a method of acceptance provided in the terms of the trust; or

(b) If the terms of the trust do not provide a method of acceptance or the method provided in the terms is not expressly made exclusive, by accepting delivery of the trust property, exercising powers or performing duties as trustee, or otherwise indicating acceptance of the trusteeship.

(2) A person designated as trustee who has not yet accepted the trusteeship may decline the trusteeship by delivering a written declination of the trusteeship to the trustor or, if the trustor is deceased or is incapacitated, to a successor trustee, if any, and if none, to a qualified beneficiary.

(3) A person designated as trustee, without accepting the trusteeship, may:

(a) Act to preserve the trust property if, within a reasonable time after acting, the person sends a written declination of the trusteeship to the trustor or, if the trustor is dead or is incapacitated, to a successor trustee, if any, and if none, to a qualified beneficiary; and

(b) Inspect or investigate trust property to determine potential liability under environmental or other law or for any other purpose.

Sec. 11. RCW 11.98.019 and 1985 c 30 s 42 are each amended to read as follows:

Any trustee may, by written instrument delivered to any then acting co-trustee and to the ~~((current adult income beneficiaries))~~ permissible distributees of the trust, relinquish to any extent and upon any terms any or all of the trustee's powers, rights, authorities, or discretions that are or may be tax sensitive in that they cause or may cause adverse tax consequences to the trustee or the trust. Any trustee not relinquishing such a power, right, authority, or discretion and upon whom it is conferred continues to have full power to exercise it.

Sec. 12. RCW 11.98.039 and 2011 c 327 s 21 are each amended to read as follows:

(1) Where a vacancy occurs in the office of the trustee and there is a successor trustee who is willing to serve as trustee and (a) is named in the governing instrument as successor trustee or (b) has been selected to serve as successor trustee under the procedure established in the governing instrument for the selection of a successor trustee, the outgoing trustee, or any other interested party, ~~((shall))~~ must give notice of such vacancy, whether arising because of the trustee's resignation or because of any other reason, and of the successor trustee's agreement to serve as trustee, to each ~~((adult distributee or permissible distributee of trust income or of trust principal or of both trust income and trust principal. If there are no such adults, no notice need be given))~~ permissible distributee. The successor trustee named in the governing instrument or selected pursuant to the procedure therefor established in the governing instrument ~~((shall be))~~ is entitled to act as trustee except for good cause or disqualification. The successor trustee ~~((shall serve))~~ is deemed to have accepted the trusteeship as of the effective date of the discharge of the predecessor trustee as provided in RCW 11.98.041.

(2) Where a vacancy exists or occurs in the office of the trustee and there is no successor trustee who is named in the governing

instrument or who has been selected to serve as successor trustee under the procedure established in the governing instrument for the selection of a successor trustee, and who is willing to serve as trustee, then all parties with an interest in the trust may agree to a nonjudicial change of the trustee under RCW 11.96A.220. The successor trustee (~~shall serve~~) is deemed to have accepted the trusteeship as of the effective date of the discharge of the predecessor trustee as provided in RCW 11.98.041 or, in circumstances where there is no predecessor trustee, as of the effective date of the trustee's appointment.

(3) When there is a desire to name one or more cotrustees to serve with the existing trustee, then all parties with an interest in the trust may agree to the nonjudicial addition of one or more cotrustees under RCW 11.96A.220. The additional cotrustee (~~shall serve~~) is deemed to have accepted the trusteeship as of the effective date of the cotrustee's appointment.

(4) Unless subsection (1), (2), or (3) of this section applies, any beneficiary of a trust, the trustor, if alive, or the trustee may petition the superior court having jurisdiction for the appointment or change of a trustee or cotrustee under the procedures provided in RCW 11.96A.080 through 11.96A.200: (a) Whenever the office of trustee becomes vacant; (b) upon filing of a petition of resignation by a trustee; or (c) for any other reasonable cause.

(5) For purposes of this subsection, the term fiduciary includes both trustee and personal representative.

(a) Except as otherwise provided in the governing instrument, a successor fiduciary, absent actual knowledge of a breach of fiduciary duty: (i) Is not liable for any act or omission of a predecessor fiduciary and is not obligated to inquire into the validity or propriety of any such act or omission; (ii) is authorized to accept as conclusively accurate any accounting or statement of assets tendered to the successor fiduciary by a predecessor fiduciary; and (iii) is authorized to receipt only for assets actually delivered and has no duty to make further inquiry as to undisclosed assets of the trust or estate.

(b) Nothing in this section relieves a successor fiduciary from liability for retaining improper investments, nor does this section in any way bar the successor fiduciary, trust beneficiaries, or other party in interest from bringing an action against a predecessor fiduciary arising out of the acts or omissions of the predecessor fiduciary, nor does it relieve the successor fiduciary of liability for its own acts or omissions except as specifically stated or authorized in this section.

(6) A change of trustee to a foreign trustee does not change the situs of the trust. Transfer of situs of a trust to another jurisdiction requires compliance with RCW 11.98.005 and RCW 11.98.045 through 11.98.055.

Sec. 13. RCW 11.98.041 and 1985 c 30 s 141 are each amended to read as follows:

Where a vacancy occurs in the office of trustee under the circumstances described in RCW 11.98.039 (1) or (2), the outgoing trustee (~~shall be~~) is discharged upon the agreement of all parties entitled to notice or upon the expiration of thirty days after notice is given of such vacancy as required by the applicable subsection of RCW 11.98.039, whichever occurs first, or if no notice is required under RCW 11.98.039(1), upon the date the vacancy occurs, unless before the effective date of such discharge a petition is filed under RCW 11.98.039(~~(3)~~) (4) regarding the appointment or change of a trustee of the trust. Where a petition is filed under RCW 11.98.039(~~(3)~~) (4) regarding the appointment or change of a trustee, the superior court having jurisdiction may discharge the trustee from the trust and may appoint a successor trustee upon such terms as the court may require.

Sec. 14. RCW 11.98.045 and 2011 c 327 s 23 are each amended to read as follows:

(1) If a trust is a Washington trust under RCW 11.98.005, a trustee may transfer the situs of the trust to a jurisdiction other than Washington if the trust instrument so provides or in accordance with RCW 11.98.051 or 11.98.055.

(2) Transfer under this section is permitted only if:

(a) The transfer would facilitate the economic and convenient administration of the trust;

(b) The transfer would not materially impair the interests of the qualified beneficiaries or others interested in the trust;

(c) The transfer does not violate the terms of the trust;

(d) The new trustee is qualified and able to administer the trust or such assets on the terms set forth in the trust; and

(e) The trust meets at least one condition for situs listed in RCW 11.98.005(1) with respect to the new jurisdiction.

(3) Acceptance of such transfer by a foreign corporate trustee or trust company under this section or RCW 11.98.051 or 11.98.055 (~~shall~~) may not be construed to be doing a "trust business" as described in RCW 30.08.150(9).

Sec. 15. RCW 11.98.051 and 2011 c 327 s 24 are each amended to read as follows:

(1) The trustee may transfer trust situs (a) in accordance with RCW 11.96A.220; or (b) by giving written notice to (~~those persons entitled to notice as provided for under RCW 11.96A.110 and to~~) the attorney general in the case of a charitable trust subject to chapter 11.110 RCW and to the qualified beneficiaries not less than sixty days before initiating the transfer. The notice must:

(a) State the name and mailing address of the trustee;

(b) Include a copy of the governing instrument of the trust;

(c) Include a statement of assets and liabilities of the trust dated within ninety days of the notice;

(d) State the name and mailing address of the trustee to whom the trust will be transferred together with evidence that the trustee has agreed to accept the trust in the manner provided by law of the new situs. The notice must also contain a statement of the trustee's qualifications and the name of the court, if any, having jurisdiction of that trustee or in which a proceeding with respect to the administration of the trust may be heard;

(e) State the facts supporting the requirements of RCW 11.98.045(2);

(f) Advise the (~~beneficiaries~~) recipients of the notice of the date, not less than sixty days after the giving of the notice, by which (~~the beneficiary~~) such recipients must notify the trustee of an objection to the proposed transfer; and

(g) Include a form on which the recipient may (~~indicate consent or objection~~) object to the proposed transfer.

(2) If the date upon which the (~~beneficiaries~~) right to object to the transfer expires without receipt by the trustee of any objection, the trustee may transfer the trust situs as provided in the notice. If the trust was registered under RCW 11.98.045(2), the trustee must file a notice of transfer of situs and termination of registration with the court of the county where the trust was registered.

(3) The authority of a trustee under this section to transfer a trust's situs terminates if a (~~beneficiary~~) recipient of the notice notifies the trustee of an objection to the proposed transfer on or before the date specified in the notice.

(4) A change of trust situs does not authorize a change of trustee. Change of trustee of a trust requires compliance with RCW 11.98.039.

NEW SECTION. Sec. 16. A new section is added to chapter 11.98 RCW between RCW 11.98.070 and 11.98.080 to read as follows:

(1) A trustee must keep all qualified beneficiaries of a trust reasonably informed about the administration of the trust and of the material facts necessary for them to protect their interests. Unless unreasonable under the circumstances, a trustee must promptly respond to any beneficiary's request for information related to the

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administration of the trust. The trustee is deemed to have satisfied the request of a qualified beneficiary who requests information concerning the terms of the trust reasonably necessary to enable such beneficiary to enforce his or her rights under the trust if the trustee provides a copy of the entire trust instrument. If a qualified beneficiary must compel production of information from the trustee by order of the court, then the court may order costs, including reasonable attorneys' fees, to be awarded to such beneficiary pursuant to RCW 11.96A.150.

(2)(a) Except to the extent waived or modified as provided in subsection (5) of this section, within sixty days after the date of acceptance of the position of trustee, the trustee must give notice to the qualified beneficiaries of the trust of:

- (i) The existence of the trust;
- (ii) The identity of the trustor or trustors;
- (iii) The trustee's name, address, and telephone number; and
- (iv) The right to request such information as is reasonably necessary to enable the notified person to enforce his or her rights under the trust.

(b) The notice required under this subsection (2) applies only to irrevocable trusts created after December 31, 2011, and revocable trusts that become irrevocable after December 31, 2011.

(3) Despite any other provision of this section, and except to the extent waived or modified as provided in subsection (5) of this section, the trustee may not be required to provide any information described in subsection (1) or (2) of this section to any beneficiary of a trust other than the trustor's spouse or domestic partner if:

- (a) Such spouse or domestic partner has capacity;
- (b) Such spouse or domestic partner is the only permissible distributee of the trust; and

(c) All of the other qualified beneficiaries of the trust are the descendants of the trustor and the trustor's spouse or domestic partner.

(4) While the trustor of a revocable trust is living, no beneficiary other than the trustor is entitled to receive any information under this section.

(5) The trustor may waive or modify the notification requirements of subsections (2) and (3) of this section in the trust document or in a separate writing, made at any time, that is delivered to the trustee.

Sec. 17. RCW 11.98.080 and 1999 c 42 s 621 are each amended to read as follows:

(1)(a) Two or more trusts may be consolidated if:

- ~~((a))~~ (i) The trusts so provide; or
- ~~((b))~~ (ii) Whether provided in the trusts or not, ~~(in accordance with subsection (2) of this section, if all interested persons consent as provided in subsection (2)(b) of this section and the requirements of subsection (1)(d) of this section are satisfied; or~~
- ~~(c) Whether provided in the trusts or not, in accordance with subsection (3) of this section if the requirements of subsection (1)(d) of this section are satisfied;~~
- ~~(d))~~ the requirements of subsection (2), (3), or (4) of this section are satisfied.

~~(b)~~ Consolidation under subsection (2) ~~((e))~~, (3), or (4) of this section is permitted only if:

- (i) The dispositive provisions of each trust to be consolidated are substantially similar;
- (ii) Consolidation is not inconsistent with the intent of the trustor with regard to any trust to be consolidated; and
- (iii) Consolidation would facilitate administration of the trusts and would not materially impair the interests of the beneficiaries~~((e))~~.

~~(c)~~ Trusts may be consolidated whether created inter vivos or by will, by the same or different instruments, by the same or different

trustors, whether the trustees are the same, and regardless of where the trusts were created or administered.

~~(2) ((The trustees of two or more trusts may consolidate the trusts on such terms and conditions as appropriate without court approval as provided in RCW 11.96A.220.))~~

~~(a) ((The trustee shall give written notice of proposed consolidation by personal service or by certified mail to the))~~ A trustee must deliver sixty days in advance written notice of a proposed consolidation in the manner provided in RCW 11.96A.110 to the qualified beneficiaries of every trust affected by the consolidation ((as provided in RCW 11.96A.110)) and to any trustee of such trusts who does not join in the notice. The notice ((shall)) must: (i) State the name and mailing address of the trustee; (ii) include a copy of the governing instrument of each trust to be consolidated; (iii) include a statement of assets and liabilities of each trust to be consolidated, dated within ninety days of the notice; (iv) fully describe the terms and manner of consolidation; and (v) state the reasons supporting the requirements of subsection (1)~~((d))~~ (b) of this section. The notice ~~((shall))~~ must advise the recipient of the right to petition for a judicial determination of the proposed consolidation as provided in subsection ~~((3))~~ (4) of this section~~((The notice shall include a form on which consent or objection to the proposed consolidation may be indicated.~~

~~(b) If the trustee receives written consent to the proposed consolidation from all persons entitled to notice as provided in RCW 11.96A.110 or from their representatives, the trustee may consolidate the trusts as provided in the notice. Any person dealing with the trustee of the resulting consolidated trust is entitled to rely on the authority of that trustee to act and is not obliged to inquire into the validity or propriety of the consolidation under this section.~~

~~(3)(a) Any trustee, beneficiary, or special representative may petition the superior court of the county in which the principal place of administration of a trust is located for an order consolidating two or more trusts under RCW 11.96A.080 through 11.96A.200. If nonjudicial consolidation has been commenced pursuant to subsection (2) of this section, a petition may be filed under this section unless the trustee has received all necessary consents. The principal place of administration of the trust is the trustee's usual place of business where the records pertaining to the trust are kept, or the trustee's residence if the trustee has no such place of business), and must indicate that the recipient has thirty days to object to the proposed consolidation.~~

(b) If the trustee receives written objection to the proposed consolidation from any trustee or beneficiary entitled to notice or from their representatives within the objection period provided in subsection (a) of this section, the trustee(s) may not consolidate the trusts as provided in the notice, though an objection does not preclude the trustee or a beneficiary's right to petition for a judicial determination of the proposed consolidation as provided in subsection (4) of this section. If the trustee does not receive any objection within the objection period provided above, then the trustee may consolidate the trusts, and such will be deemed the equivalent of an order entered by the court declaring that the trusts were combined in the manner provided in the initial notice.

(3) The trustees of two or more trusts may consolidate the trusts on such terms and conditions as appropriate without court approval as provided in RCW 11.96A.220.

(4)(a) Any trustee, beneficiary, or special representative may petition the superior court of the county in which the situs of a trust is located for an order consolidating two or more trusts under RCW 11.96A.080 through 11.96A.200.

(b) At the conclusion of the hearing, if the court finds that the requirements of subsection (1)~~((d))~~ (b) of this section have been satisfied, it may direct consolidation of two or more trusts on such terms and conditions as appropriate. The court in its discretion may

provide for payment from one or more of the trusts of reasonable fees and expenses for any party to the proceeding.

~~((4))~~ (5) This section applies to all trusts whenever created. Any person dealing with the trustee of the resulting consolidated trust is entitled to rely on the authority of that trustee to act and is not obliged to inquire into the validity or propriety of the consolidation under this section.

~~((5))~~ (6) For powers of fiduciaries to divide trusts, see RCW 11.108.025.

NEW SECTION. Sec. 18. RCW 11.98.090 (Nonliability of third persons without knowledge of breach) and 1985 c 30 s 52 are each repealed.

Sec. 19. RCW 11.103.040 and 2011 c 327 s 37 are each amended to read as follows:

While ~~((a trust is revocable by the trustor,))~~ the trustor of a revocable trust is living, the rights of the beneficiaries are subject to the control of, and the duties of the trustee are owed exclusively to, the trustor. If a revocable trust has more than one trustor, the duties of the trustee are owed to all of the living trustors having the right to revoke the trust.

Sec. 20. RCW 11.103.050 and 2011 c 327 s 38 are each amended to read as follows:

(1) A person may commence a judicial proceeding to contest the validity of a trust that was revocable at the trustor's death within the earlier of:

- (a) Twenty-four months after the trustor's death; or
- (b) Four months after the trustee sent to the person by personal service, mail, or in an electronic transmission if there is a consent of the recipient to electronic transmission then in effect under the terms of RCW 11.96A.110, a notice ~~((with the information required in RCW 11.97.010, and))~~ including:
 - (i) The name and date of the trust;
 - (ii) The identity of the trustor or trustors;
 - (iii) The trustee's name, address, and telephone number; and
 - (iv) Notice of the time allowed for commencing a proceeding.

(2) Upon the death of the trustor of a trust that was revocable at the trustor's death, the trustee may proceed to distribute the trust property in accordance with the terms of the trust, unless:

- (a) The trustee knows of a pending judicial proceeding contesting the validity of the trust; or
- (b) A potential contestant has notified the trustee of a possible judicial proceeding to contest the trust and a judicial proceeding is commenced within sixty days after the contestant sent the notification.

(3) A beneficiary of a trust that is determined to have been invalid is liable to return any distribution received.

Sec. 21. RCW 11.96A.250 and 2001 c 14 s 3 are each amended to read as follows:

(1)(a) ~~((The personal representative or trustee may petition the court having jurisdiction over the matter for the appointment of a special representative to represent a person who is interested in the estate or trust and))~~ Any party or the parent of a minor or unborn party may petition the court for the appointment of a special representative to represent a party: (i) Who is a minor; (ii) who is ~~((incompetent or disabled))~~ incapacitated without an appointed guardian of his or her estate; (iii) who is yet unborn or unascertained; or (iv) whose identity or address is unknown. The petition may be heard by the court without notice.

(b) In appointing the special representative the court shall give due consideration and deference to any nomination(s) made in the petition, the special skills required in the representation, and the need for a representative who will act independently and prudently. The nomination of a person as special representative by the ~~((personal representative or trustee))~~ petitioner and the person's willingness to serve as special representative are not grounds by themselves for finding a lack of independence, however, the court

may consider any interests that the nominating ~~((fiduciary))~~ party may have in the estate or trust in making the determination.

(c) The special representative may enter into a binding agreement on behalf of the person or beneficiary. The special representative may be appointed for more than one person or class of persons if the interests of such persons or class are not in conflict. The petition ~~((shall))~~ must be verified. The petition and order appointing the special representative may be in the following form:

CAPTION
 PETITION FOR APPOINTMENT
 OF CASE
 OF SPECIAL REPRESENTATIVE

UNDER

RCW 11.96A.250

The undersigned petitioner petitions the court for the appointment of a special representative in accordance with RCW 11.96A.250 and shows the court as follows:

1. Petitioner. Petitioner . . . [is the qualified and presently acting (personal representative) (trustee) of the above (estate) (trust) having been named (personal representative) (trustee) under (describe will and reference probate order or describe trust instrument)] or [is the (describe relationship of the petitioner to the party to be represented or to the matter at issue).]

2. ~~((Issue Concerning (Estate) (Trust) Administration))~~ Matter. A question concerning ~~((administration of the (estate) (trust)))~~ . . . has arisen as to (describe issue, for example: Related to interpretation, construction, administration, distribution). The ~~((issues are appropriate for determination under RCW 11.96A.250.~~

~~— 3. Beneficiaries. The beneficiaries of the (estate) (trust) include persons who are unborn, unknown, or unascertained persons, or who are under eighteen years of age))~~ issue is a matter as defined in RCW 11.96A.030 and is appropriate for determination under RCW 11.96A.210 through 11.96A.250.

3. Party/Parties to be Represented. This matter involves (include description of asset(s) and related beneficiaries and/or interested parties). Resolution of this matter will require the involvement of (name of person or class of persons), who is/are (minors), (incapacitated and without an appointed guardian), (unborn or unascertained) (whose identity or address is unknown).

4. Special Representative. The nominated special representative . . . is a lawyer licensed to practice before the courts of this state or an individual with special skill or training in the administration of estates or trusts. The nominated special representative does not have an interest in the ~~((affected estate or trust))~~ matter and is not related to any person interested in the ~~((estate or trust))~~ matter. The nominated special representative is willing to serve. The petitioner has no reason to believe that the nominated special representative will not act in an independent and prudent manner and in the best interests of the represented parties. (It is recommended that the petitioner also include information specifying the particular skills of the nominated special representative that relate to the matter in issue.)

5. Resolution. Petitioner desires to achieve a resolution of the questions that have arisen ~~((concerning the (estate) (trust)))~~ in this matter. Petitioner believes that proceeding in accordance with the procedures permitted under RCW 11.96A.210 through 11.96A.250 would be in the best interests of the ~~((estate) (trust) and the beneficiaries))~~ parties, including the party requiring a special representative.

6. Request of Court. Petitioner requests that . . . ~~((?))~~ . . . an attorney licensed to practice in the State of Washington~~((?))~~,

(OR)

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... an individual with special skill or training in the administration of estates or trusts

be appointed special representative for ~~((those beneficiaries who are not yet adults, as well as for the unborn, unknown, and unascertained beneficiaries))~~ ... (describe party or parties being represented), who is/are (minors), (incapacitated and without an appointed guardian), (unborn or unascertained) (whose identity or address is unknown), as provided under RCW 11.96A.250.

DATED this ... day of,

..... (Petitioner
(~~or petitioner's~~ legal
representative))

VERIFICATION

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED, ((2000)) 20.., at, Washington.

..... (Petitioner or
other person
having
knowledge)

CAPTION
ORDER FOR APPOINTMENT
OF CASE
OF SPECIAL REPRESENTATIVE

THIS MATTER having come on for hearing before this Court on Petition for Appointment of Special Representative filed herein, and it appearing that it would be in the best interests of the ~~((estate trust))~~ parties related to the matter described in the Petition to appoint a special representative to address the issues that have arisen ~~((concerning the (estate) (trust)))~~ in the matter and the Court finding that the facts stated in the Petition are true, now, therefore,

IT IS ORDERED that ... is appointed under RCW 11.96A.250 as special representative ~~((for the (estate) (trust) beneficiaries who are not yet adult age, and for unborn, unknown, or unascertained beneficiaries to represent their respective interests in the (estate) (trust))~~ (describe party or parties being represented) who is/are (minors), (incapacitated and without an appointed guardian), (unborn or unascertained) (whose identity or address is unknown), to represent their respective interests in the matter as provided in RCW 11.96A.250. The special representative shall be discharged of responsibility with respect to the matter as provided in RCW 11.96A.250. The special representative ~~((shall be))~~ is discharged of responsibility with respect to the ~~((estate) (trust))~~ matter at such time as a written agreement is executed resolving the present issues, all as provided in that statute, or if an agreement is not reached within six months from entry of this Order, the special representative appointed under this Order ~~((shall be))~~ is discharged of responsibility, subject to subsequent reappointment under RCW 11.96A.250.

DONE IN OPEN COURT this ... day of,

JUDGE/COURT COMMISSIONER

(2) Upon appointment by the court, the special representative ~~((shall))~~ must file a certification made under penalty of perjury in accordance with RCW 9A.72.085 that he or she (a) is not interested in the ~~((estate or trust))~~ matter; (b) is not related to any person interested in the ~~((estate or trust))~~ matter; (c) is willing to serve; and (d) will act independently, prudently, and in the best interests of the represented parties.

(3) The special representative must be a lawyer licensed to practice before the courts of this state or an individual with special skill or training in the administration of estates or trusts. The special representative may not have an interest in the ~~((affected estate or trust))~~ matter, and may not be related to a person interested in the ~~((estate or trust))~~ matter. The special representative is entitled to reasonable compensation for services that must be paid from the principal of ~~((the estate or trust whose beneficiaries are represented))~~ an asset involved in the matter.

(4) The special representative ~~((shall be))~~ is discharged from any responsibility and ~~((shall))~~ will have no further duties with respect to the ~~((estate or trust))~~ matter or with respect to any ~~((person interested in the estate or trust))~~ party, on the earlier of: (a) The expiration of six months from the date the special representative was appointed unless the order appointing the special representative provides otherwise, or (b) the execution of the written agreement by all parties or their virtual representatives. Any action against a special representative must be brought within the time limits provided by RCW 11.96A.070(3)(c)(i).

Sec. 22. RCW 11.98.015 and 2011 c 327 s 20 are each amended to read as follows:

Except as otherwise provided in chapter 11.118 RCW or by another statute, the following rules apply:

(1) A trust may be created for a noncharitable purpose without a definite or definitely ascertainable beneficiary or for a noncharitable but otherwise valid purpose to be selected by the trustee. The trust may not be enforced for longer than the time period specified in RCW 11.98.130 as the period during which a trust cannot be deemed to violate the rule against perpetuities;

(2) A trust authorized by this section may be enforced by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court. Such person is considered to be a permissible distributee of the trust; and

(3) Property of a trust authorized by this section may be applied only to its intended use, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Except as otherwise provided in the terms of the trust, property not required for the intended use must be distributed to the trustor, if then living, otherwise to the trustor's successors in interest. Successors in interest include the beneficiaries under the trustor's will, if the trustor has a will, or, in the absence of an effective will provision, the trustor's heirs.

Sec. 23. RCW 11.98.078 and 2011 c 327 s 32 are each amended to read as follows:

(1) A trustee ~~((shall))~~ must administer the trust solely in the interests of the beneficiaries.

(2) Subject to the rights of persons dealing with or assisting the trustee as provided in RCW ~~((11.98.090))~~ 11.98.105, a sale, encumbrance, or other transaction involving the investment or management of trust property entered into by the trustee for the trustee's own personal account or which is otherwise affected by a conflict between the trustee's fiduciary and personal interests is voidable by a beneficiary affected by the transaction unless:

- (a) The transaction was authorized by the terms of the trust;
- (b) The transaction was approved by the court or approved in a nonjudicial binding agreement in compliance with RCW 11.96A.210 through 11.96A.250;
- (c) The beneficiary did not commence a judicial proceeding within the time allowed by RCW 11.96A.070;
- (d) The beneficiary consented to the trustee's conduct, ratified the transaction, or released the trustee in compliance with RCW 11.98.108; or
- (e) The transaction involves a contract entered into or claim acquired by the trustee before the person became or contemplated becoming trustee.
- (3)(a) A sale, encumbrance, or other transaction involving the investment or management of trust property is presumed to be "otherwise affected" by a conflict between fiduciary and personal interests under this section if it is entered into by the trustee with:
- (i) The trustee's spouse or registered domestic partner;
 - (ii) The trustee's descendants, siblings, parents, or their spouses or registered domestic partners;
 - (iii) An agent or attorney of the trustee; or
 - (iv) A corporation or other person or enterprise in which the trustee, or a person that owns a significant interest in the trustee, has an interest that might affect the trustee's best judgment.
- (b) The presumption is rebutted if the trustee establishes that the conflict did not adversely affect the interests of the beneficiaries.
- (4) A sale, encumbrance, or other transaction involving the investment or management of trust property entered into by the trustee for the trustee's own personal account that is voidable under subsection (2) of this section may be voided by a beneficiary without further proof.
- (5) An investment by a trustee in securities of an investment company or investment trust to which the trustee, or its affiliate, provides services in a capacity other than as trustee is not presumed to be affected by a conflict between personal and fiduciary interests if the investment complies with the prudent investor rule of chapter 11.100 RCW. In addition to its compensation for acting as trustee, the trustee may be compensated by the investment company or investment trust for providing those services out of fees charged to the trust. If the trustee receives compensation from the investment company or investment trust for providing investment advisory or investment management services, the trustee must at least annually notify the ~~((persons entitled under RCW 11.106.020 to receive a copy of the trustee's annual report of the rate and method by which that compensation was determined))~~ permissible distributees of the rate and method by which that compensation was determined. The obligation of the trustee to provide the notice described in this section may be waived or modified by the trustor in the trust document or in a separate writing, made at any time, that is delivered to the trustee.
- (6) The following transactions, if fair to the beneficiaries, cannot be voided under this section:
- (a) An agreement between a trustee and a beneficiary relating to the appointment or compensation of the trustee;
 - (b) Payment of reasonable compensation to the trustee and any affiliate providing services to the trust, provided total compensation is reasonable;
 - (c) A transaction between a trust and another trust, decedent's estate, or guardianship of which the trustee is a fiduciary or in which a beneficiary has an interest;
 - (d) A deposit of trust money in a regulated financial-service institution operated by the trustee or its affiliate;
 - (e) A delegation and any transaction made pursuant to the delegation from a trustee to an agent that is affiliated or associated with the trustee; or
 - (f) Any loan from the trustee or its affiliate.

(7) The court may appoint a special fiduciary to make a decision with respect to any proposed transaction that might violate this section if entered into by the trustee.

(8) If a trust has two or more beneficiaries, the trustee ~~((shall))~~ must act impartially in administering the trust and distributing the trust property, giving due regard to the beneficiaries' respective interests.

Sec. 24. RCW 11.103.030 and 2011 c 327 s 36 are each amended to read as follows:

(1) Unless the terms of a trust expressly provide that the trust is revocable, the trustor may not revoke or amend the trust.

(2) If a revocable trust is created or funded by more than one trustor and unless the trust agreement provides otherwise:

(a) To the extent the trust consists of community property, the trust may be revoked by either spouse or either domestic partner acting alone but may be amended only by joint action of both spouses or both domestic partners;

(b) To the extent the trust consists of property other than community property, each trustor may revoke or amend the trust with regard to the portion of the trust property attributable to that trustor's contribution;

(c) The character of community property or separate property is unaffected by its transfer to and from a revocable trust; and

(d) Upon the revocation or amendment of the trust by fewer than all of the trustors, the trustee ~~((shall))~~ must promptly notify the other trustors of the revocation or amendment.

(3) The trustor may revoke or amend a revocable trust:

(a) By substantial compliance with a method provided in the terms of the trust; or

(b)(i) If the terms of the trust do not provide a method or the method provided in the terms is not expressly made exclusive, by:

(A) A later will or codicil that expressly refers to the trust or specifically devises property that would otherwise have passed according to the terms of the trust; or

(B) A written instrument signed by the trustor evidencing intent to revoke or amend.

(ii) The requirements of chapter 11.11 RCW do not apply to revocation or amendment of a revocable trust under (b)(i) of this subsection.

(4) Upon revocation of a revocable trust, the trustee ~~((shall))~~ must deliver the trust property as the trustor directs.

(5) A trustor's powers with respect to ~~((revocation, amendment, or distribution of trust property may be exercised by an agent under a power of attorney only to the extent expressly authorized by the terms of the power))~~ the revocation or amendment of a trust or distribution of the property of a trust, may be exercised by the trustor's agent under a power of attorney only to the extent specified in the power of attorney document, as provided in RCW 11.94.050(1) and to the extent consistent with or expressly authorized by the trust agreement.

(6) A guardian of the trustor may exercise a trustor's powers with respect to revocation, amendment, or distribution of trust property only with the approval of the court supervising the guardianship pursuant to RCW 11.92.140.

(7) A trustee who does not know that a trust has been revoked or amended is not liable to the trustor or trustor's successors in interest for distributions made and other actions taken on the assumption that the trust had not been amended or revoked.

(8) This section does not limit or affect operation of RCW 11.96A.220 through 11.96A.240.

Sec. 25. RCW 11.106.010 and 1985 c 30 s 95 are each amended to read as follows:

This chapter does not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiaries, investment trusts, voting trusts, insurance trusts prior to the death of the insured, trusts in the nature of

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mortgages or pledges (~~(trusts created by judgment or decree of a federal court or of the superior court when not sitting in probate)~~), liquidation trusts or trusts for the sole purpose of paying dividends, interest or interest coupons, salaries, wages or pensions; nor does this chapter apply to personal representatives.

Sec. 26. RCW 11.106.020 and 1985 c 30 s 96 are each amended to read as follows:

The trustee or trustees appointed by any will, deed, or agreement executed (~~(shall)~~ must mail or deliver at least annually to each (~~(adult income trust beneficiary)~~) permissible distributee, as defined in section 8 of this act, a written itemized statement of all current receipts and disbursements made by the trustee of the funds of the trust both principal and income, and upon the request of any such beneficiary (~~(shall)~~ must furnish the beneficiary an itemized statement of all property then held by that trustee, and may also file any such statement in the superior court of the county in which the trustee or one of the trustees resides.

Sec. 27. RCW 11.118.050 and 2001 c 327 s 6 are each amended to read as follows:

The intended use of the principal or income can be enforced by a person designated for that purpose in the trust instrument, by the person having custody of an animal that is a beneficiary of the trust, or by a person appointed by a court upon application to it by any person. Such person is considered to be a permissible distributee, as defined in section 8 of this act, of the trust. A person with an interest in the welfare of the animal may petition for an order appointing or removing a person designated or appointed to enforce the trust.

NEW SECTION. Sec. 28. Except as otherwise provided in this act:

(1) This act applies to all trusts created before, on, or after January 1, 2013;

(2) This act applies to all judicial proceedings concerning trusts commenced on or after January 1, 2013;

(3) An action taken before January 1, 2013, is not affected by this act; and

(4) If a right is acquired, extinguished, or barred upon the expiration of a prescribed period that has commenced to run under any other statute before January 1, 2013, that statute continues to apply to the right even if it has been repealed or superseded."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Senate Bill No. 5344.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Senate Bill No. 5344.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5344 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5344, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5344, as amended by the House, and the bill passed the

Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner, Ericksen and Holmquist Newbry

Excused: Senator Carrell

SENATE BILL NO. 5344, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5437 with the following amendment(s): 5437-S AMH APPG H2348.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.60.040 and 1998 c 213 s 7 are each amended to read as follows:

(1) It (~~(shall be)~~) is unlawful for any person to operate a vessel in a reckless manner.

(2) It (~~(shall be a violation)~~) is unlawful for a person to operate a vessel while under the influence of intoxicating liquor, marijuana, or any drug. A person is considered to be under the influence of intoxicating liquor, marijuana, or any drug if, within two hours of operating a vessel:

(a) The person has an alcohol concentration of 0.08 ((grams)) or ((more of alcohol per two hundred ten liters of breath.)) higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has (~~((0.08 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's blood made under RCW 46.61.506))~~) a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or

(d) The person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

(3) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. (~~((A person cited under this subsection may upon request be given a breath test for breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.~~

~~(3))~~ (4) Any person who operates a vessel within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of the person's breath or blood for the purpose of determining the alcohol concentration, THC concentration, or presence of any drug in the person's breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person was operating a vessel while under the influence of intoxicating liquor, marijuana, or any drug. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath

or blood. An arresting officer may administer field sobriety tests when circumstances permit.

(5) The test or tests of breath must be administered pursuant to RCW 46.20.308. Where the officer has reasonable grounds to believe that the person is under the influence of a drug, or where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample, or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility, a blood test must be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall warn the person that if the person refuses to take the test, the person will be issued a class 1 civil infraction under RCW 7.80.120.

(6) A violation of subsection (1) of this section is a misdemeanor (~~punishable as provided under RCW 9.92.030~~). A violation of subsection (2) of this section is a gross misdemeanor. In addition to the statutory penalties imposed, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

NEW SECTION. Sec. 2. A new section is added to chapter 79A.60 RCW to read as follows:

(1) The refusal of a person to submit to a test of the alcohol concentration, THC concentration, or presence of any drug in the person's blood or breath is not admissible into evidence at a subsequent criminal trial.

(2) A person's refusal to submit to a test or tests pursuant to RCW 79A.60.040 constitutes a class 1 civil infraction under RCW 7.80.120.

Sec. 3. RCW 7.80.120 and 2003 c 365 s 3 and 2003 c 337 s 4 are each reenacted and amended to read as follows:

(1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments, except for an infraction of state law involving (i) potentially dangerous litter as specified in RCW 70.93.060(4) (~~and an infraction of state law involving~~) or violent video or computer games under RCW 9.91.180, in which case the maximum penalty and default amount is five hundred dollars; or (ii) a person's refusal to submit to a test or tests pursuant to RCW 79A.60.040 and section 2 of this act, in which case the maximum penalty and default amount is one thousand dollars;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution.

Sec. 4. RCW 10.31.100 and 2010 c 274 s 201 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through ~~((4))~~ **(11)** of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

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(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

~~((6))~~ (7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

~~((7))~~ (8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

~~((8))~~ (9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

~~((9))~~ (10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

~~((10))~~ (11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

~~((11))~~ (12) Except as specifically provided in subsections (2), (3), (4), and ((6)) (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((12))~~ (13) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or ((8)) (9) of this section if the police officer acts in good faith and without malice.

NEW SECTION. Sec. 5. A new section is added to chapter 79A.60 RCW to read as follows:

(1) No person who has vessels for hire, or the agent or employee thereof, shall rent, lease, charter, or otherwise permit the use of a vessel, unless the person:

(a) Displays the vessel registration numbers and a valid decal on the vessel hull as required by RCW 88.02.550(1);

(b) Keeps a copy of the vessel registration certificate aboard the vessel, in compliance with RCW 88.02.340;

(c) Displays a carbon monoxide decal on the vessel as required by RCW 88.02.390(2) if the vessel is motor-driven and is not a personal watercraft;

(d) Provides a copy of the rental agreement to be kept aboard during the rental, lease, charter, or use period for vessels required under chapter 88.02 RCW to be registered;

(e) Ensures that the vessel, if motor-propelled, meets the muffler or underwater exhaust system requirement in RCW 79A.60.130;

(f) Outfits the vessel with the quantity and type of personal flotation devices required by RCW 79A.60.140 and 79A.60.160 for the number and ages of the people who will use the vessel;

(g) Explains the personal flotation device requirements to the person renting, leasing, chartering, or otherwise using the vessel;

(h) Equips the vessel with a skier-down flag, and explains observer and personal flotation requirements of RCW 79A.60.170, if the persons renting, leasing, chartering, or otherwise using the vessel will be waterskiing;

(i) If the vessel is a personal watercraft, provides a personal flotation device and a lanyard attached to an engine cutoff switch for the operator to wear at all times when operating the personal watercraft, as required by RCW 79A.60.190;

(j) Reviews with the person operating the vessel, and all other persons who the operator may permit to operate the vessel, all the information contained in the motor vessel safety operating and equipment checklist prescribed by the Washington state parks and recreation commission and required under RCW 79A.60.640(6); and

(k) Provides all other safety equipment required by RCW 79A.60.110 and referenced in the motor vessel safety operating and equipment checklist prescribed by the Washington state parks and recreation commission and required under RCW 79A.60.640(6).

(2) This section does not apply to fishing guides and charter boat operators who have a United States coast guard operator's license and are operating on navigable waters, and people who act in the capacity of a paid whitewater river outfitter or guide, or who operate a vessel carrying passengers for hire on whitewater rivers in this state.

(3) As provided in RCW 79A.60.020, a violation of this section is a civil infraction punishable under chapter 7.84 RCW, unless:

(a) The violation is a violation of RCW 88.02.550, which is punished as a class 2 civil infraction; or

(b) The current violation is the person's third violation of the same provision of this chapter during the past three hundred sixty-five days. If it is the person's third violation, then it must be punished as a misdemeanor under RCW 9.92.030.

Sec. 6. RCW 79A.60.150 and 1993 c 244 s 13 are each amended to read as follows:

If ~~((an infraction is issued under this chapter because a vessel does not contain the required equipment and if the operator is not the owner of the vessel, but is operating the vessel with the express or implied permission of the owner, then either or both operator or owner may be cited for the infraction)) a vessel does not contain the safety equipment required under this chapter and the rules of the commission, and the operator is not the owner of the vessel but is operating the vessel with the express or implied permission of the~~

owner, then either the owner or the operator, or both, may be cited for the applicable infraction or charged with the applicable crime."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5437.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5437.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5437 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5437, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5437, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Holmquist Newbry and Roach

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5437, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5905, by Senators Hill and Hargrove

Establishing state employee eligibility for insurance benefits consistent with the employer shared responsibility provisions of the patient protection and affordable care act.

MOTION

On motion of Senator Hill, Substitute Senate Bill No. 5905 was substituted for Senate Bill No. 5905 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Hill be adopted:

Beginning on page 3, line 24, strike all of section 3 and insert the following:

"**Sec. 3.** RCW 41.05.065 and 2011 1st sp.s. c 8 s 1 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits; and

(f) Minimum standards for insuring entities.

(3) To maintain the comprehensive nature of employee health care benefits, benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan in effect on January 1, 1993. Nothing in this subsection shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account. ~~((The board may establish employee eligibility criteria which are not substantially equivalent to employee eligibility criteria in effect on January 1, 1993.))~~

(4) The eligibility provisions of this subsection have effect through December 31, 2013. Except if bargained for under chapter 41.80 RCW, the board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria subject to the requirements of this chapter. Employer groups obtaining benefits through contractual agreement with the authority for employees defined in RCW 41.05.011(6) (a) through (d) may contractually agree with the authority to benefits eligibility criteria which differs from that determined by the board. The eligibility criteria established by the board shall be no more restrictive than the following:

(a) Except as provided in (b) through (e) of this subsection, an employee is eligible for benefits from the date of employment if the employing agency anticipates he or she will work an average of at least eighty hours per month and for at least eight hours in each month for more than six consecutive months. An employee determined ineligible for benefits at the beginning of his or her employment shall become eligible in the following circumstances:

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(i) An employee who works an average of at least eighty hours per month and for at least eight hours in each month and whose anticipated duration of employment is revised from less than or equal to six consecutive months to more than six consecutive months becomes eligible when the revision is made.

(ii) An employee who works an average of at least eighty hours per month over a period of six consecutive months and for at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period.

(b) A seasonal employee is eligible for benefits from the date of employment if the employing agency anticipates that he or she will work an average of at least eighty hours per month and for at least eight hours in each month of the season. A seasonal employee determined ineligible at the beginning of his or her employment who works an average of at least half-time, as defined by the board, per month over a period of six consecutive months and at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period. A benefits-eligible seasonal employee who works a season of less than nine months shall not be eligible for the employer contribution during the off season, but may continue enrollment in benefits during the off season by self-paying for the benefits. A benefits-eligible seasonal employee who works a season of nine months or more is eligible for the employer contribution through the off season following each season worked.

(c) Faculty are eligible as follows:

(i) Faculty who the employing agency anticipates will work half-time or more for the entire instructional year or equivalent nine-month period are eligible for benefits from the date of employment. Eligibility shall continue until the beginning of the first full month of the next instructional year, unless the employment relationship is terminated, in which case eligibility shall cease the first month following the notice of termination or the effective date of the termination, whichever is later.

(ii) Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period are eligible for benefits at the beginning of the second consecutive quarter or semester of employment in which he or she is anticipated to work, or has actually worked, half-time or more. Such an employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least half-time in a quarter or semester. Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period, but who actually work half-time or more throughout the entire instructional year, are eligible for summer or off-quarter coverage. Faculty who have met the criteria of this subsection (4)(c)(ii), who work at least two quarters of the academic year with an average academic year workload of half-time or more for three quarters of the academic year, and who have worked an average of half-time or more in each of the two preceding academic years shall continue to receive uninterrupted employer contributions for benefits if he or she works at least half-time in a quarter or semester or works two quarters of the academic year with an average academic workload each academic year of half-time or more for three quarters. Eligibility under this section ceases immediately if this criteria is not met.

(iii) Faculty may establish or maintain eligibility for benefits by working for more than one institution of higher education. When faculty work for more than one institution of higher education, those institutions shall prorate the employer contribution costs, or if eligibility is reached through one institution, that institution will pay the full employer contribution. Faculty working for more than one institution must alert his or her employers to his or her potential eligibility in order to establish eligibility.

(iv) The employing agency must provide written notice to faculty who are potentially eligible for benefits under this subsection (4)(c) of their potential eligibility.

(v) To be eligible for maintenance of benefits through averaging under (c)(ii) of this subsection, faculty must provide written notification to his or her employing agency or agencies of his or her potential eligibility.

(d) A legislator is eligible for benefits on the date his or her term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible for benefits on the date his or her term begins or they take the oath of office, whichever occurs first.

(e) A justice of the supreme court and judges of the court of appeals and the superior courts become eligible for benefits on the date he or she takes the oath of office.

(f) Except as provided in (c)(i) and (ii) of this subsection, eligibility ceases for any employee the first of the month following termination of the employment relationship.

(g) In determining eligibility under this section, the employing agency may disregard training hours, standby hours, or temporary changes in work hours as determined by the authority under this section.

(h) Insurance coverage for all eligible employees begins on the first day of the month following the date when eligibility for benefits is established. If the date eligibility is established is the first working day of a month, insurance coverage begins on that date.

(i) Eligibility for an employee whose work circumstances are described by more than one of the eligibility categories in (a) through (e) of this subsection shall be determined solely by the criteria of the category that most closely describes the employee's work circumstances.

(j) Except for an employee eligible for benefits under (b) or (c)(ii) of this subsection, an employee who has established eligibility for benefits under this section shall remain eligible for benefits each month in which he or she is in pay status for eight or more hours, if (i) he or she remains in a benefits-eligible position and (ii) leave from the benefits-eligible position is approved by the employing agency. A benefits-eligible seasonal employee is eligible for the employer contribution in any month of his or her season in which he or she is in pay status eight or more hours during that month. Eligibility ends if these conditions are not met, the employment relationship is terminated, or the employee voluntarily transfers to a noneligible position.

(k) For the purposes of this subsection:

(i) "Academic year" means summer, fall, winter, and spring quarters or semesters;

(ii) "Half-time" means one-half of the full-time academic workload as determined by each institution, except that half-time for community and technical college faculty employees shall have the same meaning as "part-time" under RCW 28B.50.489;

(iii) "Benefits-eligible position" shall be defined by the board.

(5) Beginning January 1, 2014, eligibility for health care benefits is as provided under this subsection. Except if bargained for under chapter 41.80 RCW, the board must design benefits and determine the terms and conditions of employee and retired employee participation and coverage. The terms and conditions must be consistent with the provisions of this subsection. Employer groups obtaining benefits through contractual agreement with the authority for employees defined in RCW 41.05.011(6) (a), (b), (c), and (d) may contractually agree with the authority to benefits eligibility criteria which differs from the criteria contained in this section. The eligibility criteria for health care benefits is:

(a) Each employee who is a full-time employee as defined by section 1513 of the patient protection and affordable care act and related regulations, as administered by the authority, is eligible for

benefits. Except if bargained for pursuant to (a)(i) of this subsection, or if authorized by the office of financial management pursuant to (a)(ii) of this subsection, employees who are not full-time employees as defined by section 1513 of the patient protection and affordable care act and related regulations, as administered by the authority, are not eligible for benefits.

(i) The employer and exclusive bargaining representative, pursuant to chapter 41.80 RCW, may bargain part-time employee eligibility criteria that does not exceed the criteria under subsection (4) of this section for up to ten percent of the half-time or greater part-time positions covered under a collective bargaining agreement.

(ii) The office of financial management may approve part-time employee eligibility criteria that does not exceed the criteria under subsection (4) of this section for up to ten percent of the half-time or greater part-time state positions not covered under any collective bargaining agreement.

(b) A legislator is eligible for benefits on the date his or her term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible for benefits on the date their term begins or they take the oath of office, whichever occurs first.

(c) Justices of the supreme court and judges of the court of appeals and the superior courts become eligible for benefits on the date they take the oath of office.

(d) Except as provided by section 1513 of the patient protection and affordable care act and related regulations, as administered by the authority, eligibility ceases for any employee the first day of the month following termination of the employment relationship.

(e) Insurance coverage for all eligible employees begins on the first day of the month following the date when eligibility for benefits is established. If the date eligibility is established is the first working day of a month, insurance coverage begins on that date.

(f) From funding provided in the omnibus appropriations act, the authority must establish and administer a compensation arrangement to reimburse a portion of the premium or out-of-pocket costs of part-time state agency and higher education institution employees who obtain health insurance coverage through the Washington health benefit exchange. Only persons who are employed for at least eighty hours per month for at least six consecutive months are eligible for the exchange premium reimbursement benefit provided under this section, and only for months in which they work at least eighty hours. The exchange premium reimbursement benefit may not exceed two dollars per hour for the number of hours worked by the part-time employee in a month, and in no case may exceed two hundred sixty dollars per month. Reimbursement may only be provided for coverage of the employee and the employee's spouse and dependent children. The authority may adopt rules that are consistent with the goals in section 1 of this act to implement the benefit.

(6) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

~~((6))~~ (7)(a) For any open enrollment period following August 24, 2011, the board shall offer a health savings account option for employees that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(b) By November 30, 2015, and each year thereafter, the authority shall submit a report to the relevant legislative policy and fiscal committees that includes the following:

(i) Public employees' benefits board health plan cost and service utilization trends for the previous three years, in total and for each health plan offered to employees;

(ii) For each health plan offered to employees, the number and percentage of employees and dependents enrolled in the plan, and the age and gender demographics of enrollees in each plan;

(iii) Any impact of enrollment in alternatives to the most comprehensive plan, including the high deductible health plan with a health savings account, upon the cost of health benefits for those employees who have chosen to remain enrolled in the most comprehensive plan.

~~((7))~~ (8) Notwithstanding any other provision of this chapter, for any open enrollment period following August 24, 2011, the board shall offer a high deductible health plan in conjunction with a health savings account developed under subsection ~~((6))~~ (7) of this section.

~~((8))~~ (9) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

~~((9))~~ (10) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall adopt rules setting forth criteria by which it shall evaluate the plans.

~~((10))~~ (11) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments, political subdivisions, and tribal governments not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with

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expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

~~((H))~~ (12) The board may establish penalties to be imposed by the authority when the eligibility determinations of an employing agency fail to comply with the criteria under ~~((this chapter))~~ section 1513 of the patient protection and affordable care act and related regulations, as administered by the authority."

WITHDRAWAL OF AMENDMENT

On motion of Senator Hargrove, the amendment by Senators Hargrove and Hill on page 3, line 24 to Substitute Senate Bill No. 5905 was withdrawn.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Hill be adopted:

Beginning on page 3, line 24, strike all of section 3 and insert the following:

"**Sec. 3.** RCW 41.05.065 and 2011 1st sp.s. c 8 s 1 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits; and

(f) Minimum standards for insuring entities.

(3) To maintain the comprehensive nature of employee health care benefits, benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan in effect on January 1, 1993. Nothing in this subsection shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account. ~~((The board may establish employee eligibility criteria which are not substantially equivalent to employee eligibility criteria in effect on January 1, 1993.))~~

(4) The eligibility provisions of this subsection have effect through December 31, 2013. Except if bargained for under chapter 41.80 RCW, the board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria subject to the requirements of this chapter. Employer groups obtaining benefits through contractual agreement with the authority for employees defined in RCW 41.05.011(6) (a) through (d) may contractually agree with the authority to benefits eligibility criteria which differs from that determined by the board. The eligibility criteria established by the board shall be no more restrictive than the following:

(a) Except as provided in (b) through (e) of this subsection, an employee is eligible for benefits from the date of employment if the employing agency anticipates he or she will work an average of at least eighty hours per month and for at least eight hours in each month for more than six consecutive months. An employee determined ineligible for benefits at the beginning of his or her employment shall become eligible in the following circumstances:

(i) An employee who works an average of at least eighty hours per month and for at least eight hours in each month and whose anticipated duration of employment is revised from less than or equal to six consecutive months to more than six consecutive months becomes eligible when the revision is made.

(ii) An employee who works an average of at least eighty hours per month over a period of six consecutive months and for at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period.

(b) A seasonal employee is eligible for benefits from the date of employment if the employing agency anticipates that he or she will work an average of at least eighty hours per month and for at least eight hours in each month of the season. A seasonal employee determined ineligible at the beginning of his or her employment who works an average of at least half-time, as defined by the board, per month over a period of six consecutive months and at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period. A benefits-eligible seasonal employee who works a season of less than nine months shall not be eligible for the employer contribution during the off season, but may continue enrollment in benefits during the off season by self-paying for the benefits. A benefits-eligible seasonal employee who works a season of nine months or more is eligible for the employer contribution through the off season following each season worked.

(c) Faculty are eligible as follows:

(i) Faculty who the employing agency anticipates will work half-time or more for the entire instructional year or equivalent nine-month period are eligible for benefits from the date of employment. Eligibility shall continue until the beginning of the first full month of the next instructional year, unless the employment relationship is terminated, in which case eligibility shall cease the first month following the notice of termination or the effective date of the termination, whichever is later.

(ii) Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period are eligible for benefits at the beginning of the second consecutive quarter or semester of employment in which he or she is anticipated to work, or has actually worked, half-time or more. Such an employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least half-time in a quarter or semester. Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period, but who actually work half-time or more throughout the entire instructional year, are eligible for summer or off-quarter coverage. Faculty who have met the criteria of this subsection (4)(c)(ii), who work at least two quarters of the academic year with an average academic year workload of half-time or more for three quarters of the academic year, and who have worked an average of half-time or more in each of the two preceding academic years shall continue to receive uninterrupted employer contributions for benefits if he or she works at least half-time in a quarter or semester or works two quarters of the academic year with an average academic workload each academic year of half-time or more for three quarters. Eligibility under this section ceases immediately if this criteria is not met.

(iii) Faculty may establish or maintain eligibility for benefits by working for more than one institution of higher education. When faculty work for more than one institution of higher education, those institutions shall prorate the employer contribution costs, or if eligibility is reached through one institution, that institution will pay the full employer contribution. Faculty working for more than one institution must alert his or her employers to his or her potential eligibility in order to establish eligibility.

(iv) The employing agency must provide written notice to faculty who are potentially eligible for benefits under this subsection (4)(c) of their potential eligibility.

(v) To be eligible for maintenance of benefits through averaging under (c)(ii) of this subsection, faculty must provide written notification to his or her employing agency or agencies of his or her potential eligibility.

(d) A legislator is eligible for benefits on the date his or her term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible for benefits on the date his or her term begins or they take the oath of office, whichever occurs first.

(e) A justice of the supreme court and judges of the court of appeals and the superior courts become eligible for benefits on the date he or she takes the oath of office.

(f) Except as provided in (c)(i) and (ii) of this subsection, eligibility ceases for any employee the first of the month following termination of the employment relationship.

(g) In determining eligibility under this section, the employing agency may disregard training hours, standby hours, or temporary changes in work hours as determined by the authority under this section.

(h) Insurance coverage for all eligible employees begins on the first day of the month following the date when eligibility for benefits is established. If the date eligibility is established is the first working day of a month, insurance coverage begins on that date.

(i) Eligibility for an employee whose work circumstances are described by more than one of the eligibility categories in (a)

through (e) of this subsection shall be determined solely by the criteria of the category that most closely describes the employee's work circumstances.

(j) Except for an employee eligible for benefits under (b) or (c)(ii) of this subsection, an employee who has established eligibility for benefits under this section shall remain eligible for benefits each month in which he or she is in pay status for eight or more hours, if (i) he or she remains in a benefits-eligible position and (ii) leave from the benefits-eligible position is approved by the employing agency. A benefits-eligible seasonal employee is eligible for the employer contribution in any month of his or her season in which he or she is in pay status eight or more hours during that month. Eligibility ends if these conditions are not met, the employment relationship is terminated, or the employee voluntarily transfers to a noneligible position.

(k) For the purposes of this subsection:

(i) "Academic year" means summer, fall, winter, and spring quarters or semesters;

(ii) "Half-time" means one-half of the full-time academic workload as determined by each institution, except that half-time for community and technical college faculty employees shall have the same meaning as "part-time" under RCW 28B.50.489;

(iii) "Benefits-eligible position" shall be defined by the board.

(5) Beginning January 1, 2014, eligibility for health care benefits is as provided under this subsection. Except if bargained for under chapter 41.80 RCW, the board must design benefits and determine the terms and conditions of employee and retired employee participation and coverage. The terms and conditions must be consistent with the provisions of this subsection. Employer groups obtaining benefits through contractual agreement with the authority for employees defined in RCW 41.05.011(6) (a), (b), (c), and (d) may contractually agree with the authority to benefits eligibility criteria which differs from the criteria contained in this section. The eligibility criteria for health care benefits is:

(a) Each employee who is a full-time employee as defined by section 1513 of the patient protection and affordable care act and related regulations, as administered by the authority, is eligible for benefits. Except if bargained for pursuant to (a)(i) of this subsection, or if authorized by the office of financial management pursuant to (a)(ii) of this subsection, employees who are not full-time employees as defined by section 1513 of the patient protection and affordable care act and related regulations, as administered by the authority, are not eligible for benefits.

(i) The employer and exclusive bargaining representative, pursuant to chapter 41.80 RCW, may bargain part-time employee eligibility criteria that does not exceed the criteria under subsection (4) of this section.

(ii) The office of financial management may approve part-time employee eligibility criteria that does not exceed the criteria under subsection (4) of this section for part-time state positions not covered under any collective bargaining agreement.

(b) A legislator is eligible for benefits on the date his or her term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible for benefits on the date their term begins or they take the oath of office, whichever occurs first.

(c) Justices of the supreme court and judges of the court of appeals and the superior courts become eligible for benefits on the date they take the oath of office.

(d) Except as provided by section 1513 of the patient protection and affordable care act and related regulations, as administered by the authority, eligibility ceases for any employee the first day of the month following termination of the employment relationship.

(e) Insurance coverage for all eligible employees begins on the first day of the month following the date when eligibility for benefits is established. If the date eligibility is established is the first

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working day of a month, insurance coverage begins on that date.

(f) From funding provided in the omnibus appropriations act, the authority must establish and administer a compensation arrangement to reimburse a portion of the premium or out-of-pocket costs of part-time state agency and higher education institution employees who obtain health insurance coverage through the Washington health benefit exchange. Only persons who are expected to be employed for at least eighty hours per month for at least six consecutive months are eligible for the exchange premium reimbursement benefit provided under this section, and only for months in which they work at least eighty hours. The exchange premium reimbursement benefit may not exceed two dollars per hour for the number of hours worked by the part-time employee in a month, and in no case may exceed two hundred sixty dollars per month. Reimbursement may only be provided for coverage of the employee and the employee's spouse and dependent children. The authority may adopt rules that are consistent with the goals in section 1 of this act to implement the benefit.

(6) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

~~((6))~~ (7)(a) For any open enrollment period following August 24, 2011, the board shall offer a health savings account option for employees that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(b) By November 30, 2015, and each year thereafter, the authority shall submit a report to the relevant legislative policy and fiscal committees that includes the following:

(i) Public employees' benefits board health plan cost and service utilization trends for the previous three years, in total and for each health plan offered to employees;

(ii) For each health plan offered to employees, the number and percentage of employees and dependents enrolled in the plan, and the age and gender demographics of enrollees in each plan;

(iii) Any impact of enrollment in alternatives to the most comprehensive plan, including the high deductible health plan with a health savings account, upon the cost of health benefits for those employees who have chosen to remain enrolled in the most comprehensive plan.

~~((7))~~ (8) Notwithstanding any other provision of this chapter, for any open enrollment period following August 24, 2011, the board shall offer a high deductible health plan in conjunction with a health savings account developed under subsection ~~((6))~~ (7) of this section.

~~((8))~~ (9) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

~~((9))~~ (10) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall adopt rules setting forth criteria by which it shall evaluate the plans.

~~((10))~~ (11) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the

spouse of the employee or retiree. Employees of local governments, political subdivisions, and tribal governments not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

~~((11))~~ (12) The board may establish penalties to be imposed by the authority when the eligibility determinations of an employing agency fail to comply with the criteria under ~~((this chapter))~~ section 1513 of the patient protection and affordable care act and related regulations, as administered by the authority."

Senators Hargrove, Hill and Becker spoke in favor of adoption of the amendment.

Senators Fraser and Conway spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Hill on page 3, line 24 to Substitute Senate Bill No. 5905.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Substitute Senate Bill No. 5905 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hargrove and Hobbs spoke in favor of passage of the bill.

Senators Fraser, Keiser, Frockt and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5905.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5905 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Roach, Rolfes, Schlicher and Shin

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:17 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:39 p.m. by President Owen.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5002,

SUBSTITUTE SENATE BILL NO. 5022,

SENATE BILL NO. 5050,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5078,

SENATE BILL NO. 5161,

SECOND SUBSTITUTE SENATE BILL NO. 5197,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5329,

SENATE BILL NO. 5355,

SENATE BILL NO. 5359,

SUBSTITUTE SENATE BILL NO. 5434,

SUBSTITUTE SENATE BILL NO. 5565,

SUBSTITUTE SENATE BILL NO. 5591,

SENATE BILL NO. 5809.

SECOND READING

SENATE BILL NO. 5296, by Senators Ericksen, Baumgartner, Rivers, Bailey, Delvin and Honeyford

Concerning the model toxics control act.

MOTION

On motion of Senator Ericksen, Second Substitute Senate Bill No. 5296 was substituted for Senate Bill No. 5296 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ranker moved that the following striking amendment by Senator Ranker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there are a large number of toxic waste sites that have been identified in the department of ecology's priority list as ready for immediate cleanup. The legislature further finds that addressing the cleanup of these toxic waste sites will provide needed jobs to citizens of Washington state, will improve public health, will restore ecological functions, and will protect future generations from being exposed to toxic waste and hazardous substances. It is the intent of the legislature to prioritize the spending of revenues under chapter 70.105D RCW, the model toxics control act, on cleaning up the most toxic sites, while also providing jobs in communities around the state, and also upon funding activities that prevent the creation of toxic sites in the future.

Sec. 2. RCW 70.105D.020 and 2007 c 104 s 18 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agreed order" means an order issued by the department under this chapter with which the potentially liable person or prospective purchaser receiving the order agrees to comply. An agreed order may be used to require or approve any cleanup or other remedial actions but it is not a settlement under RCW 70.105D.040(4) and shall not contain a covenant not to sue, or provide protection from claims for contribution, or provide eligibility for public funding of remedial actions under RCW 70.105D.070(2)((4)) (b)(xi) and (xii).

(2) "Department" means the department of ecology.

(3) "Director" means the director of ecology or the director's designee.

(4) "Environmental covenant" has the same meaning as defined in RCW 64.70.020.

(5) "Facility" means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a

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hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

(6) "Federal cleanup law" means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

(7)(a) "Fiduciary" means a person acting for the benefit of another party as a bona fide trustee; executor; administrator; custodian; guardian of estates or guardian ad litem; receiver; conservator; committee of estates of incapacitated persons; trustee in bankruptcy; trustee, under an indenture agreement, trust agreement, lease, or similar financing agreement, for debt securities, certificates of interest or certificates of participation in debt securities, or other forms of indebtedness as to which the trustee is not, in the capacity of trustee, the lender. Except as provided in subsection (17)(b)(iii) of this section, the liability of a fiduciary under this chapter shall not exceed the assets held in the fiduciary capacity.

(b) "Fiduciary" does not mean:

(i) A person acting as a fiduciary with respect to a trust or other fiduciary estate that was organized for the primary purpose of, or is engaged in, actively carrying on a trade or business for profit, unless the trust or other fiduciary estate was created as part of, or to facilitate, one or more estate plans or because of the incapacity of a natural person;

(ii) A person who acquires ownership or control of a facility with the objective purpose of avoiding liability of the person or any other person. It is prima facie evidence that the fiduciary acquired ownership or control of the facility to avoid liability if the facility is the only substantial asset in the fiduciary estate at the time the facility became subject to the fiduciary estate;

(iii) A person who acts in a capacity other than that of a fiduciary or in a beneficiary capacity and in that capacity directly or indirectly benefits from a trust or fiduciary relationship;

(iv) A person who is a beneficiary and fiduciary with respect to the same fiduciary estate, and who while acting as a fiduciary receives benefits that exceed customary or reasonable compensation, and incidental benefits permitted under applicable law;

(v) A person who is a fiduciary and receives benefits that substantially exceed customary or reasonable compensation, and incidental benefits permitted under applicable law; or

(vi) A person who acts in the capacity of trustee of state or federal lands or resources.

(8) "Fiduciary capacity" means the capacity of a person holding title to a facility, or otherwise having control of an interest in the facility pursuant to the exercise of the responsibilities of the person as a fiduciary.

(9) "Foreclosure and its equivalents" means purchase at a foreclosure sale, acquisition, or assignment of title in lieu of foreclosure, termination of a lease, or other repossession, acquisition of a right to title or possession, an agreement in satisfaction of the obligation, or any other comparable formal or informal manner, whether pursuant to law or under warranties, covenants, conditions, representations, or promises from the borrower, by which the holder acquires title to or possession of a facility securing a loan or other obligation.

(10) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 ~~((5) and (6))~~ (1) and (7), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010 ~~((4))~~ (10) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on March 1, 1989, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

(11) "Holder" means a person who holds indicia of ownership primarily to protect a security interest. A holder includes the initial holder such as the loan originator, any subsequent holder such as a successor-in-interest or subsequent purchaser of the security interest on the secondary market, a guarantor of an obligation, surety, or any other person who holds indicia of ownership primarily to protect a security interest, or a receiver, court-appointed trustee, or other person who acts on behalf or for the benefit of a holder. A holder can be a public or privately owned financial institution, receiver, conservator, loan guarantor, or other similar persons that loan money or guarantee repayment of a loan. Holders typically are banks or savings and loan institutions but may also include others such as insurance companies, pension funds, or private individuals that engage in loaning of money or credit.

(12) "Independent remedial actions" means remedial actions conducted without department oversight or approval, and not under an order, agreed order, or consent decree.

(13) "Indicia of ownership" means evidence of a security interest, evidence of an interest in a security interest, or evidence of an interest in a facility securing a loan or other obligation, including any legal or equitable title to a facility acquired incident to foreclosure and its equivalents. Evidence of such interests includes, mortgages, deeds of trust, sellers interest in a real estate contract, liens, surety bonds, and guarantees of obligations, title held pursuant to a lease financing transaction in which the lessor does not select initially the leased facility, or legal or equitable title obtained pursuant to foreclosure and their equivalents. Evidence of such interests also includes assignments, pledges, or other rights to or other forms of encumbrance against the facility that are held primarily to protect a security interest.

(14) "Industrial properties" means properties that are or have been characterized by, or are to be committed to, traditional industrial uses such as processing or manufacturing of materials, marine terminal and transportation areas and facilities, fabrication, assembly, treatment, or distribution of manufactured products, or storage of bulk materials, that are either:

(a) Zoned for industrial use by a city or county conducting land use planning under chapter 36.70A RCW; or

(b) For counties not planning under chapter 36.70A RCW and the cities within them, zoned for industrial use and adjacent for properties currently used or designated for industrial purposes.

(15) "Institutional controls" means measures undertaken to limit or prohibit activities that may interfere with the integrity of a remedial action or result in exposure to or migration of hazardous substances at a site. "Institutional controls" include environmental covenants.

(16) "Operating a facility primarily to protect a security interest" occurs when all of the following are met: (a) Operating the facility where the borrower has defaulted on the loan or otherwise breached the security agreement; (b) operating the facility to preserve the value of the facility as an ongoing business; (c) the operation is being done in anticipation of a sale, transfer, or assignment of the

facility; and (d) the operation is being done primarily to protect a security interest. Operating a facility for longer than one year prior to foreclosure or its equivalents shall be presumed to be operating the facility for other than to protect a security interest.

(17) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment;

The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control through a drug forfeiture action under RCW 69.50.505, or involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility;

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility. Holders after foreclosure and its equivalent and holders who engage in any of the activities identified in subsection (18)(e) through (g) of this section shall not lose this exemption provided the holder complies with all of the following:

(A) The holder properly maintains the environmental compliance measures already in place at the facility;

(B) The holder complies with the reporting requirements in the rules adopted under this chapter;

(C) The holder complies with any order issued to the holder by the department to abate an imminent or substantial endangerment;

(D) The holder allows the department or potentially liable persons under an order, agreed order, or settlement agreement under this chapter access to the facility to conduct remedial actions and does not impede the conduct of such remedial actions;

(E) Any remedial actions conducted by the holder are in compliance with any preexisting requirements identified by the department, or, if the department has not identified such requirements for the facility, the remedial actions are conducted consistent with the rules adopted under this chapter; and

(F) The holder does not exacerbate an existing release. The exemption in this subsection (17)(b)(ii) does not apply to holders who cause or contribute to a new release or threatened release or who are otherwise liable under RCW 70.105D.040(1) (b), (c), (d), and (e); provided, however, that a holder shall not lose this exemption if it establishes that any such new release has been remediated according to the requirements of this chapter and that any hazardous substances remaining at the facility after remediation of the new release are divisible from such new release;

(iii) A fiduciary in his, her, or its personal or individual capacity. This exemption does not preclude a claim against the assets of the estate or trust administered by the fiduciary or against a nonemployee agent or independent contractor retained by a fiduciary. This exemption also does not apply to the extent that a person is liable under this chapter independently of the person's ownership as a fiduciary or for actions taken in a fiduciary capacity which cause or contribute to a new release or exacerbate an existing release of hazardous substances. This exemption applies provided that, to the extent of the fiduciary's powers granted by law or by the applicable governing instrument granting fiduciary powers, the fiduciary complies with all of the following:

(A) The fiduciary properly maintains the environmental compliance measures already in place at the facility;

(B) The fiduciary complies with the reporting requirements in the rules adopted under this chapter;

(C) The fiduciary complies with any order issued to the fiduciary by the department to abate an imminent or substantial endangerment;

(D) The fiduciary allows the department or potentially liable persons under an order, agreed order, or settlement agreement under this chapter access to the facility to conduct remedial actions and does not impede the conduct of such remedial actions;

(E) Any remedial actions conducted by the fiduciary are in compliance with any preexisting requirements identified by the department, or, if the department has not identified such requirements for the facility, the remedial actions are conducted consistent with the rules adopted under this chapter; and

(F) The fiduciary does not exacerbate an existing release.

The exemption in this subsection (17)(b)(iii) does not apply to fiduciaries who cause or contribute to a new release or threatened release or who are otherwise liable under RCW 70.105D.040(1) (b), (c), (d), and (e); provided however, that a fiduciary shall not lose this exemption if it establishes that any such new release has been remediated according to the requirements of this chapter and that any hazardous substances remaining at the facility after remediation of the new release are divisible from such new release. The exemption in this subsection (17)(b)(iii) also does not apply where the fiduciary's powers to comply with this subsection (17)(b)(iii) are limited by a governing instrument created with the objective purpose of avoiding liability under this chapter or of avoiding compliance with this chapter; or

(iv) Any person who has any ownership interest in, operates, or exercises control over real property where a hazardous substance has come to be located solely as a result of migration of the hazardous substance to the real property through the groundwater from a source off the property, if:

(A) The person can demonstrate that the hazardous substance has not been used, placed, managed, or otherwise handled on the property in a manner likely to cause or contribute to a release of the hazardous substance that has migrated onto the property;

(B) The person has not caused or contributed to the release of the hazardous substance;

(C) The person does not engage in activities that damage or interfere with the operation of remedial actions installed on the person's property or engage in activities that result in exposure of humans or the environment to the contaminated groundwater that has migrated onto the property;

(D) If requested, the person allows the department, potentially liable persons who are subject to an order, agreed order, or consent decree, and the authorized employees, agents, or contractors of each, access to the property to conduct remedial actions required by the department. The person may attempt to negotiate an access agreement before allowing access; and

(E) Legal withdrawal of groundwater does not disqualify a person from the exemption in this subsection (17)(b)(iv).

(18) "Participation in management" means exercising decision-making control over the borrower's operation of the facility, environmental compliance, or assuming or manifesting responsibility for the overall management of the enterprise encompassing the day-to-day decision making of the enterprise.

The term does not include any of the following: (a) A holder with the mere capacity or ability to influence, or the unexercised right to control facility operations; (b) a holder who conducts or requires a borrower to conduct an environmental audit or an environmental site assessment at the facility for which indicia of ownership is held; (c) a holder who requires a borrower to come into compliance with any applicable laws or regulations at the facility for which indicia of ownership is held; (d) a holder who requires a borrower to conduct remedial actions including setting minimum requirements, but does not otherwise control or manage the borrower's remedial actions or the scope of the borrower's remedial

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actions except to prepare a facility for sale, transfer, or assignment; (e) a holder who engages in workout or policing activities primarily to protect the holder's security interest in the facility; (f) a holder who prepares a facility for sale, transfer, or assignment or requires a borrower to prepare a facility for sale, transfer, or assignment; (g) a holder who operates a facility primarily to protect a security interest, or requires a borrower to continue to operate, a facility primarily to protect a security interest; and (h) a prospective holder who, as a condition of becoming a holder, requires an owner or operator to conduct an environmental audit, conduct an environmental site assessment, come into compliance with any applicable laws or regulations, or conduct remedial actions prior to holding a security interest is not participating in the management of the facility.

(19) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

(20) "Policing activities" means actions the holder takes to ensure that the borrower complies with the terms of the loan or security interest or actions the holder takes or requires the borrower to take to maintain the value of the security. Policing activities include: Requiring the borrower to conduct remedial actions at the facility during the term of the security interest; requiring the borrower to comply or come into compliance with applicable federal, state, and local environmental and other laws, regulations, and permits during the term of the security interest; securing or exercising authority to monitor or inspect the facility including on-site inspections, or to monitor or inspect the borrower's business or financial condition during the term of the security interest; or taking other actions necessary to adequately police the loan or security interest such as requiring a borrower to comply with any warranties, covenants, conditions, representations, or promises from the borrower.

(21) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040. The department shall give notice to any such person and allow an opportunity for comment before making the finding, unless an emergency requires otherwise.

(22) "Prepare a facility for sale, transfer, or assignment" means to secure access to the facility; perform routine maintenance on the facility; remove inventory, equipment, or structures; properly maintain environmental compliance measures already in place at the facility; conduct remedial actions to cleanup releases at the facility; or to perform other similar activities intended to preserve the value of the facility where the borrower has defaulted on the loan or otherwise breached the security agreement or after foreclosure and its equivalents and in anticipation of a pending sale, transfer, or assignment, primarily to protect the holder's security interest in the facility. A holder can prepare a facility for sale, transfer, or assignment for up to one year prior to foreclosure and its equivalents and still stay within the security interest exemption in subsection (17)(b)(ii) of this section.

(23) "Primarily to protect a security interest" means the indicia of ownership is held primarily for the purpose of securing payment or performance of an obligation. The term does not include indicia of ownership held primarily for investment purposes nor indicia of ownership held primarily for purposes other than as protection for a security interest. A holder may have other, secondary reasons, for maintaining indicia of ownership, but the primary reason must be for protection of a security interest. Holding indicia of ownership after foreclosure or its equivalents for longer than five years shall be considered to be holding the indicia of ownership for purposes other than primarily to protect a security interest. For facilities that have been acquired through foreclosure or its equivalents prior to July 23, 1995, this five-year period shall begin as of July 23, 1995.

(24) "Public notice" means, at a minimum, adequate notice mailed to all persons who have made timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

(25) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

(26) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(27) "Security interest" means an interest in a facility created or established for the purpose of securing a loan or other obligation. Security interests include deeds of trusts, sellers interest in a real estate contract, liens, legal, or equitable title to a facility acquired incident to foreclosure and its equivalents, and title pursuant to lease financing transactions. Security interests may also arise from transactions such as sale and leasebacks, conditional sales, installment sales, trust receipt transactions, certain assignments, factoring agreements, accounts receivable financing arrangements, easements, and consignments, if the transaction creates or establishes an interest in a facility for the purpose of securing a loan or other obligation.

(28) "Workout activities" means those actions by which a holder, at any time prior to foreclosure and its equivalents, seeks to prevent, cure, or mitigate a default by the borrower or obligor; or to preserve, or prevent the diminution of, the value of the security. Workout activities include: Restructuring or renegotiating the terms of the security interest; requiring payment of additional rent or interest; exercising forbearance; requiring or exercising rights pursuant to an assignment of accounts or other amounts owed to an obligor; requiring or exercising rights pursuant to an escrow agreement pertaining to amounts owed to an obligor; providing specific or general financial or other advice, suggestions, counseling, or guidance; and exercising any right or remedy the holder is entitled to by law or under any warranties, covenants, conditions, representations, or promises from the borrower.

(29) "Areawide groundwater contamination" means groundwater contamination on multiple adjacent properties with different ownerships consisting of hazardous substances from multiple sources that have resulted in commingled plumes of contaminated groundwater that are not practicable to address separately.

(30) "Brownfield property" means previously developed and currently abandoned or underutilized real property and adjacent surface waters and sediment where environmental, economic, or community reuse objectives are hindered by the release or threatened release of hazardous substances that the department has determined requires remedial action under this chapter or that the United States environmental protection agency has determined requires remedial action under the federal cleanup law.

(31) "Local government" means any political subdivision of the state, including a town, city, county, special purpose district, or other municipal corporation, including brownfield renewal authority created under section 5 of this act.

(32) "Model remedy" or "model remedial action" means a set of technologies, procedures, and monitoring protocols identified by the

department for use in routine types of clean-up projects at facilities that have common features and lower risk to human health and the environment.

(33) "Prospective purchaser" means a person who is not currently liable for remedial action at a facility and who proposes to purchase, redevelop, or reuse the facility.

(34) "Redevelopment opportunity zone" means a geographic area designated under section 4 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 70.105D RCW to read as follows:

(1) The brownfield redevelopment trust fund account is created in the state treasury. All receipts from the sources identified in subsection (2) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as identified in subsection (4) of this section.

(2) The following receipts must be deposited into the brownfield redevelopment trust fund account:

(a) Moneys appropriated by the legislature to the account for a specific redevelopment opportunity zone established under section 4 of this act or a specific brownfield renewal authority established under section 5 of this act;

(b) Moneys voluntarily deposited in the account for a specific redevelopment opportunity zone or a specific brownfield renewal authority; and

(c) Receipts from settlements or court orders that direct payment to the account for a specific redevelopment opportunity zone to resolve a person's liability or potential liability under this chapter.

(3) If a settlement or court order does not direct payment of receipts described in subsection (2)(c) of this section into the brownfield redevelopment trust fund account, then the receipts from any payment to the state must be deposited into the state toxics control account established under RCW 70.105D.070.

(4) Expenditures from the brownfield redevelopment trust fund account may only be used for the purposes of remediation and cleanup at the specific redevelopment opportunity zone or specific brownfield renewal authority for which the moneys were deposited in the account.

(5) The department shall track moneys received, interest earned, and moneys expended separately for each facility.

(6) The account must retain its interest earnings in accordance with RCW 43.84.092.

(7) The local government designating the redevelopment opportunity zone under section 4 of this act or the associated brownfield renewal authority created under section 5 of this act must be the beneficiary of the deposited moneys.

(8) All expenditures must be used to conduct remediation and cleanup consistent with a plan for the remediation and cleanup of the properties or facilities approved by the department under this chapter. All expenditures must meet the eligibility requirements for the use by local governments under the rules for remedial action grants adopted by the department under this chapter, including requirements for the expenditure of nonstate match funding.

(9) Beginning October 31, 2015, the department must provide a biennial report to the office of financial management and the legislature regarding the activity for each specific redevelopment opportunity zone or specific brownfield renewal authority for which specific legislative appropriation was provided in the previous two fiscal years.

(10) After the department determines that all remedial actions within the redevelopment opportunity zone identified in the plan approved under subsection (8) of this section are completed, including payment of all cost reasonably attributable to the remedial actions and cleanup, any remaining moneys must be transferred to the state toxics control account established under RCW 70.105D.070.

(11) If the department determines that substantial progress has not been made on the plan approved under subsection (8) of this section for a redevelopment opportunity zone or specific brownfield renewal authority for which moneys were deposited in the account within six years, or that the brownfield renewal authority is no longer a viable entity, then all remaining moneys must be transferred to the state toxics control account established under RCW 70.105D.070.

(12) The department is authorized to adopt rules to implement this section.

NEW SECTION. Sec. 4. A new section is added to chapter 70.105D RCW to read as follows:

(1) A city or county may designate a geographic area within its jurisdiction as a redevelopment opportunity zone if the zone meets the criteria in this subsection and the city or county adopts a resolution that includes the following determinations and commitments:

(a) At least fifty percent of the upland properties in the zone are brownfield properties whether or not the properties are contiguous;

(b) The upland portions of the zone are comprised entirely of parcels of property either owned by the city or county or whose owner has provided consent in writing to have their property included within the zone;

(c) The cleanup of brownfield properties will be integrated with planning for the future uses of the properties and is consistent with the comprehensive land use plan for the zone; and

(d) The proposed properties lie within the incorporated area of a city or within an urban growth area designated under RCW 36.70A.110.

(2) A port district may designate a redevelopment opportunity zone when:

(a) The port district adopts a resolution that includes the determinations and commitments required under subsection (1)(a), (c), and (d) of this section and (c) of this subsection;

(b) The zone meets the criteria in subsection (1)(a), (c), and (d) of this section; and

(c) The port district either:

(i) Owns in fee all of the upland properties within the zone; or

(ii) Owns in fee at least fifty percent of the upland property in the zone, the owners of other parcels of upland property in the zone have provided consent in writing to have their property included in the zone, and the governing body of the city and county in which the zone lies approves of the designation by resolution.

NEW SECTION. Sec. 5. A new section is added to chapter 70.105D RCW to read as follows:

(1) A city, county, or port district may establish by resolution a brownfield renewal authority for the purpose of guiding and implementing the cleanup and reuse of properties within a designated redevelopment opportunity zone. Any combination of cities, counties, and port districts may establish a brownfield renewal authority through an interlocal agreement under chapter 39.34 RCW, and the brownfield renewal authority may exercise those powers as are authorized under chapter 39.34 RCW and under this chapter.

(2) A brownfield renewal authority must be governed by a board of directors selected as determined by the resolution or interlocal agreement establishing the authority.

(3) A brownfield renewal authority must be a separate legal entity and be deemed a municipal corporation. It has the power to: Sue and be sued; receive, account for, and disburse funds; employ personnel; and acquire or dispose of any interest in real or personal property within a redevelopment opportunity zone in the furtherance of the authority purposes. A brownfield renewal authority has the power to contract indebtedness and to issue and sell general obligation bonds pursuant to and in the manner provided for general county bonds in chapters 36.67 and 39.46 RCW and other

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applicable statutes, and to issue revenue bonds pursuant to and in the manner provided for revenue bonds in chapter 36.67 RCW and other applicable statutes.

(4) If the department determines that substantial progress has not been made on the plan approved under section 3 of this act by the brownfield renewal authority within six years of a city, county, or port district establishing a brownfield renewal authority, the department may require dissolution of the brownfield renewal authority. Upon dissolution of the brownfield renewal authority, except as provided in section 3 of this act, all assets and liabilities transfer to the city, town, or port district establishing the brownfield renewal authority.

Sec. 6. RCW 70.105D.030 and 2009 c 560 s 10 are each amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose

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penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(17)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance. The department must track the number of requests for reviews of planned or completed independent remedial actions and establish performance measures to track how quickly the department is able to respond to those requests. By November 1, 2015, the department must submit to the governor and the appropriate legislative fiscal and policy committees a report on achieving the performance measures and provide recommendations for improving performance, including staffing needs; ((and))

(j) In fulfilling the objectives of this chapter, the department shall allocate staffing and financial assistance in a manner that considers both the reduction of human and environmental risks and the land reuse potential and planning for the facilities to be cleaned up. This does not preclude the department from allocating resources to a facility based solely on human or environmental risks;

(k) Establish model remedies for common categories of facilities, types of hazardous substances, types of media, or geographic areas to streamline and accelerate the selection of remedies for routine types of cleanups at facilities.

(i) When establishing a model remedy, the department shall:

(A) Identify the requirements for characterizing a facility to select a model remedy, the applicability of the model remedy for use at a facility, and monitoring requirements;

(B) Describe how the model remedy meets clean-up standards and the requirements for selecting a remedy established by the department under this chapter; and

(C) Provide public notice and an opportunity to comment on the proposed model remedy and the conditions under which it may be used at a facility.

(ii) When developing model remedies, the department shall solicit and consider proposals from qualified persons. The proposals must, in addition to describing the model remedy, provide the information required under (k)(i)(A) and (B) of this subsection.

(iii) If a facility meets the requirements for use of a model remedy, an analysis of the feasibility of alternative remedies is not

required under this chapter. For department-conducted and department-supervised remedial actions, the department must provide public notice and consider public comments on the proposed use of a model remedy at a facility. The department shall waive collection of its costs for providing a written opinion under (i) of this subsection on a cleanup that qualifies for and appropriately uses a model remedy; and

(1) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum clean-up standards for remedial actions at least as stringent as the clean-up standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall ~~(prioritize sufficient funding)~~ plan to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes ~~(, and create financing tools to clean up large scale hazardous waste sites requiring multiyear commitments)~~ at a pace that matches the estimated cash resources in the state and local toxics control accounts. Estimated cash resources must consider the annual cash flow requirements of major projects that receive appropriations expected to cross multiple biennia. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) By November 1, 2016, the department must submit to the governor and the appropriate legislative committees a report on the

status of developing model remedies and their use under this chapter. The report must include: The number and types of model remedies identified by the department under subsection (1)(k) of this section; the number and types of model remedy proposals prepared by qualified private sector engineers, consultants, or contractors that were accepted or rejected under subsection (1)(k) of this section and the reasons for rejection; and the success of model remedies in accelerating the cleanup as measured by the number of jobs created by the cleanup, where such information is available to the department, acres of land restored, and the number and types of hazardous waste sites successfully remediated using model remedies.

(5) Before ~~((December))~~ September 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the state and local toxics control accounts;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local ~~((toxics control account))~~ and ~~((the))~~ state toxics control accounts, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts ~~((, and~~

~~((e)))~~. The submittal must also identify separate budget estimates for large, multibiennia clean-up projects that exceed ten million dollars. The department shall prepare its ten-year capital budget plan that is submitted to the office of financial management to reflect the separate budget estimates for these large clean-up projects and include information on the projected private and public funding obligations for completion of the projects.

(6) By December 1st of each odd-numbered year, the department must provide the legislature and the public ~~((each year with an accounting))~~ a report of the department's activities supported by appropriations from the state and local toxics control accounts ~~((, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its waste management priorities under RCW 70.105.150, and all funds expended under this chapter))~~. The report must be prepared and displayed in a manner that allows the legislature and the public to easily determine the statewide and local progress made in cleaning up hazardous waste sites under this chapter. The report must include, at a minimum:

(a) The name, location, hazardous waste ranking, and a short description of each site on the hazardous sites list, and the date the site was placed on the hazardous waste sites list; and

(b) For hazardous waste sites with a grant, loan, or direct investment in remedial actions by the state:

(i) The amount of money from the state and local toxics control accounts used to conduct remedial actions at the site and the amount of that money recovered from potentially liable persons;

(ii) The actual or estimated start and end dates and the actual or estimated expenditures of funds authorized under this chapter for the following project phases:

(A) Emergency or interim actions, if needed;

(B) Remedial investigation;

(C) Feasibility study and selection of a remedy;

(D) Engineering design and construction of the selected

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remedy;

(E) Operation and maintenance or monitoring of the constructed remedy; and

(F) The final completion date.

~~((5))~~ (7) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

~~((6))~~ (8) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Sec. 7. RCW 70.105D.040 and 1997 c 406 s 4 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the following persons are liable with respect to a facility:

(a) The owner or operator of the facility;

(b) Any person who owned or operated the facility at the time of disposal or release of the hazardous substances;

(c) Any person who owned or possessed a hazardous substance and who by contract, agreement, or otherwise arranged

for disposal or treatment of the hazardous substance at the facility, or arranged with a transporter for transport for disposal or treatment of the hazardous substances at the facility, or otherwise generated hazardous wastes disposed of or treated at the facility;

(d) Any person (i) who accepts or accepted any hazardous substance for transport to a disposal, treatment, or other facility selected by such person from which there is a release or a threatened release for which remedial action is required, unless such facility, at the time of disposal or treatment, could legally receive such substance; or (ii) who accepts a hazardous substance for transport to such a facility and has reasonable grounds to believe that such facility is not operated in accordance with chapter 70.105 RCW; and

(e) Any person who both sells a hazardous substance and is responsible for written instructions for its use if (i) the substance is used according to the instructions and (ii) the use constitutes a release for which remedial action is required at the facility.

(2) Each person who is liable under this section is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the releases or threatened releases of hazardous substances. The attorney general, at the request of the department, is empowered to recover all costs and damages from persons liable therefor.

(3) The following persons are not liable under this section:

(a) Any person who can establish that the release or threatened release of a hazardous substance for which the person would be otherwise responsible was caused solely by:

(i) An act of God;

(ii) An act of war; or

(iii) An act or omission of a third party (including but not limited to a trespasser) other than (A) an employee or agent of the person asserting the defense, or (B) any person whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the person asserting this defense to liability. This defense only applies where the person asserting the defense has exercised the utmost care with respect to the hazardous substance, the foreseeable acts or omissions of the third party, and the foreseeable consequences of those acts or omissions;

(b) Any person who is an owner, past owner, or purchaser of a facility and who can establish by a preponderance of the evidence that at the time the facility was acquired by the person, the person had no knowledge or reason to know that any hazardous substance, the release or threatened release of which has resulted in or contributed to the need for the remedial action, was released or disposed of on, in, or at the facility. This subsection (3)(b) is limited as follows:

(i) To establish that a person had no reason to know, the person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property, consistent with good commercial or customary practice in an effort to minimize liability. Any court interpreting this subsection (3)(b) shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection;

(ii) The defense contained in this subsection (3)(b) is not available to any person who had actual knowledge of the release or threatened release of a hazardous substance when the person owned the real property and who subsequently transferred ownership of the property without first disclosing such knowledge to the transferee;

(iii) The defense contained in this subsection (3)(b) is not available to any person who, by any act or omission, caused or

contributed to the release or threatened release of a hazardous substance at the facility;

(c) Any natural person who uses a hazardous substance lawfully and without negligence for any personal or domestic purpose in or near a dwelling or accessory structure when that person is: (i) A resident of the dwelling; (ii) a person who, without compensation, assists the resident in the use of the substance; or (iii) a person who is employed by the resident, but who is not an independent contractor;

(d) Any person who, for the purpose of growing food crops, applies pesticides or fertilizers without negligence and in accordance with all applicable laws and regulations.

(4) There may be no settlement by the state with any person potentially liable under this chapter except in accordance with this section.

(a) The attorney general may agree to a settlement with any potentially liable person only if the department finds, after public notice and any required hearing, that the proposed settlement would lead to a more expeditious cleanup of hazardous substances in compliance with clean-up standards under RCW 70.105D.030(2)(e) and with any remedial orders issued by the department. Whenever practicable and in the public interest, the attorney general may expedite such a settlement with persons whose contribution is insignificant in amount and toxicity. A hearing shall be required only if at least ten persons request one or if the department determines a hearing is necessary.

(b) A settlement agreement under this section shall be entered as a consent decree issued by a court of competent jurisdiction.

(c) A settlement agreement may contain a covenant not to sue only of a scope commensurate with the settlement agreement in favor of any person with whom the attorney general has settled under this section. Any covenant not to sue shall contain a reopener clause which requires the court to amend the covenant not to sue if factors not known at the time of entry of the settlement agreement are discovered and present a previously unknown threat to human health or the environment.

(d) A party who has resolved its liability to the state under this section shall not be liable for claims for contribution regarding matters addressed in the settlement. The settlement does not discharge any of the other liable parties but it reduces the total potential liability of the others to the state by the amount of the settlement.

(e) If the state has entered into a consent decree with an owner or operator under this section, the state shall not enforce this chapter against any owner or operator who is a successor in interest to the settling party unless under the terms of the consent decree the state could enforce against the settling party, if:

(i) The successor owner or operator is liable with respect to the facility solely due to that person's ownership interest or operator status acquired as a successor in interest to the owner or operator with whom the state has entered into a consent decree; and

(ii) The stay of enforcement under this subsection does not apply if the consent decree was based on circumstances unique to the settling party that do not exist with regard to the successor in interest, such as financial hardship. For consent decrees entered into before July 27, 1997, at the request of a settling party or a potential successor owner or operator, the attorney general shall issue a written opinion on whether a consent decree contains such unique circumstances. For all other consent decrees, such unique circumstances shall be specified in the consent decree.

(f) Any person who is not subject to enforcement by the state under (e) of this subsection is not liable for claims for contribution regarding matters addressed in the settlement.

(5)(a) In addition to the settlement authority provided under subsection (4) of this section, the attorney general may agree to a settlement with a ~~((person not currently liable for remedial action at~~

~~a facility who proposes to purchase, redevelop, or reuse the facility)) prospective purchaser, provided that:~~

(i) The settlement will yield substantial new resources to facilitate cleanup;

(ii) The settlement will expedite remedial action at the facility consistent with the rules adopted under this chapter; and

(iii) Based on available information, the department determines that the redevelopment or reuse of the facility is not likely to contribute to the existing release or threatened release, interfere with remedial actions that may be needed at the ~~((site))~~ facility, or increase health risks to persons at or in the vicinity of the ~~((site))~~ facility.

(b) The legislature recognizes that the state does not have adequate resources to participate in all property transactions involving contaminated property. The primary purpose of this subsection (5) is to promote the cleanup and reuse of ~~((vacant or abandoned commercial or industrial contaminated))~~ brownfield property. The attorney general and the department may give priority to settlements that will provide a substantial public benefit ~~((, including, but not limited to the reuse of a vacant or abandoned manufacturing or industrial facility, or the development of a facility by a governmental entity to address an important public purpose))~~ in addition to cleanup.

(c) A settlement entered under this subsection is governed by subsection (4) of this section.

(6) As an alternative to a settlement under subsection (5) of this section, the department may enter into an agreed order with a prospective purchaser of a property within a designated redevelopment opportunity zone. The agreed order is subject to the limitations in RCW 70.105D.020(1), but stays enforcement by the department under this chapter regarding remedial actions required by the agreed order as long as the prospective purchaser complies with the requirements of the agreed order.

(7) Nothing in this chapter affects or modifies in any way any person's right to seek or obtain relief under other statutes or under common law, including but not limited to damages for injury or loss resulting from a release or threatened release of a hazardous substance. No settlement by the department or remedial action ordered by a court or the department affects any person's right to obtain a remedy under common law or other statutes.

Sec. 8. RCW 70.105D.050 and 2005 c 211 s 2 are each amended to read as follows:

(1) With respect to any release, or threatened release, for which the department does not conduct or contract for conducting remedial action and for which the department believes remedial action is in the public interest, the director shall issue orders or agreed orders requiring potentially liable persons to provide the remedial action. Any liable person, or prospective purchaser who has entered into an agreed order under RCW 70.105D.040(6), who refuses, without sufficient cause, to comply with an order or agreed order of the director is liable in an action brought by the attorney general for:

(a) Up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to twenty-five thousand dollars for each day the party refuses to comply.

The treble damages and civil penalty under this subsection apply to all recovery actions filed on or after March 1, 1989.

(2) Any person who incurs costs complying with an order issued under subsection (1) of this section may petition the department for reimbursement of those costs. If the department refuses to grant reimbursement, the person may within thirty days thereafter file suit and recover costs by proving that he or she was not a liable person under RCW 70.105D.040 and that the costs incurred were reasonable.

(3) The attorney general shall seek, by filing an action if necessary, to recover the amounts spent by the department for

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investigative and remedial actions and orders, and agreed orders, including amounts spent prior to March 1, 1989.

(4) The attorney general may bring an action to secure such relief as is necessary to protect human health and the environment under this chapter.

(5)(a) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(b) Civil actions under this section and RCW 70.105D.060 may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

(6) Any person who fails to provide notification of releases consistent with RCW 70.105D.110 or who submits false information is liable in an action brought by the attorney general for a civil penalty of up to five thousand dollars per day for each day the party refuses to comply.

(7) Any person who owns real property or lender holding a mortgage on real property that is subject to a lien filed under RCW 70.105D.055 may petition the department to have the lien removed or the amount of the lien reduced. If, after consideration of the petition and the information supporting the petition, the department decides to deny the request, the person may, within ninety days after receipt of the department's denial, file suit for removal or reduction of the lien. The person is entitled to removal of a lien filed under RCW 70.105D.055(2)(a) if they can prove by a preponderance of the evidence that the person is not a liable party under RCW 70.105D.040. The person is entitled to a reduction of the amount of the lien if they can prove by a preponderance of the evidence:

(a) For liens filed under RCW 70.105D.055(2)(a), the amount of the lien exceeds the remedial action costs the department incurred related to cleanup of the real property; and

(b) For liens filed under RCW 70.105D.055(2)(c), the amount of the lien exceeds the remedial action costs the department incurred related to cleanup of the real property or exceeds the increase of the fair market value of the real property solely attributable to the remedial action conducted by the department.

Sec. 9. RCW 70.105D.070 and 2012 2nd sp.s. c 7 s 920 and 2012 2nd sp.s. c 2 s 6005 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) The following moneys shall be deposited into the state toxics control account: ~~((a))~~ (i) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; ~~((b))~~ (ii) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; ~~((c))~~ (iii) penalties collected or recovered under this chapter; and ~~((d))~~ (iv) any other money appropriated or transferred to the account by the legislature.

(b) Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapters 70.105 and 70.95M RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapters 70.95, 70.95D, 70.95M, 70.138, and 70.280 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response ~~((training))~~ activities;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program ~~((including regional citizen advisory committees))~~;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when:

(A) The amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4); and ((when))

(B) The director has found that the funding will achieve both ((A)) (I) a substantially more expeditious or enhanced cleanup than would otherwise occur(;) and ((B)) (II) the prevention or mitigation of unfair economic hardship;

(xii) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(A) The facility is located within a redevelopment opportunity zone designated under section 4 of this act;

(B) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(C) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(xiii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

~~((xiii) During the 2009 2011 and 2011 2013 fiscal biennia, shoreline update technical assistance;)~~

~~(xiv) ((During the 2009 2011 fiscal biennium, multijurisdictional permitting teams;~~

~~((xv) During the 2011 2013 fiscal biennium, actions for reducing public exposure to toxic air pollution, and actions taken through the family forest fish passage program to correct barriers to fish passage on privately owned small forest lands; and~~

~~((xvi) During the 2011 2013 fiscal biennium, the department of ecology's water quality, shorelands and environmental assessment, hazardous waste, waste to resources, nuclear waste, and air quality programs)) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;~~

(xv) Storm water pollution control programs and projects. This includes, but is not limited to, projects that:

(A) Work in conjunction with remedial actions;

(B) Protect completed remedial actions against recontamination; or

(C) Prevent the creation of hazardous waste sites;

(xvi) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(xvii) Air quality programs and actions for reducing public exposure to toxic air pollution;

(xviii) Programs regulating the use of hazardous substances in products or other high priority chemicals, as defined in RCW 70.240.010; and

(xix) Public information and education programs related to hazardous substances and materials under chapter 70.102 RCW.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under (c)(i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under (c)(iv) of this subsection (3);

~~((#))~~ (iii) Storm water pollution control programs and projects where the purpose of the project is limited exclusively to the treatment, detention, prevention, or monitoring of storm water pollution and no portion of the funding is provided for enhancing other uses of project properties. These projects may include competitive grants to local governments that apply criteria to identify the best green infrastructure retrofits and other projects with high water quality and environmental benefits;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

~~((###))~~ (v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

~~((#))~~ (vi) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

~~((#))~~ (vii) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. ~~((During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.))~~

(c) To expedite cleanups throughout the state, the department ~~((shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations))~~ may use the following strategies when providing grants and loans to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of

the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant or loan agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant or loan agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants or loans to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants or loans to local governments for remedial actions related to areawide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter ~~((grant matching))~~ grant or loan matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of ~~((vacant, orphaned, or abandoned))~~ brownfield property under RCW 70.105D.040(5) that would not otherwise occur; and

~~((ii) The use of outside contracts to conduct necessary studies;~~

~~((iii) The purchase of remedial action cost cap insurance, when necessary to expedite multiparty clean-up efforts))~~ (vii) When pending grant and loan applications under (c)(iv) and (v) of this subsection (3) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

~~((d) To ~~((facilitate and expedite cleanups using funds from the local toxics control account, during the 2009-2011 fiscal biennium the director may establish grant funded accounts to hold and disperse local toxics control account funds and funds from local governments to be used for remedial actions))~~ expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance.~~

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) Except during the 2011-2013 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate

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the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement this act using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(8) During the 2011-2013 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as reflect excess fund balance in the account.

(9) During the 2011-2013 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants and actions for reducing public exposure to toxic air pollution; funding to local governments for flood levee improvements; and grants to local governments for brownfield redevelopment.

Sec. 10. RCW 43.84.092 and 2012 c 198 s 2, 2012 c 196 s 7, 2012 c 187 s 14, and 2012 c 83 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety ~~((account fund))~~ fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account,

the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 11. RCW 43.84.092 and 2012 c 198 s 2, 2012 c 196 s 7, 2012 c 187 s 14, 2012 c 83 s 4, and 2012 c 36 s 5 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds

or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the Columbia river crossing project account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety ~~(account~~ fund), the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan

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revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 12. A new section is added to chapter 70.105 RCW to read as follows:

The radioactive mixed waste account is created within the state treasury. All receipts received from facilities assessed service charges established under RCW 70.105.280 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for carrying out the department's powers and duties under this chapter

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related to the regulation of facilities that treat, store, or dispose of mixed waste or mixed waste facilities that are undergoing closure.

NEW SECTION. Sec. 13. By October 1, 2013, the state treasurer must transfer the fund balance of the mixed waste fees within the state toxics control account to the radioactive mixed waste account created in section 12 of this act. The department of ecology shall report the fund balance amount to the state treasurer for transfer into the radioactive mixed waste account.

Sec. 14. RCW 70.105.280 and 1989 c 376 s 2 are each amended to read as follows:

(1) The department may assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component or which are undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility. Service charges may not exceed the costs to the department in carrying out the duties of this section.

(2) Program elements or activities for which service charges may be assessed include:

(a) Office, staff, and staff support for the purposes of facility or unit permit development, review, and issuance; and

(b) Actions taken to determine and ensure compliance with the state's hazardous waste management act.

(3) Moneys collected through the imposition of such service charges shall be deposited in the ((state toxics control)) radioactive mixed waste account created in section 12 of this act.

(4) The department shall adopt rules necessary to implement this section. Facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component shall not be subject to service charges prior to such rule making. Facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal shall not be subject to service charges prior to such rule making.

NEW SECTION. Sec. 15. (1) The department of ecology shall convene a model toxics control act investment work group. The work group shall:

(a) Review past and current use of moneys in the state and local toxics control accounts;

(b) Determine what investments are needed to accomplish the goals and objectives of chapter 70.105D RCW, including pollution prevention, waste management, and cleanup;

(c) Determine the extent to which state and local toxics control accounts funds should be used for storm water remediation and prevention and oil spill prevention, preparedness, training, and response activities; and

(d) Develop a long-term investment strategy for funds allocated from the state and local toxics control accounts.

(2) The members of the work group include:

(a) One member from each of the two major caucuses in the senate appointed by the president of the senate and one member from each of the two major caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(b) Local government representatives, including port directors, environmental health directors, and solid waste managers;

(c) Business representatives, including large and small businesses with interests in implementation of chapter 70.105D RCW;

(d) Representatives of environmental and community groups;

(e) Representatives from state agencies that currently use money from the state and local toxics control accounts; and

(f) A representative of the office of financial management.

(3) Except as otherwise provided in subsection (2)(a) of this section, the director of the department of ecology shall select the work group members.

(4) The director of the department of ecology shall chair the work group.

(5) The work group must report its findings and recommendations to the governor and appropriate policy and fiscal committees of the house of representatives and senate by December 1, 2014.

NEW SECTION. Sec. 16. Section 10 of this act expires on the date the requirements set out in section 7, chapter 36, Laws of 2012 are met.

NEW SECTION. Sec. 17. Section 11 of this act takes effect on the date the requirements set out in section 7, chapter 36, Laws of 2012 are met.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, beginning on line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 70.105D.020, 70.105D.030, 70.105D.040, 70.105D.050, and 70.105.280; reenacting and amending RCW 70.105D.070, 43.84.092, and 43.84.092; adding new sections to chapter 70.105D RCW; adding a new section to chapter 70.105 RCW; creating new sections; providing a contingent effective date; and providing a contingent expiration date."

Senator Ranker spoke in favor of adoption of the striking amendment.

Senator Ericksen spoke against adoption of the striking amendment.

Senator Ranker demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Ranker to Second Substitute Senate Bill No. 5296.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Ranker and the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Froct, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Excused: Senator Carrell

MOTION

Senator Ericksen moved that the following striking amendment by Senators Ericksen and Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there are a large number of toxic waste sites that have been identified in the department of ecology's priority list as ready for immediate cleanup. The legislature further finds that addressing the cleanup of these toxic waste sites will provide needed jobs to citizens of Washington state. It is the intent of the legislature to prioritize the spending of revenues under chapter 70.105D RCW, the model toxics control act, on cleaning up the most toxic sites, while also providing jobs in communities around the state.

Sec. 2. RCW 70.105D.020 and 2007 c 104 s 18 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agreed order" means an order issued by the department under this chapter with which the potentially liable person or prospective purchaser receiving the order agrees to comply. An agreed order may be used to require or approve any cleanup or other remedial actions but it is not a settlement under RCW 70.105D.040(4) and shall not contain a covenant not to sue, or provide protection from claims for contribution, or provide eligibility for public funding of remedial actions under RCW 70.105D.070 (2)(~~(d)(xi)~~) (a)(xv) and (b)(iii) and (3)(b)(iii).

(2) "Department" means the department of ecology.

(3) "Director" means the director of ecology or the director's designee.

(4) "Environmental covenant" has the same meaning as defined in RCW 64.70.020.

(5) "Facility" means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

(6) "Federal cleanup law" means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

(7)(a) "Fiduciary" means a person acting for the benefit of another party as a bona fide trustee; executor; administrator; custodian; guardian of estates or guardian ad litem; receiver; conservator; committee of estates of incapacitated persons; trustee in bankruptcy; trustee, under an indenture agreement, trust agreement, lease, or similar financing agreement, for debt securities, certificates of interest or certificates of participation in debt securities, or other forms of indebtedness as to which the trustee is not, in the capacity of trustee, the lender. Except as provided in subsection (17)(b)(iii) of this section, the liability of a fiduciary under this chapter shall not exceed the assets held in the fiduciary capacity.

(b) "Fiduciary" does not mean:

(i) A person acting as a fiduciary with respect to a trust or other fiduciary estate that was organized for the primary purpose of, or is engaged in, actively carrying on a trade or business for profit, unless the trust or other fiduciary estate was created as part of, or to facilitate, one or more estate plans or because of the incapacity of a natural person;

(ii) A person who acquires ownership or control of a facility with the objective purpose of avoiding liability of the person or any other person. It is prima facie evidence that the fiduciary acquired ownership or control of the facility to avoid liability if the facility is

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the only substantial asset in the fiduciary estate at the time the facility became subject to the fiduciary estate;

(iii) A person who acts in a capacity other than that of a fiduciary or in a beneficiary capacity and in that capacity directly or indirectly benefits from a trust or fiduciary relationship;

(iv) A person who is a beneficiary and fiduciary with respect to the same fiduciary estate, and who while acting as a fiduciary receives benefits that exceed customary or reasonable compensation, and incidental benefits permitted under applicable law;

(v) A person who is a fiduciary and receives benefits that substantially exceed customary or reasonable compensation, and incidental benefits permitted under applicable law; or

(vi) A person who acts in the capacity of trustee of state or federal lands or resources.

(8) "Fiduciary capacity" means the capacity of a person holding title to a facility, or otherwise having control of an interest in the facility pursuant to the exercise of the responsibilities of the person as a fiduciary.

(9) "Foreclosure and its equivalents" means purchase at a foreclosure sale, acquisition, or assignment of title in lieu of foreclosure, termination of a lease, or other repossession, acquisition of a right to title or possession, an agreement in satisfaction of the obligation, or any other comparable formal or informal manner, whether pursuant to law or under warranties, covenants, conditions, representations, or promises from the borrower, by which the holder acquires title to or possession of a facility securing a loan or other obligation.

(10) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 ~~((5) and (6))~~ (1) and (7), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010 ~~((4))~~ (10) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on March 1, 1989, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

(11) "Holder" means a person who holds indicia of ownership primarily to protect a security interest. A holder includes the initial holder such as the loan originator, any subsequent holder such as a successor-in-interest or subsequent purchaser of the security interest on the secondary market, a guarantor of an obligation, surety, or any other person who holds indicia of ownership primarily to protect a security interest, or a receiver, court-appointed trustee, or other person who acts on behalf or for the benefit of a holder. A holder can be a public or privately owned financial institution, receiver, conservator, loan guarantor, or other similar persons that loan money or guarantee repayment of a loan. Holders typically are banks or savings and loan institutions but may also include others such as insurance companies, pension funds, or private individuals that engage in loaning of money or credit.

(12) "Independent remedial actions" means remedial actions conducted without department oversight or approval, and not under an order, agreed order, or consent decree.

(13) "Indicia of ownership" means evidence of a security interest, evidence of an interest in a security interest, or evidence of an interest in a facility securing a loan or other obligation, including any legal or equitable title to a facility acquired incident to foreclosure and its equivalents. Evidence of such interests includes, mortgages, deeds of trust, sellers interest in a real estate contract, liens, surety bonds, and guarantees of obligations, title held pursuant to a lease financing transaction in which the lessor does not select initially the leased facility, or legal or equitable title obtained pursuant to foreclosure and their equivalents. Evidence of such interests also includes assignments, pledges, or other rights to or other forms of encumbrance against the facility that are held primarily to protect a security interest.

(14) "Industrial properties" means properties that are or have been characterized by, or are to be committed to, traditional industrial uses such as processing or manufacturing of materials, marine terminal and transportation areas and facilities, fabrication, assembly, treatment, or distribution of manufactured products, or storage of bulk materials, that are either:

(a) Zoned for industrial use by a city or county conducting land use planning under chapter 36.70A RCW; or

(b) For counties not planning under chapter 36.70A RCW and the cities within them, zoned for industrial use and adjacent to properties currently used or designated for industrial purposes.

(15) "Institutional controls" means measures undertaken to limit or prohibit activities that may interfere with the integrity of a remedial action or result in exposure to or migration of hazardous substances at a site. "Institutional controls" include environmental covenants.

(16) "Operating a facility primarily to protect a security interest" occurs when all of the following are met: (a) Operating the facility where the borrower has defaulted on the loan or otherwise breached the security agreement; (b) operating the facility to preserve the value of the facility as an ongoing business; (c) the operation is being done in anticipation of a sale, transfer, or assignment of the facility; and (d) the operation is being done primarily to protect a security interest. Operating a facility for longer than one year prior to foreclosure or its equivalents shall be presumed to be operating the facility for other than to protect a security interest.

(17) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment;

The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control through a drug forfeiture action under RCW 69.50.505, or involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility;

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility. Holders after foreclosure and its equivalent and holders who engage in any of the activities identified in subsection (18)(e) through (g) of this section shall not lose this exemption provided the holder complies with all of the following:

(A) The holder properly maintains the environmental compliance measures already in place at the facility;

(B) The holder complies with the reporting requirements in the rules adopted under this chapter;

(C) The holder complies with any order issued to the holder by the department to abate an imminent or substantial endangerment;

(D) The holder allows the department or potentially liable persons under an order, agreed order, or settlement agreement under this chapter access to the facility to conduct remedial actions and does not impede the conduct of such remedial actions;

(E) Any remedial actions conducted by the holder are in compliance with any preexisting requirements identified by the department, or, if the department has not identified such requirements for the facility, the remedial actions are conducted consistent with the rules adopted under this chapter; and

(F) The holder does not exacerbate an existing release. The exemption in this subsection (17)(b)(ii) does not apply to holders who cause or contribute to a new release or threatened release or who are otherwise liable under RCW 70.105D.040(1) (b), (c), (d), and (e); provided, however, that a holder shall not lose this exemption if it establishes that any such new release has been remediated according to the requirements of this chapter and that any hazardous substances remaining at the facility after remediation of the new release are divisible from such new release;

(iii) A fiduciary in his, her, or its personal or individual capacity. This exemption does not preclude a claim against the assets of the estate or trust administered by the fiduciary or against a nonemployee agent or independent contractor retained by a fiduciary. This exemption also does not apply to the extent that a person is liable under this chapter independently of the person's ownership as a fiduciary or for actions taken in a fiduciary capacity which cause or contribute to a new release or exacerbate an existing release of hazardous substances. This exemption applies provided that, to the extent of the fiduciary's powers granted by law or by the applicable governing instrument granting fiduciary powers, the fiduciary complies with all of the following:

(A) The fiduciary properly maintains the environmental compliance measures already in place at the facility;

(B) The fiduciary complies with the reporting requirements in the rules adopted under this chapter;

(C) The fiduciary complies with any order issued to the fiduciary by the department to abate an imminent or substantial endangerment;

(D) The fiduciary allows the department or potentially liable persons under an order, agreed order, or settlement agreement under this chapter access to the facility to conduct remedial actions and does not impede the conduct of such remedial actions;

(E) Any remedial actions conducted by the fiduciary are in compliance with any preexisting requirements identified by the department, or, if the department has not identified such requirements for the facility, the remedial actions are conducted consistent with the rules adopted under this chapter; and

(F) The fiduciary does not exacerbate an existing release.

The exemption in this subsection (17)(b)(iii) does not apply to fiduciaries who cause or contribute to a new release or threatened release or who are otherwise liable under RCW 70.105D.040(1) (b), (c), (d), and (e); provided however, that a fiduciary shall not lose this exemption if it establishes that any such new release has been remediated according to the requirements of this chapter and that any hazardous substances remaining at the facility after remediation of the new release are divisible from such new release. The exemption in this subsection (17)(b)(iii) also does not apply where the fiduciary's powers to comply with this subsection (17)(b)(iii) are limited by a governing instrument created with the objective purpose of avoiding liability under this chapter or of avoiding compliance with this chapter; or

(iv) Any person who has any ownership interest in, operates, or exercises control over real property where a hazardous substance has come to be located solely as a result of migration of the hazardous substance to the real property through the groundwater from a source off the property, if:

(A) The person can demonstrate that the hazardous substance has not been used, placed, managed, or otherwise handled on the property in a manner likely to cause or contribute to a release of the hazardous substance that has migrated onto the property;

(B) The person has not caused or contributed to the release of the hazardous substance;

(C) The person does not engage in activities that damage or interfere with the operation of remedial actions installed on the person's property or engage in activities that result in exposure of humans or the environment to the contaminated groundwater that has migrated onto the property;

(D) If requested, the person allows the department, potentially liable persons who are subject to an order, agreed order, or consent decree, and the authorized employees, agents, or contractors of each, access to the property to conduct remedial actions required by the department. The person may attempt to negotiate an access agreement before allowing access; and

(E) Legal withdrawal of groundwater does not disqualify a person from the exemption in this subsection (17)(b)(iv).

(18) "Participation in management" means exercising decision-making control over the borrower's operation of the facility, environmental compliance, or assuming or manifesting responsibility for the overall management of the enterprise encompassing the day-to-day decision making of the enterprise.

The term does not include any of the following: (a) A holder with the mere capacity or ability to influence, or the unexercised right to control facility operations; (b) a holder who conducts or requires a borrower to conduct an environmental audit or an environmental site assessment at the facility for which indicia of ownership is held; (c) a holder who requires a borrower to come into compliance with any applicable laws or regulations at the facility for which indicia of ownership is held; (d) a holder who requires a borrower to conduct remedial actions including setting minimum requirements, but does not otherwise control or manage the borrower's remedial actions or the scope of the borrower's remedial actions except to prepare a facility for sale, transfer, or assignment; (e) a holder who engages in workout or policing activities primarily to protect the holder's security interest in the facility; (f) a holder who prepares a facility for sale, transfer, or assignment or requires a borrower to prepare a facility for sale, transfer, or assignment; (g) a holder who operates a facility primarily to protect a security interest, or requires a borrower to continue to operate, a facility primarily to protect a security interest; and (h) a prospective holder who, as a condition of becoming a holder, requires an owner or operator to conduct an environmental audit, conduct an environmental site assessment, come into compliance with any applicable laws or regulations, or conduct remedial actions prior to holding a security interest is not participating in the management of the facility.

(19) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

(20) "Policing activities" means actions the holder takes to ensure that the borrower complies with the terms of the loan or security interest or actions the holder takes or requires the borrower to take to maintain the value of the security. Policing activities include: Requiring the borrower to conduct remedial actions at the facility during the term of the security interest; requiring the borrower to comply or come into compliance with applicable federal, state, and local environmental and other laws, regulations, and permits during the term of the security interest; securing or

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exercising authority to monitor or inspect the facility including on-site inspections, or to monitor or inspect the borrower's business or financial condition during the term of the security interest; or taking other actions necessary to adequately police the loan or security interest such as requiring a borrower to comply with any warranties, covenants, conditions, representations, or promises from the borrower.

(21) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040. The department shall give notice to any such person and allow an opportunity for comment before making the finding, unless an emergency requires otherwise.

(22) "Prepare a facility for sale, transfer, or assignment" means to secure access to the facility; perform routine maintenance on the facility; remove inventory, equipment, or structures; properly maintain environmental compliance measures already in place at the facility; conduct remedial actions to cleanup releases at the facility; or to perform other similar activities intended to preserve the value of the facility where the borrower has defaulted on the loan or otherwise breached the security agreement or after foreclosure and its equivalents and in anticipation of a pending sale, transfer, or assignment, primarily to protect the holder's security interest in the facility. A holder can prepare a facility for sale, transfer, or assignment for up to one year prior to foreclosure and its equivalents and still stay within the security interest exemption in subsection (17)(b)(ii) of this section.

(23) "Primarily to protect a security interest" means the indicia of ownership is held primarily for the purpose of securing payment or performance of an obligation. The term does not include indicia of ownership held primarily for investment purposes nor indicia of ownership held primarily for purposes other than as protection for a security interest. A holder may have other, secondary reasons, for maintaining indicia of ownership, but the primary reason must be for protection of a security interest. Holding indicia of ownership after foreclosure or its equivalents for longer than five years shall be considered to be holding the indicia of ownership for purposes other than primarily to protect a security interest. For facilities that have been acquired through foreclosure or its equivalents prior to July 23, 1995, this five-year period shall begin as of July 23, 1995.

(24) "Public notice" means, at a minimum, adequate notice mailed to all persons who have made timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

(25) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

(26) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(27) "Security interest" means an interest in a facility created or established for the purpose of securing a loan or other obligation. Security interests include deeds of trusts, sellers interest in a real estate contract, liens, legal, or equitable title to a facility acquired incident to foreclosure and its equivalents, and title pursuant to lease financing transactions. Security interests may also arise from transactions such as sale and leasebacks, conditional sales,

installment sales, trust receipt transactions, certain assignments, factoring agreements, accounts receivable financing arrangements, easements, and consignments, if the transaction creates or establishes an interest in a facility for the purpose of securing a loan or other obligation.

(28) "Workout activities" means those actions by which a holder, at any time prior to foreclosure and its equivalents, seeks to prevent, cure, or mitigate a default by the borrower or obligor; or to preserve, or prevent the diminution of, the value of the security. Workout activities include: Restructuring or renegotiating the terms of the security interest; requiring payment of additional rent or interest; exercising forbearance; requiring or exercising rights pursuant to an assignment of accounts or other amounts owed to an obligor; requiring or exercising rights pursuant to an escrow agreement pertaining to amounts owed to an obligor; providing specific or general financial or other advice, suggestions, counseling, or guidance; and exercising any right or remedy the holder is entitled to by law or under any warranties, covenants, conditions, representations, or promises from the borrower.

(29) "Areawide groundwater contamination" means groundwater contamination on multiple adjacent properties with different ownerships consisting of hazardous substances from multiple sources that have resulted in commingled plumes of contaminated groundwater that are not practicable to address separately.

(30) "Brownfield property" means previously developed and currently abandoned or underutilized real property and adjacent surface waters and sediment where environmental, economic, or community reuse objectives are hindered by the release or threatened release of hazardous substances that the department has determined requires remedial action under this chapter or that the United States environmental protection agency has determined requires remedial action under the federal cleanup law.

(31) "City" means a city or town.

(32) "Local government" means any political subdivision of the state, including a town, city, county, special purpose district, or other municipal corporation, including brownfield renewal authority created under section 5 of this act.

(33) "Model remedy" or "model remedial action" means a set of technologies, procedures, and monitoring protocols identified by the department for use in routine types of clean-up projects at facilities that have common features and lower risk to human health and the environment.

(34) "Prospective purchaser" means a person who is not currently liable for remedial action at a facility and who proposes to purchase, redevelop, or reuse the facility.

(35) "Redevelopment opportunity zone" means a geographic area designated under section 4 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 70.105D RCW to read as follows:

(1) The brownfield redevelopment trust fund account is created in the state treasury. All receipts from the sources identified in subsection (2) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as identified in subsection (4) of this section.

(2) The following receipts must be deposited into the brownfield redevelopment trust fund account:

(a) Moneys appropriated by the legislature to the account for a specific redevelopment opportunity zone established under section 4 of this act or a specific brownfield renewal authority established under section 5 of this act;

(b) Moneys voluntarily deposited in the account for a specific redevelopment opportunity zone or a specific brownfield renewal authority; and

(c) Receipts from settlements or court orders that direct payment to the account for a specific redevelopment opportunity zone to resolve a person's liability or potential liability under this chapter.

(3) If a settlement or court order does not direct payment of receipts described in subsection (2)(c) of this section into the brownfield redevelopment trust fund account, then the receipts from any payment to the state must be deposited into the state toxics control account established under RCW 70.105D.070.

(4) Expenditures from the brownfield redevelopment trust fund account may only be used for the purposes of remediation and cleanup at the specific redevelopment opportunity zone or specific brownfield renewal authority for which the moneys were deposited in the account.

(5) The department shall track moneys received, interest earned, and moneys expended separately for each facility.

(6) The account must retain its interest earnings in accordance with RCW 43.84.092.

(7) The local government designating the redevelopment opportunity zone under section 4 of this act or the associated brownfield renewal authority created under section 5 of this act must be the beneficiary of the deposited moneys.

(8) All expenditures must be used to conduct remediation and cleanup consistent with a plan for the remediation and cleanup of the properties or facilities approved by the department under this chapter. All expenditures must meet the eligibility requirements for the use by local governments under the rules for remedial action grants adopted by the department under this chapter, including requirements for the expenditure of nonstate match funding.

(9) Beginning October 31, 2015, the department must provide a biennial report to the office of financial management and the legislature regarding the activity for each specific redevelopment opportunity zone or specific brownfield renewal authority for which specific legislative appropriation was provided in the previous two fiscal years.

(10) After the department determines that all remedial actions within the redevelopment opportunity zone identified in the plan approved under subsection (8) of this section are completed, including payment of all cost reasonably attributable to the remedial actions and cleanup, any remaining moneys must be transferred to the state toxics control account established under RCW 70.105D.070.

(11) If the department determines that substantial progress has not been made on the plan approved under subsection (8) of this section for a redevelopment opportunity zone or specific brownfield renewal authority for which moneys were deposited in the account within six years, or that the brownfield renewal authority is no longer a viable entity, then all remaining moneys must be transferred to the state toxics control account established under RCW 70.105D.070.

(12) The department is authorized to adopt rules to implement this section.

NEW SECTION. Sec. 4. A new section is added to chapter 70.105D RCW to read as follows:

(1) A city or county may designate a geographic area within its jurisdiction as a redevelopment opportunity zone if the zone meets the criteria in this subsection and the city or county adopts a resolution that includes the following determinations and commitments:

(a) At least fifty percent of the upland properties in the zone are brownfield properties whether or not the properties are contiguous;

(b) The upland portions of the zone are comprised entirely of parcels of property either owned by the city or county or whose owner has provided consent in writing to have their property included within the zone;

(c) The cleanup of brownfield properties will be integrated with planning for the future uses of the properties and is consistent with the comprehensive land use plan for the zone; and

(d) The proposed properties lie within the incorporated area of a city or within an urban growth area designated under RCW 36.70A.110.

(2) A port district may designate a redevelopment opportunity zone when:

(a) The port district adopts a resolution that includes the determinations and commitments required under subsection (1)(a), (c), and (d) of this section and (c) of this subsection;

(b) The zone meets the criteria in subsection (1)(a), (c), and (d) of this section; and

(c) The port district either:

(i) Owns in fee all of the upland properties within the zone; or

(ii) Owns in fee at least fifty percent of the upland property in the zone, the owners of other parcels of upland property in the zone have provided consent in writing to have their property included in the zone, and the governing body of the city and county in which the zone lies approves of the designation by resolution.

NEW SECTION. Sec. 5. A new section is added to chapter 70.105D RCW to read as follows:

(1) A city, county, or port district may establish by resolution a brownfield renewal authority for the purpose of guiding and implementing the cleanup and reuse of properties within a designated redevelopment opportunity zone. Any combination of cities, counties, and port districts may establish a brownfield renewal authority through an interlocal agreement under chapter 39.34 RCW, and the brownfield renewal authority may exercise those powers as are authorized under chapter 39.34 RCW and under this chapter.

(2) A brownfield renewal authority must be governed by a board of directors selected as determined by the resolution or interlocal agreement establishing the authority.

(3) A brownfield renewal authority must be a separate legal entity and be deemed a municipal corporation. It has the power to: Sue and be sued; receive, account for, and disburse funds; employ personnel; and acquire or dispose of any interest in real or personal property within a redevelopment opportunity zone in the furtherance of the authority purposes. A brownfield renewal authority has the power to contract indebtedness and to issue and sell general obligation bonds pursuant to and in the manner provided for general county bonds in chapters 36.67 and 39.46 RCW and other applicable statutes, and to issue revenue bonds pursuant to and in the manner provided for revenue bonds in chapter 36.67 RCW and other applicable statutes.

(4) If the department determines that substantial progress has not been made on the plan approved under section 3 of this act by the brownfield renewal authority within six years of a city, county, or port district establishing a brownfield renewal authority, the department may require dissolution of the brownfield renewal authority. Upon dissolution of the brownfield renewal authority, except as provided in section 3 of this act, all assets and liabilities transfer to the city, town, or port district establishing the brownfield renewal authority.

Sec. 6. RCW 70.105D.030 and 2009 c 560 s 10 are each amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter

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upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(17)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where

appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance. The department must track the number of requests for reviews of planned or completed independent remedial actions and establish performance measures to track how quickly the department is able to respond to those requests. By November 1, 2015, the department must submit to the governor and the appropriate legislative fiscal and policy committees a report on achieving the performance measures and provide recommendations for improving performance, including staffing needs; ((and))

(j) In fulfilling the objectives of this chapter, the department shall allocate staffing and financial assistance in a manner that considers both the reduction of human and environmental risks and the land reuse potential and planning for the facilities to be cleaned up. This does not preclude the department from allocating resources to a facility based solely on human or environmental risks;

(k) Establish model remedies for common categories of facilities, types of hazardous substances, types of media, or geographic areas to streamline and accelerate the selection of remedies for routine types of cleanups at facilities;

(i) When establishing a model remedy, the department shall:

(A) Identify the requirements for characterizing a facility to select a model remedy, the applicability of the model remedy for use at a facility, and monitoring requirements;

(B) Describe how the model remedy meets clean-up standards and the requirements for selecting a remedy established by the department under this chapter; and

(C) Provide public notice and an opportunity to comment on the proposed model remedy and the conditions under which it may be used at a facility;

(ii) When developing model remedies, the department shall solicit and consider proposals from qualified persons. The proposals must, in addition to describing the model remedy, provide the information required under (k)(i)(A) and (B) of this subsection;

(iii) If a facility meets the requirements for use of a model remedy, an analysis of the feasibility of alternative remedies is not required under this chapter. For department-conducted and department-supervised remedial actions, the department must provide public notice and consider public comments on the proposed use of a model remedy at a facility. The department shall waive collection of its costs for providing a written opinion under (i) of this subsection on a cleanup that qualifies for and appropriately uses a model remedy; and

(l) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the

department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum clean-up standards for remedial actions at least as stringent as the clean-up standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall ((prioritize sufficient funding)) plan to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes((; and create financing tools to clean up large scale hazardous waste sites requiring multiyear commitments)) at a pace that matches the estimated cash resources in the state and local toxics control accounts and the environmental legacy stewardship account created in section 10 of this act. Estimated cash resources must consider the annual cash flow requirements of major projects that receive appropriations expected to cross multiple biennia. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) By November 1, 2016, the department must submit to the governor and the appropriate legislative committees a report on the status of developing model remedies and their use under this chapter. The report must include: The number and types of model remedies identified by the department under subsection (1)(k) of this section; the number and types of model remedy proposals prepared by qualified private sector engineers, consultants, or contractors that were accepted or rejected under subsection (1)(k) of this section and the reasons for rejection; and the success of model remedies in accelerating the cleanup as measured by the number of jobs created by the cleanup, where this information is available to the department, acres of land restored, and the number and types of hazardous waste sites successfully remediated using model remedies.

(5) Before ((December)) September 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the state and local toxics control account and the environmental legacy stewardship account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local ~~((toxic control account))~~ and ~~((the))~~ state toxics control account and the environmental legacy stewardship account, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts ~~((; and~~

~~((e)))~~. The submittal must also identify separate budget estimates for large, multibiennia clean-up projects that exceed ten million dollars. The department shall prepare its ten-year capital budget plan that is submitted to the office of financial management to reflect the separate budget estimates for these large clean-up projects and include information on the anticipated private and public funding obligations for completion of the relevant projects.

(6) By December 1st of each odd-numbered year, the department must provide the legislature and the public ((each year with an accounting)) a report of the department's activities supported by appropriations from the state and local toxics control accounts((; including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its waste management priorities under RCW 70.105.150, and all funds expended under this chapter)) and the environmental legacy stewardship account. The report must be prepared and displayed in a manner that allows the legislature and the public to easily determine the statewide and local progress made in cleaning up hazardous waste sites under this chapter. The report must include, at a minimum:

(a) The name, location, hazardous waste ranking, and a short description of each site on the hazardous sites list, and the date the site was placed on the hazardous waste sites list; and

(b) For sites where there are state contracts, grants, loans, or direct investments by the state:

(i) The amount of money from the state and local toxics control accounts and the environmental legacy stewardship account used to conduct remedial actions at the site and the amount of that money recovered from potentially liable persons;

(ii) The actual or estimated start and end dates and the actual or estimated expenditures of funds authorized under this chapter for the following project phases:

(A) Emergency or interim actions, if needed;

(B) Remedial investigation;

(C) Feasibility study and selection of a remedy;

(D) Engineering design and construction of the selected remedy;

(E) Operation and maintenance or monitoring of the constructed remedy; and

(F) The final completion date.

~~((5))~~ (7) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

~~((6))~~ (8) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

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(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Sec. 7. RCW 70.105D.040 and 1997 c 406 s 4 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the following persons are liable with respect to a facility:

(a) The owner or operator of the facility;

(b) Any person who owned or operated the facility at the time of disposal or release of the hazardous substances;

(c) Any person who owned or possessed a hazardous substance and who by contract, agreement, or otherwise arranged for disposal or treatment of the hazardous substance at the facility, or arranged with a transporter for transport for disposal or treatment of the hazardous substances at the facility, or otherwise generated hazardous wastes disposed of or treated at the facility;

(d) Any person (i) who accepts or accepted any hazardous substance for transport to a disposal, treatment, or other facility selected by such person from which there is a release or a threatened release for which remedial action is required, unless such facility, at the time of disposal or treatment, could legally receive such substance; or (ii) who accepts a hazardous substance for transport to such a facility and has reasonable grounds to believe that such facility is not operated in accordance with chapter 70.105 RCW; and

(e) Any person who both sells a hazardous substance and is responsible for written instructions for its use if (i) the substance is used according to the instructions and (ii) the use constitutes a release for which remedial action is required at the facility.

(2) Each person who is liable under this section is strictly liable, jointly and severally, for all remedial action costs and for all natural

resource damages resulting from the releases or threatened releases of hazardous substances. The attorney general, at the request of the department, is empowered to recover all costs and damages from persons liable therefor.

(3) The following persons are not liable under this section:

(a) Any person who can establish that the release or threatened release of a hazardous substance for which the person would be otherwise responsible was caused solely by:

(i) An act of God;

(ii) An act of war; or

(iii) An act or omission of a third party (including but not limited to a trespasser) other than (A) an employee or agent of the person asserting the defense, or (B) any person whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the person asserting this defense to liability. This defense only applies where the person asserting the defense has exercised the utmost care with respect to the hazardous substance, the foreseeable acts or omissions of the third party, and the foreseeable consequences of those acts or omissions;

(b) Any person who is an owner, past owner, or purchaser of a facility and who can establish by a preponderance of the evidence that at the time the facility was acquired by the person, the person had no knowledge or reason to know that any hazardous substance, the release or threatened release of which has resulted in or contributed to the need for the remedial action, was released or disposed of on, in, or at the facility. This subsection (3)(b) is limited as follows:

(i) To establish that a person had no reason to know, the person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property, consistent with good commercial or customary practice in an effort to minimize liability. Any court interpreting this subsection (3)(b) shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection;

(ii) The defense contained in this subsection (3)(b) is not available to any person who had actual knowledge of the release or threatened release of a hazardous substance when the person owned the real property and who subsequently transferred ownership of the property without first disclosing such knowledge to the transferee;

(iii) The defense contained in this subsection (3)(b) is not available to any person who, by any act or omission, caused or contributed to the release or threatened release of a hazardous substance at the facility;

(c) Any natural person who uses a hazardous substance lawfully and without negligence for any personal or domestic purpose in or near a dwelling or accessory structure when that person is: (i) A resident of the dwelling; (ii) a person who, without compensation, assists the resident in the use of the substance; or (iii) a person who is employed by the resident, but who is not an independent contractor;

(d) Any person who, for the purpose of growing food crops, applies pesticides or fertilizers without negligence and in accordance with all applicable laws and regulations.

(4) There may be no settlement by the state with any person potentially liable under this chapter except in accordance with this section.

(a) The attorney general may agree to a settlement with any potentially liable person only if the department finds, after public notice and any required hearing, that the proposed settlement would lead to a more expeditious cleanup of hazardous substances in

compliance with clean-up standards under RCW 70.105D.030(2)(e) and with any remedial orders issued by the department. Whenever practicable and in the public interest, the attorney general may expedite such a settlement with persons whose contribution is insignificant in amount and toxicity. A hearing shall be required only if at least ten persons request one or if the department determines a hearing is necessary.

(b) A settlement agreement under this section shall be entered as a consent decree issued by a court of competent jurisdiction.

(c) A settlement agreement may contain a covenant not to sue only of a scope commensurate with the settlement agreement in favor of any person with whom the attorney general has settled under this section. Any covenant not to sue shall contain a reopener clause which requires the court to amend the covenant not to sue if factors not known at the time of entry of the settlement agreement are discovered and present a previously unknown threat to human health or the environment.

(d) A party who has resolved its liability to the state under this section shall not be liable for claims for contribution regarding matters addressed in the settlement. The settlement does not discharge any of the other liable parties but it reduces the total potential liability of the others to the state by the amount of the settlement.

(e) If the state has entered into a consent decree with an owner or operator under this section, the state shall not enforce this chapter against any owner or operator who is a successor in interest to the settling party unless under the terms of the consent decree the state could enforce against the settling party, if:

(i) The successor owner or operator is liable with respect to the facility solely due to that person's ownership interest or operator status acquired as a successor in interest to the owner or operator with whom the state has entered into a consent decree; and

(ii) The stay of enforcement under this subsection does not apply if the consent decree was based on circumstances unique to the settling party that do not exist with regard to the successor in interest, such as financial hardship. For consent decrees entered into before July 27, 1997, at the request of a settling party or a potential successor owner or operator, the attorney general shall issue a written opinion on whether a consent decree contains such unique circumstances. For all other consent decrees, such unique circumstances shall be specified in the consent decree.

(f) Any person who is not subject to enforcement by the state under (e) of this subsection is not liable for claims for contribution regarding matters addressed in the settlement.

(5)(a) In addition to the settlement authority provided under subsection (4) of this section, the attorney general may agree to a settlement with a ~~((person not currently liable for remedial action at a facility who proposes to purchase, redevelop, or reuse the facility))~~ prospective purchaser, provided that:

(i) The settlement will yield substantial new resources to facilitate cleanup;

(ii) The settlement will expedite remedial action at the facility consistent with the rules adopted under this chapter; and

(iii) Based on available information, the department determines that the redevelopment or reuse of the facility is not likely to contribute to the existing release or threatened release, interfere with remedial actions that may be needed at the ~~((site))~~ facility, or increase health risks to persons at or in the vicinity of the ~~((site))~~ facility.

(b) The legislature recognizes that the state does not have adequate resources to participate in all property transactions involving contaminated property. The primary purpose of this subsection (5) is to promote the cleanup and reuse of ~~((vacant or abandoned commercial or industrial contaminated))~~ brownfield property. The attorney general and the department may give priority to settlements that will provide a substantial public benefit(~~(;~~

~~including, but not limited to the reuse of a vacant or abandoned manufacturing or industrial facility, or the development of a facility by a governmental entity to address an important public purpose))~~ in addition to cleanup.

(c) A settlement entered under this subsection is governed by subsection (4) of this section.

(6) As an alternative to a settlement under subsection (5) of this section, the department may enter into an agreed order with a prospective purchaser of a property within a designated redevelopment opportunity zone. The agreed order is subject to the limitations in RCW 70.105D.020(1), but stays enforcement by the department under this chapter regarding remedial actions required by the agreed order as long as the prospective purchaser complies with the requirements of the agreed order.

(7) Nothing in this chapter affects or modifies in any way any person's right to seek or obtain relief under other statutes or under common law, including but not limited to damages for injury or loss resulting from a release or threatened release of a hazardous substance. No settlement by the department or remedial action ordered by a court or the department affects any person's right to obtain a remedy under common law or other statutes.

Sec. 8. RCW 70.105D.050 and 2005 c 211 s 2 are each amended to read as follows:

(1) With respect to any release, or threatened release, for which the department does not conduct or contract for conducting remedial action and for which the department believes remedial action is in the public interest, the director shall issue orders or agreed orders requiring potentially liable persons to provide the remedial action. Any liable person, or prospective purchaser who has entered into an agreed order under RCW 70.105D.040(6), who refuses, without sufficient cause, to comply with an order or agreed order of the director is liable in an action brought by the attorney general for:

(a) Up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to twenty-five thousand dollars for each day the party refuses to comply.

The treble damages and civil penalty under this subsection apply to all recovery actions filed on or after March 1, 1989.

(2) Any person who incurs costs complying with an order issued under subsection (1) of this section may petition the department for reimbursement of those costs. If the department refuses to grant reimbursement, the person may within thirty days thereafter file suit and recover costs by proving that he or she was not a liable person under RCW 70.105D.040 and that the costs incurred were reasonable.

(3) The attorney general shall seek, by filing an action if necessary, to recover the amounts spent by the department for investigative and remedial actions and orders, and agreed orders, including amounts spent prior to March 1, 1989.

(4) The attorney general may bring an action to secure such relief as is necessary to protect human health and the environment under this chapter.

(5)(a) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(b) Civil actions under this section and RCW 70.105D.060 may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

(6) Any person who fails to provide notification of releases consistent with RCW 70.105D.110 or who submits false information is liable in an action brought by the attorney general for a civil penalty of up to five thousand dollars per day for each day the party refuses to comply.

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(7) Any person who owns real property or lender holding a mortgage on real property that is subject to a lien filed under RCW 70.105D.055 may petition the department to have the lien removed or the amount of the lien reduced. If, after consideration of the petition and the information supporting the petition, the department decides to deny the request, the person may, within ninety days after receipt of the department's denial, file suit for removal or reduction of the lien. The person is entitled to removal of a lien filed under RCW 70.105D.055(2)(a) if they can prove by a preponderance of the evidence that the person is not a liable party under RCW 70.105D.040. The person is entitled to a reduction of the amount of the lien if they can prove by a preponderance of the evidence:

(a) For liens filed under RCW 70.105D.055(2)(a), the amount of the lien exceeds the remedial action costs the department incurred related to cleanup of the real property; and

(b) For liens filed under RCW 70.105D.055(2)(c), the amount of the lien exceeds the remedial action costs the department incurred related to cleanup of the real property or exceeds the increase of the fair market value of the real property solely attributable to the remedial action conducted by the department.

Sec. 9. RCW 70.105D.070 and 2012 2nd sp.s. c 7 s 920 and 2012 2nd sp.s. c 2 s 6005 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

~~((2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty three one hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:~~

~~—(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;~~

~~—(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;~~

~~—(iii) The hazardous waste cleanup program required under this chapter;~~

~~—(iv) State matching funds required under the federal cleanup law;~~

~~—(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;~~

~~—(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;~~

~~—(vii) Hazardous materials emergency response training;~~

~~—(viii) Water and environmental health protection and monitoring programs;~~

~~—(ix) Programs authorized under chapter 70.146 RCW;~~

~~—(x) A public participation program, including regional citizen advisory committees;~~

~~—(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship;~~

~~—(xii) Development and demonstration of alternative~~

~~management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;~~

~~—(xiii) During the 2009-2011 and 2011-2013 fiscal biennia, shoreline update technical assistance;~~

~~—(xiv) During the 2009-2011 fiscal biennium, multijurisdictional permitting teams;~~

~~—(xv) During the 2011-2013 fiscal biennium, actions for reducing public exposure to toxic air pollution, and actions taken through the family forest fish passage program to correct barriers to fish passage on privately owned small forest lands; and~~

~~—(xvi) During the 2011-2013 fiscal biennium, the department of ecology's water quality, shorelands and environmental assessment, hazardous waste, waste to resources, nuclear waste, and air quality programs.~~

~~—(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty seven one hundredths of one percent.~~

~~—(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:~~

~~—(i) Remedial actions;~~

~~—(ii) Hazardous waste plans and programs under chapter 70.105 RCW;~~

~~—(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;~~

~~—(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and~~

~~—(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.~~

~~—(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.~~

~~—(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:~~

~~—(i) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:~~

~~—(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean up liability;~~

~~—(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or~~

~~—(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under~~

~~RCW 70.105D.040(5) that would not otherwise occur;~~

~~— (ii) The use of outside contracts to conduct necessary studies;~~

~~— (iii) The purchase of remedial action cost cap insurance, when necessary to expedite multiparty clean-up efforts;~~

~~— (d) To facilitate and expedite cleanups using funds from the local toxics control account, during the 2009-2011 fiscal biennium the director may establish grant-funded accounts to hold and disperse local toxics control account funds and funds from local governments to be used for remedial actions.~~

~~— (4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.~~

~~— (5) Except during the 2011-2013 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.~~

~~— (6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.~~

~~— (7) The department shall adopt rules for grant or loan issuance and performance.~~

~~— (8) During the 2011-2013 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as reflect excess fund balance in the account.~~

~~— (9) During the 2011-2013 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants and actions for reducing public exposure to toxic air pollution; funding to local governments for flood levee improvements; and grants to local governments for brownfield redevelopment.)) (a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (2) of this section and forty-four percent to the local toxics control account under subsection (3) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in section 10 of this act.~~

~~— (b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred fifteen million dollars. This limit for each succeeding fiscal year must be increased by a percentage rate that equals the fiscal growth factor as defined in RCW 43.135.025.~~

~~— (c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.~~

(2) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter and must be expended for the following:

(a)(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste clean-up program required under this chapter;

(iv) State matching funds required under federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(vii) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(xi) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(xii) Storm water pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(xiii) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(xiv) Air quality programs and actions for reducing public exposure to toxic air pollution;

(xv) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(A) The facility is located within a redevelopment opportunity zone designated under section 4 of this act;

(B) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(C) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding; and

(xvi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (A) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (B) the prevention or mitigation of unfair economic hardship.

(b) Priority for use of the funds is given to:

(i) Cleanup of high priority sites on the department's hazardous sites list that have a draft or preliminary remedial investigation or feasibility study on file with the department, a completed remedial investigation or feasibility study, or a finalized clean-up action plan, and are prepared to begin the clean-up action;

(ii) Cleanup of brownfield properties to make land available for economic and job development opportunities that would not otherwise occur; and

(iii) Cleanup of hazardous waste sites where public funding to assist potentially liable persons is authorized under (a)(xvi) of this

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subsection and when the potentially liable persons have a draft or preliminary remedial investigation or feasibility study on file with the department, a completed remedial investigation or feasibility study, or a finalized clean-up action plan, and are prepared to begin the clean-up action.

(3)(a) The department shall use moneys deposited in the local toxics control account for grants to local governments for the following purposes:

(i) Remedial actions, including planning for adaptive reuse of properties as provided for under (c)(iv) of this subsection;

(ii) Extended grant agreements entered into under (c)(i) of this subsection;

(iii) Storm water pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; and

(vi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (A) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (B) the prevention or mitigation of unfair economic hardship.

(b) To expedite clean-up projects throughout the state, funding is prioritized for:

(i) High priority sites identified on the department's hazardous site list, that have a draft or preliminary remedial investigation or feasibility study on file with the department, a completed remedial investigation or feasibility study, or a finalized clean-up action plan, and are prepared to begin the clean-up action;

(ii) Brownfield properties that are available for economic and job development opportunities that would not otherwise occur; and

(iii) Public funding to assist potentially liable persons meeting the requirements under (a)(vi) of this subsection when the potentially liable persons have a draft or preliminary remedial investigation or feasibility study on file with the department, a completed remedial investigation or feasibility study, or a finalized clean-up action plan.

(c) To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic

reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to areawide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under (c)(iv) and (v) of this subsection (3) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

(d) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance.

(4) Funds for plans and programs must be allocated consistent with matching requirements established in chapters 70.95, 70.95C, 70.95I, and 70.105 RCW.

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator and organic composting facility feasibility studies, construction, maintenance, or operation; or after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

(7) Except during the 2011-2013 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste

management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement this act using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

NEW SECTION. Sec. 10. A new section is added to chapter 70.105D RCW to read as follows:

(1) The environmental legacy stewardship account is created in the state treasury. Beginning July 1, 2013, and every fiscal year thereafter, the annual amount received from the tax imposed by RCW 82.21.030 that exceeds one hundred fifteen million dollars, plus the fiscal growth factor under chapter 43.135 RCW, must be deposited into the environmental legacy stewardship account. The state treasurer may make periodic deposits into the environmental legacy stewardship account based on forecasted revenue. Moneys in the account may only be spent after appropriation.

(2) Moneys in the environmental legacy stewardship account may be spent on:

(a) Performance and outcome based projects, activities, programs, and services that support the clean-up, monitoring, and prevention of releases of hazardous substances, water protection and monitoring, water pollution prevention, monitoring and cleanup, and environmental health protection and monitoring;

(b) Clean-up projects using model remedies, technologies, procedures, contracts, and project management and oversight that result in significant reductions in the time to complete clean-up projects compared to baseline averages for comparable clean-up projects;

(c) Storm water projects;

(d) Remedial action grants;

(e) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment;

(f) Appropriations to the state and local toxics control accounts created in RCW 70.105D.070 if the legislature determines that priorities for spending exceed available funds in those accounts.

NEW SECTION. Sec. 11. (1) For the biennium ending June 30, 2015, the state treasurer must transfer forty-five million dollars from the state toxics control account to the environmental legacy stewardship account created in section 10 of this act.

(2) For the biennium ending June 30, 2015, the state treasurer must transfer forty-five million dollars from the local toxics control account to the environmental legacy stewardship account.

NEW SECTION. Sec. 12. A new section is added to chapter 70.105 RCW to read as follows:

The radioactive mixed waste account is created within the state treasury. All receipts received from facilities assessed service charges established under RCW 70.105.280 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for carrying out the department's powers and duties under this chapter related to the regulation of facilities that treat, store, or dispose of mixed waste or mixed waste facilities that are undergoing closure.

NEW SECTION. Sec. 13. By October 1, 2013, the state treasurer must transfer the fund balance of the mixed waste fees

within the state toxics control account to the radioactive mixed waste account created in section 12 of this act. The department of ecology shall report the fund balance amount to the state treasurer for transfer into the radioactive mixed waste account.

Sec. 14. RCW 70.105.280 and 1989 c 376 s 2 are each amended to read as follows:

(1) The department may assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component or which are undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility. Service charges may not exceed the costs to the department in carrying out the duties of this section.

(2) Program elements or activities for which service charges may be assessed include:

(a) Office, staff, and staff support for the purposes of facility or unit permit development, review, and issuance; and

(b) Actions taken to determine and ensure compliance with the state's hazardous waste management act.

(3) Moneys collected through the imposition of such service charges shall be deposited in the ~~((state toxics control))~~ radioactive mixed waste account created in section 12 of this act.

(4) The department shall adopt rules necessary to implement this section. Facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component shall not be subject to service charges prior to such rule making. Facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal shall not be subject to service charges prior to such rule making.

Sec. 15. RCW 43.84.092 and 2012 c 198 s 2, 2012 c 196 s 7, 2012 c 187 s 14, and 2012 c 83 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no

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appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety ~~((account fund))~~ fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant

program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 16. RCW 43.84.092 and 2012 c 198 s 2, 2012 c 196 s 7, 2012 c 187 s 14, 2012 c 83 s 4, and 2012 c 36 s 5 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government

pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the Columbia river crossing project account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety ~~((account fund))~~ fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account,

the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 17. Section 15 of this act expires on the date the requirements set out in section 7, chapter 36, Laws of 2012 are met.

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NEW SECTION. Sec. 18. Section 16 of this act takes effect on the date the requirements set out in section 7, chapter 36, Laws of 2012 are met.

MOTION

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On motion of Senator Fain, the Senate reverted to the fourth order of business.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013."

MESSAGE FROM THE HOUSE

April 16, 2013

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Ericksen and Honeyford to Second Substitute Senate Bill No. 5296.

The motion by Senator Ericksen carried and the striking amendment was adopted by voice vote.

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5213 with the following amendment(s): 5213-S2 AMH ENGR H2368.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.09 RCW to read as follows:

The legislature finds that chronic care management, including comprehensive medication management services, provided by licensed pharmacists and qualified providers is a critical component of a collaborative, multidisciplinary, inter-professional approach to the treatment of chronic diseases for targeted individuals, to improve the quality of care and reduce overall cost in the treatment of such diseases.

Sec. 2. RCW 74.09.522 and 2011 1st sp.s. c 15 s 29, 2011 1st sp.s. c 9 s 2, and 2011 c 316 s 4 are each reenacted and amended to read as follows:

(1) For the purposes of this section:

(a) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(b) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their scope of practice, that does not have a written contract to participate in a managed health care system's provider network, but provides health care services to enrollees of programs authorized under this chapter whose health care services are provided by the managed health care system.

(2) The authority shall enter into agreements with managed health care systems to provide health care services to recipients of temporary assistance for needy families under the following conditions:

(a) Agreements shall be made for at least thirty thousand recipients statewide;

(b) Agreements in at least one county shall include enrollment of all recipients of temporary assistance for needy families;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the authority may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed twelve months: AND PROVIDED FURTHER, That the authority shall not restrict a recipient's right to terminate enrollment in a system for good cause as established by the authority by rule;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 70.105D.020, 70.105D.030, 70.105D.040, 70.105D.050, and 70.105.280; reenacting and amending RCW 70.105D.070, 43.84.092, and 43.84.092; adding new sections to chapter 70.105D RCW; adding a new section to chapter 70.105 RCW; creating new sections; providing an effective date; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency."

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Brown, Parlette, Sheldon and Baumgartner spoke in favor of passage of the bill.

Senator Ranker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5296.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5296 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Carrell

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except as authorized by the authority under federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e)(i) In negotiating with managed health care systems the authority shall adopt a uniform procedure to enter into contractual arrangements, to be included in contracts issued or renewed on or after January 1, ~~((2012))~~ 2015, including:

(A) Standards regarding the quality of services to be provided;

(B) The financial integrity of the responding system;

(C) Provider reimbursement methods that incentivize chronic care management within health homes, including comprehensive medication management services for patients with multiple chronic conditions in alignment with medication management services as described in section 3503(c) and (d) of P.L. 111-148 of 2010, as amended;

(D) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use; ~~((and))~~

(E) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training, unless the managed care system is an integrated health delivery system that has programs in place for chronic care management;

(F) Provider reimbursement methods within the medical billing processes that incentivize pharmacists or other qualified providers licensed in Washington state to provide comprehensive medication management services consistent with the findings and goals established in section 1 of this act and in alignment with section 3503(c) and (d) of P.L. 111-148 of 2010, as amended;

(G) Evaluation and reporting on the impact of comprehensive medication management services on patient clinical outcomes and total health care costs, including reductions in emergency department utilization, hospitalization, and drug costs.

(ii)(A) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(B) Contracts that include the items in (e)(i)(C) through ~~((E))~~ (G) of this subsection must not exceed the rates that would be paid in the absence of these provisions;

(f) The authority shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The authority shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the authority may enter into prepaid capitation contracts that do not include inpatient care;

(h) The authority shall define those circumstances under which a managed health care system is responsible for out-of-plan services and assure that recipients shall not be charged for such services;

(i) Nothing in this section prevents the authority from entering into similar agreements for other groups of people eligible to receive services under this chapter; and

(j) The ~~((department))~~ authority must consult with the federal center for medicare and medicaid innovation and seek funding opportunities to support health homes.

(3) The authority shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate as managed health care systems are seriously considered as contractors. The authority shall coordinate its managed care activities with activities under chapter 70.47 RCW.

(4) The authority shall work jointly with the state of Oregon and other states in this geographical region in order to develop

recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

(5) The legislature finds that competition in the managed health care marketplace is enhanced, in the long term, by the existence of a large number of managed health care system options for medicaid clients. In a managed care delivery system, whose goal is to focus on prevention, primary care, and improved enrollee health status, continuity in care relationships is of substantial importance, and disruption to clients and health care providers should be minimized. To help ensure these goals are met, the following principles shall guide the authority in its healthy options managed health care purchasing efforts:

(a) All managed health care systems should have an opportunity to contract with the authority to the extent that minimum contracting requirements defined by the authority are met, at payment rates that enable the authority to operate as far below appropriated spending levels as possible, consistent with the principles established in this section.

(b) Managed health care systems should compete for the award of contracts and assignment of medicaid beneficiaries who do not voluntarily select a contracting system, based upon:

(i) Demonstrated commitment to or experience in serving low-income populations;

(ii) Quality of services provided to enrollees;

(iii) Accessibility, including appropriate utilization, of services offered to enrollees;

(iv) Demonstrated capability to perform contracted services, including ability to supply an adequate provider network;

(v) Payment rates; and

(vi) The ability to meet other specifically defined contract requirements established by the authority, including consideration of past and current performance and participation in other state or federal health programs as a contractor.

(c) Consideration should be given to using multiple year contracting periods.

(d) Quality, accessibility, and demonstrated commitment to serving low-income populations shall be given significant weight in the contracting, evaluation, and assignment process.

(e) All contractors that are regulated health carriers must meet state minimum net worth requirements as defined in applicable state laws. The authority shall adopt rules establishing the minimum net worth requirements for contractors that are not regulated health carriers. This subsection does not limit the authority of the Washington state health care authority to take action under a contract upon finding that a contractor's financial status seriously jeopardizes the contractor's ability to meet its contract obligations.

(f) Procedures for resolution of disputes between the authority and contract bidders or the authority and contracting carriers related to the award of, or failure to award, a managed care contract must be clearly set out in the procurement document.

(6) The authority may apply the principles set forth in subsection (5) of this section to its managed health care purchasing efforts on behalf of clients receiving supplemental security income benefits to the extent appropriate.

(7) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter to the system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state.

(8) For services covered under this chapter to medical assistance or medical care services enrollees and provided on or after August 24, 2011, nonparticipating providers must accept as payment in full the amount paid by the managed health care system under subsection (7) of this section in addition to any deductible, coinsurance, or copayment that is due from the enrollee for the

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service provided. An enrollee is not liable to any nonparticipating provider for covered services, except for amounts due for any deductible, coinsurance, or copayment under the terms and conditions set forth in the managed health care system contract to provide services under this section.

(9) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the ~~((department))~~ authority, including hospital-based physician services. The ~~((department))~~ authority will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the ~~((department))~~ authority will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

(10) Subsections (7) through (9) of this section expire July 1, 2016."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5213 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5213 and ask the House to recede therefrom.

The motion by Senator Becker carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5213 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5607 with the following amendment(s): 5607.E AMH MOEL TANG 051

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 66.24 RCW to read as follows:

(1) There is a theater license to sell spirits, beer, including strong beer, or wine, or all, at retail, for consumption on theater premises. A spirits, beer, and wine theater license may be issued only to theaters that have no more than one hundred twenty seats per screen and that are maintained in a substantial manner as a place for preparing, cooking, and serving complete meals and providing tabletop accommodations for in-theater dining. Requirements for complete meals are the same as those adopted by the board in rules pursuant to chapter 34.05 RCW for a spirits, beer, and wine restaurant license authorized by RCW 66.24.400. The annual fee for a spirits, beer, and wine theater license is two thousand dollars.

(2) If the theater premises is to be frequented by minors, an alcohol control plan must be submitted to the board at the time of application. The alcohol control plan must be approved by the

board and be prominently posted on the premises, prior to minors being allowed.

(3) For the purposes of this section:

(a) "Alcohol control plan" means a written, dated, and signed plan submitted to the board by an applicant or licensee for the entire theater premises, or rooms or areas therein, that shows where and when alcohol is permitted, where and when minors are permitted, and the control measures used to ensure that minors are not able to obtain alcohol or be exposed to environments where drinking alcohol predominates.

(b) "Theater" means a place of business where motion pictures or other primarily nonparticipatory entertainment are shown.

(4) The board must adopt rules regarding alcohol control plans and necessary control measures to ensure that minors are not able to obtain alcohol or be exposed to areas where drinking alcohol predominates. All alcohol control plans must include a requirement that any person involved in the serving of spirits, beer, and/or wine must have completed a mandatory alcohol server training program.

(5)(a) A licensee that is an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of January 1, 2013, may enter into arrangements with a spirits, beer, or wine manufacturer, importer, or distributor for brand advertising at the theater or promotion of events held at the theater. The financial arrangements providing for the brand advertising or promotion of events may not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement and such arrangements may not result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (5) are an exception to arrangements prohibited under RCW 66.28.305. The board must monitor the impacts of these arrangements. The board may conduct audits of a licensee and the affiliated business to determine compliance with this subsection (5). Audits may include, but are not limited to: Product selection at the facility; purchase patterns of the licensee; contracts with the spirits, beer, or wine manufacturer, importer, or distributor; and the amount allocated or used for spirits, beer, or wine advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(6) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are double for violations involving minors or the failure to follow the alcohol control plan with respect to theaters licensed under this section.

Sec. 2. RCW 66.20.300 and 2011 c 325 s 5 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout RCW 66.20.310 through 66.20.350 unless the context clearly requires otherwise.

(1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

(2) "Alcohol server" means any person who as part of his or her employment participates in the sale or service of alcoholic beverages for on-premise consumption at a retail licensed premise as a regular requirement of his or her employment, and includes those persons eighteen years of age or older permitted by the liquor laws of this state to serve alcoholic beverages with meals.

(3) "Board" means the Washington state liquor control board.

(4) "Training entity" means any liquor licensee associations, independent contractors, private persons, and private or public schools, that have been certified by the board.

(5) "Retail licensed premises" means any:

(a) Premises licensed to sell alcohol by the glass or by the drink, or in original containers primarily for consumption on the premises

as authorized by this section and RCW 66.20.310, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ((and)) 66.24.610, and section 1 of this act;

(b) Distillery licensed pursuant to RCW 66.24.140 that is authorized to serve samples of its own production;

(c) Facility established by a domestic winery for serving and selling wine pursuant to RCW 66.24.170(4); and

(d) Grocery store licensed under RCW 66.24.360, but only with respect to employees whose duties include serving during tasting activities under RCW 66.24.363.

Sec. 3. RCW 66.20.310 and 2011 c 325 s 4 are each amended to read as follows:

(1)(a) There (~~shall be~~) is an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There (~~shall be~~) is an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise (~~shall~~) must be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued (~~shall~~) must be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder (~~shall~~) must present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit (~~shall be~~) is valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by this section and RCW 66.20.300, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, 66.24.600, ((and)) 66.24.610, and section 1 of this act may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor (~~shall~~) must have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic

beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Holmquist Newbry moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5607 and ask the House to recede therefrom.

Senator Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Holmquist Newbry that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5607 and ask the House to recede therefrom.

The motion by Senator Holmquist Newbry carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5607 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5472 with the following amendment(s): 5472 AMH HE H2111.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.35 RCW to read as follows:

The board of trustees of Western Washington University may offer applied, but not research, doctorate level degrees in audiology."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Bailey moved that the Senate concur in the House amendment(s) to Senate Bill No. 5472.

Senators Bailey and Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate concur in the House amendment(s) to Senate Bill No. 5472.

The motion by Senator Bailey carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5472 by voice vote.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 5472, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5472, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SENATE BILL NO. 5472, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5491 with the following amendment(s): 5491-S.E AMH ED H2145.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature acknowledges that multiple entities, including the state board of education, the office of the superintendent of public instruction, the workforce training and education coordinating board, the quality education council, and the student achievement council, are actively working on efforts to identify measurable goals and priorities, road maps, and strategic plans for the entire educational system. It is not the legislature's intent to undermine or curtail the ongoing work of these groups. However, the legislature believes that a coordinated single set of statewide goals would help focus these efforts.

(2) It is, therefore, the intent of the legislature to establish a discrete set of statewide data points that will serve as snapshots of the overall health of the educational system and as a means for evaluating progress in achieving the outcomes set for the system and the students it serves. By monitoring these statewide indicators over time, it is the intent of the legislature to understand whether reform efforts and investments are making positive progress in the overall education of students and whether adjustments are necessary. Finally, it is the intent of the legislature to align the education reform efforts of each state education agency in order to hold each part of the system – statewide leaders, school personnel, and students – accountable to the same definitions of success.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.150 RCW to read as follows:

(1) The following statewide indicators of educational system health are established:

(a) The percentage of students demonstrating the characteristics of entering kindergartners in all six areas identified by the Washington kindergarten inventory of developing skills administered in accordance with RCW 28A.655.080;

(b) The percentage of students meeting the standard on the fourth grade statewide reading assessment administered in accordance with RCW 28A.655.070;

(c) The percentage of students meeting the standard on the eighth grade statewide mathematics assessment administered in accordance with RCW 28A.655.070;

(d) The four-year cohort high school graduation rate;

(e) The percentage of high school graduates who during the second quarter after graduation are either enrolled in postsecondary education or training or are employed, and the percentage during the fourth quarter after graduation who are either enrolled in postsecondary education or training or are employed; and

(f) The percentage of students enrolled in precollege or remedial courses in college.

(2) The statewide indicators established in subsection (1) of this section shall be disaggregated as provided under RCW 28A.300.042.

(3) The state board of education, with assistance from the office of the superintendent of public instruction, the workforce training and education coordinating board, the educational opportunity gap oversight and accountability committee, and the student achievement council, shall establish a process for identifying realistic but challenging system-wide performance goals and measurements, if necessary, for each of the indicators established in subsection (1) of this section, including for subcategories of students as provided under subsection (2) of this section. The performance goal for each indicator must be set on a biennial basis, and may only be adjusted upward.

(4) The state board of education, the office of the superintendent of public instruction, and the student achievement council shall each align their strategic planning and education reform efforts with the statewide indicators and performance goals established under this section.

(5)(a) The state board of education, with assistance from the office of the superintendent of public instruction, the workforce training and education coordinating board, the educational opportunity gap oversight and accountability committee, and the student achievement council, shall submit a report on the status of each indicator in subsection (1) of this section and recommend revised performance goals and measurements, if necessary, by December 1st of each even-numbered year, except that the initial report establishing baseline values and initial goals shall be delivered to the education committees of the legislature by December 1, 2013.

(b) If the educational system is not on target to meet the performance goals on any individual indicator, the report must recommend evidence-based reforms intended to improve student achievement in that area.

(c) To the extent data is available, the performance goals for each indicator must be compared with national data in order to identify whether Washington student achievement results are within the top ten percent nationally or are comparable to results in peer states with similar characteristics as Washington. If comparison data show that Washington students are falling behind national peers on any indicator, the report must recommend evidence-based reforms targeted at addressing the indicator in question."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5491.

Senators McAuliffe and Litzow spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5491.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5491 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5491, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5491, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 5491, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5616 with the following amendment(s): 5616.E AMH TR H2286.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16A.420 and 2010 c 161 s 409 and 2010 c 8 s 9010 are each reenacted and amended to read as follows:

(1) A farmer shall apply to the department, county auditor or other agent, or subagent appointed by the director for a farm exempt decal for a farm vehicle if the farm vehicle is exempt under RCW 46.16A.080(3). The farm exempt decal:

(a) Allows the farm vehicle to be operated (~~within a radius of fifteen miles of the farm where it is principally used or garaged~~) on public highways as identified under RCW 46.16A.080(3);

(b) Must be displayed on the farm vehicle so that it is clearly visible from outside of the farm vehicle; (~~and~~)

(c) Must identify that the farm vehicle is exempt from the registration requirements of this chapter; and

(d) Must be visible from the rear of the farm vehicle. This requirement for a farm exempt decal to be visible from the rear of the vehicle applies only to farm exempt decals issued after the effective date of this section.

(2) A farmer or the farmer's representative must apply for a farm exempt decal on a form furnished or approved by the department. The application must show:

(a) The name and address of the person who is the owner of the vehicle;

(b) A full description of the vehicle, including its make, model, year, the motor number or the vehicle identification number if the vehicle is a motor vehicle, or the serial number if the vehicle is a trailer;

(c) The purpose for which the vehicle is principally used;

(d) The place where the farm vehicle is principally used or garaged; and

(e) Other information as required by the department upon application.

(3) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under RCW 46.17.325 when issuing a farm exempt decal.

(4) A farm exempt decal may not be renewed. The status as an exempt vehicle continues until suspended or revoked for misuse, or when the vehicle is no longer used as a farm vehicle.

(5) The department may adopt rules to implement this section.

Sec. 2. RCW 46.16A.080 and 2011 c 171 s 45 are each amended to read as follows:

The following vehicles are not required to be registered under this chapter:

(1) Converter gears used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle;

(2) Electric-assisted bicycles;

(3)(a) (~~Farm implements, tractors, trailers, and other~~) Farm vehicles ((~~+~~)) operated within a radius of ((~~fifteen~~)) twenty-five miles of the farm where it is principally used or garaged for the purposes of traveling between farms or other locations to engage in activities that support farming operations, (b) farm tractors and farm implements including trailers designed as cook or bunk houses(~~(, (ii))~~) used exclusively for animal herding(~~(, and (iii))~~) temporarily operating or drawn upon the public highways, and ((~~(b)~~)) (c) trailers used exclusively to transport farm implements from one farm to another during daylight hours or at night when the trailer is equipped with lights that comply with applicable law;

(4) Forklifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses they serve;

(5) Golf carts, as defined in RCW 46.04.1945, operating within a designated golf cart zone as described in RCW 46.08.175;

(6) Motor vehicles operated solely within a national recreation area that is not accessible by a state highway, including motorcycles, motor homes, passenger cars, and sport utility vehicles. This exemption applies only after initial registration;

(7) Motorized foot scooters;

(8) Nurse rigs or equipment auxiliary for the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(9) Off-road vehicles operated on a street, road, or highway as authorized under RCW 46.09.360, or nonhighway roads under RCW 46.09.450;

(10) Special highway construction equipment;

(11) Dump trucks and tractor-dump trailer combinations that are:

(a) Designed and used primarily for construction work on highways;

(b) Not designed or used primarily for the transportation of persons or property on a public highway; and

(c) Only incidentally operated or moved over the highways;

(12) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation;

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(13) Tow dollies;

(14) Trams used for transporting persons to and from facilities related to the horse racing industry as regulated in chapter 67.16 RCW, as long as the public right-of-way routes over which the trams operate are not more than one mile from end to end, the public rights-of-way over which the tram operates have average daily traffic of not more than fifteen thousand vehicles per day, and the activity is in conformity with federal law. The operator must be a licensed driver and at least eighteen years old. For the purposes of this section, "tram" also means a vehicle, or combination of vehicles linked together with a single mode of propulsion, used to transport persons from one location to another; and

(15) Vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

Sec. 3. RCW 46.04.181 and 2012 c 130 s 1 are each amended to read as follows:

"Farm vehicle" means any vehicle other than a farm tractor or farm implement which is: (1) Designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another or between locations supporting farming operations; or (2) for purposes of RCW 46.25.050, used to transport agricultural products, farm machinery, farm supplies, or any combination of these materials to or from a farm."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Sheldon moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5616.

Senator Sheldon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Sheldon that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5616.

The motion by Senator Sheldon carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5616 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5616, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5616, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frock, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SENATE BILL NO. 5616, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5709 with the following amendment(s): 5709-S.E AMH ENGR H2341.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Currently more than a million homes nationwide and approximately fifty thousand homes in Washington state are heated with wood pellets, or densified biomass, in modern high-efficiency appliances. This residential use establishes that many homeowners experience significant cost savings compared to other fossil fuel-based heating systems and that this technology can have a wide and varied acceptance. Bulk delivery that can be facilitated by large volume anchor users such as schools, institutions, and businesses could provide the next step in making this form of renewable energy utilization more efficient and convenient for the consumer. The legislature makes the following findings:

(1) That manufactured and direct thermal conversion of densified biomass is a renewable energy activity;

(2) That much of western Europe, China, Japan, and other Asian countries have chosen to use renewable densified biomass as a renewable energy fuel to heat homes, businesses, and other facilities;

(3) That clean burning, renewable densified biomass will: (a) Lead our country to energy independence; (b) create jobs; (c) stimulate our economy by keeping more of our money circulating in the United States; (d) reduce carbon emissions; (e) improve air quality in noncompliant air sheds; (f) promote healthy forests; and (g) reduce the volume of waste in landfills; that the densified biomass industry will be complimentary to other biofuel industries, providing an outlet and use for the resultant high lignin by-products and agriculture residuals; and

(4) That a December 2012 report by the Washington State University energy program identified opportunities to develop and expand the in-state manufacturing of densified biomass.

Therefore, it is the intent of the legislature to have the Washington State University energy program conduct a pilot program to demonstrate the feasibility of using densified biomass as a renewable energy source to heat schools and other buildings.

NEW SECTION. Sec. 2. (1) Subject to receiving federal and private funds for this purpose, by December 1, 2013, the Washington State University energy program must develop and initiate a pilot program to demonstrate the feasibility of using densified biomass to heat public schools. Two public schools must be chosen for the pilot program, using the following criteria: The school's proximity to a currently operating densified biomass manufacturing facility, the age and condition of the school's current heating system, and the school's design is of a nature that most resembles other schools of its class. The pilot program must consist of the following: The replacement of the school's current heating system with one that uses densified biomass as a fuel; the measurement and evaluation of the heating system, including a cost comparison with other conventional fuels; and the measurement of emissions from the heating system. One of the public schools selected for the pilot must be located in a district east of the crest of the Cascade mountains and one must be located in a district west of

the crest of the Cascade mountains. The school district east of the crest of the Cascade mountains must be located in a county that shares an international border or borders the state of Idaho.

(2) The office of the superintendent of public instruction must notify all school districts about the pilot project and their opportunity to participate.

(3) By December 31, 2015, the Washington State University energy program must summarize and report its findings to the legislature. The report must include an analysis extrapolating the results to other similarly situated schools in the state.

(4) In designing the pilot program, the Washington State University energy program must seek to leverage other existing private and federal funding programs and resources.

(5) The Washington State University energy program may contract with other entities for assistance in implementing the pilot program.

(6) The pilot program expires December 15, 2015."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Smith moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5709.

Senator Smith spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Smith that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5709.

The motion by Senator Smith carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5709 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5709, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5709, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 5709, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5761 with the following amendment(s): 5761-S AMH TR H2285.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.42.120 and 2010 c 138 s 2 are each amended to read as follows:

Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs that advertise activities conducted upon the properties where the signs are located, may be erected or maintained without a permit issued by the department. Application for a permit shall be made to the department on forms furnished by it. The forms shall contain a statement that the owner or lessee of the land in question has consented thereto. For type 8 signs (temporary agricultural directional signs), when the land in question is owned by the department, the consent statement must be reviewed and, if the sign does not create a safety concern, be approved within ten days of application by the department. The application shall be accompanied by a fee established by department rule to be deposited with the state treasurer to the credit of the motor vehicle fund. Permits shall be for the remainder of the calendar year in which they are issued, and accompanying fees shall not be prorated for fractions of the year. Permits must be renewed annually through a certification process established by department rule. Advertising copy may be changed at any time without the payment of an additional fee. Assignment of permits in good standing is effective only upon receipt of written notice of assignment by the department. A permit may be revoked after hearing if the department finds that any statement made in the application or annual certification process was false or misleading, or that the sign covered is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, if the false or misleading information has not been corrected and the sign has not been brought into compliance with this chapter or rules adopted under it within thirty days after written notification. Beginning July 1, 2014, the department shall establish and charge by rule an annual fee for type 4 and 5 sign permits. The fee must reasonably recover costs for outdoor advertising control program administration and enforcement and may not exceed one hundred fifty dollars. The department shall establish by rule exemptions from payment of the annual fee for type 4 and 5 signs that do not generate rental income.

Sec. 2. RCW 47.42.080 and 2010 c 8 s 10016 are each amended to read as follows:

(1) Any sign erected or maintained contrary to the provisions of this chapter or rules adopted hereunder that is designed to be viewed from the interstate system, the primary system, or the scenic system is a public nuisance, and the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by certified mail at his or her last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, fails to comply with the chapter or remove any such sign within fifteen days after being notified to remove the sign he or she is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling removal of the sign. Each day the sign is maintained constitutes a separate offense.

(3) If the permittee or owner, as the case may be, fails to comply with this chapter or rules adopted under this chapter or fails to remove any sign erected or maintained contrary to the provisions of this chapter or rules adopted under this chapter within fifteen days after being notified to remove the sign, the department shall assess a fine of one hundred dollars per calendar day until the sign is brought into compliance or is removed. The one hundred dollar per calendar day fine is not contingent on a misdemeanor conviction. Fines collected under this subsection must be deposited with the state treasurer to the credit of the motor vehicle fund.

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(4) If the permittee or the owner of the property upon which it is located, as the case may be, is not found or refuses receipt of the notice, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so.

~~((4))~~ (5) Nothing in this section may be construed to affect the provisions contained in RCW 47.42.102 requiring the payment of compensation upon the removal of any signs compensable under state law.

~~((5))~~ (6) Any sign erected or maintained on state highway right-of-way contrary to this chapter or rules adopted under it is a public nuisance, and the department is authorized to remove any such sign without notice.

Sec. 3. RCW 47.42.130 and 1999 c 276 s 2 are each amended to read as follows:

Every permit issued by the department shall be assigned a separate identification number, and each permittee shall fasten to each sign a weatherproof label, not larger than ~~((sixteen))~~ twenty-eight square inches, that shall be furnished by the department and on which shall be plainly visible the permit number. The permittee shall also place his or her name in a conspicuous position on the front or back of each sign. The failure of a sign to have such a label affixed to it is prima facie evidence that it is not in compliance with the provisions of this chapter.

NEW SECTION. Sec. 4. RCW 47.42.048 (State and local prohibitions) and 1974 ex.s. c 80 s 3 are each repealed."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5761.

Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5761.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5761 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5761, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5761, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson,

Parlette, Pearson, Ranker, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Benton, Hatfield, Holmquist Newbry, Honeyford, Padden, Rivers, Roach and Smith

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5761, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5767 with the following amendment(s): 5767-S AMH AGNR H2320.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.57.160 and 2011 c 204 s 13 are each amended to read as follows:

(1) The director may adopt rules:

(a) Designating any point for mandatory inspection of cattle or horses or the furnishing of proof that cattle or horses passing or being transported through the point have been inspected or identified and are lawfully being transported;

(b) Providing for issuance of individual horse and cattle identification certificates or other means of horse and cattle identification;

(c) Designating the documents that constitute other satisfactory proof of ownership for cattle and horses. A bill of sale may not be designated as documenting satisfactory proof of ownership for cattle; and

(d) Designating when inspection certificates, certificates of permit, or other transportation documents required by law or rule must designate a physical address of a destination. Cattle and horses must be delivered or transported directly to the physical address of that destination.

(2) A self-inspection certificate may be accepted as satisfactory proof of ownership for cattle if the director determines that the self-inspection certificate, together with other available documentation, sufficiently establishes ownership. Self-inspection certificates completed after June 10, 2010, are not satisfactory proof of ownership for cattle.

(3)(a) Upon request by a milk producer licensed under chapter 15.36 RCW, the department must issue an official individual identification tag to be placed by the producer before the first point of sale on bull calves and free-martins (infertile female calves) under thirty days of age. The fee for each tag is the cost to the department for manufacture, purchase, and distribution of the tag plus the applicable beef commission assessment. As used in this subsection (3), "green tag" means the official individual identification issued by the department.

(b) Transactions involving unbranded dairy breed bull calves or free-martins (infertile female calves) not being moved or transported out of Washington are exempt from inspection requirements under this chapter only if:

(i) The animal is under thirty days old and has not been previously bought or sold;

(ii) The seller holds a valid milk producer's license under chapter 15.36 RCW;

(iii) The sale does not take place at or through a public livestock market or special sale authorized by chapter 16.65 RCW;

(iv) Each animal is officially identified as provided in (a) of this subsection; and

(v) A certificate of permit and a bill of sale listing each animal's

green tag accompanies the animal to the buyer's location. These documents do not constitute proof of ownership under this chapter.

(c) All fees received under (a) of this subsection, except for the beef commission assessment, must be deposited in the animal disease traceability account in the agricultural local fund created in RCW 43.23.230.

Sec. 2. RCW 16.57.370 and 2003 c 326 s 43 are each amended to read as follows:

All fees collected under the provisions of this chapter shall be deposited in an account in the agricultural local fund and used to carry out the purposes of this chapter, except as otherwise provided.

NEW SECTION. Sec. 3. RCW 16.57.303 (Proceeds from sale of impounded dairy breed cattle--Paid to seller) and 2003 c 326 s 37 are each repealed.

Sec. 4. RCW 16.57.300 and 2003 c 326 s 36 are each amended to read as follows:

~~((Except under RCW 16.57.303,))~~ The proceeds from the sale of cattle and horses when impounded under RCW 16.57.290, after paying the cost thereof, shall be paid to the director, who shall make a record showing the brand or marks or other method of identification of the animals and the amount realized from the sale thereof. However, the proceeds from a sale of the cattle or horses at a licensed public livestock market shall be held by the licensee for a reasonable period not to exceed thirty days to permit the consignor to establish ownership or the right to sell the cattle or horses. If the consignor fails to establish legal ownership or the right to sell the cattle or horses, the proceeds shall be paid to the director to be disposed of as any other stray proceeds."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5767.

Senator Hatfield spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5767.

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5767 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5767, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5767, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Holmquist Newbry and Padden
Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5767, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5786 with the following amendment(s): 5786-S AMH AGNR H2140.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.65 RCW to read as follows:

(1) Any application for a food fish guide license under RCW 77.65.370 or game fish guide license under RCW 77.65.480 must include:

(a) The applicant's driver's license or other government-issued identification card number and the jurisdiction of issuance;

(b) The applicant's unified business identifier number under a master license issued under RCW 19.02.070;

(c) Proof of current certification in first aid and cardiopulmonary resuscitation;

(d) A certificate of insurance demonstrating that the applicant has commercial liability coverage of at least three hundred thousand dollars; and

(e) If applicable, an original or notarized copy of a valid license issued by the United States coast guard to the applicant that authorizes the holder to carry passengers for hire.

(2) The requirements of this section related to licensure by the United States coast guard apply only to applicants intending to carry passengers for hire with a motorized vessel on federally recognized navigable waters. The license issued by the United States coast guard must be valid in the waters where the game fish guide or food fish guide license applicant will be carrying passengers for hire in a motorized vessel.

(3) The requirements in this section are in addition to the requirements of RCW 77.65.050.

Sec. 2. RCW 77.65.480 and 2011 c 339 s 30 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars. The application fee is seventy dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars. The application fee is seventy dollars.

(3) A game fish guide license allows the holder to offer or perform the services of a game fish guide in the taking of game fish. The fee for this license is one hundred eighty dollars for a resident and six hundred dollars for a nonresident. The application fee is seventy dollars. An application for a game fish guide license must include the information required in section 1 of this act.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is seventy-two dollars for the first year and forty-eight dollars for each following year. The application fee is seventy dollars.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty-four dollars. The application fee is seventy dollars.

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(6) A fishing or field trial permit allows the holder to promote, conduct, hold, or sponsor a fishing or field trial contest in accordance with rules of the commission. The fee for a fishing contest permit is twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars. The application fee is seventy dollars.

(7)(a) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred eighty dollars. The application fee is one hundred five dollars.

(b) An anadromous game fish buyer's license is not required for those businesses that buy steelhead trout and other anadromous game fish from Washington licensed game fish dealers and sell solely at retail.

Sec. 3. RCW 77.65.370 and 2009 c 333 s 8 are each amended to read as follows:

(1) A person shall not offer or perform the services of a food fish guide without a food fish guide license in the taking of food fish for personal use in freshwater rivers and streams, except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) Only an individual at least sixteen years of age may hold a food fish guide license. No individual may hold more than one food fish guide license.

(3) An application for a food fish guide license must include the information required in section 1 of this act."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5786.

Senators Pearson and Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5786.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5786 by voice vote.

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5786, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5786, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

SUBSTITUTE SENATE BILL NO. 5786, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5082 with the following amendment(s): 5082-S.E AMH BFS H2019.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.310.010 and 2009 c 70 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) A person or entity "affiliated" with a specific person or entity, means a person or entity who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person or entity specified.

(2) "Client" means the taxpayer with whom the exchange facilitator enters into an agreement as described in subsection ((3)) (4)(a)(i) of this section.

(3) "Covered dishonest act" means a crime involving fraud, embezzlement, misappropriation of funds, robbery, or other theft of property.

(4)(a) "Exchange facilitator" means a person who:

(i)(A) Facilitates, for a fee, an exchange of like-kind property by entering into an agreement with a taxpayer by which the exchange facilitator acquires from the taxpayer the contractual rights to sell the taxpayer's relinquished property located in this state and transfer a replacement property to the taxpayer as a qualified intermediary, as defined under treasury regulation section 1.1031(k)-1(g)(4); (B) enters into an agreement with a taxpayer to take title to a property in this state as an exchange accommodation titleholder, as defined in internal revenue service revenue procedure 2000-37; or (C) enters into an agreement with a taxpayer to act as a qualified trustee or qualified escrow holder, as both terms are defined under treasury regulation section 1.1031(k)-1(g)(3); or

(ii) Maintains an office in this state for the purpose of soliciting business as an exchange facilitator.

(b) "Exchange facilitator" does not include:

(i) A taxpayer or a disqualified person, as defined under treasury regulation section 1.1031(k)-1(k), seeking to qualify for the nonrecognition provisions of section 1031 of the internal revenue code of 1986, as amended;

(ii) A financial institution that is (A) acting as a depository for exchange funds and is not facilitating an exchange or (B) acting solely as a qualified escrow holder or qualified trustee, as both terms are defined under treasury regulation section 1.1031(k)-1(g)(3), and is not facilitating an exchange;

(iii) A title insurance company, underwritten title company, or escrow company that is acting solely as a qualified escrow holder or qualified trustee, as both terms are defined under treasury regulation section 1.1031(k)-1(g)(3), and is not facilitating an exchange;

(iv) A person that advertises for and teaches seminars or classes, or otherwise makes a presentation, to attorneys, accountants, real estate professionals, tax professionals, or other professionals, when

the primary purpose is to teach the professionals about tax-deferred exchanges or to train them to act as exchange facilitators;

(v) A qualified intermediary, as defined under treasury regulation section 1.1031(k)-1(g)(4), who holds exchange funds from the disposition of relinquished property located outside of this state; or

(vi) An affiliated entity that is used by the exchange facilitator to facilitate exchanges or to take title to property in this state as an exchange accommodation titleholder.

(c) For the purposes of this subsection, "fee" means compensation of any nature, direct or indirect, monetary or in kind, that is received by a person or related person, as defined in section 267(b) or 707(b) of the internal revenue code, for any services relating to or incidental to the exchange of like-kind property.

~~((4))~~ (5) "Financial institution" means a state chartered or federally chartered bank, credit union, savings and loan association, savings bank, or trust company (~~chartered under the laws of this state or the United States~~) whose accounts are insured by the full faith and credit of the United States, the federal deposit insurance corporation, the national credit union share insurance fund, or other similar or successor programs.

~~((5))~~ (6) "Person" means an individual, corporation, partnership, limited liability company, joint venture, association, joint stock company, trust, or any other form of a legal entity, and includes the agents and employees of that person.

~~((6))~~ (7) "Prudent investor standard" means the standard for investment as described under RCW 11.100.020.

Sec. 2. RCW 19.310.040 and 2012 c 34 s 2 are each amended to read as follows:

(1) A person who engages in business as an exchange facilitator must:

(a)(i) Maintain a fidelity bond or bonds in an amount of not less than one million dollars executed by an insurer authorized to do business in this state for the benefit of a client of the exchange facilitator that suffers a direct financial loss as a result of the exchange facilitator's covered dishonest act. Such fidelity bond must cover the acts of employees of an exchange facilitator and owners of a nonpublicly traded exchange facilitator; or

(ii) Deposit all exchange funds in a qualified escrow account or qualified trust, as both terms are defined under treasury regulation section 1.1031(k)-1(g)(3), with a financial institution. ~~((The qualified escrow account or qualified trust must provide that))~~ If an exchange facilitator deposits exchange funds in a qualified escrow account or qualified trust:

(A) A withdrawal ((from that escrow account or trust)) of exchange funds requires the exchange facilitator and the client to independently authenticate a record, as defined under RCW 62A.9A-102, of the transaction; and

~~((B))~~ (B) The client of the exchange facilitator must receive independently from the depository financial institution, by any commercially reasonable means, a current statement for verification of the deposited exchange funds; and

(b) Disclose on the company web site and contractual agreement the following statement in large, bold, or otherwise conspicuous typeface calculated to draw the eye: "Washington state law, RCW 19.310.040, requires an exchange facilitator to either maintain a fidelity bond in an amount of not less than one million dollars that protects clients against losses caused by criminal acts of the exchange facilitator, or to hold all client funds in a qualified escrow account or qualified trust that requires your consent for withdrawals. All exchange funds must be deposited in a separately identified account using your taxpayer identification number. You must receive written notification of how your exchange funds have been deposited. Your exchange facilitator is required to provide you with written directions of how to independently verify the deposit of the exchange funds. Exchange

facilitation services are not regulated by any agency of the state of Washington or of the United States government. It is your responsibility to determine that your exchange funds will be held in a safe manner." If recommending other products or services, the exchange facilitator must disclose to the client that the exchange facilitator may receive a financial benefit, such as a commission or referral fee, as a result of such recommendation. The exchange facilitator must not recommend or suggest to a client the use of services of another organization or business entity in which the exchange facilitator has a direct or indirect interest without full disclosure of such interest at the time of recommendation or suggestion.

(2) An exchange facilitator must provide evidence to each client that the requirements of this section are satisfied before entering into an exchange agreement.

(3) Upon request of a current or prospective client, or the attorney general under chapter 19.86 RCW, the exchange facilitator must offer evidence proving that the requirements of this section are satisfied at the time of the request.

Sec. 3. RCW 19.310.050 and 2009 c 70 s 6 are each amended to read as follows:

(1) A person who claims to have sustained damages by reason of the fraudulent act or covered dishonest act(s) of an exchange facilitator or an exchange facilitator's employee may file a claim on the fidelity bond ~~((or approved alternative described in RCW 19.310.040 to recover the damages))~~.

(2) The remedies provided under this section are cumulative and nonexclusive and do not affect any other remedy available at law.

Sec. 4. RCW 19.310.080 and 2009 c 70 s 9 are each amended to read as follows:

(1) A person who engages in business as an exchange facilitator shall act as a custodian for all exchange funds, including money, property, other consideration, or instruments received by the exchange facilitator from, or on behalf of, the client, except funds received as the exchange facilitator's compensation. The exchange facilitator shall hold the exchange funds in a manner that provides liquidity and preserves both principal and any earned interest, and if invested, shall invest those exchange funds in investments that meet a prudent investor standard and satisfy investment goals of liquidity and preservation of principal and any earned interest. For purposes of this section, a violation of the prudent investor standard includes, but is not limited to, a transaction in which:

(a) Exchange funds are knowingly commingled by the exchange facilitator with the operating accounts of the exchange facilitator, except that the exchange facilitator's fee may be deposited as part of the exchange transaction into the same account as that containing exchange funds, in which event the exchange facilitator must promptly withdraw the fee;

(b) Exchange funds are loaned or otherwise transferred to any person or entity, other than a financial institution, that is affiliated with or related to the exchange facilitator, except that this subsection (1)(b) does not apply to the transfer of funds from an exchange facilitator to an exchange accommodation titleholder in accordance with an exchange contract;

(c) Exchange funds are invested in a manner that does not provide sufficient liquidity to meet the exchange facilitator's contractual obligations to its clients, unless insufficient liquidity occurs as the result of: (i) Events beyond the prediction or control of the exchange facilitator including, but not limited to, failure of a financial institution; or (ii) an investment specifically requested by the client; or

(d) Exchange funds are invested in a manner that does not preserve the principal of the exchange funds, unless loss of principal occurs as the result of: (i) Events beyond the prediction or control of the exchange facilitator; or (ii) an investment specifically requested by the client.

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(2) Exchange funds are not subject to execution or attachment on any claim against the exchange facilitator.

Sec. 5. RCW 19.310.100 and 2009 c 70 s 11 are each amended to read as follows:

A person who engages in business as an exchange facilitator shall not, with respect to a like-kind exchange transaction(~~(; knowingly or with criminal negligence)~~):

(1) Make a false, deceptive, or misleading material representation, directly or indirectly, concerning a like-kind transaction;

(2) Make a false, deceptive, or misleading material representation, directly or indirectly, in advertising or by any other means, concerning a like-kind transaction;

(3) Engage in any unfair or deceptive practice toward any person;

(4) Obtain property by fraud or misrepresentation;

(5) Fail to account for any moneys or property belonging to others that may be in the possession or under the control of the exchange facilitator;

(6) Commingle funds held for a client in any account that holds the exchange facilitator's own funds, except as provided in RCW 19.310.080(1)(a);

(7) Loan or otherwise transfer exchange funds to any person or entity, other than a financial institution, that is affiliated with or related to the exchange facilitator, except for the transfer of funds from an exchange facilitator to an exchange accommodation title holder in accordance with an exchange contract;

(8) Keep, or cause to be kept, any money in any bank, credit union, or other financial institution under a name designating the money as belonging to the client of any exchange facilitator, unless that money belongs to that client and was entrusted to the exchange facilitator by that client;

(9) Fail to fulfill its contractual duties to the client to deliver property or funds to the taxpayer in a material way unless such a failure is due to ~~((circumstances beyond the control of the exchange facilitator))~~: (a) Events beyond the prediction or control of the exchange facilitator; or (b) an investment specifically requested by the client;

(10) Commit, including commission by its owners, officers, directors, employees, agents, or independent contractors, any crime involving fraud, misrepresentation, deceit, embezzlement, misappropriation of funds, robbery, or other theft of property;

(11) Fail to make disclosures required by any applicable state law; or

(12) Make any false statement or omission of material fact in connection with any reports filed by an exchange facilitator or in connection with any investigation conducted by the department of financial institutions.

Sec. 6. RCW 19.310.110 and 2009 c 70 s 12 are each amended to read as follows:

(1) An exchange facilitator must deposit all client funds in(~~(; (a) For accounts with a value of five hundred thousand dollars or more,))~~ a separately identified account, as defined in treasury regulation section 1.468B-6(c)(ii), for the particular client or client's matter, and the client must receive all the earnings credited to the separately identified account(~~(; or (b) For accounts with a value less than five hundred thousand dollars, (i) a pooled interest bearing trust account if the client agrees to pooling in writing; or (ii) if the client does not agree to pooling, in a separately identified account, as defined in treasury regulation section 1.468B-6(c)(ii))~~).

(2) An exchange facilitator must provide the client with written notification of how the exchange proceeds have been invested or deposited.

Sec. 7. RCW 19.310.120 and 2012 c 34 s 4 are each amended to read as follows:

(1) Failure to fulfill the requirements under RCW 19.310.040 constitutes prima facie evidence that the exchange facilitator intended to defraud a client who suffered a subsequent loss of the asset entrusted to the exchange facilitator.

(2) A person who engages in business as an exchange facilitator and who knowingly violates RCW 19.310.100 (1) through ~~((8))~~ (9) or fails to comply with the requirements under RCW 19.310.040 is guilty of a class B felony under chapter 9A.20 RCW. However, an exchange facilitator is not guilty of a class B felony for failure to comply with the requirements under RCW 19.310.040 if: (a) Failure to comply is due to the cancellation or amendment of the fidelity bond by the bond issuer; and (b) the exchange facilitator:

(i) Within thirty days, takes all reasonable steps to comply with the requirements under RCW 19.310.040; and

(ii) Deposits any new exchange funds into a qualified escrow account or qualified trust until a fidelity bond is obtained that meets the requirements under RCW 19.310.040(1)(a)(i)."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5082.

Senator Benton spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5082.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5082 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5082, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5082, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

ENGROSSED SUBSTITUTE SENATE BILL NO. 5082, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5153 with the following amendment(s): 5153-S.E AMH HCW H2170.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71.24 RCW to read as follows:

The regional support networks shall jointly develop a uniform transfer agreement to govern the transfer of clients between regional support networks. By September 1, 2013, the regional support networks shall submit the uniform transfer agreement to the department. By December 1, 2013, the department shall establish guidelines to implement the uniform transfer agreement and may modify the uniform transfer agreement as necessary to avoid impacts on state administrative systems."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5153.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5153.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5153 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5153, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5153, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

ENGROSSED SUBSTITUTE SENATE BILL NO. 5153, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5315 with the following amendment(s): 5315-S AMH ELHS H2235.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.130 and 2011 c 309 s 27 and 2011 c 292 s 1 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition that maintains the child in his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose services to assist the parents in maintaining the child in the home, including housing assistance, if appropriate, that least interfere with family autonomy and are adequate to protect the child.

(b)(i) Order the child to be removed from his or her home and into the custody, control, and care of a relative or other suitable person, the department, or a supervising agency for supervision of the child's placement. If the court orders that the child be placed with a caregiver over the objections of the parent or the department, the court shall articulate, on the record, his or her reasons for ordering the placement. The court may not order an Indian child, as defined in RCW 13.38.040, to be removed from his or her home unless the court finds, by clear and convincing evidence including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(ii) The department or supervising agency has the authority to place the child, subject to review and approval by the court (A) with a relative as defined in RCW 74.15.020(2)(a), (B) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child, or (C) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW.

(iii) The department may also consider placing the child, subject to review and approval by the court, with a person with whom the child's sibling or half-sibling is residing or a person who has adopted the sibling or half-sibling of the child being placed as long as the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be competent to provide care for the child.

(2) Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260.

(3) The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a), including a placement provided for in subsection (1)(b)(iii) of this section, when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, the child shall be placed with a person who is willing, appropriate, and available to care for the child, and who is: (I) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; or (II) a suitable person as described in subsection (1)(b) of this section. The court

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shall consider the child's existing relationships and attachments when determining placement.

(4) When placing an Indian child in out-of-home care, the department or supervising agency shall follow the placement preference characteristics in RCW 13.38.180.

(5) Placement of the child with a relative or other suitable person as described in subsection (1)(b) of this section shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services, including housing assistance, that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(6) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a stepbrother or stepsister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the stepsibling.

(7) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(8) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(9) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative or other suitable person, the child shall remain in foster care and the court shall direct the department or supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative or other person appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before

placement, but as soon as possible after placement. Any placements with relatives or other suitable persons, pursuant to this section, shall be contingent upon cooperation by the relative or other suitable person with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's or other suitable person's home, subject to review by the court.

Sec. 2. RCW 13.34.136 and 2011 c 309 s 29 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's or supervising agency's proposed permanency plan must be provided to the department or supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(~~((6))~~) (8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the supervising agency or the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department or supervising agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's or supervising agency's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii)(A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The supervising agency or department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child,

including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department or supervising agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department or supervising agency.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The supervising agency or department shall provide all reasonable services that are available within the department or supervising agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(~~(4)~~) (8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department or supervising agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department or supervising agency to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been

terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(~~(4)~~) (6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other supervising agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department of social and health services or other supervising agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 3. RCW 13.34.380 and 2009 c 520 s 45 are each amended to read as follows:

The department shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; consultation with the assigned law enforcement officer in the event the parent or sibling of the child is identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child; and training for department and supervising agency caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

NEW SECTION. Sec. 4. A new section is added to chapter 13.34 RCW to read as follows:

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In the event a judge orders a parent to undergo a psychosexual evaluation, and pending the outcome of the evaluation, the department, subject to the approval of the court, may reassess visitation duration, supervision, and location, if appropriate. If the assessment indicates the current visitation plan is contrary to the child's health, safety, or welfare, the department, subject to approval by the court, may alter the visitation plan pending the outcome of the investigation.

Sec. 5. RCW 74.14B.010 and 1999 c 389 s 5 are each amended to read as follows:

(1) Caseworkers employed in children services shall meet minimum standards established by the department of social and health services. Comprehensive training for caseworkers shall be completed before such caseworkers are assigned to case-carrying responsibilities without direct supervision. Intermittent, part-time, and standby workers shall be subject to the same minimum standards and training.

(2) Ongoing specialized training shall be provided for persons responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(3) The department, the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement statewide training that contains consistent elements for persons engaged in the interviewing of children, including law enforcement, prosecution, and child protective services.

(4) The training shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; and (i) documentation of investigative interviews.

(5) The identification of domestic violence is critical in ensuring the safety of children in the child welfare system. As a result, ongoing domestic violence training and consultation shall be provided to caseworkers, including how to use the children's administration's practice guide to domestic violence."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5315.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5315.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5315 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5315, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5315, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

SUBSTITUTE SENATE BILL NO. 5315, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5417 with the following amendment(s): 5417 AMH LG H2233.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35A.14.295 and 1997 c 429 s 36 are each amended to read as follows:

(1) The legislative body of a code city may resolve to annex territory (~~(containing residential property owners)~~) to the city if there is within the city, unincorporated territory:

(a) Containing less than one hundred ~~seventy-five~~ acres and having (~~(at least eighty percent)~~) all of the boundaries of such area contiguous to the code city; or

(b) Of any size and having at least eighty percent of the boundaries of such area contiguous to the city (~~(if such area existed before June 30, 1994)~~), and is within the same county and within the same urban growth area designated under RCW 36.70A.110, and the city (~~(was)~~) is planning under chapter 36.70A RCW (~~(as of June 30, 1994)~~).

(2) The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and set a date for a public hearing on such resolution for annexation. Notice of the hearing shall be given by publication of the resolution at least once a week for two weeks prior to the date of the hearing, in one or more newspapers of general circulation within the code city and one or more newspapers of general circulation within the area to be annexed.

(3) For purposes of subsection (1)(b) of this section, territory bounded by a river, lake, or other body of water is considered contiguous to a city that is also bounded by the same river, lake, or other body of water."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Senate Bill No. 5417.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Senate Bill No. 5417.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5417 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5417, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5417, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Parlette, Pearson, Ranker, Roach, Rolfes, Schlicher, Schoesler, Shin, Smith and Tom

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Brown, Ericksen, Frockt, Hasegawa, Holmquist Newbry, Honeyford, Murray, Padden, Rivers and Sheldon

Excused: Senator Carrell

SENATE BILL NO. 5417, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SENATE JOINT MEMORIAL NO. 8005 with the following amendment(s): 8005 AMH TR H2251.1

Beginning on page 1, line 1, strike all material through page 2, line 36, and insert the following:

"TO THE HONORABLE LYNN PETERSON, SECRETARY OF TRANSPORTATION, AND TO THE WASHINGTON STATE TRANSPORTATION COMMISSION, AND TO THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, American soldiers and sailors were taken as prisoners of war during the American Revolutionary War with the majority of prisoners kept aboard British prison hulks near New York City. In 1873, a general exchange of prisoners occurred after the cessation of hostilities and recognition of American independence; and

WHEREAS, During the War of 1812, battlefield exchanges occurred under a general British/American cartel for exchanging prisoners. The British continued to use prison hulks and the American POW's were treated humanely until their repatriation following the Treaty of Ghent in 1814; and

WHEREAS, During the Mexican-American War, the Mexican forces released some American prisoners in "head for head" exchanges that occasionally took place during the war, but most

American prisoners of war remained incarcerated until the ratification of the Treaty of Guadalupe Hidalgo; and

WHEREAS, During the Civil War, both Union and Confederate forces were unprepared to detain the enormous number of POW's. 211,400 Union prisoners were held in the South and 220,000 Confederate prisoners were held in the North. Starting in 1865, the federal government began returning large numbers of prisoners to the Confederacy. After the surrender at Appomattox, the Union prisons were closed quickly; and

WHEREAS, The United States entered World War I in April 1917. Of the 4,120 American POW's during World War I, 147 died in captivity with most deaths resulting from wounds received in combat. Prisoner exchanges followed the signing of the armistice; and

WHEREAS, During World War II, 260,000 American POW's were held by Germans in Europe. Over 1,121 American POW's died in European prison camps. In the Far East, the Japanese held 124,079 American POW's. 10,650 American POW's died in Japanese prison camps. In addition, there were 30,314 MIA's and 78,776 unaccounted for in the Far East; and

WHEREAS, During the Korean War, more than 12,000 American POW's were held by North Korea and China. Additionally, over 8,000 were classified as MIA and unaccounted for. After a truce was signed at Panmonjum, over 4,000 American POW's were returned in August 1953; and

WHEREAS, During the Vietnam War, 1,750 Americans were listed as MIA or unaccounted for in Vietnam and an additional 600 were MIA in neighboring Laos and Cambodia. To date, Vietnam has not accounted for all American POW's; and

WHEREAS, During the Gulf War, 47 Americans were listed as POW's or MIA at some point during Operation Desert Storm. At the conclusion of the war, 21 POW's were repatriated, 23 bodies were recovered, 2 bodies were never recovered, and one MIA case was left unresolved until 2009 when his remains were found in the Iraq desert; and

WHEREAS, During the Cold War, there was a sustained state of political and military tension between Western and Eastern powers and, as of 2000, there were 126 United States servicemen still unaccounted for. The United States Senate Select Committee on POW/MIA Affairs found evidence that some United States POW's were held in the former Soviet Union after the Cold War incident and that it "cannot, based on its investigation to date, rule out the possibility that one or more U.S. POW's from past wars or incidents are still being held somewhere within the borders of the former Soviet Union";

NOW, THEREFORE, Your Memorialists respectfully pray that the Washington State Transportation Commission commence proceedings to designate state route number 117 in Clallam county between the junction of state route number 101 and Marine Drive in the city of Port Angeles as the POW/MIA Memorial Highway to honor the service and sacrifice of all prisoners of war, missing in action, and those unaccounted for who served in the United States of America.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Lynn Peterson, Secretary of Transportation, the Washington State Transportation Commission, and the Washington State Department of Transportation." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Senate Joint Memorial No. 8005.

NINETY NINTH DAY, APRIL 22, 2013

2013 REGULAR SESSION

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Senate Joint Memorial No. 8005.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Senate Joint Memorial No. 8005 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8005, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8005, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SENATE JOINT MEMORIAL NO. 8005, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

April 12, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5615 with the following amendment(s): 5615-S AMH APPE H2128.4

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.115.030 and 2011 1st sp.s. c 11 s 205 are each amended to read as follows:

The health professional loan repayment and scholarship program is established for credentialed health professionals and residents serving in health professional shortage areas. The program shall be administered by the office. In administering this program, the office shall:

(1) Select credentialed health care professionals and residents to participate in the loan repayment portion of the loan repayment and scholarship program and select eligible students to participate in the scholarship portion of the loan repayment and scholarship program;

(2) Adopt rules and develop guidelines to administer the program;

(3) Collect and manage repayments from participants who do not meet their service obligations under this chapter;

(4) Publicize the program, particularly to maximize participation among individuals in shortage areas and among populations expected to experience the greatest growth in the workforce;

(5) Solicit and accept grants and donations from public and private sources for the program;

(6) Use a competitive procurement to contract with a fund-raiser to solicit and accept grants and donations from private sources for the program. The fund-raiser shall be paid on a contingency fee basis on a sliding scale but must not exceed fifteen percent of the

total amount raised for the program each year. The fund-raiser shall not be a registered state lobbyist; and

~~((6))~~ (7) Develop criteria for a contract for service in lieu of the service obligation where appropriate, that may be a combination of service and payment."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Bailey moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5615.

Senator Bailey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5615.

The motion by Senator Bailey carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5615 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5615, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5615, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5615, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5324 with the following amendment(s): 5324-S.E AMH AGNR H2245.1

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 90.03 RCW to read as follows:

(1) A county, city, town, water-sewer district, or flood control zone district constructing, improving, operating, or maintaining storm water control facilities under chapter 35.67, 35.92, 36.89, 36.94, 57.08, or 86.15 RCW that include storm water retention ponds, also known as wet ponds, wet retention ponds, or wet extended detention ponds, as part of a storm water control facility

for which the primary function of the pond is to detain storm water, must:

(a) Consider and to the extent possible consistent with department design guidelines, and without compromising the intended function of the storm water retention pond, construct storm water retention ponds to maintain and control vegetation to minimize mosquito propagation;

(b) Consult with the local mosquito control district, where established, in the development of construction plans that include storm water retention ponds; and

(c) Provide for maintenance and control of vegetation growth in storm water retention ponds to reduce mosquito habitat and inhibit mosquito propagation without compromising the intended function of a storm water retention pond.

(2) A county, city, town, water-sewer district, or flood control zone district operating or maintaining storm water control facilities must, except where mosquito control districts are established, when notified by the department of health or a local health jurisdiction of the positive identification of west nile virus or other mosquito-borne human disease viruses in mosquitoes, birds, or mammals, including humans, consult with the department of health or a mosquito control district concerning which integrated pest management strategies, as defined under chapter 17.15 RCW, for mosquito control or abatement in storm water retention ponds would be most effective to prevent the spread of the disease.

(3) Where a mosquito control district is established, when notified by the department of health or a local health jurisdiction of the positive identification of west nile virus or other mosquito-borne human disease viruses in mosquitoes, birds, or mammals, including humans, the mosquito control district is responsible for mosquito control or abatement in storm water retention ponds."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5324.

Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5324.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5324 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5324, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5324, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow,

McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 5324, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Kohl-Welles was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5898, by Senators Hill and Hargrove

Increasing education funding, including adjusting school district levy and state levy equalization provisions.

MOTION

On motion of Senator Dammeier, Substitute Senate Bill No. 5898 was substituted for Senate Bill No. 5898 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Rolfes be adopted:

On page 10, beginning on line 17, strike all material down through and including page 14, line 30.

Re-number the sections consecutively and correct internal references accordingly.

On page 16, line 28, after "percent in 2010", strike all material through and including line 32 and insert:

"~~((and twenty-eight percent in 2011 through 2017 and))~~; twenty-seven percent in 2018; twenty-six percent in 2019; twenty-five percent in 2020; and twenty-four percent in 2021 and every year thereafter;"

On page 19, line 3, after "years 2013", strike "and 2014" and insert "through 2017"

On page 19, line 4, after "For calendar year" strike "2015, thirteen and one-half percent and thereafter. However, if the condition in section 7 of this act is met, the applicable percentage shall be thirteen percent in 2016 and twelve and one-half percent in 2017." And insert:

"2018, thirteen and one-half percent; 2019, thirteen percent; 2020, twelve and one-half percent; and in 2021 and thereafter, twelve percent."

On page 19, beginning on line 35, strike all material down through and including page 20, line 16.

On page 1, line 4 of the title, strike "adding a new section to chapter 28A.150 RCW;"

Senators McAuliffe and Rolfes spoke in favor of adoption of the amendment.

Senator Dammeier spoke against adoption of the amendment.

NINETY NINTH DAY, APRIL 22, 2013

2013 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Rolfes on page 10, line 17 to Substitute Senate Bill No. 5898.

The motion by Senator McAuliffe failed and the amendment was not adopted by a rising vote.

MOTION

Senator Frockt moved that the following amendment by Senator Frockt and others be adopted:

On page 20, line 5, after "in policy-level enhancements", insert "appropriated from the general fund--state and exclusive of revenues sources derived from sections 201 and 300 of chapter . . . (Substitute Senate Bill no. 5895), Laws of 2013"

Senator Frockt spoke in favor of adoption of the amendment. Senator Dammeier spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt and others on page 20, line 5 to Substitute Senate Bill No. 5898.

The motion by Senator Frockt failed and the amendment was not adopted by a rising vote.

MOTION

On motion of Senator Dammeier, the rules were suspended, Substitute Senate Bill No. 5898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dammeier spoke in favor of passage of the bill.

Senators Rolfes and McAuliffe spoke against passage of the bill.

Senators Conway and Hargrove spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5898.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5898 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5903, by Senators Braun and Holmquist Newbry

Concerning the family and medical leave insurance act.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.86.030 and 2011 1st sp.s. c 25 s 1 are each amended to read as follows:

Beginning October 1, (~~2015~~) 2017, family leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family leave if the individual:

(1) Files a claim for benefits in each week in which the individual is on family leave, and as required by rules adopted by the director;

(2) Has been employed for at least six hundred eighty hours in employment during the individual's qualifying year;

(3) Establishes an application year. An application year may not be established if the qualifying year includes hours worked before establishment of a previous application year;

(4) Consents to the disclosure of information or records deemed private and confidential under chapter 50.13 RCW. Initial disclosure of this information and these records by the employment security department to the department is solely for purposes related to the administration of this chapter. Further disclosure of this information or these records is subject to RCW 49.86.020(3);

(5) Discloses whether or not he or she owes child support obligations as defined in RCW 50.40.050; and

(6) Documents that he or she has provided the employer from whom family leave is to be taken with written notice of the individual's intention to take family leave in the same manner as an employee is required to provide notice in RCW 49.78.250.

NEW SECTION. Sec. 2. (1)(a)(i) The joint legislative task force on family and medical leave insurance funding is established, with eight members as provided in this subsection.

(A) The chair and the ranking member of the senate commerce and labor committee.

(B) The chair and the ranking member of the house labor and workforce development committee.

(C) The majority leader of the senate must appoint one member from each of the two largest caucuses of the senate.

(D) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The department of labor and industries and the employment security department must cooperate with the task force and must each maintain a liaison representative, who must be a nonvoting member.

(iii) The majority leader of the senate and the speaker of the house of representatives jointly must appoint the cochairs of the task force from among the legislative members of the task force. The cochairs must convene the initial meeting of the task force no later than January 1, 2014, and set a schedule of monthly meetings thereafter.

(b) The task force must make legislative recommendations for financing of the benefits and administrative costs of the family and medical leave insurance act.

(c) Staff support for the task force must be provided by senate committee services and the house of representatives office of program research.

(d) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or

organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(e) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(f) By January 1, 2015, and in compliance with RCW 43.01.036, the task force must submit a report to the legislature that details the task force's recommendations for funding the family and medical leave insurance act. The recommendations of the task force must include proposed legislation for introduction during the 2015 legislative session that implements the task force's recommendations.

(2) The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(a) RCW 49.86.005 (Findings) and 2007 c 357 s 1;

(b) RCW 49.86.010 (Definitions) and 2007 c 357 s 3;

(c) RCW 49.86.020 (Family leave insurance program) and 2007 c 357 s 4;

(d) RCW 49.86.030 (Eligibility for benefits) and 2013 c ... s 1 (section 1 of this act), 2011 1st sp.s. c 25 s 1, 2009 c 544 s 1, & 2007 c 357 s 5;

(e) RCW 49.86.040 (Disqualification from benefits) and 2007 c 357 s 6;

(f) RCW 49.86.050 (Duration of benefits--Payment of benefits) and 2007 c 357 s 7;

(g) RCW 49.86.060 (Amount of benefits) and 2007 c 357 s 8;

(h) RCW 49.86.070 (Federal income tax) and 2007 c 357 s 9;

(i) RCW 49.86.080 (Erroneous payments--Payments induced by willful misrepresentation--Claim rejected after payments) and 2007 c 357 s 10;

(j) RCW 49.86.090 (Leave and employment protection) and 2007 c 357 s 11;

(k) RCW 49.86.100 (Employment by same employer) and 2007 c 357 s 12;

(l) RCW 49.86.110 (Elective coverage) and 2007 c 357 s 13;

(m) RCW 49.86.120 (Appeals) and 2007 c 357 s 14;

(n) RCW 49.86.130 (Prohibited acts--Discrimination--Enforcement) and 2007 c 357 s 15;

(o) RCW 49.86.140 (Coordination of leave) and 2007 c 357 s 16;

(p) RCW 49.86.150 (Continuing entitlement or contractual rights--Not created) and 2007 c 357 s 17;

(q) RCW 49.86.160 (Rules) and 2007 c 357 s 18;

(r) RCW 49.86.170 (Family leave insurance account) and 2009 c 4 s 905 & 2007 c 357 s 19;

(s) RCW 49.86.180 (Family leave insurance account funds--Investment) and 2007 c 357 s 20;

(t) RCW 49.86.210 (Reports) and 2011 1st sp.s. c 25 s 2, 2009 c 544 s 2, & 2007 c 357 s 26;

(u) RCW 49.86.900 (Severability--2007 c 357) and 2007 c 357 s 27;

(v) RCW 49.86.901 (Captions not law--2007 c 357) and 2007 c 357 s 28;

(w) RCW 49.86.902 (Effective dates--2007 c 357) and 2007 c 357 s 30; and

(x) RCW 49.86.903 (Construction--Chapter applicable to state registered domestic partnerships--2009 c 521) and 2009 c 521 s 136.

(3)(a) Subsection (2) of this section takes effect December 31, 2015, if the family and medical leave insurance act is not funded by December 31, 2015.

(b) The director of the office of financial management must provide written notice of the effective date of subsection (2) of this section to affected parties, the chief clerk of the house of

representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the director."

Senators Hobbs and Braun spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Senate Bill No. 5903.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "funding the family and medical leave insurance act; amending RCW 49.86.030; creating a new section; repealing RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160, 49.86.170, 49.86.180, 49.86.210, 49.86.900, 49.86.901, 49.86.902, and 49.86.903; and providing a contingent effective date."

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

Senators Keiser and Murray spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5903.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Froctt, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Carrell

ENGROSSED SENATE BILL NO. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:55 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Tuesday, April 23, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

ONE HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 23, 2013

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 22, 2013

SB 5913 Prime Sponsor, Senator Becker: Concerning a hospital safety net assessment and quality incentive program for increased hospital payments. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5913 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner, Vice Chair.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 22, 2013

SGA 9072 CREIGH AGNEW, reappointed on November 21, 2011, for the term ending June 30, 2015, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

April 22, 2013

SGA 9079 KRISTIANNE BLAKE, reappointed on October 1, 2012, for the term ending September 30, 2018, as

Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

April 22, 2013

SGA 9082 J. A BRICKER, reappointed on June 28, 2012, for the term ending April 3, 2016, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

April 22, 2013

SGA 9084 DON C BRUNELL, appointed on November 21, 2011, for the term ending June 30, 2013, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

April 22, 2013

SGA 9122 LINDSEY JAHN, appointed on August 8, 2012, for the term ending June 30, 2013, as Member of the Washington State Student Achievement Council. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

April 22, 2013

SGA 9127 CHRIS JORDAN, appointed on August 2, 2012, for the term ending June 30, 2013, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

April 22, 2013

SGA 9151 LEE NEWGENT, appointed on April 13, 2011, for the term ending June 30, 2013, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

April 22, 2013

SGA 9159 ANNE PROFFITT, reappointed on October 1, 2012, for the term ending September 30, 2018, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

April 22, 2013

SGA 9196 JAMES S WIGFALL, appointed on October 26, 2012, for the term ending September 30, 2015, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

April 22, 2013

SGA 9197 VICKI J WILSON, appointed on October 10, 2012, for the term ending September 30, 2018, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 10:02 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:26 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1115,
SUBSTITUTE HOUSE BILL NO. 1116,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134,
SUBSTITUTE HOUSE BILL NO. 1216,
HOUSE BILL NO. 1277,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1383,
ENGROSSED HOUSE BILL NO. 1394,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432,
SUBSTITUTE HOUSE BILL NO. 1541,
HOUSE BILL NO. 1547,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652,
ENGROSSED HOUSE BILL NO. 1808,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1115,
SUBSTITUTE HOUSE BILL NO. 1116,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134,
SUBSTITUTE HOUSE BILL NO. 1216,
HOUSE BILL NO. 1277,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1383,
ENGROSSED HOUSE BILL NO. 1394,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432,
SUBSTITUTE HOUSE BILL NO. 1541,
HOUSE BILL NO. 1547,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652,
ENGROSSED HOUSE BILL NO. 1808.

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1001,
SUBSTITUTE HOUSE BILL NO. 1068,
SUBSTITUTE HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO. 1093,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1114,
SUBSTITUTE HOUSE BILL NO. 1144,
HOUSE BILL NO. 1178,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2024,
and the same is herewith transmitted.

ONE HUNDREDTH DAY, APRIL 23, 2013

2013 REGULAR SESSION

BARBARA BAKER, Chief Clerk

chapter 47.10 RCW; and providing a contingent effective date.

MESSAGE FROM THE HOUSE

Referred to Committee on Transportation.

April 22, 2013

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- HOUSE BILL NO. 1194,
 - HOUSE BILL NO. 1207,
 - SUBSTITUTE HOUSE BILL NO. 1265,
 - SUBSTITUTE HOUSE BILL NO. 1284,
 - SUBSTITUTE HOUSE BILL NO. 1334,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341,
 - SECOND SUBSTITUTE HOUSE BILL NO. 1416,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1445,
 - SUBSTITUTE HOUSE BILL NO. 1472,
 - ENGROSSED HOUSE BILL NO. 1493,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1519,
 - SUBSTITUTE HOUSE BILL NO. 1525,
 - SUBSTITUTE HOUSE BILL NO. 1556,
 - SECOND SUBSTITUTE HOUSE BILL NO. 1566,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1633,
 - SECOND SUBSTITUTE HOUSE BILL NO. 1642,
 - HOUSE BILL NO. 1645,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688,
 - HOUSE BILL NO. 1736,
 - SUBSTITUTE HOUSE BILL NO. 1737,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774,
 - HOUSE BILL NO. 1800,
 - ENGROSSED HOUSE BILL NO. 1826,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846,
 - SUBSTITUTE HOUSE BILL NO. 1883,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House concurred in the Senate amendment to HOUSE BILL NO. 1474 and passed the bill as amended by the Senate. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5923 by Senators Cleveland and Eide

AN ACT Relating to the authorization of bonds for the financing of the Columbia river crossing project; amending RCW 47.10.882 and 47.56.894; adding new sections to

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8660

By Senator Honeyford

WHEREAS, Providing basic education to our children is the paramount duty of Washington State; and

WHEREAS, Zillah High School teacher, Jeff Charbonneau, has performed his duties above and beyond all expectations, earning the title National Teacher of the Year; and

WHEREAS, Mr. Charbonneau has played an instrumental role in the transformation of Zillah High School into a place where nearly every student graduates with college credit; and

WHEREAS, Mr. Charbonneau has constantly and consistently inspired everyone around him to push themselves to break the mold and achieve greatness; and

WHEREAS, The contagious level of passion Mr. Charbonneau displays for teaching has made Zillah High School a special place for all inside and outside its hallways; and

WHEREAS, Mr. Charbonneau's insatiable desire for continued learning has led ninety percent of last year's graduating class to continue their learning in college, apprenticeship programs, or the military; and

WHEREAS, Mr. Charbonneau has spent the last eleven years as an education pioneer, expanding STEM-focused learning within his own school district as well as other schools around the state; and

WHEREAS, Mr. Charbonneau has sacrificed countless hours of his own time to develop an articulation program allowing students to obtain college credit for satisfactory completion of their high school science classes; and

WHEREAS, Mr. Charbonneau has found the perfect instructional mix, making his classes more rigorous and more accessible, which has increased student enrollment in upper level science classes by twenty percent; and

WHEREAS, Mr. Charbonneau not only molds the minds of young students while in class, but also serves as the science club advisor, drama program assistant director, student government coordinator, and yearbook advisor; and

WHEREAS, The pride, effort, and dedication Mr. Charbonneau has displayed while fulfilling his duties as an educator has made - and continues to make - every day at Zillah High School, as Mr. Charbonneau exclaims when greeting his students each day, another day in paradise;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Jeff Charbonneau for his enthusiastic, innovative, and technology-infused method of instruction, which has earned him the title of 2013 National Teacher of the Year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2013 National Teacher of the Year, Jeff Charbonneau, the Zillah School District, and the Office of the Superintendent of Public Instruction.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8660.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President introduced "Assistant Presidents-of-the-Day" Mr. Kaan Ingec of Turkey, accompanied by the President of the Consular Association of Washington, Honorary Consul General John Gokcen of the Republic of Turkey in Seattle, and Mr. Jose Bibi of Seychelles, accompanied Consul General Anne Lise Church of the Republic of Seychelles of Federal Way, who were present at the rostrum. The President introduced and welcomed Her Excellency, Dr. Erna Athanasius, Ambassador for Women & Children of the Republic of Seychelles and Honorary Consul Ruth Elizabeth Willis of the Republic of Seychelles to the States of Arizona, New Mexico, Nevada and Texas who were present in the gallery.

The President also welcomed and introduced youth representing Students of Dina Khosh, Turkey; Ahiska Dance & Music, Ahiska Turks; Mozaik, Turkey; Anadolu Youth Dancers, Turkey; and Coco-De-Mer, Seychelles, scheduled to perform at the Fourth Annual International Children's Friendship Festival on April 28 and 29, 2013 in Seattle, who were present in the gallery. Children groups representing more than 40 countries around the world are scheduled to perform unique dances, songs and musical performances. Children's Day, April 23, originated in Turkey in 1920 to emphasize that the future belongs to and is protected by future generations. The event was recognized by the United Nations Educational Scientific and Cultural Organization (UNESCO) in 1979.

MOTION

On motion of Senator Billig, Senator Murray was excused.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2013

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5267 with the following amendment(s): 5267-S2.E AMH HCW H2223.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A work group is formed to develop criteria to streamline the prior authorization process for prescription drugs, medical procedures, and medical tests, with the goal of simplification and uniformity.

(2) The work group shall be cochaired by the chair of the senate health care committee and the chair of the house of representatives health care committee, and membership of the work group shall be determined by the cochairs, not to exceed eleven participants.

(3) The work group shall examine elements that may include the following:

(a) National standard transaction information, such as HIPAA 278 standards, for sending or receiving authorizations electronically;

(b) Standard transaction information and uniform prior authorization forms;

(c) Clean, uniform, and readily accessible forms for prior authorization including determining the appropriate number of forms;

(d) A core set of common data requirements for nonclinical information for prior authorization and electronic prescriptions, or both;

(e) The prior authorization process, which considers electronic forms and allows for flexibility for carriers to develop electronic forms; and

(f) Existing prior authorization forms by insurance carriers and by state agencies, in developing the uniform prior authorization forms.

(4) The work group must:

(a) Establish timelines for urgent requests and timeliness for nonurgent requests;

(b) Work on a receipt and missing information time frame;

(c) Determine time limits for a response or acknowledgment of receipts or requests of missing information;

(d) Establish when an authorization request will be deemed as granted when there is no response.

(5) The work group must submit their recommendations to the appropriate committees of the legislature by November 15, 2013.

(6) This section expires January 1, 2014.

NEW SECTION. **Sec. 2.** The insurance commissioner shall adopt rules implementing the recommendations of the work group established in section 1 of this act. The rules must take effect no later than July 1, 2014."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5267 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5267 and ask the House to recede therefrom.

The motion by Senator Becker carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5267 and asked the House to recede therefrom by voice vote.

ONE HUNDREDTH DAY, APRIL 23, 2013
 MESSAGE FROM THE HOUSE

2013 REGULAR SESSION

April 17, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5256 with the following amendment(s): 5256-S AMH JUDI H2298.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 68.50.105 and 2011 c 61 s 1 are each amended to read as follows:

(1) Reports and records of autopsies or postmortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, the department of labor and industries in cases in which it has an interest under RCW 68.50.103, or the secretary of the department of social and health services or his or her designee in cases being reviewed under RCW 74.13.640.

(2)(a) Notwithstanding the restrictions contained in this section regarding the dissemination of records and reports of autopsies or postmortems, nor the exemptions referenced under RCW 42.56.240(1), nothing in this chapter prohibits a coroner, medical examiner, or his or her designee, from publicly discussing his or her findings as to any death subject to the jurisdiction of his or her office where actions of a law enforcement officer or corrections officer have been determined to be a proximate cause of the death, except as provided in (b) of this subsection.

(b) A coroner, medical examiner, or his or her designee may not publicly discuss his or her findings outside of formal court or inquest proceedings if there is a pending or active criminal investigation, or a criminal or civil action, concerning a death that has commenced prior to the effective date of this section.

(3) The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or postmortem. For the purposes of this section, the term "family" means the surviving spouse, state registered domestic partner, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death.

NEW SECTION. **Sec. 2.** A new section is added to chapter 68.50 RCW to read as follows:

No coroner, medical examiner, or his or her designee shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of any information related to his or her findings under RCW 68.50.105 if the coroner, medical examiner, or his or her designee acted in good faith in attempting to comply with the provisions of this chapter.

NEW SECTION. **Sec. 3.** This act takes effect January 1, 2014."

Correct the title.
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5256.

Senator Padden spoke in favor of the motion.

POINT OF INQUIRY

Senator Kline: "Would Senator Padden yield to a question? Senator Padden, Substitute Senate Bill No. 5256, as it is before us, says that coroners and medical examiners are not prohibited from publicly discussing their findings as to any death subject to the jurisdiction of his or her office where the actions of a law enforcement or corrections officer have been determined to be a proximate cause of death, with certain exceptions outlined in subsection 2(b). As you know, coroners and medical examiners routinely publicly discuss their findings as to deaths within their jurisdiction, whether the proximate cause of death are due to the actions of a law enforcement or corrections officer or not. Is Substitute Senate Bill No. 5256 intended to limit, in any way, the ability of a coroner or medical examiner from publicly discussing his or her findings as to a death that occurs within their jurisdiction where the proximate cause of death is not due to the actions of a law enforcement or corrections officer?"

Senator Padden: "Thank you Senator Kline. I understand there has been some concern regarding the application of the language contained in Substitute Senate Bill No. 5256. This bill amends RCW 68.50.105, which makes papers and records of autopsies and postmortems confidential. This statute has been interpreted, in some cases, to prevent a coroner or medical examiner from publicly discussing their findings. Notwithstanding subsection 2(b), which prohibits discussion in deaths that occur prior to January 1, 2014 for cases with pending investigations or litigation, the intent of the legislature in passing Substitute Senate Bill No. 5256 is to clarify that RCW 68.50.105 does not prohibit a coroner or medical examiner from publicly discussing his or her findings, particularly in cases where the actions of a law enforcement officer have been determined to be a proximate cause of the death. Aside from the provisions in subsection 2(b), Substitute Senate Bill No. 5256 is intended to protect the ability of coroners and medical examiners to discuss cases, not limit it."

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5256.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5256 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5256, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5256, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Murray

SUBSTITUTE SENATE BILL NO. 5256, as amended by the House, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5099 with the following amendment(s): 5099.E AMH ENVI H2252.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.19.648 and 2012 c 171 s 1 are each amended to read as follows:

(1) Effective June 1, 2015, all state agencies, to the extent determined practicable by the rules adopted by the department of commerce pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel. Compressed natural gas, liquefied natural gas, or propane may be substituted for electricity or biofuel if the department of commerce determines that electricity and biofuel are not reasonably available.

(2)(a) Effective June 1, 2018, all local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of commerce pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel. The department of commerce shall convene an advisory committee of representatives of local government subdivisions, representatives from organizations representing each local government subdivision, and either (i) an electric utility or (ii) a natural gas utility, or both, to work with the department to develop the rules. The department may invite additional stakeholders to participate in the advisory committee as needed and determined by the department.

(b) The following are exempt from this requirement: (i) Transit agencies using compressed natural gas on June 1, 2018(~~are exempt from this requirement~~), and (ii) engine retrofits that would void warranties. Nothing in this section is intended to require the replacement of equipment before the end of its useful life. Compressed natural gas, liquefied natural gas, or propane may be substituted for electricity or biofuel if the department of commerce determines that electricity and biofuel are not reasonably available.

(c)(i) Rules adopted pursuant to RCW 43.325.080 must provide the authority for local government subdivisions to elect to exempt police, fire, and other emergency response vehicles, including utility vehicles frequently used for emergency response, from the fuel usage requirement in (a) of this subsection.

(ii) Prior to executing its authority under (c)(i) of this subsection, a local government subdivision must provide notice to the department of commerce of the exemption. The notice must include the rationale for the exemption and an explanation of how the exemption is consistent with rules adopted by the department of commerce.

(d) Before June 1, 2018, local government subdivisions purchasing vessels, vehicles, and construction equipment capable of using biodiesel must request warranty protection for the highest level of biodiesel the vessel, vehicle, or construction equipment is capable of using, up to one hundred percent biodiesel, as long as the costs are reasonably equal to a vessel, vehicle, or construction equipment that is not warranted to use up to one hundred percent biodiesel.

(3) In order to phase in this transition for the state, all state agencies, to the extent determined practicable by the department of commerce by rules adopted pursuant to RCW 43.325.080, are

required to achieve forty percent fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel by June 1, 2013. Compressed natural gas, liquefied natural gas, or propane may be substituted for electricity or biofuel if the department of commerce determines that electricity and biofuel are not reasonably available. The department of enterprise services, in consultation with the department of commerce, shall report to the governor and the legislature by December 1, 2013, on what percentage of the state's fuel usage is from electricity or biofuel.

(4) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

(5) By December 31, 2015, the state must, to the extent practicable, install electrical outlets capable of charging electric vehicles in each of the state's fleet parking and maintenance facilities.

(6) The department of transportation's obligations under subsection (3) of this section are subject to the availability of amounts appropriated for the specific purpose identified in subsection (3) of this section.

(7) The department of transportation's obligations under subsection (5) of this section are subject to the availability of amounts appropriated for the specific purpose identified in subsection (5) of this section unless the department receives federal or private funds for the specific purpose identified in subsection (5) of this section.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rivers moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5099.

Senators Rivers and Hasegawa spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5099.

The motion by Senator Rivers carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5099 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5099, as amended by the House.

ROLL CALL

ONE HUNDREDTH DAY, APRIL 23, 2013

2013 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5099, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Frockt and Ranker

Excused: Senators Carrell and Murray

Excused: Senators Carrell and Murray

ENGROSSED SENATE BILL NO. 5099, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5102, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

MR. PRESIDENT:

The House passed SENATE BILL NO. 5102 with the following amendment(s): 5102 AMH JUDI H2129.1

The House passed ENGROSSED SENATE BILL NO. 5104 with the following amendment(s): 5104.E AMH APPE H2349.1

Strike everything after the enacting clause and insert the following:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 16.52 RCW to read as follows:

"NEW SECTION. Sec. 1. (1) The legislature finds that allergies are a serious medical disorder that affect more than one in five persons in the United States and are the sixth leading cause of chronic disease. Roughly one in thirteen children has a food allergy, and the incidence is rising. Up to forty percent of food-allergic children may be at risk for anaphylaxis, a severe and potentially life-threatening reaction. Anaphylaxis may also occur due to an insect sting, drug allergy, or other causes. Twenty-five percent of first-time anaphylactic reactions among children occur in a school setting. Anaphylaxis can occur anywhere on school property, including the classroom, playground, school bus, or on field trips.

A veterinarian lawfully licensed in this state to practice veterinary medicine, surgery, and dentistry who reports, in good faith and in the normal course of business, a suspected incident of animal cruelty that is punishable under this chapter to the proper authorities is immune from liability in any civil or criminal action brought against such veterinarian for reporting the suspected incident. The immunity provided in this section applies only if the veterinarian receives no financial benefit from the suspected incident of animal cruelty beyond charges for services rendered prior to the veterinarian making the initial report."

(2) Rapid and appropriate administration of the drug epinephrine, also known as adrenaline, to a patient experiencing an anaphylactic reaction may make the difference between life and death. In a school setting, epinephrine is typically administered intramuscularly via an epinephrine autoinjector device. Medical experts agree that the benefits of emergency epinephrine administration far outweigh the risks.

Correct the title.

and the same are herewith transmitted.

(3) The legislature further finds that, on many days, as much as twenty percent of the nation's combined adult and child population can be found in public and nonpublic schools. Therefore, schools need to be prepared to treat potentially life-threatening anaphylactic reactions in the event a student is experiencing a first-time anaphylactic reaction, a student does not have his or her own epinephrine autoinjector device available, or if a school nurse is not in the vicinity at the time.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Senate Bill No. 5102.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Senate Bill No. 5102.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.210 RCW to read as follows:

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5102 by voice vote.

(1) School districts and nonpublic schools may maintain at a school in a designated location a supply of epinephrine autoinjectors based on the number of students enrolled in the school.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5102, as amended by the House.

(2)(a) A licensed health professional with the authority to prescribe epinephrine autoinjectors may prescribe epinephrine autoinjectors in the name of the school district or school to be maintained for use when necessary. Epinephrine prescriptions must be accompanied by a standing order for the administration of school-supplied, undesignated epinephrine autoinjectors for potentially life-threatening allergic reactions.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5102, as amended by the House, and the bill passed the

(b) There are no changes to current prescription or self-administration practices for children with existing epinephrine autoinjector prescriptions or a guided anaphylaxis care plan.

(c) Epinephrine autoinjectors may be obtained from donation sources, but must be accompanied by a prescription.

(3)(a) When a student has a prescription for an epinephrine autoinjector on file, the school nurse or designated trained school personnel may utilize the school district or school supply of epinephrine autoinjectors to respond to an anaphylactic reaction under a standing protocol according to RCW 28A.210.300.

(b) When a student does not have an epinephrine autoinjector or prescription for an epinephrine autoinjector on file, the school nurse may utilize the school district or school supply of epinephrine autoinjectors to respond to an anaphylactic reaction under a standing protocol according to RCW 28A.210.300.

(c) Epinephrine autoinjectors may be used on school property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from school property. The school nurse or designated trained school personnel may carry an appropriate supply of school-owned epinephrine autoinjectors on field trips or excursions.

(4)(a) If a student is injured or harmed due to the administration of epinephrine that a licensed health professional with prescribing authority has prescribed and a pharmacist has dispensed to a school under this section, the licensed health professional with prescribing authority and pharmacist may not be held responsible for the injury unless he or she issued the prescription with a conscious disregard for safety.

(b) In the event a school nurse or other school employee administers epinephrine in substantial compliance with a student's prescription that has been prescribed by a licensed health professional within the scope of the professional's prescriptive authority, if applicable, and written policies of the school district or private school, then the school employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing the epinephrine.

(c) School employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to the use of epinephrine autoinjectors as a specific part of their job description, may file with the school district a written letter of refusal to use epinephrine autoinjectors. This written letter of refusal may not serve as grounds for discharge, nonrenewal of an employment contract, or other action adversely affecting the employee's contract status.

(5) The office of the superintendent of public instruction shall review the anaphylaxis policy guidelines required under RCW 28A.210.380 and make a recommendation to the education committees of the legislature by December 1, 2013, based on student safety, regarding whether to designate other trained school employees to administer epinephrine autoinjectors to students without prescriptions for epinephrine autoinjectors demonstrating the symptoms of anaphylaxis when a school nurse is not in the vicinity."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5104.

Senator Mullet spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5104.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5104 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5104, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5104, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Murray

ENGROSSED SENATE BILL NO. 5104, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5136 with the following amendment(s): 5136 AMH JUDI H2130.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.92.100 and 2012 c 250 s 1 are each amended to read as follows:

(1) All claims against the state, or against the state's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct, must be presented to the office of risk management (~~(division)~~). A claim is deemed presented when the claim form is delivered in person or by regular mail, registered mail, or certified mail, with return receipt requested, or as an attachment to electronic mail or by fax, to the office of risk management (~~(division)~~). For claims for damages presented after July 26, 2009, all claims for damages must be presented on the standard tort claim form that is maintained by the office of risk management (~~(division)~~). The standard tort claim form must be posted on the (~~office of financial management's~~) department of enterprise services' web site.

(a) The standard tort claim form must, at a minimum, require the following information:

- (i) The claimant's name, date of birth, and contact information;
- (ii) A description of the conduct and the circumstances that brought about the injury or damage;
- (iii) A description of the injury or damage;
- (iv) A statement of the time and place that the injury or damage occurred;

(v) A listing of the names of all persons involved and contact information, if known;

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(vi) A statement of the amount of damages claimed; and
 (vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b)(i) The standard tort claim form must be signed either:

~~((#))~~ (A) By the claimant, verifying the claim;

~~((#))~~ (B) Pursuant to a written power of attorney, by the attorney in fact for the claimant;

~~((#))~~ (C) By an attorney admitted to practice in Washington state on the claimant's behalf; or

~~((#))~~ (D) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(ii) For the purpose of this subsection (1)(b), when the claim form is presented electronically it must bear an electronic signature in lieu of a written original signature. An electronic signature means a facsimile of an original signature that is affixed to the claim form and executed or adopted by the person with the intent to sign the document.

(iii) When an electronic signature is used and the claim is submitted as an attachment to electronic mail, the conveyance of that claim must include the date, time the claim was presented, and the internet provider's address from which it was sent. The attached claim form must be a format approved by the office of risk management.

(iv) When an electronic signature is used and the claim is submitted via a facsimile machine, the conveyance must include the date, time the claim was submitted, and the fax number from which it was sent.

(v) In the event of a question on an electronic signature, the claimant shall have an opportunity to cure and the cured notice shall relate back to the date of the original filing.

(c) The amount of damages stated on the claim form is not admissible at trial.

(2) The state shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the office of risk management ~~((division))~~. The standard tort claim form must not list the claimant's social security number and must not require information not specified under this section. The claim form and the instructions for completing the claim form must provide the United States mail, physical, and electronic addresses and numbers where the claim can be presented.

(3) With respect to the content of claims under this section and all procedural requirements in this section, this section must be liberally construed so that substantial compliance will be deemed satisfactory."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Senate Bill No. 5136.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Senate Bill No. 5136.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5136 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5136, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5136, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Murray

SENATE BILL NO. 5136, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 3, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5145 with the following amendment(s): 5145 AMH PS H2078.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

(1) Any fire department may develop a community assistance referral and education services program to provide community outreach and assistance to residents of its district in order to advance injury and illness prevention within its community. The program should identify members of the community who use the 911 system for low acuity assistance calls (calls that are nonemergency or nonurgent) and connect them to their primary care providers, other health care professionals, low-cost medication programs, and other social services. The program may also provide a fire department-based, nonemergency contact in order to provide an alternative resource to the 911 system. The program may hire health care professionals as needed.

(2) A participating fire department may seek grant opportunities and private gifts in order to support its community assistance referral and education services program.

(3) In developing a community assistance referral and education services program, a fire department may consult with the health care personnel shortage task force to identify health care professionals capable of working in a nontraditional setting and providing assistance, referral, and education services.

(4) Community assistance referral and education services programs implemented under this section must, at least annually, measure any reduction of repeated use of the 911 emergency system and any reduction in avoidable emergency room trips attributable to implementation of the program. Results of findings under this subsection must be reportable to the legislature or other local governments upon request. Findings should include estimated amounts of medicaid dollars that would have been spent on emergency room visits had the program not been in existence.

(5) For purposes of this section, "fire department" includes city and town fire departments, fire protection districts organized under

Title 52 RCW, and regional fire authorities organized under chapter 52.26 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Senate Bill No. 5145.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Senate Bill No. 5145.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5145 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5145, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5145, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Murray

SENATE BILL NO. 5145, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5206 with the following amendment(s): 5206.E AMH HCW H2162.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.70.110 and 2011 c 35 s 1 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. Physicians regulated pursuant to chapter 18.71 RCW who reside and practice in Washington and obtain or renew a retired active license are exempt from such fees. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the

best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, midwives licensed under chapter 18.50 RCW(=), licensed marriage and family therapists under chapter 18.225 RCW(=), occupational therapists and occupational therapy assistants licensed under chapter 18.59 RCW, dietitians and nutritionists certified under chapter 18.138 RCW, speech-language pathologists licensed under chapter 18.35 RCW, and East Asian medicine practitioners licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty- five dollars to be transferred by the department to the University of Washington for the purposes of RCW 43.70.112.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5206.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5206.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5206 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5206, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5206, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senator Carrell

ENGROSSED SENATE BILL NO. 5206, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2013

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5389 with the following amendment(s): 5389-S2.E AMH ELHS H2236.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The Washington state legislature recognizes the importance of frequent and meaningful contact for siblings separated due to involvement in the foster care system. The legislature also recognizes that children and youth in foster care have not always been provided adequate opportunities for visitation with their siblings. It is the intent of the legislature to encourage appropriate facilitation of sibling visits.

Sec. 2. RCW 13.34.136 and 2011 c 309 s 29 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's or supervising agency's proposed permanency plan must be provided to the department or supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(6)~~) (8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to

return the child home, what steps the supervising agency or the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department or supervising agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's or supervising agency's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The supervising agency or department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the department or supervising agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

~~((iv))~~ (v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department or supervising agency.

~~((iv))~~ (vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

~~((iv))~~ (vii) The supervising agency or department shall provide all reasonable services that are available within the department or supervising agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(~~((6))~~) (8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department or supervising agency shall not be required to develop a plan of services for the parents or provide services to the

parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department or supervising agency to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130((4)) (6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other supervising agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department of social and health services or other supervising agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Billig moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5389.

Senator Billig spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Billig that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5389.

The motion by Senator Billig carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5389 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5389, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5389, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5389, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:07 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:41 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5369 with the following amendment(s): 5369-S AMH ENVI H2138.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Because related geothermal resources may be present on contiguous private, state, and federal lands within the state, there is a need to provide greater conformity with the state's geothermal resources statutes and the federal statutes defining geothermal resources and clarify that ownership of geothermal resources resides with the surface owner unless the interest is otherwise reserved or conveyed.

(2) It is in the public interest to encourage and foster the development of geothermal resources in the state, and the legislature intends to align the state statutes defining geothermal resources with current federal law with which developers are familiar, and clarify the respective regulatory roles of state agencies.

(3) Geothermal resources suitable for energy development are located at much greater depths than the aquifers relied upon for other beneficial uses, but in the event that a geothermal well draws from the same source as other uses, a coordinated and streamlined permitting of geothermal development can better ensure that any interference with existing water uses will be addressed and eliminated. It is the intent of this act that no water uses associated with a geothermal well impair any water use authorized through appropriation under Title 90 RCW.

(4) Changes to federal law in 2005 require a distribution of a portion of geothermal energy revenues from leases on federal land directly to the county in which the lease activity occurs, and therefore it is appropriate that the additional distribution to the state be provided for statewide uses relating to geothermal energy assessment, exploration, and production.

Sec. 2. RCW 78.60.030 and 1974 ex.s. c 43 s 3 are each amended to read as follows:

(For the purposes of this chapter, unless the text otherwise requires, the following terms shall have the following meanings:)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Geothermal resources" ((means only that natural heat energy of the earth from which it is technologically practical to produce electricity commercially and the medium by which such heat energy is extracted from the earth, including liquids or gases, as well as any minerals contained in any natural or injected fluids, brines and associated gas, but excluding oil, hydrocarbon gas and other hydrocarbon substances)) includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or that may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases and steam, in whatever form, found below the surface of the earth, exclusive of helium or oil, hydrocarbon gas or other hydrocarbon substances, but including, specifically:

(i) All products of geothermal processes, including indigenous steam, and hot water and hot brines;

(ii) Steam and other bases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations;

(iii) Heat or other associated energy found in geothermal formations; and

(iv) Any by-product derived from them.

(b) "Geothermal resources" does not include heat energy used in ground source heat exchange systems for ground source heat pumps.

(2) "Waste", in addition to its ordinary meaning, shall mean "physical waste" as that term is generally understood and shall include:

(a) The inefficient, excessive, or improper use of, or unnecessary dissipation of, reservoir energy; or the locating, spacing, drilling, equipping, operating or producing of any geothermal energy well in a manner which results, or tends to result, in reducing the quantity of geothermal energy to be recovered from any geothermal area in this state;

(b) The inefficient above-ground transporting or storage of geothermal energy; or the locating, spacing, drilling, equipping, operating, or producing of any geothermal well in a manner causing, or tending to cause, unnecessary excessive surface loss or destruction of geothermal energy;

(c) The escape into the open air, from a well of steam or hot water, in excess of what is reasonably necessary in the efficient development or production of a geothermal well.

(3) "Geothermal area" means any land that is, or reasonably appears to be, underlain by geothermal resources.

(4) "Energy transfer system" means the structures and enclosed fluids which facilitate the utilization of geothermal energy. The system includes the geothermal wells, cooling towers, reinjection wells, equipment directly involved in converting the heat energy associated with geothermal resources to mechanical or electrical energy or in transferring it to another fluid, the closed piping between such equipment, wells and towers and that portion of the earth which facilitates the transfer of a fluid from reinjection wells to geothermal wells: PROVIDED, That the system shall not include any geothermal resources which have escaped into or have been released into the nongeothermal ground or surface waters from either man-made containers or through leaks in the structure of the earth caused by or to which access was made possible by any drilling, redrilling, reworking or operating of a geothermal or reinjection well.

(5) "Operator" means the person supervising or in control of the operation of a geothermal resource well, whether or not such person is the owner of the well.

(6) "Owner" means the person who possesses the legal right to drill, convert or operate any well or other facility subject to the provisions of this chapter.

(7) "Person" means any individual, corporation, company, association of individuals, joint venture, partnership, receiver, trustee, guardian, executor, administrator, personal representative, or public agency that is the subject of legal rights and duties.

(8) "Pollution" means any damage or injury to ground or surface waters, soil or air resulting from the unauthorized loss, escape, or disposal of any substances at any well subject to the provisions of this chapter.

(9) "Department" means the department of natural resources.

(10) "Well" means any excavation made for the discovery or production of geothermal resources, or any special facility, converted producing facility, or reactivated or converted abandoned facility used for the reinjection of geothermal resources, or the residue thereof underground.

(11) "Core holes" are holes drilled or excavations made expressly for the acquisition of geological or geophysical data for the purpose of finding and delineating a favorable geothermal area prior to the drilling of a well.

(12) A "completed well" is a well that has been drilled to its total depth, has been adequately cased, and is ready to be either plugged and abandoned, shut-in, or put into production.

(13) "Plug and abandon" means to place permanent plugs in the well in such a way and at such intervals as are necessary to prevent future leakage of fluid from the well to the surface or from one zone in the well to the other, and to remove all drilling and production equipment from the site, and to restore the surface of the site to its natural condition or contour or to such condition as may be prescribed by the department.

(14) "Shut-in" means to adequately cap or seal a well to control the contained geothermal resources for an interim period.

(15) "By-product" means any mineral or minerals, not including oil, hydrocarbon gas, or helium, which are found in solution or in association with geothermal steam and that have a value of less than seventy-five percent of the value of the geothermal resource or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves.

Sec. 3. RCW 78.60.040 and 1979 ex.s. c 2 s 1 are each amended to read as follows:

Notwithstanding any other provision of law, geothermal resources are found and hereby determined to be sui generis, being neither a mineral resource nor a water resource and as such are ~~(hereby)~~ declared to be the private property of the holder of the title to the surface land above the resource, unless the geothermal

resources have been otherwise reserved by or conveyed to another person or entity. Nothing in this section divests the people of the state of any rights, title, or interest in geothermal resources owned by the state.

Sec. 4. RCW 78.60.060 and 2003 c 39 s 40 are each amended to read as follows:

(1) This chapter is intended to preempt local regulation of the drilling and operation of wells for geothermal resources but shall not be construed to permit the locating of any well or drilling when such well or drilling is prohibited under state or local land use law or regulations promulgated thereunder. Geothermal resources, by-products (~~(and/or)~~), or waste products which have escaped or been released from the energy transfer system (~~(and/or)~~) or a mineral recovery process shall be subject to provisions of state law relating to the pollution of ground or surface waters (Title 90 RCW), provisions of the state fisheries law and the state game laws (Title 77 RCW), and any other state environmental pollution control laws.

(2) Authorization for (~~(use of by-product water resources for all beneficial uses)~~) a consumptive or nonconsumptive use of water associated with a geothermal well, for purposes including but not limited to power production, greenhouse heating, warm water fish propagation, space heating plants, irrigation, swimming pools, and hot springs baths, shall be subject to the appropriation procedure as provided in Title 90 RCW, except for the following:

(a) Water that is removed from an aquifer or geothermal reservoir to develop and obtain geothermal resources if the water is returned to or reinjected into the same aquifer or reservoir; or

(b) The reasonable loss of water:

(i) During a test of a geothermal well; or

(ii) From the temporary failure of all or part of a system that removes water from an aquifer or geothermal reservoir, transfers the heat from that water, and reinjects that water into the same aquifer or reservoir.

(3) The department and the department of ecology shall cooperate to avoid duplication and to promote efficiency in issuing permits and other approvals for these uses.

(4) Nothing in this act shall affect or operate to impair any existing water rights.

NEW SECTION. Sec. 5. The purpose of this chapter is to provide for the allocation of revenues distributed to the state under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with respect to activities of the United States bureau of land management undertaken pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. Sec. 1001 et seq.) in order to accomplish the following general objectives:

(1) Reduction of dependence on nonrenewable energy and stimulation of the state's economy through development of geothermal energy.

(2) Mitigation of the social, economic, and environmental impacts of geothermal development.

(3) Maintenance of the productivity of renewable resources through the investment of proceeds from these resources.

NEW SECTION. Sec. 6. (1) There is created the geothermal account in the state treasury. All expenditures from this account are subject to appropriation and chapter 43.88 RCW.

(2) All revenues received by the state treasurer under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with respect to activities of the United States bureau of land management undertaken pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. Sec. 1001 et seq.) shall be deposited in the geothermal account in the state treasury immediately upon receipt.

(3) Expenditures from the account may only be used as provided in section 7 of this act.

NEW SECTION. Sec. 7. Distribution of funds from the geothermal account created in section 6 of this act shall be subject to the following limitations:

(1) Seventy percent to the department of natural resources for geothermal exploration and assessment; and

(2) Thirty percent to Washington State University or its statutory successor for the purpose of encouraging the development of geothermal energy.

NEW SECTION. Sec. 8. Sections 5 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 43.140.010 (Purpose) and 1981 c 158 s 1;

(2) RCW 43.140.020 (Definitions) and 1981 c 158 s 2;

(3) RCW 43.140.030 (Geothermal account--Deposit of revenues) and 1991 sp.s. c 13 s 7, 1985 c 57 s 58, & 1981 c 158 s 3;

(4) RCW 43.140.040 (Geothermal account--Limitations on distributions) and 1996 c 186 s 510 & 1981 c 158 s 4;

(5) RCW 43.140.050 (Distribution of funds to county of origin) and 1996 c 186 s 511, 1996 c 186 s 107, & 1981 c 158 s 5;

(6) RCW 43.140.060 (Appropriation for exploration and assessment of geothermal energy--Reimbursement) and 1981 c 158 s 7; and

(7) RCW 43.140.900 (Termination of chapter) and 2001 c 215 s 1, 1991 c 76 s 1, & 1981 c 158 s 8."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ericksen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5369.

Senator Ericksen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ericksen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5369.

The motion by Senator Ericksen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5369 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5369, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5369, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Hatfield

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5369, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5399 with the following amendment(s): 5399-S AMH FITZ H2357.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.300 and 1997 c 429 s 14 are each amended to read as follows:

(1) The board shall issue a final order that shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW.

(2)(a) Except as provided in (b) of this subsection, the final order shall be issued within one hundred eighty days of receipt of the petition for review, or, if multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated.

(b) The board may extend the period of time for issuing a decision to enable the parties to settle the dispute if additional time is necessary to achieve a settlement, and (i) an extension is requested by all parties, or (ii) an extension is requested by the petitioner and respondent and the board determines that a negotiated settlement between the remaining parties could resolve significant issues in dispute. The request must be filed with the board not later than seven days before the date scheduled for the hearing on the merits of the petition. The board may authorize one or more extensions for up to ninety days each, subject to the requirements of this section.

(3) In the final order, the board shall either:

(a) Find that the state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) Find that the state agency, county, or city is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW, in which case the board shall remand the matter to the affected state agency, county, or city. The board shall specify a reasonable time not in excess of one hundred eighty days, or such longer period as determined by the board in cases of unusual scope or complexity, within which the state agency, county, or city shall comply with the requirements of this chapter. The board may require periodic reports to the board on the progress the jurisdiction is making towards compliance.

(4)(a) Unless the board makes a determination of invalidity (~~as provided in~~) under RCW 36.70A.302, a finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand.

(b) Unless the board makes a determination of invalidity, state agencies, commissions, and governing boards may not determine a county, city, or town to be ineligible or otherwise penalized in the acceptance of applications or the awarding of state agency grants or loans during the period of remand. This subsection (4)(b) applies only to counties, cities, and towns that have: (i) Delayed the initial effective date of the action subject to the petition before the board until after the board issues a final determination; or (ii) within thirty days of receiving notice of a petition for review by the board,

delayed or suspended the effective date of the action subject to the petition before the board until after the board issues a final determination.

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board. Unless the board makes a determination of invalidity under RCW 36.70A.302, state agencies, commissions, or governing boards shall not penalize counties, cities, or towns during the pendency of an appeal as provided in RCW 43.17.250.

Sec. 2. RCW 43.17.250 and 1999 c 164 s 601 are each amended to read as follows:

(1) Whenever a state agency is considering awarding grants or loans for a county, city, or town planning under RCW 36.70A.040 to finance public facilities, it shall consider whether the county, city, or town requesting the grant or loan has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(2) If a comprehensive plan, development regulation, or amendment thereto adopted by a county, city, or town has been appealed to the growth management hearings board under RCW 36.70A.280, the county, city, or town may not be determined to be ineligible or otherwise penalized in the acceptance of applications or the awarding of state agency grants or loans during the pendency of the appeal before the board or subsequent judicial appeals. This subsection (2) applies only to counties, cities, and towns that have: (a) Delayed the initial effective date of the action subject to the petition before the board until after the board issues a final determination; or (b) within thirty days of receiving notice of a petition for review by the board, delayed or suspended the effective date of the action subject to the petition before the board until after the board issues a final determination.

(3) When reviewing competing requests from counties, cities, or towns planning under RCW 36.70A.040, a state agency considering awarding grants or loans for public facilities shall accord additional preference to those counties, cities, or towns that have adopted a comprehensive plan and development regulations as required by RCW 36.70A.040. For the purposes of the preference accorded in this section, a county, city, or town planning under RCW 36.70A.040 is deemed to have satisfied the requirements for adopting a comprehensive plan and development regulations specified in RCW 36.70A.040 if the county, city, or town:

(a) Adopts or has adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040;

(b) Adopts or has adopted a comprehensive plan and development regulations before ~~((submitting a request for a grant or loan))~~ the state agency makes a decision regarding award recipients of the grants or loans if the county, city, or town failed to adopt a comprehensive plan and/or development regulations within the time periods specified in RCW 36.70A.040; or

(c) Demonstrates substantial progress toward adopting a comprehensive plan or development regulations within the time periods specified in RCW 36.70A.040. A county, city, or town that is more than six months out of compliance with the time periods specified in RCW 36.70A.040 shall not be deemed to demonstrate substantial progress for purposes of this section.

~~((3))~~ (4) The preference specified in subsection ~~((2))~~ (3) of this section applies only to competing requests for grants or loans from counties, cities, or towns planning under RCW 36.70A.040. A request from a county, city, or town planning under RCW 36.70A.040 shall be accorded no additional preference based on subsection ~~((2))~~ (3) of this section over a request from a county, city, or town not planning under RCW 36.70A.040.

~~((4))~~ (5) Whenever a state agency is considering awarding grants or loans for public facilities to a special district requesting

funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040 and shall apply the standards in subsection (2) of this section and the preference specified in subsection ((2)) (3) of this section and restricted in subsection ((3)) (4) of this section.

Sec. 3. RCW 43.155.070 and 2012 c 196 s 9 are each amended to read as follows:

(1) To qualify for ~~(loans or pledges)~~ financial assistance under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 ~~((must have))~~ may not receive financial assistance under this chapter unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving ((a loan or loan guarantee)) financial assistance under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 ~~((which))~~ that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 ~~((is not prohibited from receiving a loan or loan guarantee))~~ may apply for and receive financial assistance under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before ~~((submitting a request for a loan or loan guarantee))~~ executing a contractual agreement for financial assistance with the board.

(3) In considering awarding ~~(loans)~~ financial assistance for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board must consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board must develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board must attempt to assure a geographical balance in assigning priorities to projects. The board must consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by RCW 43.155.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(e) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance;

(f) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007;

(g) The cost of the project compared to the size of the local government and amount of loan money available;

(h) The number of communities served by or funding the project;

(i) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(j) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(k) Except as otherwise conditioned by RCW 43.155.120, and effective one calendar year following the development of model evergreen community management plans and ordinances under RCW 35.105.050, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(l) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(m) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments may not be refinanced under this chapter. Each local government applicant must provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1st of each even-numbered year, the board must develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list must include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list must also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board may not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature may not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans are exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary

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to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

(11) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 4. RCW 70.146.070 and 2008 c 299 s 26 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by RCW 70.146.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(g) Except as otherwise provided in RCW 70.146.120, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(h) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(i) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. A county, city, or town that has adopted a comprehensive plan and development regulations as provided in RCW 36.70A.040 may request a grant or loan for water pollution control facilities. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting ~~((or receiving))~~ a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 ~~((which))~~ that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before ~~((submitting a request for a))~~ the department executes a contractual agreement for the grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or

town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 5. RCW 36.70A.200 and 2011 c 60 s 17 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250~~((2))~~ (3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5399.

Senator Roach spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5399.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5399 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5399, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5399, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Benton, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frocht, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Ranker, Rivers, Rolfes, Schlicher, Shin and Tom

Voting nay: Senators Baumgartner, Becker, Braun, Brown, Ericksen, Hewitt, Holmquist Newbry, Honeyford, Pearson, Roach, Schoesler, Sheldon and Smith

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5399, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5082,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5153,
 SUBSTITUTE SENATE BILL NO. 5227,
 SUBSTITUTE SENATE BILL NO. 5282,
 ENGROSSED SENATE BILL NO. 5305,
 SUBSTITUTE SENATE BILL NO. 5315,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5324,
 SENATE BILL NO. 5344,
 SENATE BILL NO. 5417,
 SUBSTITUTE SENATE BILL NO. 5437,
 SENATE BILL NO. 5472,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5491,
 SUBSTITUTE SENATE BILL NO. 5615,
 ENGROSSED SENATE BILL NO. 5616,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5709,
 SUBSTITUTE SENATE BILL NO. 5761,
 SUBSTITUTE SENATE BILL NO. 5767,
 SUBSTITUTE SENATE BILL NO. 5786.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5092 with the following amendment(s): 5092 AMH HCW H2202.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.79.110 and 1994 sp.s. c 9 s 411 are each amended to read as follows:

(1) The commission shall keep a record of all of its proceedings and make such reports to the governor as may be required. The commission shall define by rules what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing profession. The commission may adopt rules or issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners, and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

(2) The commission shall approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensing as registered nurses, advanced registered nurse practitioners, and licensed practical nurses under this chapter. The commission shall approve such schools of nursing as meet the requirements of this chapter and the commission, and the commission shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The commission shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years' inactive or lapsed status. The commission shall establish criteria for licensing by endorsement. The commission shall determine examination requirements for applicants for licensing as registered nurses, advanced registered nurse practitioners, and licensed practical nurses under this chapter, and shall certify to the secretary for licensing duly qualified applicants.

(3) The commission shall adopt rules on continuing competency. The rules must include exemptions from the continuing competency requirements for registered nurses seeking advanced nursing degrees. Nothing in this subsection prohibits the commission from providing additional exemptions for any person credentialed under this chapter who is enrolled in an advanced education program.

(4) The commission shall adopt such rules under chapter 34.05 RCW as are necessary to fulfill the purposes of this chapter.

(5) The commission is the successor in interest of the board of nursing and the board of practical nursing. All contracts, undertakings, agreements, rules, regulations, decisions, orders, and policies of the former board of nursing or the board of practical nursing continue in full force and effect under the commission until the commission amends or rescinds those rules, regulations, decisions, orders, or policies.

(6) The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

(7) Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission."

Correct the title.
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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Senator Becker moved that the Senate concur in the House amendment(s) to Senate Bill No. 5092.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Senate Bill No. 5092.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5092 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5092, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5092, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SENATE BILL NO. 5092, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5135 with the following amendment(s): 5135-S AMH JUDI H2219.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 2.36.095 and 1993 c 408 s 8 are each amended to read as follows:

(1) Persons selected to serve on a petit jury, grand jury, or jury of inquest shall be summoned by mail or personal service. The county clerk shall issue summons and thereby notify persons selected for jury duty. The clerk may issue summons for any jury term, in any consecutive twelve-month period, at any time thirty days or more before the beginning of the jury term for which the summons are issued. However, when applicable, the provisions of RCW 2.36.130 apply.

(2) In courts of limited jurisdiction summons shall be issued by the court. Upon the agreement of the courts, the county clerk may summon jurors for any and all courts in the county or judicial district.

((3) The county clerk shall notify the county auditor of each summons for jury duty that is returned by the postal service as undeliverable.))

Sec. 2. RCW 11.96A.090 and 1999 c 42 s 302 are each amended to read as follows:

(1) A judicial proceeding under this title is a special proceeding under the civil rules of court. The provisions of this title governing

such actions control over any inconsistent provision of the civil rules.

(2) A judicial proceeding under this title ((may)) must be commenced as a new action ((or as an action incidental to an existing judicial proceeding relating to the same trust or estate or nonprobate asset)).

(3) Once commenced, the action may be consolidated with an existing proceeding (~~((or converted to a separate action))~~) upon the motion of a party for good cause shown, or by the court on its own motion.

(4) The procedural rules of court apply to judicial proceedings under this title only to the extent that they are consistent with this title, unless otherwise provided by statute or ordered by the court under RCW 11.96A.020 or 11.96A.050, or other applicable rules of court.

Sec. 3. RCW 26.26.610 and 2002 c 302 s 533 are each amended to read as follows:

(1) On request of a party and for good cause shown, the court may close a proceeding under this section and RCW 26.26.500 through 26.26.605 and 26.26.615 through 26.26.630.

(2) A final order determining parentage in a proceeding under this section and RCW 26.26.500 through 26.26.605 and 26.26.615 through 26.26.630 is ~~((available for public inspection. Other papers and records are available only with the consent of the parties or on order of the court for good cause))~~ publicly accessible. Records entered prior to the entry of a final order determining parentage in a proceeding under this section and RCW 26.26.500 through 26.26.605 and 26.26.615 through 26.26.630 are accessible only to the parties or on order of the court for good cause.

(3) Except as provided by applicable court rules, records entered after the entry of a final order determining parentage in a proceeding under this section and RCW 26.26.500 through 26.26.605 and 26.26.615 through 26.26.630 are publicly accessible."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5135.

Senators Pearson and Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5135.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5135 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5135, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5135, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5135, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 3, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5220 with the following amendment(s): 5220 AMH APP H2184.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.26.110 and 2005 c 66 s 1 are each amended to read as follows:

(1) All claims for disability shall be acted upon and either approved or disapproved by either type of disability board authorized to be created in this section.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by those cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor; one active or retired firefighter employed by or retired from the city to be elected by the firefighters employed by or retired from the city who are subject to the jurisdiction of the board; one active or retired law enforcement officer employed by or retired from the city to be elected by the law enforcement officers employed by or retired from the city who are subject to the jurisdiction of the board; and one member from the public at large who resides within the city to be appointed by the other four members designated in this subsection. Only those active or retired firefighters and law enforcement officers who are subject to the jurisdiction of the board have the right to elect under this section. All firefighters and law enforcement officers employed by or retired from the city are eligible for election. Each of the elected members shall serve a two year term. If there are either no firefighters or law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers or firefighters eligible to vote. The members appointed pursuant to this subsection shall serve for two year terms: PROVIDED, That cities of the first class only, shall retain existing ~~((firemen's))~~ firefighters' pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by firefighters or law enforcement officers as provided under the Washington law enforcement officers' and firefighters' retirement system act.

(b) Each county shall establish a disability board having jurisdiction over all members employed by or retired from an employer within the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body; one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to ~~((subsection (1)))~~(a) of this subsection to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability

board; one active firefighter or retired firefighter employed by or retired from an employer within the county to be elected by the firefighters employed or retired from an employer within the county who are not employed by or retired from a city in which a disability board is established and who are subject to the jurisdiction of that board; one law enforcement officer or retired law enforcement officer employed by or retired from an employer within the county to be elected by the law enforcement officers employed in or retired from an employer within the county who are not employed by or retired from a city in which a disability board is established and who are subject to the jurisdiction of that board; and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four members designated in this subsection. However, in counties with a population less than sixty thousand, the member of the disability board appointed by a majority of the mayors of the cities and towns within the county that do not contain a city disability board must be a resident of one of the cities and towns but need not be a member of a city or town legislative body. Only those active or retired firefighters and law enforcement officers who are subject to the jurisdiction of the board have the right to elect under this section. All firefighters and law enforcement officers employed by or retired from an employer within the county who are not employed by or retired from a city in which a disability board is established are eligible for election. All members appointed or elected pursuant to this subsection shall serve for two year terms. If there are no firefighters under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers eligible to vote. If there are no law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible representative shall be elected by the firefighters eligible to vote.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but the members shall be reimbursed by their respective county or city for all expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this chapter."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Senate Bill No. 5220.

Senator Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Senate Bill No. 5220.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5220 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5220, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5220, as amended by the House, and the bill passed the

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Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SENATE BILL NO. 5220, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5308 with the following amendment(s): 5308-S AMH PS H2288.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 7.68 RCW to read as follows:

(1) The commercially sexually exploited children statewide coordinating committee is established to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices.

(2) The committee is convened by the office of the attorney general and consists of the following members:

(a) One member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house;

(b) One member from each of the two largest caucuses of the senate appointed by the speaker of the senate;

(c) A representative of the governor's office appointed by the governor;

(d) The secretary of the children's administration or his or her designee;

(e) The secretary of the juvenile rehabilitation administration or his or her designee;

(f) The attorney general or his or her designee;

(g) The superintendent of public instruction or his or her designee;

(h) A representative of the administrative office of the courts appointed by the administrative office of the courts;

(i) The executive director of the Washington association of sheriffs and police chiefs or his or her designee;

(j) The executive director of the Washington state criminal justice training commission or his or her designee;

(k) A representative of the Washington association of prosecuting attorneys appointed by the association;

(l) The executive director of the office of public defense or his or her designee;

(m) Three representatives of community service providers that provide direct services to commercially sexually exploited children appointed by the attorney general;

(n) Two representatives of nongovernmental organizations familiar with the issues affecting commercially sexually exploited children appointed by the attorney general;

(o) The president of the superior court judges' association or his or her designee;

(p) The president of the juvenile court administrators or his or her designee;

(q) Any existing chairs of regional task forces on commercially sexually exploited children;

(r) A representative from the criminal defense bar;

(s) A representative of the center for children and youth justice;

(t) A representative from the office of crime victims advocacy; and

(u) The executive director of the Washington coalition of sexual assault programs.

(3) The duties of the committee include, but are not limited to:

(a) Overseeing and reviewing the implementation of the Washington state model protocol for commercially sexually exploited children at pilot sites;

(b) Receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas as well as data information regarding perpetrators, geographic data and location trends, and any other data deemed relevant;

(c) Receiving reports on local coordinated community response practices and results of the community responses;

(d) Reviewing recommendations from local and regional entities regarding policy and legislative changes that would improve the efficiency and effectiveness of local response practices;

(e) Making recommendations regarding policy and legislative changes that would improve the effectiveness of the state's response to and promote best practices for suppression of the commercial sexual exploitation of children;

(f) Making recommendations regarding data collection useful to understanding or addressing the problem of commercially sexually exploited children; and

(g) Reviewing and making recommendations regarding strategic local investments or opportunities for federal and state funding to address the commercial sexual exploitation of children.

(4) The committee must meet no less than annually.

(5) The committee shall report its findings to the appropriate committees of the legislature and to any other known statewide committees addressing trafficking or the commercial sex trade by June 30th of each year.

(6) This section expires June 30, 2015."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5308.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5308.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5308 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5308, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5308, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5308, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5699 with the following amendment(s): 5699.E AMH ENVI H2139.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.95N.020 and 2006 c 183 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington materials management and financing authority created under RCW 70.95N.280.

(2) "Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

(3) "Board" means the board of directors of the Washington materials management and financing authority created under RCW 70.95N.290.

(4) "Collector" means an entity licensed to do business in the state that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets minimum standards that may be developed by the department.

(5) "Contract for services" means an instrument executed by the authority and one or more persons or entities that delineates collection, transportation, and recycling services, in whole or in part, that will be provided to the citizens of the state within service areas as described in the approved standard plan.

(6) "Covered electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally, a desktop computer, a laptop or a portable computer, or a cathode ray tube or flat panel television having a viewable area greater than four inches when measured diagonally that has been used in the state by any covered entity regardless of original point of purchase. "Covered electronic product" does not include: (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft; (b) monitoring and control instruments or systems; (c) medical devices; (d) products including materials intended for use as ingredients in those products as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus- serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts; (e) equipment used in the delivery of patient care in a health care setting; (f) a

computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (g) hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

(7) "Covered entity" means any household, charity, school district, small business, or small government located in Washington state.

(8) "Curbside service" means a collection service providing regularly scheduled pickup of covered electronic products from households or other covered entities in quantities generated from households.

(9) "Department" means the department of ecology.

(10) "Electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally; a desktop computer; a laptop or a portable computer; or a cathode ray tube or flat screen television having a viewable area greater than four inches when measured diagonally.

(11) "Equivalent share" means the weight in pounds of covered electronic products identified for an individual manufacturer under this chapter as determined by the department under RCW 70.95N.200.

(12) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(13) "Independent plan" means a plan for the collection, transportation, and recycling of unwanted covered electronic products that is developed, implemented, and financed by an individual manufacturer or by an authorized party.

(14) "Manufacturer" means any person, in business or no longer in business but having a successor in interest, who, irrespective of the selling technique used, including by means of distance or remote sale:

(a) Manufactures or has manufactured a covered electronic product under its own brand names for sale in or into this state;

(b) Assembles or has assembled a covered electronic product that uses parts manufactured by others for sale in or into this state under the assembler's brand names;

(c) Resells or has resold in or into this state under its own brand names a covered electronic product produced by other suppliers, including retail establishments that sell covered electronic products under their own brand names;

(d) Manufactures or manufactured a cobranded product for sale in or into this state that carries the name of both the manufacturer and a retailer;

(e) Imports or has imported a covered electronic product into the United States that is sold in or into this state. However, if the imported covered electronic product is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under (a) through (d) of this subsection, that person is the manufacturer. For purposes of this subsection, "presence" means any person that performs activities conducted under the standards established for interstate commerce under the commerce clause of the United States Constitution; ((e))

(f) Sells at retail a covered electronic product acquired from an importer that is the manufacturer as described in (e) of this subsection, and elects to register in lieu of the importer as the manufacturer for those products; or

(g) Beginning in program year 2016, elects to assume the responsibility and register in lieu of a manufacturer as defined under this section. In the event the entity who assumes responsibility fails to comply, the manufacturer as defined under (a) through (f) of this subsection remains fully responsible.

(15) "New entrant" means: (a) A manufacturer of televisions that have been sold in the state for less than ten years; or (b) a

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manufacturer of desktop computers, laptop and portable computers, or computer monitors that have been sold in the state for less than five years. However, a manufacturer of both televisions and computer monitors that is deemed a new entrant under either only (a) or (b) of this subsection is not considered a new entrant for purposes of this chapter.

(16) "Orphan product" means a covered electronic product that lacks a manufacturer's brand or for which the manufacturer is no longer in business and has no successor in interest.

(17) "Plan's equivalent share" means the weight in pounds of covered electronic products for which a plan is responsible. A plan's equivalent share is equal to the sum of the equivalent shares of each manufacturer participating in that plan.

(18) "Plan's return share" means the sum of the return shares of each manufacturer participating in that plan.

(19) "Premium service" means services such as at-location system upgrade services provided to covered entities and at-home pickup services offered to households. "Premium service" does not include curbside service.

(20) "Processor" means an entity engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and prepare those materials for reclaiming or reuse in new products in accordance with processing standards established by this chapter and by the department. A processor may also salvage parts to be used in new products.

(21) "Product type" means one of the following categories: Computer monitors; desktop computers; laptop and portable computers; and televisions.

(22) "Program" means the collection, transportation, and recycling activities conducted to implement an independent plan or the standard plan.

(23) "Program year" means each full calendar year after the program has been initiated.

(24) "Recycling" means transforming or remanufacturing unwanted electronic products, components, and by-products into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include energy recovery or energy generation by means of combusting unwanted electronic products, components, and by-products with or without other waste. Smelting of electronic materials to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(25) "Retailer" means a person who offers covered electronic products for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(26) "Return share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by the department under RCW 70.95N.190.

(27) "Reuse" means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.

(28) "Small business" means a business employing less than fifty people.

(29) "Small government" means a city in the state with a population less than fifty thousand, a county in the state with a population less than one hundred twenty-five thousand, and special purpose districts in the state.

(30) "Standard plan" means the plan for the collection, transportation, and recycling of unwanted covered electronic products developed, implemented, and financed by the authority on behalf of manufacturers participating in the authority.

(31) "Transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.

(32) "Unwanted electronic product" means a covered electronic product that has been discarded or is intended to be discarded by its owner.

(33) "White box manufacturer" means a person who manufactured unbranded covered electronic products offered for sale in the state within ten years prior to a program year for desktop computers, laptop or portable computers, or computer monitors.

(34) "Market share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by the department under RCW 70.95N.190.

(35) "Plan's market share" means the sum of the market shares of each manufacturer participating in that plan.

Sec. 2. RCW 70.95N.040 and 2006 c 183 s 4 are each amended to read as follows:

(1) By January 1, 2007, and annually thereafter, each manufacturer must register with the department.

(2) A manufacturer must submit to the department with each registration or annual renewal a fee to cover the administrative costs of this chapter as determined by the department under RCW 70.95N.230.

(3) The department shall review the registration or renewal application and notify the manufacturer if their registration does not meet the requirements of this section. Within thirty days of receipt of such a notification from the department, the manufacturer must file with the department a revised registration addressing the requirements noted by the department.

(4) The registration must include the following information:

(a) The name and contact information of the manufacturer submitting the registration;

(b) The manufacturer's brand names of covered electronic products, including all brand names sold in the state in the past, all brand names currently being sold in the state, and all brand names for which the manufacturer has legal responsibility under RCW 70.95N.100;

(c) The method or methods of sale used in the state; and

(d) Whether the registrant will be participating in the standard plan or submitting an independent plan to the department for approval.

(5) The registrant shall submit any changes to the information provided in the registration to the department within fourteen days of such change.

(6) The department shall identify, using all reasonable means, manufacturers that are in business or that are no longer in business but that have a successor in interest by examining best available return share data, product advertisements, and other pertinent data. The department shall notify manufacturers that have been identified and for whom an address has been found of the requirements of this chapter, including registration and plan requirements under this section and RCW 70.95N.050.

Sec. 3. RCW 70.95N.050 and 2006 c 183 s 5 are each amended to read as follows:

(1) A manufacturer must participate in the standard plan administered by the authority, unless the manufacturer obtains department approval for an independent plan for the collection, transportation, and recycling of unwanted electronic products.

(2) An independent plan may be submitted by an individual manufacturer or by a group of manufacturers, provided that:

(a) For program years 2009 through 2015, each independent plan represents at least a five percent return share of covered electronic products. For program year 2016 and all subsequent

program years, each independent plan represents at least a five percent market share of covered electronic products; and

(b) No manufacturer may participate in an independent plan if it is a new entrant or a white box manufacturer.

(3) An individual manufacturer submitting an independent plan to the department is responsible for collecting, transporting, and recycling its equivalent share of covered electronic products.

(4)(a) Manufacturers collectively submitting an independent plan are responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer.

(b) Each group of manufacturers submitting an independent plan must designate a party authorized to file the plan with the department on their behalf. A letter of certification from each of the manufacturers designating the authorized party must be submitted to the department together with the plan.

(5) Each manufacturer in the standard plan or in an independent plan retains responsibility and liability under this chapter in the event that the plan fails to meet the manufacturer's obligations under this chapter.

Sec. 4. RCW 70.95N.090 and 2006 c 183 s 9 are each amended to read as follows:

(1) A program must provide collection services for covered electronic products of all product types and produced by any manufacturer that are reasonably convenient and available to all citizens of the state residing within its geographic boundaries, including both rural and urban areas. Each program must provide collection service in every county of the state. A program may provide collection services jointly with another plan or plans.

(a) For any city or town with a population of greater than ten thousand, each program shall provide a minimum of one collection site or alternate collection service described in subsection (3) of this section or a combination of sites and alternate service that together provide at least one collection opportunity for all product types. A collection site for a county may be the same as a collection site for a city or town in the county.

(b) Collection sites may include electronics recyclers and repair shops, recyclers of other commodities, reuse organizations, charities, retailers, government recycling sites, or other suitable locations.

(c) Collection sites must be staffed, open to the public at a frequency adequate to meet the needs of the area being served, and on an on-going basis.

(2) A program may limit the number of covered electronic products or covered electronic products by product type accepted per customer per day or per delivery at a collection site or service. All covered entities may use a collection site as long as the covered entities adhere to any restrictions established in the plans.

(3) A program may provide collection services in forms different than collection sites, such as curbside services, if those alternate services provide equal or better convenience to citizens and equal or increased recovery of unwanted covered electronic products.

(4) For rural areas without commercial centers or areas with widely dispersed population, a program may provide collection at the nearest commercial centers or solid waste sites, collection events, mail-back systems, or a combination of these options.

(5) For small businesses, small governments, charities, and school districts that may have large quantities of covered electronic products that cannot be handled at collection sites or curbside services, a program may provide alternate services. At a minimum, a program must provide for processing of these large quantities of covered electronic products at no charge to the small businesses, small governments, charities, and school districts.

Sec. 5. RCW 70.95N.110 and 2006 c 183 s 11 are each amended to read as follows:

(1) For program years 2009 through 2014, an independent plan and the standard plan must implement and finance an auditable, statistically significant sampling of covered electronic products entering its program every program year. The information collected must include a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, the total weight of the sample by product type, and any additional information needed to assign return share.

(2) For program years 2009 through 2014, the sampling must be conducted in the presence of the department or a third-party organization approved by the department. The department may, at its discretion, audit the methodology and the results.

(3) After the fifth program year through the 2014 program year, the department may reassess the sampling required in this section. The department may adjust the frequency at which manufacturers must implement the sampling or may adjust the frequency at which manufacturers must provide certain information from the sampling. Prior to making any changes, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any such changes.

Sec. 6. RCW 70.95N.140 and 2006 c 183 s 14 are each amended to read as follows:

(1) By March 1st of the second program year and each program year thereafter, the authority and each authorized party shall file with the department an annual report for the preceding program year.

(2) The annual report must include the following information:

(a) The total weight in pounds of covered electronic products collected and recycled, by county, during the preceding program year including documentation verifying collection and processing of that material. The total weight in pounds includes orphan products. The report must also indicate and document the weight in pounds received from each nonprofit charitable organization primarily engaged in the business of reuse and resale used by the plan. The report must document the weight in pounds that were received in large quantities from small businesses, small governments, charities and school districts as described in RCW 70.95N.090(5);

(b) The collection services provided in each county and for each city with a population over ten thousand including a list of all collection sites and services operating in the state in the prior program year and the parties who operated them;

(c) A list of processors used, the weight of covered electronic products processed by each direct processor, and a description of the processes and methods used to recycle the covered electronic products including a description of the processing and facility locations. The report must also include a list of subcontractors who further processed or recycled unwanted covered electronic products, electronic components, or electronic scrap (~~described in section 26(1) of this act~~), including facility locations;

(d) (~~Other~~) documentation as established under section 26(3) of this act;

(e)) Educational and promotional efforts that were undertaken; ~~((#))~~ (e) For program years 2009 through 2014, the results of sampling and sorting as required in RCW 70.95N.110, including a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, and the total weight of the sample by product type;

~~((#))~~ (f) The list of manufacturers that are participating in the standard plan; and

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~~((H))~~ (g) Any other information deemed necessary by the department.

(3) The department shall review each report within ninety days of its submission and shall notify the authority or authorized party of any need for additional information or documentation, or any deficiency in its program.

(4) All reports submitted to the department must be available to the general public through the internet. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270.

Sec. 7. RCW 70.95N.180 and 2006 c 183 s 18 are each amended to read as follows:

(1) The department shall maintain on its web site the following information:

(a) The names of the manufacturers and the manufacturer's brands that are registered with the department under RCW 70.95N.040;

(b) The names of the manufacturers and the manufacturer's brands that are participating in an approved plan under RCW 70.95N.050;

(c) The names and addresses of the collectors and transporters that are listed in registrations filed with the department under RCW 70.95N.240;

(d) The names and addresses of the processors used to fulfill the requirements of the plans;

(e) For program years 2009 through 2015, return and equivalent shares for all manufacturers.

(2) The department shall update this web site information promptly upon receipt of a registration or a report.

Sec. 8. RCW 70.95N.190 and 2006 c 183 s 19 are each amended to read as follows:

(1) For program years 2009 through 2015, the department shall determine the return share for each manufacturer in the standard plan or an independent plan by dividing the weight of covered electronic products identified for each manufacturer by the total weight of covered electronic products identified for all manufacturers in the standard plan or an independent plan, then multiplying the quotient by one hundred.

(2) For the first program year, the department shall determine the return share for such manufacturers using all reasonable means and based on best available information regarding return share data from other states and other pertinent data.

(3) For ~~((the second and each subsequent program year))~~ 2014, the department shall determine the return share for such manufacturers using all reasonable means and based on the most recent sampling of covered electronic products conducted in the state under RCW 70.95N.110.

(4)(a) For program year 2016 and all subsequent program years, the department shall determine market share by weight for all manufacturers using any combination of the following data:

(i) Generally available market research data;

(ii) Sales data supplied by manufacturers for brands they manufacture or sell; or

(iii) Sales data provided by retailers for brands they sell.

(b) The department shall determine each manufacturer's percentage of market share by dividing each manufacturer's total pounds of covered electronic products sold in Washington by the sum total of all pounds of covered electronic products sold in Washington by all manufacturers.

(5) Data reported by manufacturers under subsection (4) of this section is exempt from public disclosure under chapter 42.56 RCW.

Sec. 9. RCW 70.95N.200 and 2006 c 183 s 20 are each amended to read as follows:

(1) For program years 2009 through 2015, the department shall determine the total equivalent share for each manufacturer in the

standard plan or an independent plan by dividing the return share percentage for each manufacturer by one hundred, then multiplying the quotient by the total weight in pounds of covered electronic products collected for that program year, allowing as needed for the additional credit authorized in subsection (3) of this section. For program year 2016 and all subsequent program years, the department shall determine the total equivalent share for each manufacturer in the standard plan or an independent plan by dividing the market share percentage for each manufacturer by one hundred, then multiplying the quotient by the total weight in pounds of covered electronic products collected for that program year, allowing as needed for the additional credit authorized in subsection (3) of this section.

(2)(a) By June 1st of each program year, the department shall notify each manufacturer of the manufacturer's equivalent share of covered electronic products to be applied to the previous program year. The department shall also notify each manufacturer of how its equivalent share was determined.

(b) By June 1st of each program year, the department shall bill any authorized party or authority that has not attained its plan's equivalent share as determined under RCW 70.95N.220. The authorized party or authority shall remit payment to the department within sixty days from the billing date.

(c) By September 1st of each program year, the department shall pay any authorized party or authority that exceeded its plan's equivalent share.

(3) Plans that utilize the collection services of nonprofit charitable organizations that qualify for a taxation exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) that are primarily engaged in the business of reuse and resale must be given an additional five percent credit to be applied toward a plan's equivalent share for pounds that are received for recycling from those organizations. The department may adjust the percentage of credit annually.

Sec. 10. RCW 70.95N.210 and 2006 c 183 s 21 are each amended to read as follows:

(1) By June 1, 2007, the department shall notify each manufacturer of its preliminary return share of covered electronic products for the first program year.

(2) For program years 2009 through 2014, preliminary return share of covered electronic products must be announced annually by June 1st of each program year for the next program year. For the 2015 program year and all subsequent program years, preliminary market share of covered electronic products must be sent out to each individual manufacturer annually by June 1st of each program year for the next program year.

(3) Manufacturers may challenge the preliminary return or market share by written petition to the department. The petition must be received by the department within thirty days of the date of publication of the preliminary return or market shares.

(4) The petition must contain a detailed explanation of the grounds for the challenge, an alternative calculation, and the basis for such a calculation, documentary evidence supporting the challenge, and complete contact information for requests for additional information or clarification.

(5) Sixty days after the publication of the preliminary return or market share, the department shall make a final decision on return or market share, having fully taken into consideration any and all challenges to its preliminary calculations.

(6) A written record of challenges received and a summary of the bases for the challenges, as well as the department's response, must be published at the same time as the publication of the final return share.

(7) By August 1, 2007, the department shall publish the final return shares for the first program year. For program years 2009

through 2014, by August 1st of each program year, the department shall publish the final return shares for use in the coming program year. For the 2015 program year and all subsequent program years, by August 1st of each program year, the department shall notify each manufacturer of its final market shares for use in the coming program year.

Sec. 11. RCW 70.95N.230 and 2006 c 183 s 23 are each amended to read as follows:

(1) The department shall adopt rules to determine the process for manufacturers to change plans under RCW 70.95N.080.

(2) The department shall establish annual registration and plan review fees for administering this chapter. An initial fee schedule must be established by rule and be adjusted no more often than once every two years. All fees charged must be based on factors relating to administering this chapter and be based on a sliding scale that is representative of annual sales of covered electronic products in the state, either by weight or unit, or by representative market share. Fees must be established in amounts to fully recover and not to exceed expenses incurred by the department to implement this chapter.

(3) The department shall establish an annual process for local governments and local communities to report their satisfaction with the services provided by plans under this chapter. This information must be used by the department in reviewing plan updates and revisions.

(4) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

Sec. 12. RCW 70.95N.290 and 2008 c 79 s 1 are each amended to read as follows:

(1)(a) The authority is governed by a board of directors. The board of directors is comprised of eleven participating manufacturers, appointed by the director of the department. For program years 2009 through 2015, five board positions are reserved for representatives of the top ten brand owners by return share of covered electronic products, and six board positions are reserved for representatives of other brands, including at least one board position reserved for a manufacturer who is also a retailer selling their own private label. The return share of covered electronic products used to determine the top ten brand owners for purposes of electing the board must be determined by the department by January 1, 2007. For program years 2016 and beyond, five board positions are reserved for representatives of the top ten brand owners by market share of covered electronic products, and six board positions are reserved for representatives of other brands, including at least one board position reserved for a manufacturer who is also a retailer selling its own private label. The market share of covered electronic products used to determine the top ten brand owners for purposes of electing the board must be determined by the department by October 1, 2015.

(b) The board must have representation from both television and computer manufacturers.

(2) The board shall select from its membership the chair of the board and such other officers as it deems appropriate.

(3) A majority of the board constitutes a quorum.

(4) The directors of the department of ~~((community, trade, and economic development))~~ commerce and the department of ecology serve as ex officio members. The state agency directors serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Ex officio designations must be made in writing and communicated to the authority director.

(5) The board shall create its own bylaws in accordance with the laws of the state of Washington.

(6) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public

hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(7) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter.

Sec. 13. RCW 70.95N.300 and 2006 c 183 s 31 are each amended to read as follows:

(1) Manufacturers participating in the standard plan shall pay the authority to cover all administrative and operational costs associated with the collection, transportation, and recycling of covered electronic products within the state of Washington incurred by the standard program operated by the authority to meet the standard plan's equivalent share obligation as described in RCW 70.95N.280(5).

(2) The authority shall assess charges on each manufacturer participating in the standard plan and collect funds from each participating manufacturer for the manufacturer's portion of the costs in subsection (1) of this section. For program years 2009 through 2015, such apportionment ((shall)) must be based on return share, market share, any combination of return share and market share, or any other equitable method. For the 2016 program year and all subsequent program years, such apportionment must be based on market share. The authority's apportionment of costs to manufacturers participating in the standard plan may not include nor be based on electronic products imported through the state and subsequently exported outside the state. Charges assessed under this section must not be formulated in such a way as to create incentives to divert imported electronic products to ports or distribution centers in other states. The authority shall adjust the charges to manufacturers participating in the standard plan as necessary in order to ensure that all costs associated with the identified activities are covered.

(3) The authority may require financial assurances or performance bonds for manufacturers participating in the standard plan, including but not limited to new entrants and white box manufacturers, when determining equitable methods for apportioning costs to ensure that the long-term costs for collecting, transporting, and recycling of a covered electronic product are borne by the appropriate manufacturer in the event that the manufacturer ceases to participate in the program.

(4) Nothing in this section authorizes the authority to assess fees or levy taxes directly on the sale or possession of electronic products.

(5) If a manufacturer has not met its financial obligations as determined by the authority under this section, the authority shall notify the department that the manufacturer is no longer participating in the standard plan.

(6) For program years 2009 through 2015, the authority shall submit its plan for assessing charges and apportioning cost on manufacturers participating in the standard plan to the department for review and approval along with the standard plan as provided in RCW 70.95N.060.

(7)(a) Any manufacturer participating in the standard plan may appeal an assessment of charges or apportionment of costs levied by the authority under this section by written petition to the director of the department. The director of the department or the director's designee shall review all appeals within timelines established by the department and shall reverse any assessments of charges or apportionment of costs if the director finds that the authority's assessments or apportionment of costs was an arbitrary administrative decision, an abuse of administrative discretion, or is not an equitable assessment or apportionment of costs. The director shall make a fair and impartial decision based on sound data. If the director of the department reverses an assessment of

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charges, the authority must redetermine the assessment or apportionment of costs.

(b) Disputes regarding a final decision made by the director or director's designee may be challenged through arbitration. The director shall appoint one member to serve on the arbitration panel and the challenging party shall appoint one other. These two persons shall choose a third person to serve. If the two persons cannot agree on a third person, the presiding judge of the Thurston county superior court shall choose a third person. The decision of the arbitration panel shall be final and binding, subject to review by the superior court solely upon the question of whether the decision of the panel was arbitrary or capricious.

Sec. 14. RCW 42.56.270 and 2011 1st sp.s. c 14 s 15 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or

(ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information

the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information; ~~((and))~~

(21) Financial, commercial, operations, and technical and research information and data submitted to or obtained by innovate Washington in applications for, or delivery of, grants and loans under chapter 43.333 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information; and

(22) Market share data submitted by a manufacturer under RCW 70.95N.190(4).

NEW SECTION. Sec. 15. This act takes effect January 1, 2014."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ericksen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5699.

Senator Ericksen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ericksen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5699.

The motion by Senator Ericksen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5699 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5699, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5699, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SENATE BILL NO. 5699, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5211 with the following amendment(s): 5211-S AMH REYK SILV 339

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.44 RCW to read as follows:

(1) An employer may not:

(a) Request, require, or otherwise coerce an employee or applicant to disclose login information for the employee's or applicant's personal social networking account;

(b) Request, require, or otherwise coerce an employee or applicant to access his or her personal social networking account in the employer's presence in a manner that enables the employer to observe the contents of the account;

(c) Compel or coerce an employee or applicant to add a person, including the employer, to the list of contacts associated with the employee's or applicant's personal social networking account;

(d) Request, require, or cause an employee or applicant to alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account; or

(e) Take adverse action against an employee or applicant because the employee or applicant refuses to disclose his or her login information, access his or her personal social networking account in the employer's presence, add a person to the list of contacts associated with his or her personal social networking account, or alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account.

(2) This section does not apply to an employer's request or requirement that an employee share content from his or her personal social networking account if the following conditions are met:

(a) The employer requests or requires the content to make a factual determination in the course of conducting an investigation;

(b) The employer undertakes the investigation in response to receipt of information about the employee's activity on his or her personal social networking account;

(c) The purpose of the investigation is to: (i) Ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; or (ii) investigate an allegation of unauthorized transfer of an employer's proprietary information, confidential information, or financial data to the employee's personal social networking account; and

(d) The employer does not request or require the employee to provide his or her login information.

(3) This section does not:

(a) Apply to a social network, intranet, or other technology platform that is intended primarily to facilitate work-related information exchange, collaboration, or communication by employees or other workers;

(b) Prohibit an employer from requesting or requiring an employee to disclose login information for access to: (i) An account or service provided by virtue of the employee's employment relationship with the employer; or (ii) an electronic communications device or online account paid for or supplied by the employer;

(c) Prohibit an employer from enforcing existing personnel policies that do not conflict with this section; or

(d) Prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations.

(4) If, through the use of an employer-provided electronic communications device or an electronic device or program that monitors an employer's network, an employer inadvertently receives an employee's login information, the employer is not liable for possessing the information but may not use the login information to access the employee's personal social networking account.

(5)(a) An employee or applicant aggrieved by a violation of this section may file a complaint with the department of labor and industries. The department shall investigate the complaint and, if

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the investigation indicates that a violation may have occurred, hold a hearing in accordance with chapter 34.05 RCW. A finding pursuant to the procedure set forth in this subsection constitutes an exhaustion of administrative remedies.

(b) The department may adopt rules to implement this section, including a rule regarding penalties for violation of this section. Any penalty established by the department for violation of this section may not exceed one thousand dollars for the first violation and five thousand dollars for each subsequent violation.

(6) For the purposes of this section:

(a) "Adverse action" means: discharging, disciplining, or otherwise penalizing an employee; threatening to discharge, discipline, or otherwise penalize an employee; and failing or refusing to hire an applicant.

(b) "Applicant" means an applicant for employment.

(c) "Electronic communications device" means a device that uses electronic signals to create, transmit, and receive information, including computers, telephones, personal digital assistants, and other similar devices.

(d) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or other activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. "Employer" includes an agent, a representative, or a designee of the employer.

(e) "Login information" means a user name and password, a password, or other means of authentication that protects access to a personal social networking account.

NEW SECTION. Sec. 2. The sum of twenty-three thousand sixty-four dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2014, from the general fund to the department of labor and industries for the purposes of this act.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5211 and ask the House to recede therefrom.

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5211 and ask the House to recede therefrom.

The motion by Senator Hobbs carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5211 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5507 with the following amendment(s): 5507-S AMH GOE VASA 077

On page 2, at the beginning of line 27, insert "The statement must be placed in a prominent position, such as on the cover or on the first two pages of the voters' pamphlet."

On page 2, beginning on line 35, strike all of section 3

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 4, beginning on line 22, after "section." strike all material through "materials" on line 26 and insert "Alternately, at the discretion of the county auditor or local election official, the statement required by this subsection (1)(b) may be printed in a prominent position on the ballot envelope and in the materials that accompany the ballot"

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5507.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5507.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5507 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5507, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5507, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5507, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5674 with the following amendment(s): 5674 AMH OVER H2318.1

On page 2, after line 28, insert the following:

"(6) For the purposes of this section, a "qualifying farmers market" has the same meaning as defined in RCW 66.24.170. However, if a farmers market does not satisfy RCW 66.24.170(5)(g)(i)(B), which requires that the total combined gross annual sales of vendors who are farmers exceed the total combined

gross annual sales of vendors who are processors or resellers, a farmers market is still considered a "qualifying farmers market" if the total combined gross annual sales of vendors at the farmers market is one million dollars or more." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Senate Bill No. 5674.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Senate Bill No. 5674.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5674 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5674, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5674, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Benton, Dammeier, Darneille, Hargrove, Padden, Parlette, Pearson and Roach

Excused: Senator Carrell

SENATE BILL NO. 5674, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5105 with the following amendment(s): 5105.E AMH PS H2323.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.729 and 2011 1st sp.s. c 40 s 4 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. The department may approve a jail certification from a correctional agency that calculates earned release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence.

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and

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living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. ~~((The))~~

A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of section 2 of this act. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall ~~((include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision))~~ gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 72.09 RCW to read as follows:

(1) A housing provider may be placed on a list with the department to receive rental vouchers under RCW 9.94A.729 in accordance with the provisions of this section.

(2) For living environments with between four and eight beds, or a greater number of individuals if permitted by local code, the department shall provide transition support that verifies an offender is participating in programming or services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, development of positive living skills, or employment programming. In addition, when selecting housing providers, the department shall consider the compatibility of the proposed offender housing with the surrounding neighborhood and underlying zoning. The department shall adopt procedures to limit the concentration of housing providers who provide housing to sex offenders in a single neighborhood or area.

(3)(a) The department shall provide the local law and justice council, county sheriff, or, if such housing is located within a city, a city's chief law enforcement officer with notice anytime a housing

provider or new housing location requests to be or is added to the list within that county.

(b) The county or city local government may provide the department with a community impact statement which includes the number and location of other special needs housing in the neighborhood and a review of services and supports in the area to assist offenders in their transition. If a community impact statement is provided to the department within ten business days of the notice of a new housing provider or housing location request, the department shall consider the community impact statement in determining whether to add the provider to the list and, if the provider is added, shall include the community impact statement in the notice that a provider is added to the list within that county.

(4) If a certificate of inspection, as provided in RCW 59.18.125, is required by local regulation and the local government does not have a current certificate of inspection on file, the local government shall have ten business days from the later of (a) receipt of notice from the department as provided in subsection (3) of this section; or (b) from the date the local government is given access to the dwelling unit to conduct an inspection or reinspection to issue a certificate. This section is deemed satisfied if a local government does not issue a timely certificate of inspection.

(5)(a) If, within ten business days of receipt of a notice from the department of a new location or new housing provider, the county or city determines that the housing is in a neighborhood with an existing concentration of special needs housing, including but not limited to offender reentry housing, retirement homes, assisted living, emergency or transitional housing, or adult family homes, the county or city may request that the department program administrator remove the new location or new housing provider from the list.

(b) This subsection does not apply to housing providers approved by the department to receive rental vouchers on the effective date of this section.

(6) The county or city may at any time request a housing provider be removed from the list if it provides information to the department that:

(a) It has determined that the housing does not comply with state and local fire and building codes or applicable zoning and development regulations in effect at the time the housing provider first began receiving housing vouchers; or

(b) The housing provider is not complying with the provisions of this section.

(7) After receiving a request to remove a housing provider from the county or city, the department shall immediately notify the provider of the concerns and request that the provider demonstrate that it is in compliance with the provisions of this section. If, after ten days' written notice, the housing provider cannot demonstrate to the department that it is in compliance with the reasons for the county's or city's request for removal, the department shall remove the housing provider from the list.

(8) A housing provider who provides housing pursuant to this section is not liable for civil damages arising from the criminal conduct of an offender to any greater extent than a regular tenant, and no special duties are created under this section."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Dammeier moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5105.

Senators Dammeier and Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dammeier that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5105.

The motion by Senator Dammeier carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5105 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5105, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5105, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SENATE BILL NO. 5105, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mullet, Senator Nelson was excused.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5113 with the following amendment(s): 5113 AMH TR H2150.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.419 and 2003 c 193 s 1 are each amended to read as follows:

State, local, or county law enforcement personnel may enforce speeding violations under RCW 46.61.400 on private roads within a community organized under chapter 64.34, 64.32, or 64.38 RCW if:

(1) A majority of the homeowner's association's, association of apartment owners', or condominium association's board of directors votes to authorize the issuance of speeding infractions on its private roads, and declares a speed limit not lower than twenty miles per hour;

(2) A written agreement regarding the speeding enforcement is signed by the homeowner's association, association of apartment owners, or condominium association president and the chief law enforcement official of the city or county within whose jurisdiction the private road is located;

(3) The homeowner's association, association of apartment owners, or condominium association has provided written notice to all of the homeowners, apartment owners, or unit owners describing the new authority to issue speeding infractions; and

(4) Signs have been posted declaring the speed limit at all vehicle entrances to the community."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Bailey moved that the Senate concur in the House amendment(s) to Senate Bill No. 5113.

Senator Bailey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate concur in the House amendment(s) to Senate Bill No. 5113.

The motion by Senator Bailey carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5113 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5113, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5113, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Nelson

SENATE BILL NO. 5113, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5692 with the following amendment(s): 5692 AMH JUDI H2239.3

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 11.88.125 and 2011 c 329 s 5 are each amended to read as follows:

(1) (~~The person~~) Any individual or professional guardian appointed by the court as either guardian or limited guardian of the person and/or estate of an incapacitated person shall file in writing with the court, within ninety days from the date of appointment, a notice designating a standby (~~limited~~) guardian or standby limited guardian to serve as (~~limited~~) guardian or limited guardian at the death (~~or~~), legal incapacity, or planned absence of the court-appointed guardian or limited guardian. The notice shall state the name, address, zip code, and telephone number of the designated standby guardian or standby limited guardian. Notice of the guardian's designation of the standby guardian or standby limited

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guardian shall be given to the standby guardian or standby limited guardian, the incapacitated person and his or her spouse or domestic partner and adult children, any facility in which the incapacitated person resides, and any person ~~((entitled to))~~ who requested special notice under RCW 11.92.150 ~~((or any person entitled to receive pleadings pursuant to RCW 11.88.095(2)(j)))~~. ~~((Such))~~

~~(2)(a)~~ If the regularly appointed guardian or limited guardian dies or becomes incapacitated, then the standby guardian or standby limited guardian shall have all the powers, duties, and obligations of the regularly appointed guardian or limited guardian and in addition shall, within a period of thirty days from the death or adjudication of incapacity of the regularly appointed guardian or limited guardian, file with the superior court in the county in which the guardianship or limited guardianship is then being administered, a petition for appointment of a substitute guardian or limited guardian. Upon the court's appointment of a new, substitute guardian or limited guardian, the standby guardian or standby limited guardian shall make an accounting and report to be approved by the court, and upon approval of the court, the standby guardian or standby limited guardian shall be released from all duties and obligations arising from or out of the guardianship or limited guardianship.

~~((2))~~ (b) Letters of guardianship shall be issued to the standby guardian or standby limited guardian upon filing an oath and posting a bond as required by RCW 11.88.100 ~~((as now or hereafter amended))~~. The oath may be filed prior to the regularly appointed guardian's or limited guardian's death or incapacity. The standby guardian or standby limited guardian shall provide notice of such appointment ~~((shall be provided))~~ to the ~~((standby guardian, the))~~ incapacitated person and his or her spouse or domestic partner and adult children, ~~((and))~~ any facility in which the incapacitated person resides, and any person who requested special notice under RCW 11.92.150.

~~(c)~~ The provisions of RCW 11.88.100 through 11.88.110 ~~((as now or hereafter amended))~~ shall apply to standby guardians and standby limited guardians.

~~(3)(a)~~ A standby guardian or standby limited guardian may assume some or all of the duties, responsibilities, and powers of the guardian or limited guardian during the guardian's or limited guardian's planned absence. Prior to the commencement of the guardian's or limited guardian's planned absence and prior to the standby guardian or standby limited guardian assuming any duties, responsibilities, and powers of the guardian or limited guardian, the guardian or limited guardian shall file a petition in the superior court where the guardianship or limited guardianship is being administered stating the dates of the planned absence and the duties, responsibilities, and powers the standby guardian or standby limited guardian should assume. The guardian or limited guardian shall give notice of the planned absence petition to the standby guardian or standby limited guardian, the incapacitated person and his or her spouse or domestic partner and adult children, any facility in which the incapacitated person resides, and any person who requested special notice under RCW 11.92.150.

~~(b)~~ Upon the conclusion of the hearing on the planned absence petition, and a determination by the court that the standby guardian or standby limited guardian meets the requirements of RCW 11.88.020, the court shall issue an order specifying: (i) The amount of bond as required by RCW 11.88.100 through 11.88.110 to be filed by the standby guardian or standby limited guardian; (ii) the duties, responsibilities, and powers the standby guardian or standby limited guardian will assume during the planned absence; (iii) the duration the standby guardian or standby limited guardian will be acting; and (iv) the expiration date of the letters of guardianship to be issued to the standby guardian or standby limited guardian.

~~(c)~~ Letters of guardianship consistent with the court's determination under (b) of this subsection shall be issued to the

standby guardian or standby limited guardian upon filing an oath and posting a bond as required by RCW 11.88.100. The standby guardian or standby limited guardian shall give notice of such appointment to the incapacitated person and his or her spouse or domestic partner and adult children, any facility in which the incapacitated person resides, and any person who requested special notice under RCW 11.92.150.

~~(d)~~ The provisions of RCW 11.88.100 through 11.88.110 shall apply to standby guardians and standby limited guardians.

~~(4)~~ In addition to the powers of a standby ~~((limited))~~ guardian or standby limited guardian as noted in ~~((subsection (1) of))~~ this section, the standby ~~((limited))~~ guardian or standby limited guardian shall have the authority to provide timely, informed consent to necessary medical procedures, as authorized in ~~((RCW 11.92.040 as now or hereafter amended))~~ RCW 11.92.043, if the guardian or limited guardian cannot be located within four hours after the need for such consent arises."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Senate Bill No. 5692.

Senators King and Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Senate Bill No. 5692.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5692 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5692, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5692, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Nelson

SENATE BILL NO. 5692, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5723 with the following amendment(s): 5723-S.E AMH ENGR H2143.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.46 RCW to read as follows:

(1) A bona fide charitable or nonprofit organization, as defined in RCW 9.46.0209, whose primary purpose is serving individuals with intellectual disabilities may conduct enhanced raffles if licensed by the commission.

(2) The commission has the authority to approve two enhanced raffles per calendar year for western Washington and two enhanced raffles per calendar year for eastern Washington. Whether the enhanced raffle occurs in western Washington or eastern Washington will be determined by the location where the grand prize winning ticket is to be drawn as stated on the organization's application to the commission. An enhanced raffle is considered approved when voted on by the commission.

(3) The commission has the authority to approve enhanced raffles under the following conditions:

(a) The value of the grand prize must not exceed five million dollars.

(b) Sales may be made in person, by mail, by fax, or by telephone only. Raffle ticket order forms may be printed from the bona fide charitable or nonprofit organization's web site. Obtaining the form in this manner does not constitute a sale.

(c) Tickets purchased as part of a multiple ticket package may be purchased at a discount.

(d) Multiple smaller prizes are authorized during the course of an enhanced raffle for a grand prize including, but not limited to, early bird, refer a friend, and multiple ticket drawings.

(e) A purchase contract is not necessary for smaller noncash prizes, but the bona fide charitable or nonprofit organization must be able to demonstrate that such a prize is available and sufficient funds are held in reserve in the event that the winner chooses a noncash prize.

(f) All enhanced raffles and associated smaller raffles must be independently audited, as defined by the commission during rule making. The audit results must be reported to the commission.

(g) Call centers, when licensed by the commission, are authorized. The bona fide charitable or nonprofit organization may contract with a call center vendor to receive enhanced raffle ticket sales. The vendor may not solicit sales. The vendor may be located outside the state, but the bona fide charitable or nonprofit organization must have a contractual relationship with the vendor stating that the vendor must comply with all applicable Washington state laws and rules.

(h) The bona fide charitable or nonprofit organization must be the primary recipient of the funds raised.

(i) Sales data may be transmitted electronically from the vendor to the bona fide charitable or nonprofit organization. Credit cards, issued by a state regulated or federally regulated financial institution, may be used for payment to participate in enhanced raffles.

(j) Receipts including ticket confirmation numbers may be sent to ticket purchasers either by mail or by e-mail.

(k) In the event the bona fide charitable or nonprofit organization determines ticket sales are insufficient to qualify for a complete enhanced raffle to move forward, the enhanced raffle winner must receive fifty percent of the net proceeds in excess of expenses as the grand prize. The enhanced raffle winner will receive a choice between an annuity value equal to fifty percent of the net proceeds in excess of expenses paid by annuity over twenty years, or a one-time cash payment of seventy percent of the annuity value.

(l) A bona fide charitable or nonprofit organization is authorized to hire a consultant licensed by the commission to run an enhanced raffle; in addition, the bona fide charitable or nonprofit organization must have a dedicated employee who is responsible for oversight of enhanced raffle operations. The bona fide charitable or nonprofit organization is ultimately responsible for ensuring that an enhanced raffle is conducted in accordance with all applicable state laws and rules.

(4) The commission has the authority to set fees for bona fide charitable or nonprofit organizations, call center vendors, and consultants conducting enhanced raffles authorized under this section.

(5) The commission has the authority to adopt rules governing the licensing and operation of enhanced raffles.

(6) Except as specifically authorized in this section, enhanced raffles must be held in accordance with all other requirements of this chapter, other applicable laws, and rules of the commission.

(7) For the purposes of this section:

(a) "Enhanced raffle" means a game in which tickets bearing an individual number are sold for not more than two hundred fifty dollars each and in which a grand prize and smaller prizes are awarded on the basis of drawings from the tickets by the person or persons conducting the game. An enhanced raffle may include additional related entries and drawings, such as early bird, refer a friend, and multiple ticket drawings when the bona fide charitable or nonprofit organization establishes the eligibility standards for such entries and drawings before any enhanced raffle tickets are sold. No drawing may occur by using a random number generator or similar means.

(b) "Early bird drawing" means a separate drawing for a separate prize held prior to the grand prize drawing. All tickets entered into the early bird drawing, including all early bird winning tickets, are entered into subsequent early bird drawings, and also entered into the drawing for the grand prize.

(c) "Refer a friend drawing" means a completely separate drawing, using tickets distinct from those for the enhanced raffle, for a separate prize held at the conclusion of the enhanced raffle for all enhanced raffle ticket purchasers, known as the referring friend, who refer other persons to the enhanced raffle when the other person ultimately purchases an enhanced raffle ticket. The referring friend will receive one ticket for each friend referred specifically for the refer a friend drawing. In addition, each friend referred could also become a referring friend and receive his or her own additional ticket for the refer a friend drawing.

(d) "Multiple ticket drawing" means a completely separate drawing, using tickets distinct from those for the enhanced raffle, for a separate prize held at the conclusion of the enhanced raffle for all enhanced raffle ticket purchasers who purchase a specified number of enhanced raffle tickets. For example, a multiple ticket drawing could include persons who purchase three or more enhanced raffle tickets in the same order, using the same payment information, with tickets in the same person's name. For each eligible enhanced raffle ticket purchased, the purchaser also receives a ticket for the multiple ticket drawing prize.

(e) "Western Washington" includes those counties west of the Cascade mountains, including Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

(f) "Eastern Washington" includes those counties east of the Cascade mountains that are not listed in (e) of this subsection.

(8) By December 2016, the commission must report back to the appropriate committees of the legislature on enhanced raffles. The report must include results of the raffles, revenue generated by the raffles, and identify any state or federal regulatory actions taken in relation to enhanced raffles in Washington. The report must also

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make recommendations, if any, for policy changes to the enhanced raffle authority.

(9) This section expires June 30, 2017."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hewitt moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5723.

Senator Hewitt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hewitt that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5723.

The motion by Senator Hewitt carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5723 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5723, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5723, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Eide, Ericksen, Fain, Harper, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Parlette, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Dammeier, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Holmquist Newbry, Mullet, Nelson, Padden and Rolfes

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 5723, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SENATE JOINT MEMORIAL NO. 8001 with the following amendment(s): 8001 AMH TR H2266.1

On page 1, line 1, after "HONORABLE" strike "PAULA HAMMOND" and insert "LYNN PETERSON"

On page 2, line 13, after "Honorable" strike "Paula Hammond" and insert "Lynn Peterson"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Sheldon moved that the Senate concur in the House amendment(s) to Senate Joint Memorial No. 8001.

Senator Sheldon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Sheldon that the Senate concur in the House amendment(s) to Senate Joint Memorial No. 8001.

The motion by Senator Sheldon carried and the Senate concurred in the House amendment(s) to Senate Joint Memorial No. 8001 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8001, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8001, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SENATE JOINT MEMORIAL NO. 8001, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5465 with the following amendment(s): 5465 AMH HCW H2186.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.74.150 and 2007 c 98 s 13 are each amended to read as follows:

(1) It is unlawful for any person to practice or in any manner hold himself or herself out to practice physical therapy or designate himself or herself as a physical therapist or physical therapist assistant, unless he or she is licensed in accordance with this chapter.

(2) This chapter does not restrict persons licensed under any other law of this state from engaging in the profession or practice for which they are licensed, if they are not representing themselves to be physical therapists, physical therapist assistants, or providers of physical therapy.

(3) The following persons are exempt from licensure as physical therapists under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical therapy education while under direct supervision of a licensed physical therapist;

(b) A physical therapist while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist licensed in another United States jurisdiction, or a foreign-educated physical therapist credentialed in another country, performing physical therapy as part of teaching or

participating in an educational seminar of no more than sixty days in a calendar year.

(4) The following persons are exempt from licensure as physical therapist assistants under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist assistant in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical therapist assistant education while under direct supervision of a licensed physical therapist or licensed physical therapist assistant;

(b) A physical therapist assistant while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist assistant licensed in another United States jurisdiction, or a foreign-educated physical therapist assistant credentialed in another country, or a physical therapist assistant who is teaching or participating in an educational seminar of no more than sixty days in a calendar year.

Sec. 2. RCW 18.74.180 and 2007 c 98 s 16 are each amended to read as follows:

A physical therapist is professionally and legally responsible for patient care given by assistive personnel under his or her supervision. If a physical therapist fails to adequately supervise patient care given by assistive personnel, the board may take disciplinary action against the physical therapist.

(1) Regardless of the setting in which physical therapy services are provided, only the licensed physical therapist may perform the following responsibilities:

(a) Interpretation of referrals;

(b) Initial examination, problem identification, and diagnosis for physical therapy;

(c) Development or modification of a plan of care that is based on the initial examination and includes the goals for physical therapy intervention;

(d) Determination of which tasks require the expertise and decision-making capacity of the physical therapist and must be personally rendered by the physical therapist, and which tasks may be delegated;

(e) Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times;

(f) Delegation and instruction of the services to be rendered by the physical therapist, physical therapist assistant, or physical therapy aide including, but not limited to, specific tasks or procedures, precautions, special problems, and contraindicated procedures;

(g) Timely review of documentation, reexamination of the patient, and revision of the plan of care when indicated;

(h) Establishment of a discharge plan.

(2) Supervision requires that the patient reevaluation is performed:

(a) Every fifth visit, or if treatment is performed more than five times per week, reevaluation must be performed at least once a week;

(b) When there is any change in the patient's condition not consistent with planned progress or treatment goals.

(3) Supervision of assistive personnel means:

(a) Physical therapist assistants may function under direct or indirect supervision;

(b) Physical therapy aides must function under direct supervision;

(c)(i) The physical therapist may supervise a total of two assistive personnel at any one time.

(ii) In addition to the two assistive personnel authorized in (c)(i) of this subsection, the physical therapist may supervise a total of two persons who are pursuing a course of study leading to a degree as a physical therapist or a physical therapist assistant."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Dammeier moved that the Senate concur in the House amendment(s) to Senate Bill No. 5465.

Senator Dammeier spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dammeier that the Senate concur in the House amendment(s) to Senate Bill No. 5465.

The motion by Senator Dammeier carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5465 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5465, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5465, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SENATE BILL NO. 5465, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5748 with the following amendment(s): 5748 AMH GOE REIL 075

On page 1, line 18, after "commissioners" insert "in districts with a population over one hundred fifty thousand" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Senate Bill No. 5748.

Senators Roach and Hasegawa spoke in favor of the motion.

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The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Senate Bill No. 5748.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5748 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5748, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5748, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Padden

Excused: Senator Carrell

SENATE BILL NO. 5748, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5459 with the following amendment(s): 5459-S AMH HCW MORI 044

On page 2, at the beginning of line 15, strike "care service plan, health insurer" and insert "benefit plan, health carrier"

On page 2, line 18, after "coverage" strike "for a drug"

On page 2, line 19, after "beneficiary's" insert "or enrollee's" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5459.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5459.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5459 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5459, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5459, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5459, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5556 with the following amendment(s): 5556-S AMH PS H2287.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.60.010 and 2009 c 20 s 1 are each amended to read as follows:

(1) The Washington state patrol shall establish a missing children and endangered person clearinghouse which shall include the maintenance and operation of a toll-free(~~(, twenty-four hour)~~) telephone hotline. The clearinghouse shall distribute information to local law enforcement agencies, school districts, the department of social and health services, and the general public regarding missing children and endangered persons. The information shall include pictures, bulletins, training sessions, reports, and biographical materials that will assist in local law enforcement efforts to locate missing children and endangered persons. The state patrol shall also maintain a regularly updated computerized link with national and other statewide missing person systems or clearinghouses, and within existing resources, shall develop and implement a plan, commonly known as an "amber alert plan" or an "endangered missing person advisory plan," for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, (~~and~~) cable and satellite systems, and social media pages and sites to enhance the public's ability to assist in recovering abducted children and missing endangered persons consistent with the state endangered missing person advisory plan.

(2) For the purposes of this chapter:

(a) "Child" or "children(~~(s)~~)" (~~as used in this chapter,~~) means an individual under eighteen years of age.

(b) "Missing endangered person" means a person with a developmental disability as defined in RCW 71A.10.020(4) or a vulnerable adult as defined in RCW 74.34.020(17), believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance.

Sec. 2. RCW 13.60.020 and 1985 c 443 s 23 are each amended to read as follows:

Local law enforcement agencies shall file an official missing person report and enter biographical information into the state missing person computerized network within (~~(twelve)~~) six hours after notification of a missing child or endangered person is received under RCW 13.32A.050 (1)(~~a~~), (~~((3))~~) (c), or (~~((4))~~) (d), or an

endangered missing person received pursuant to the state endangered missing person advisory plan. The patrol shall collect such information as will enable it to retrieve immediately the following information about a missing child or endangered person: Name, date of birth, social security number, fingerprint classification, relevant physical descriptions, and known associates and locations. Access to the preceding information shall be available to appropriate law enforcement agencies, and to parents and legal guardians, when appropriate."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5556.

Senator Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5556.

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5556 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5556, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5556, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5556, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5480 with the following amendment(s): 5480-S.E AMH JUDI H2118.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2011 2nd sp.s. c 6 s 1 (uncodified) is amended to read as follows:

Sections 2 and 3 of this act take effect July 1, ((2015)) 2014.

Sec. 2. 2011 2nd sp.s. c 6 s 3 (uncodified) is amended to read as follows:

Section 2 of this act expires July 1, ((2015)) 2014."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5480.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5480.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5480 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5480, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5480, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 5480, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401 with the following amendment(s): 8401-S.E AMH HCW MORI 042

On page 2, line 25, after "savings;" strike "and"

On page 2, line 27, after "2017" insert "; and

BE IT FURTHER RESOLVED, That the joint select committee on health reform implementation created under Engrossed Substitute House Concurrent Resolution No. 4404 in 2011 is hereby abolished"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Concurrent Resolution No. 8401.

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Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Concurrent Resolution No. 8401.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Concurrent Resolution No. 8401 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8401, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8401, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5630 with the following amendment(s): 5630-S AMH APPH KETT 007

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.128 RCW to read as follows:

(1) The protection of vulnerable residents living in adult family homes and other long-term care facilities in the state is a matter of ongoing concern and grave importance. In 2011, the legislature examined problems with the quality of care and oversight of adult family homes in Washington. The 2011 legislature passed Engrossed Substitute House Bill No. 1277 to address some of these issues, and in addition, created an adult family home quality assurance panel, chaired by the state long-term care ombudsman, to meet and make recommendations to the governor and legislature by December 1, 2012, for further improvements in adult family home care and the oversight of the homes by the department of social and health services.

(2) The legislature recognizes that significant progress has been made over the years in adult family home care, and that many adult family homes provide high quality care and are the preferred alternative for many residents in contrast to a larger care facility setting. The legislature finds however that the quality of care in some adult family homes would be improved, and abuse and neglect would decline, if these homes' caregivers and providers received better training and mentoring, residents and their families were more informed and able to select an appropriate home, and oversight by the department of social and health services was more vigorous and

prompt against poorly performing homes. It is therefore the intent of the legislature to enact the recommendations included in the adult family home quality assurance panel report in order to improve the quality of care of vulnerable residents and the department's oversight of adult family homes.

Sec. 2. RCW 70.128.060 and 2011 1st sp.s. c 3 s 403 are each amended to read as follows:

(1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) Subject to the provisions of this section, the department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter. The department may not issue a license if (a) the applicant or a person affiliated with the applicant has prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past ten years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department; or (b) the applicant or a person affiliated with the applicant has a history of significant noncompliance with federal, state, or local laws, rules, or regulations relating to the provision of care or services to vulnerable adults or to children. A person is considered affiliated with an applicant if the person is listed on the license application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse of the applicant.

(3) The license fee shall be submitted with the application.

(4) Proof of financial solvency must be submitted when requested by the department.

(5) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

(6) The department shall not issue a license to a provider if the department finds that the provider or spouse of the provider or any partner, officer, director, managerial employee, or majority owner has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

(7) The department shall license an adult family home for the maximum level of care that the adult family home may provide. The department shall define, in rule, license levels based upon the education, training, and caregiving experience of the licensed provider or staff.

(8) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers consistent with RCW 70.128.230, and also is required for caregivers, with standardized competency testing for caregivers hired after the effective date of this section, as set forth by the department in rule. The department shall examine, with input from experts, providers, consumers, and advocates, whether the existing specialty training courses are adequate for providers, resident managers, and caregivers to meet these residents' special needs, are sufficiently standardized in curricula and instructional techniques, and are accompanied by effective tools to fairly evaluate successful student completion. The department may enhance the existing specialty training requirements by rule, and may update curricula, instructional techniques, and competency testing based upon its review and stakeholder input. In addition, the department shall examine, with input from experts, providers, consumers, and advocates, whether additional specialty training categories should

be created for adult family homes serving residents with other special needs, such as traumatic brain injury, skilled nursing, or bariatric care. The department may establish, by rule, additional specialty training categories and requirements for providers, resident managers, and caregivers, if needed to better serve residents with such special needs.

(9) The department shall establish, by rule, standards used to license nonresident providers and multiple facility operators.

~~((9))~~ (10) The department shall establish, by rule, for multiple facility operators educational standards substantially equivalent to recognized national certification standards for residential care administrators.

~~((10))~~ (11) At the time of an application for an adult family home license and upon the annual fee renewal date set by the department, the licensee shall pay a license fee. Beginning July 1, 2011, the per bed license fee and any processing fees, including the initial license fee, must be established in the omnibus appropriations act and any amendment or additions made to that act. The license fees established in the omnibus appropriations act and any amendment or additions made to that act may not exceed the department's annual licensing and oversight activity costs and must include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

~~((11))~~ (12) A provider who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of an adult family home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the provider, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the provider relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

~~((12))~~ (13) The department shall establish, by rule, the circumstances requiring a change in the licensed provider, which include, but are not limited to, a change in ownership or control of the adult family home or provider, a change in the provider's form of legal organization, such as from sole proprietorship to partnership or corporation, and a dissolution or merger of the licensed entity with another legal organization. The new provider is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in provider, the new provider is responsible for correction of all violations that may exist at the time of the new license.

NEW SECTION. Sec. 3. A new section is added to chapter 70.128 RCW to read as follows:

(1) In order to enhance the selection of an appropriate adult family home, all adult family homes licensed under this chapter shall disclose the scope of, and charges for, the care, services, and activities provided by the home or customarily arranged for by the home. The disclosure must be provided to the home's residents and the residents' representatives, if any, prior to admission, and to interested prospective residents and their representatives upon request, using standardized disclosure forms developed by the department with stakeholders' input. The home may also disclose supplemental information to prospective residents and other interested persons.

(2)(a) The disclosure forms that the department develops must be standardized, reasonable in length, and easy to read. The form setting forth the scope of an adult family home's care, services, and activities must be available from the adult family home through a link to the department's web site developed pursuant to this section. This form must indicate, among other categories, the scope of

personal care and medication service provided, the scope of skilled nursing services or nursing delegation provided or available, any specialty care designations held by the adult family home, the customary number of caregivers present during the day and whether the home has awake staff at night, any particular cultural or language access available, and clearly state whether the home admits medicaid clients or retains residents who later become eligible for medicaid. The adult family home shall provide or arrange for the care, services, and activities disclosed in its form.

(b) The department must also develop a second standardized disclosure form with stakeholders' input for use by adult family homes to set forth an adult family home's charges for its care, services, items, and activities, including the charges not covered by the home's daily or monthly rate, or by medicaid, medicare, or other programs. This form must be available from the home and disclosed to residents and their representatives, if any, prior to admission, and to interested prospective residents and their representatives upon request.

(3)(a) If the adult family home decreases the scope of care, services, or activities it provides, due to circumstances beyond the home's control, the home shall provide a minimum of thirty days' written notice to the residents, and the residents' representative if any, before the effective date of the decrease in the scope of care, services, or activities provided.

(b) If the adult family home voluntarily decreases the scope of care, services, or activities it provides, and any such decrease will result in the discharge of one or more residents, then ninety days' written notice must be provided prior to the effective date of the decrease. Notice must be given to the residents and the residents' representative, if any.

(c) If the adult family home increases the scope of care, services, or activities it provides, the home shall promptly provide written notice to the residents, and the residents' representative if any, and shall indicate the date on which the increase is effective.

(4) When the care needs of a resident exceed the disclosed scope of care or services that the adult family home provides, the home may exceed the care or services previously disclosed, provided that the additional care or services are permitted by the adult family home's license, and the home can safely and appropriately serve the resident with available staff or through the provision of reasonable accommodations required by state or federal law. The provision of care or services to a resident that exceed those previously disclosed by the home does not mean that the home is capable of or required to provide the same care or services to other residents, unless required as a reasonable accommodation under state or federal law.

(5) An adult family home may deny admission to a prospective resident if the home determines that the needs of the prospective resident cannot be met, so long as the adult family home operates in compliance with state and federal law, including RCW 70.129.030(3) and the reasonable accommodation requirements of state and federal antidiscrimination laws.

(6) The department shall work with consumers, advocates, and other stakeholders to combine and improve existing web resources to create a more robust, comprehensive, and user-friendly web site for family members, residents, and prospective residents of adult family homes in Washington. The department may contract with outside vendors and experts to assist in the development of the web site. The web site should be easy to navigate and have links to information important for residents, prospective residents, and their family members or representatives including, but not limited to: (a) Explanations of the types of licensed long-term care facilities, levels of care, and specialty designations; (b) lists of suggested questions when looking for a care facility; (c) warning signs of abuse, neglect, or financial exploitation; and (d) contact information for the department and the long-term care ombudsman. In addition, the consumer oriented web site should include a searchable list of all

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adult family homes in Washington, with links to inspection and investigation reports and any enforcement actions by the department for the previous three years. If a violation or enforcement remedy is deleted, rescinded, or modified under RCW 70.128.167 or chapter 34.05 RCW, the department shall make the appropriate changes to the information on the web site as soon as reasonably feasible, but no later than thirty days after the violation or enforcement remedy has been deleted, rescinded, or modified. To facilitate the comparison of adult family homes, the web site should also include a link to each licensed adult family home's disclosure form required by subsection (2)(a) of this section. The department's web site should also include periodically updated information about whether an adult family home has a current vacancy, if the home provides such information to the department, or may include links to other consumer-oriented web sites with the vacancy information.

Sec. 4. RCW 70.128.160 and 2011 1st sp.s. c 3 s 208 are each amended to read as follows:

(1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an adult family home without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of at least one hundred dollars per day per violation;

(d) Impose civil penalties of up to three thousand dollars for each incident that violates adult family home licensing laws and rules, including, but not limited to, chapters 70.128, 70.129, 74.34, and 74.39A RCW and related rules. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty;

(e) Impose civil penalties of up to ten thousand dollars for a current or former licensed provider who is operating an unlicensed home;

(f) Suspend, revoke, or refuse to renew a license; or

(g) Suspend admissions to the adult family home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any person until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement ~~(when)~~ only after: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain correction of the violations previously found deficient. However, if upon the revisit the department finds new violations that the department reasonably believes will result in a new stop placement, the previous stop placement shall remain in effect until the new stop placement is imposed. In order to protect the home's existing residents from potential ongoing neglect, when the provider has been cited for a violation that is repeated, uncorrected, pervasive, or presents a threat to the health, safety, or

welfare of one or more residents, and the department has imposed a stop placement, the department shall also impose a condition on license or other remedy to facilitate or spur prompter compliance if the violation has not been corrected, and the provider has not exhibited the capacity to maintain correction, within sixty days of the stop placement.

(4) Nothing in subsection (3) of this section is intended to apply to stop placement imposed in conjunction with a license revocation or summary suspension or to prevent the department from imposing a condition on license or other remedy prior to sixty days after a stop placement, if the department considers it necessary to protect one or more residents' well-being. After a department finding of a violation for which a stop placement has been imposed, the department shall make an on-site revisit of the provider within fifteen working days from the request for revisit, to ensure correction of the violation. For violations that are serious or recurring or uncorrected following a previous citation, and create actual or threatened harm to one or more residents' well-being, including violations of residents' rights, the department shall make an on-site revisit as soon as appropriate to ensure correction of the violation. Verification of correction of all other violations may be made by either a department on-site revisit or by written or photographic documentation found by the department to be credible. This subsection does not prevent the department from enforcing license suspensions or revocations. Nothing in this subsection shall interfere with or diminish the department's authority and duty to ensure that the provider adequately cares for residents, including to make departmental on-site revisits as needed to ensure that the provider protects residents, and to enforce compliance with this chapter.

(5) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue in effect pending any hearing.

(6) A separate adult family home account is created in the custody of the state treasurer. All receipts from civil penalties imposed under this chapter must be deposited into the account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department shall use the special account only for promoting the quality of life and care of residents living in adult family homes.

(7) The department shall by rule specify criteria as to when and how the sanctions specified in this section must be applied. The criteria must provide for the imposition of incrementally more severe penalties for deficiencies that are repeated, uncorrected, pervasive, or present a threat to the health, safety, or welfare of one or more residents. The criteria shall be tiered such that those homes consistently found to have deficiencies will be subjected to increasingly severe penalties. The department shall implement prompt and specific enforcement remedies without delay for providers found to have delivered care or failed to deliver care resulting in problems that are repeated, uncorrected, pervasive, or present a threat to the health, safety, or welfare of one or more residents. In the selection of remedies, the health, safety, and well-being of residents must be of paramount importance.

NEW SECTION. Sec. 5. A new section is added to chapter 70.128 RCW to read as follows:

(1) If during an inspection, reinspection, or complaint investigation by the department, an adult family home corrects a violation or deficiency that the department discovers, the department shall record and consider such violation or deficiency for purposes of the home's compliance history; however, the

licensor or complaint investigator may not include in the home's report the violation or deficiency if the violation or deficiency:

(a) Is corrected to the satisfaction of the department prior to the exit conference;

(b) Is not recurring; and

(c) Did not pose a significant risk of harm or actual harm to a resident.

(2) For the purposes of this section, "recurring" means that the violation or deficiency was found under the same regulation or statute in one of the two most recent preceding inspections, reinspections, or complaint investigations.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2013, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Bailey moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5630.

Senator Bailey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5630.

The motion by Senator Bailey carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5630 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5630, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5630, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5630, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2013

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5215 with the following amendment(s): 5215-S2.E AMH HCW H2216.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that Washington state is a provider friendly state within which to practice medicine. As part of health care reform, Washington state endeavors to establish and operate a state-based health benefits exchange wherein insurance products will be offered for sale and add potentially three hundred thousand patients to commercial insurance, and to expand access to medicaid for potentially three hundred thousand new enrollees. Such a successful and new insurance market in Washington state will require the willing participation of all categories of health care providers. The legislature further finds that principles of fair contracting apply to all contracts between health care providers and health insurance carriers offering insurance within Washington state and that fair dealings and transparency in expectations should be present in interactions between all third-party payors and health care providers.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005 and, for the purposes of this chapter, includes facilities licensed under chapter 70.41 RCW.

(2) "Payor" or "third-party payor" means carriers licensed under chapters 48.20, 48.21, 48.44, and 48.46 RCW, and managed health care systems as defined in RCW 74.09.522.

(3) "Material amendment" means an amendment to a contract between a payor and health care provider that would result in requiring a health care provider to participate in a health plan, product, or line of business with a lower fee schedule in order to continue to participate in a health plan, product, or line of business with a higher fee schedule. A material amendment does not include any of the following:

(a) A decrease in payment or compensation resulting from a change in a fee schedule published by the payor upon which the payment or compensation is based and the date of applicability is clearly identified in the contract, compensation addendum, or fee schedule notice;

(b) A decrease in payment or compensation that was anticipated under the terms of the contract, if the amount and date of applicability of the decrease is clearly identified in the contract; or

(c) Changes unrelated to compensation so long as reasonable notice of not less than sixty days is provided.

NEW SECTION. Sec. 3. (1) A third-party payor shall provide no less than sixty days' notice to the health care provider of any proposed material amendments to a health care provider's contract with the third-party payor.

(2) Any material amendment to a contract must be clearly defined in a notice to the provider from the third-party payor as being a material change to the contract before the provider's notice period begins. The notice must also inform the providers that they may choose to reject the terms of the proposed material amendment through written or electronic means at any time during the notice period and that such rejection may not affect the terms of the health care provider's existing contract with the third-party payor.

(3) A health care provider's rejection of the material amendment does not affect the terms of the health care provider's existing contract with the third-party payor.

(4) A failure to comply with the terms of subsections (1), (2), and (3) of this section shall void the effectiveness of the material amendment.

NEW SECTION. Sec. 4. A payor may require a health care provider to extend the payor's medicaid rates, or some percentage above the payor's medicaid rates, that govern a health benefit program administered by a public purchaser to a commercial plan or

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line of business offered by a payor that is not administered by a public purchaser only if the health care provider has expressly agreed in writing to the extension. For the purposes of this section, "administered by a public purchaser" does not include commercial coverage offered through the Washington health benefit exchange. Nothing in this section prohibits a payor from utilizing medicaid rates, or some percentage above medicaid rates, as a base when negotiating payment rates with a health care provider.

NEW SECTION. Sec. 5. A new section is added to chapter 18.130 RCW to read as follows:

No licensee subject to this chapter may be required to participate in any public or private third-party reimbursement program or any plans or products offered by a payor as a condition of licensure.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act constitute a new chapter in Title 48 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5215.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5215.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5215 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5215, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5215, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5215, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

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The House passed SUBSTITUTE SENATE BILL NO. 5148 with the following amendment(s): 5148-S AMH HCW H2191.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Drug manufacturer" means a facility licensed by the board of pharmacy under chapter 18.64 RCW that engages in the manufacture of drugs or devices.

(3) "Drug wholesaler" means a facility licensed by the board of pharmacy under chapter 18.64 RCW that buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(4) "Medical facility" means a hospital, pharmacy, nursing home, boarding home, adult family home, or medical clinic where the prescription drugs are under the control of a practitioner.

(5) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(6) "Pharmacist" means a person licensed by the board of pharmacy under chapter 18.64 RCW to practice pharmacy.

(7) "Pharmacy" means a facility licensed by the board of pharmacy under chapter 18.64 RCW in which the practice of pharmacy is conducted.

(8) "Practitioner" has the same meaning as in RCW 69.41.010.

(9) "Prescribing practitioner" means a person authorized to issue orders or prescriptions for legend drugs as listed in RCW 69.41.030.

(10) "Prescription drugs" has the same meaning as "legend drugs" as defined in RCW 69.41.010. The term includes cancer drugs and antirejection drugs. The term does not include controlled substances.

(11) "Supplies" means the supplies necessary to administer prescription drugs that are donated under the prescription drug redistribution program.

NEW SECTION. Sec. 2. Any practitioner, pharmacist, medical facility, drug manufacturer, or drug wholesaler may donate prescription drugs and supplies to a pharmacy for redistribution without compensation or the expectation of compensation to individuals who meet the prioritization criteria established in section 4 of this act. Donations of prescription drugs and supplies may be made on the premises of a pharmacy that elects to participate in the provisions of this chapter. A pharmacy that receives prescription drugs or supplies may distribute the prescription drugs or supplies to another pharmacy, pharmacist, or prescribing practitioner for use pursuant to the program.

NEW SECTION. Sec. 3. To be eligible for the immunity in section 7 of this act, a person distributing donated prescription drugs under this chapter must:

(1) Meet all requirements in section 5 of this act and any applicable rules related to the return or exchange of prescription drugs or supplies adopted by the board of pharmacy;

(2) Maintain records of any prescription drugs and supplies donated to the pharmacy and subsequently dispensed by the pharmacy; and

(3) Identify itself to the public as participating in this chapter.

NEW SECTION. Sec. 4. Pharmacies, pharmacists, and prescribing practitioners that elect to dispense donated prescription drugs and supplies under this chapter shall give priority to individuals who are uninsured and at or below two hundred percent of the federal poverty level. If an uninsured and low-income individual has not been identified as in need of available

prescription drugs and supplies, those prescription drugs and supplies may be dispensed to other individuals expressing need.

NEW SECTION. Sec. 5. (1) Prescription drugs or supplies may be accepted and dispensed under this chapter if all of the following conditions are met:

(a) The prescription drug is in:

(i) Its original sealed and tamper evident packaging; or

(ii) An opened package if it contains single unit doses that remain intact;

(b) The prescription drug bears an expiration date that is more than six months after the date the prescription drug was donated;

(c) The prescription drug or supplies are inspected before the prescription drug or supplies are dispensed by a pharmacist employed by or under contract with the pharmacy, and the pharmacist determines that the prescription drug or supplies are not adulterated or misbranded;

(d) The prescription drug or supplies are prescribed by a practitioner for use by an eligible individual and are dispensed by a pharmacist; and

(e) Any other safety precautions established by the department have been satisfied.

(2)(a) If a person who donates prescription drugs or supplies to a pharmacy under this chapter receives a notice that the donated prescription drugs or supplies have been recalled, the person shall notify the pharmacy of the recall.

(b) If a pharmacy that receives and distributes donated prescription drugs to another pharmacy, pharmacist, or prescribing practitioner under this chapter receives notice that the donated prescription drugs or supplies have been recalled, the pharmacy shall notify the other pharmacy, pharmacist, or prescribing practitioner of the recall.

(c) If a person collecting or distributing donated prescription drugs or supplies under this chapter receives a recall notice from the drug manufacturer or the federal food and drug administration for donated prescription drugs or supplies, the person shall immediately remove all recalled medications from stock and comply with the instructions in the recall notice.

(3) Prescription drugs and supplies donated under this chapter may not be resold.

(4) Prescription drugs and supplies dispensed under this chapter shall not be eligible for reimbursement of the prescription drug or any related dispensing fees by any public or private health care payer.

(5) A prescription drug that can only be dispensed to a patient registered with the manufacturer of that drug, in accordance with the requirements established by the federal food and drug administration, may not be accepted or distributed under the program.

NEW SECTION. Sec. 6. (1) The department must adopt rules establishing forms and procedures to: Reasonably verify eligibility and prioritize patients seeking to receive donated prescription drugs and supplies; and inform a person receiving prescription drugs donated under this program that the prescription drugs have been donated for the purposes of redistribution. A patient's eligibility may be determined by a form signed by the patient certifying that the patient is uninsured and at or below two hundred percent of the federal poverty level.

(2) The department may establish any other rules necessary to implement this chapter.

NEW SECTION. Sec. 7. (1) A drug manufacturer acting in good faith may not, in the absence of a finding of gross negligence, be subject to criminal prosecution or liability in tort or other civil action, for injury, death, or loss to person or property for matters relating to the donation, acceptance, or dispensing of a drug manufactured by the drug manufacturer that is donated by any person under the program including, but not limited to, liability for

failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug.

(2) Any person or entity, other than a drug manufacturer subject to subsection (1) of this section, acting in good faith in donating, accepting, or distributing prescription drugs under this chapter is immune from criminal prosecution, professional discipline, or civil liability of any kind for any injury, death, or loss to any person or property relating to such activities other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(3) The immunity provided under subsection (1) of this section does not absolve a drug manufacturer of a criminal or civil liability that would have existed but for the donation, nor does such donation increase the liability of the drug manufacturer in such an action.

NEW SECTION. Sec. 8. Access to prescription drugs and supplies under this chapter is subject to availability. Nothing in this chapter establishes an entitlement to receive prescription drugs and supplies through the program.

NEW SECTION. Sec. 9. Nothing in this chapter restricts the use of samples by a practitioner during the course of the practitioner's duties at a medical facility or pharmacy.

NEW SECTION. Sec. 10. Nothing in this chapter authorizes the resale of prescription drugs by any person.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 12. This act takes effect July 1, 2014."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5148.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5148.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5148 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5148, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5148, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

SUBSTITUTE SENATE BILL NO. 5148, as amended by the House, having received the constitutional majority, was declared

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passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5895, by Senators Hill and Hargrove

Funding education.

MOTION

On motion of Senator Dammeier, Substitute Senate Bill No. 5895 was substituted for Senate Bill No. 5895 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hill moved that the following amendment by Senators Hill and Hargrove be adopted:

Beginning on page 2, line 4, strike all of sections 101 and 102 and insert the following:

"**Sec. 101.** RCW 43.135.025 and 2009 c 479 s 35 are each amended to read as follows:

(1) The state shall not expend from the general fund or related fund during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.

(2) Except pursuant to a declaration of emergency under RCW ~~((43.135.035))~~ 43.135.034 or pursuant to an appropriation under RCW 43.135.045(2), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund or related fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300. After July 1, 2015, and prior to July 1, 2023, the state expenditure limit established by this section does not apply to:

(a) State allocations to school districts and educational service districts;

(b) Appropriations to the state's institutions of higher education or appropriations to state student financial aid programs;

(c) Appropriations for the early learning program under RCW 43.215.141 and 43.215.142 and other licensed child care programs under chapter 43.215 RCW that promote positive child outcomes through curriculum, learning, and training;

(d) The costs of court rulings imposing new state costs issued after July 1, 2015, and prior to July 1, 2023;

(e) Expenditures of extraordinary revenue growth, as defined in Article 7, section 12 of the state Constitution, to the extent that the extraordinary revenue growth is not deposited to the budget stabilization account; or

(f) The cost of extraordinary growth in the caseloads of state entitlement programs to the extent that total biennial entitlement caseload costs exceed by one-third the average biennial percentage growth over the prior five fiscal biennia, not including the cost of new entitlements or the expansion of existing entitlements after January 1, 2013, or the expansion of medicaid eligibility under the federal affordable care act.

The exceptions established in (a) through (f) of this subsection shall be calculated by the state expenditure limit committee.

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(3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.

(4)(a) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, ~~((2009))~~ 2013, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund ~~((, the public safety and education account, the health services account, the violence reduction and drug enforcement account, the student achievement fund, the water quality account, and the equal justice subaccount, not including federal funds;))~~ and related funds for the fiscal year beginning July 1, ~~((2008))~~ 2012, plus the fiscal growth factor.

(b) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 2015, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund and related funds plus the fiscal growth factor, excluding expenditures for the purposes of subsection (2)(a), (b), and (c) of this section.

(c) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 2023, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund and related funds for the fiscal year beginning July 1, 2022, plus the fiscal growth factor, including expenditures for the purposes of subsection (2)(a) through (f) of this section.

(5) A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state expenditure limit committee are the director of financial management, the attorney general or the attorney general's designee, and the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on ways and means. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least four members.

(6) Each November, the state expenditure limit committee shall adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.

(7)(a) "Fiscal growth factor," after July 1, 2015, and prior to July 1, 2023, means the average of the sum of inflation and population change for each of the prior three fiscal years.

(b) "Inflation" means the percentage change in the implicit price deflator for the United States for each fiscal year as published by the federal bureau of labor statistics.

(c) "Population change" means the percentage change in state population for each fiscal year as reported by the office of financial management.

(d) "Fiscal growth factor," prior to July 1, 2015, and after July 1, 2023, means the average growth in state personal income for the prior ten fiscal years.

(8) "General fund" means the state general fund and related funds.

(9) "Related funds" means the Washington opportunity pathways account and the education legacy trust account."

Senator Hill spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hill and Hargrove on page 2, line 4 to Substitute Senate Bill No. 5895.

The motion by Senator Hill carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, strike "43.135.034,"

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe and others be adopted.

On page 6, beginning on line 31, strike all material through and including page 7, line 11.

Senators McAuliffe, Frockt, Mullet and Rolfes spoke in favor of adoption of the amendment.

Senator Dammeier spoke against adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe and others on page 6, line 31 to Substitute Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator McAuliffe and others and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Excused: Senator Carrell

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes and others be adopted:

On page 7, after line 11, insert the following:

"**Sec. 202.** RCW 82.12.0263 and 1980 c 37 s 62 are each amended to read as follows:

The provisions of this chapter (~~shall~~) do not apply in respect to the use of hog fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same. For purposes of this section, "hog fuel" means wood waste and other wood residuals, including forest derived biomass, but does not include firewood or wood pellets.

NEW SECTION. Sec. 203. A new section is added to chapter 82.32 RCW to read as follows:

Quarterly, beginning in the calendar quarter immediately following the calendar quarter that this section is enacted into law, the department must determine the amount of state sales and use tax paid during the previous calendar quarter as a result of RCW 82.12.0263. The department of revenue must notify the state treasurer of these amounts, and the treasurer must transfer from the general fund to the education legacy trust account the determined

amount of sales and use collected from RCW 82.12.0263 by the last working day of each calendar quarter."

On page 1, line 2 of the title, after "43.135.034," insert "82.12.0263,"

On page 1, line 5 of the title, after "28A.150 RCW;" insert "adding a new section to chapter 82.32 RCW;"

Senator Rolfes spoke in favor of adoption of the amendment.

Senator Dammeier spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes and others on page 7, after line 11 to Substitute Senate Bill No. 5895.

The motion by Senator Rolfes failed and the amendment was not adopted by a rising vote.

MOTION

Senator Conway moved that the following amendment by Senator Conway and others be adopted.

On page 7, line 14, strike all of section 210.

On page 9, line 14, strike all of section 220.

On page 10, line 14, strike all of section 230.

Renumber the sections consecutively and correct the title accordingly.

Senators Conway, Hasegawa, Frockt and Mullet spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Conway and others on page 7, line 14 to Substitute Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Conway and others and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Excused: Senator Carrell

MOTION

Senator Frockt moved that the following amendment by Senator Frockt and others be adopted.

Beginning on page 12, line 16, strike all of Part III

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 43.135.025, 43.135.034, 82.45.100, 82.16.020, 82.18.040, 67.70.190, 39.42.140, and 84.52.067; reenacting and amending RCW 82.45.060; adding a new section to chapter 28A.150 RCW; adding a new section to

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chapter 82.08 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency."

Senators Frockt, Mullet, Chase and Hasegawa spoke in favor of adoption of the amendment.

Senators Dammeier, Hill, Baumgartner and Schoesler spoke against adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Frockt demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Frockt carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt and others on page 12, line 16 to Substitute Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Frockt and others and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Excused: Senator Carrell

MOTION

At 4:24 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:58 p.m. by President Owen.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 12, after line 17, strike all of section 300.

On page 16, after line 10, strike all of section 402.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa, the amendment by Senator Hasegawa on page 12, line 17 to Substitute Senate Bill No. 5895 was withdrawn.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

Beginning on page 15, line 15, strike all of Part IV

Renumber the remaining part and sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "28A.525.020," strike all material through "84.52.067" and insert "and 28A.515.320"

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Dammeier spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 15, line 15 to Substitute Senate Bill No. 5895.

The motion by Senator Hasegawa failed and the amendment was not adopted by a rising vote.

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Substitute Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dammeier spoke in favor of passage of the bill.

Senators McAuliffe, Frockt, Billig spoke against passage of the bill.

POINT OF INQUIRY

Senator Conway: "Would Senator Dammeier yield to a question? Senator Dammeier, in committee we had a document that was prepared by the Office of Program Research which indicated the Capital Budget impacts related to Senate Bill No. 5895 was to the tune of five hundred and four million six hundred and sixty thousand. Do you agree with that figure or did you question OFMs, Office Program Research's analysis?"

Senator Dammeier: "Senator Conway, without trying to be evasive I don't recall that document. Perhaps I need to review it again. At some point I would love to look at it that at some point in the future and get back to you with an answer."

Senators Conway, Ranker, Mullet, Shin, Murray and Rolfes spoke against passage of the bill.

Senators Smith and Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Carrell

ENGROSSED SUBSTITUTE SENATE BILL NO. 5895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:35 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, April 24, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

ONE HUNDRED FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 24, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Carrell.

The Sergeant at Arms Color Guard consisting of Pages Emma Cooper and Anastasia Stevens, presented the Colors. Pastor Jack Keith of Hood Canal Community Church of Hoodspport offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 23, 2013

SB 5901 Prime Sponsor, Senator Litzow: Providing education reforms. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5901 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa; Hatfield; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

April 23, 2013

SB 5916 Prime Sponsor, Senator Bailey: Addressing the administration of public retirement plans. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5916 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa; Hatfield; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 16, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

THOMAS KARIER, reappointed March 20, 2013, for the term ending January 15, 2016, as Member of the Northwest Power and Conservation Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications.

April 16, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GENE C. SHARRATT, appointed June 1, 2013, for the term ending at the governor's pleasure, as a Director of the Washington State Student Achievement Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

April 11, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOHN WIESMAN, appointed April 15, 2013, for the term ending at the governor's pleasure, as Secretary of the Department of Health.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 2013

MR. PRESIDENT:

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412 and passed the bill as amended by the Senate, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5002,
SUBSTITUTE SENATE BILL NO. 5022,
SENATE BILL NO. 5050,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5078,
SUBSTITUTE SENATE BILL NO. 5152,
SENATE BILL NO. 5161,
SECOND SUBSTITUTE SENATE BILL NO. 5197,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5329,
SENATE BILL NO. 5355,
SENATE BILL NO. 5359,
SUBSTITUTE SENATE BILL NO. 5434,
SUBSTITUTE SENATE BILL NO. 5565,
SUBSTITUTE SENATE BILL NO. 5591,
SENATE BILL NO. 5809,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1001,
SUBSTITUTE HOUSE BILL NO. 1068,
SUBSTITUTE HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO. 1093,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1114,
SUBSTITUTE HOUSE BILL NO. 1144,
HOUSE BILL NO. 1178,
HOUSE BILL NO. 1194,
HOUSE BILL NO. 1207,
SUBSTITUTE HOUSE BILL NO. 1265,
SUBSTITUTE HOUSE BILL NO. 1284,
SUBSTITUTE HOUSE BILL NO. 1334,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341,
SECOND SUBSTITUTE HOUSE BILL NO. 1416,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1445,

SUBSTITUTE HOUSE BILL NO. 1472,
HOUSE BILL NO. 1474,
ENGROSSED HOUSE BILL NO. 1493,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1519,
SUBSTITUTE HOUSE BILL NO. 1525,
SUBSTITUTE HOUSE BILL NO. 1556,
SECOND SUBSTITUTE HOUSE BILL NO. 1566,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1633,
SECOND SUBSTITUTE HOUSE BILL NO. 1642,
HOUSE BILL NO. 1645,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688,
HOUSE BILL NO. 1736,
SUBSTITUTE HOUSE BILL NO. 1737,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774,
HOUSE BILL NO. 1800,
ENGROSSED HOUSE BILL NO. 1826,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846,
SUBSTITUTE HOUSE BILL NO. 1883,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2013

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1242,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,
SUBSTITUTE HOUSE BILL NO. 1466,
SUBSTITUTE HOUSE BILL NO. 1612,
SECOND SUBSTITUTE HOUSE BILL NO. 1764,
SUBSTITUTE HOUSE BILL NO. 1779,
SUBSTITUTE HOUSE BILL NO. 1941,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

HB 2024 by Representatives Pedersen, Rodne, Jinkins, Klippert, Orwall, O'Ban, Wylie, Ormsby, Kirby, Buys, Roberts, Nealey, Goodman, Hansen, Kagi, Hunter, Ryu, Appleton and Manweller

AN ACT Relating to the institution or prosecution of legal proceedings by the attorney general on behalf of state officers; amending RCW 43.10.030; adding a new section to chapter 43.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

ONE HUNDRED FIRST DAY, APRIL 24, 2013

2013 REGULAR SESSION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Ericksen moved adoption of the following resolution:

SENATE RESOLUTION
8651

By Senators Ericksen, Hewitt, Honeyford, Brown, Tom, King, Becker, Kline, Pearson, Conway, Ranker, Harper, Murray, Fain, Hasegawa, Sheldon, Eide, Parlette, Darneille, Cleveland, Bailey, Baumgartner, Litzow, Schoesler, Chase, Padden, Shin, Hobbs, Roach, Keiser, Rolfes, Hatfield, Billig, Dammeier, Smith, Rivers, Benton, Braun, Holmquist Newbry, and Nelson

WHEREAS, Doris M. Brougham was born in Seattle on August 5, 1926, and earned her B.A. in Far East Studies from the University of Washington in 1948; and

WHEREAS, Ms. Brougham personally witnessed the Chinese Civil War and moved to Taiwan in 1951, where, at the age of twenty-five, she made the choice to dedicate the rest of her life to help improve the lives of the people of Taiwan; and

WHEREAS, Despite adversities, political threats, and earthquakes, Ms. Brougham has always kept Washington State in her heart and has lived and worked with the people of Taiwan for the past 62 years; and

WHEREAS, Ms. Brougham, known to her students as Peng Meng-hui, in 1962 founded Taiwan's most popular English radio program, Studio Classroom, magazine Let's Talk English, and Overseas Radio And Television Inc., a Taiwanese Christian media outlet; and

WHEREAS, She established the Doris Brougham Scholarship to provide financial assistance to needy high school students with good grades in English, as well as undergraduate and graduate college students majoring in English or Mass Communications; and

WHEREAS, Ms. Brougham speaks fluent Mandarin and learned the Ami language during the time she lived with the Aboriginal Hualien mountain tribal people of Taiwan; and

WHEREAS, Ms. Brougham's lifelong dedication to Taiwan and its people has yielded her tremendous respect, love, and admiration from not just the people of Taiwan, but also from its highest leaders; and

WHEREAS, In 2002, Ms. Brougham was honored with the most prestigious medal, the Order of the Brilliant Star with Special Grand Cordon, and was awarded as an honorary civil servant of the highest level; and

WHEREAS, Ms. Brougham, as a native daughter of Washington State, has brought honor and prestige to our state and our nation and is a vivid testimony to the good bilateral relations between Washington State and Taiwan;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, in unison with our friends from Taiwan, honor and congratulate Doris M. Brougham for her unselfish and

lifelong achievements and dedication to the well-being, education, and progress of all students young and old in Taiwan and offer their best wishes for a continued happy and fulfilling career and deepest respect and gratitude to Doris M. Brougham; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Doris M. Brougham; Ma Ying-jeou, President of Taiwan; Barack Obama, President of the United States; Jay Inslee, Governor of the State of Washington; Brad Owen, Lieutenant Governor of the State of Washington; and Director General Andy Chin of the Taipei Economic and Cultural Office in Seattle.

Senators Ericksen, Shin, Roach and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8651.

The motion by Senator Ericksen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Director-General Chin Hsing (Andy Chin) and Director Richard Lin of the Taipei Economic and Cultural Office in Seattle; Mr. Lo Yu Sun, member of the National Advisory Council of the U. S. Small Business Administration, Republic of China (Taiwan) Overseas Chinese Affairs Senior Commissioner appointed by the President of Taiwan, founder of the Seattle Chapter of the Taiwan Benevolent Association of America and CEO and owner of China Harbor restaurant in Seattle; Father Thomas Law Kwok-fai, Secretary, Washington Association of Chinese Christian Ministers; Ms. Jan Crosetto, Vice-Chair of the Board, Overseas Radio and Television, Inc., Seattle; Mr. Brian Bosse, Vice President of Business Development, Foundation for International Services, Inc., Edmonds; Mr. Jin-Pu (Miles) Chang, Assistant Freelance Correspondent, Taiwan Macroview TV and affiliate of the Republic of China (Taiwan) Overseas Community Affairs Council; Mr. Chun Du, College Fellowship counselor, Evangelical Christian Church, Seattle; and Professor Hsiou-hsia Jeng, College Fellowship counselor, Evangelical Christian Church, Seattle and former Associate Professor, Department of Foreign Languages and Literatures, National Taiwan University, Taipei who were present in the gallery and recognized by the Senate.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Sheldon moved that Marc Daudon, Gubernatorial Appointment No. 9089, be confirmed as a member of the Energy Northwest.

Senator Sheldon spoke in favor of the motion.

APPOINTMENT OF MARC DAUDON

The President declared the question before the Senate to be the confirmation of Marc Daudon, Gubernatorial Appointment No. 9089, as a member of the Energy Northwest.

The Secretary called the roll on the confirmation of Marc Daudon, Gubernatorial Appointment No. 9089, as a member of the Energy Northwest and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Marc Daudon, Gubernatorial Appointment No. 9089, having received the constitutional majority was declared confirmed as a member of the Energy Northwest.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that John Glenn, Gubernatorial Appointment No. 9104, be confirmed as a member of the State School for the Blind Board of Trustees.

Senator Cleveland spoke in favor of the motion.

APPOINTMENT OF JOHN GLENN

The President declared the question before the Senate to be the confirmation of John Glenn, Gubernatorial Appointment No. 9104, as a member of the State School for the Blind Board of Trustees.

The Secretary called the roll on the confirmation of John Glenn, Gubernatorial Appointment No. 9104, as a member of the State School for the Blind Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

John Glenn, Gubernatorial Appointment No. 9104, having received the constitutional majority was declared confirmed as a member of the State School for the Blind Board of Trustees.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Erin Harms, Gubernatorial Appointment No. 9110, be confirmed as a member of the Board of Trustees, The Evergreen State College.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF ERIN HARMS

The President declared the question before the Senate to be the confirmation of Erin Harms, Gubernatorial Appointment No.

9110, as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Erin Harms, Gubernatorial Appointment No. 9110, as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Erin Harms, Gubernatorial Appointment No. 9110, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that James Kemp, Gubernatorial Appointment No. 9129, be confirmed as a member of the State School for the Blind Board of Trustees.

Senator Cleveland spoke in favor of the motion.

APPOINTMENT OF JAMES KEMP

The President declared the question before the Senate to be the confirmation of James Kemp, Gubernatorial Appointment No. 9129, as a member of the State School for the Blind Board of Trustees.

The Secretary called the roll on the confirmation of James Kemp, Gubernatorial Appointment No. 9129, as a member of the State School for the Blind Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

James Kemp, Gubernatorial Appointment No. 9129, having received the constitutional majority was declared confirmed as a member of the State School for the Blind Board of Trustees.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 5099,
SENATE BILL NO. 5102,
ENGROSSED SENATE BILL NO. 5104,
SENATE BILL NO. 5113,
SUBSTITUTE SENATE BILL NO. 5135,

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SENATE BILL NO. 5136,
 SENATE BILL NO. 5145,
 ENGROSSED SENATE BILL NO. 5206,
 SENATE BILL NO. 5220,
 SUBSTITUTE SENATE BILL NO. 5256,
 SUBSTITUTE SENATE BILL NO. 5308,
 SUBSTITUTE SENATE BILL NO. 5369,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5389,
 SUBSTITUTE SENATE BILL NO. 5399,
 SUBSTITUTE SENATE BILL NO. 5507,
 SENATE BILL NO. 5674,
 ENGROSSED SENATE BILL NO. 5699,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5723.

THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Kristina Mayer, Gubernatorial Appointment No. 9139, be confirmed as a member of the State Board of Education.

Senator Brown spoke in favor of the motion.

APPOINTMENT OF KRISTINA MAYER

The President declared the question before the Senate to be the confirmation of Kristina Mayer, Gubernatorial Appointment No. 9139, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Kristina Mayer, Gubernatorial Appointment No. 9139, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Kristina Mayer, Gubernatorial Appointment No. 9139, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hasegawa moved that Kathy Turner, Gubernatorial Appointment No. 9191, be confirmed as a member of the Public Disclosure Commission.

Senator Hasegawa spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senators Frockt and Ranker were excused.

APPOINTMENT OF KATHY TURNER

The President declared the question before the Senate to be the confirmation of Kathy Turner, Gubernatorial Appointment No. 9191, as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Kathy Turner, Gubernatorial Appointment No. 9191, as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Frockt and Ranker

Kathy Turner, Gubernatorial Appointment No. 9191, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1001,
 SUBSTITUTE HOUSE BILL NO. 1068,
 SUBSTITUTE HOUSE BILL NO. 1076,
 SUBSTITUTE HOUSE BILL NO. 1093,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1114,
 SUBSTITUTE HOUSE BILL NO. 1144,
 HOUSE BILL NO. 1178,
 HOUSE BILL NO. 1194,
 HOUSE BILL NO. 1207,
 SUBSTITUTE HOUSE BILL NO. 1265,
 SUBSTITUTE HOUSE BILL NO. 1284,
 SUBSTITUTE HOUSE BILL NO. 1334,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341,
 SECOND SUBSTITUTE HOUSE BILL NO. 1416,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1445,
 SUBSTITUTE HOUSE BILL NO. 1472,
 HOUSE BILL NO. 1474,
 ENGROSSED HOUSE BILL NO. 1493,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1519,
 SUBSTITUTE HOUSE BILL NO. 1525,
 SUBSTITUTE HOUSE BILL NO. 1556,
 SECOND SUBSTITUTE HOUSE BILL NO. 1566,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1633,
 SECOND SUBSTITUTE HOUSE BILL NO. 1642,
 HOUSE BILL NO. 1645,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688,
 HOUSE BILL NO. 1736,
 SUBSTITUTE HOUSE BILL NO. 1737,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774,

HOUSE BILL NO. 1800,
 ENGROSSED HOUSE BILL NO. 1826,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846,
 SUBSTITUTE HOUSE BILL NO. 1883,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5705 with the following amendment(s): 5705-S AMH CARL H2459.1

On page 2, after line 3, insert the following:

"NEW SECTION. Sec. 2. The legislature finds that it is difficult for many property owners to pay property taxes under the current system where past due property tax payments must be paid in full, including penalties and interest. The legislature further finds that providing counties and property owners some flexibility in structuring past due property tax payments may provide some relief for property owners with delinquent tax payments.

Sec. 3. RCW 84.56.020 and 2010 c 200 s 1 are each amended to read as follows:

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and, except as provided in this section, shall be delinquent after that date.

(2) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax be paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the thirty-first day of October following and is delinquent after that date.

(5) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the full year amount of tax unpaid from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the full year amount of tax unpaid is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the amount of tax delinquent on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection (11)(b) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(6)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) For the purposes of this section, "tax foreclosure avoidance costs" means those costs that can be identified specifically with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted and identified specifically to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended specifically for the purpose of administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

(c) When tax foreclosure avoidance costs are collected, the tax foreclosure avoidance costs must be credited to the county treasurer service fund account, except as otherwise directed.

(d) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

(7) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict on delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

~~((7))~~ (8) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

~~((8))~~ (9) For purposes of this chapter, "interest" means both interest and penalties.

~~((9))~~ (10) All collections of interest on delinquent taxes must be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

~~((10))~~ (11)(a) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic bill presentment and payment. Electronic bill presentment and payment may be utilized as an option by the taxpayer, but the treasurer may not require the use of electronic bill presentment and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for ~~(prepayments))~~ delinquent tax year payments only or for prepayments of current tax. All prepayments must be paid in full by the due date specified in (c) of this subsection. Payments on past

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due taxes must include collection of the oldest delinquent year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

(b) The treasurer must provide, by electronic means or otherwise, a payment agreement that ((may include prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic bill)) provides for payment of current year taxes, inclusive of prepayment collection charges. The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies, which must also require current year taxes to be paid timely. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

(c) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the thirty-first day of October following and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

(d) A county treasurer may authorize payment of past due property taxes, penalties, and interest under this chapter by electronic funds transfer payments on a monthly basis. Monthly payments must first be applied to penalties and interest. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section.

(e) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

~~((44))~~ (12) For purposes of this section unless the context clearly requires otherwise, the following definitions apply:

(a) "Electronic bill presentment and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

Sec. 4. RCW 84.56.070 and 2009 c 350 s 2 are each amended to read as follows:

(1) The county treasurer ((shall)) must proceed to collect all personal property taxes after first completing the tax roll for the current year's collection.

(2) The treasurer ((shall)) must give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, the treasurer ((shall forthwith proceed to collect the same)) must commence delinquent collection efforts. A delinquent collection charge for costs incurred by the treasurer must be added to the account.

(3) In the event that ((he or she)) the treasurer is unable to collect the ((same)) taxes when due under this section, the treasurer ((shall)) must prepare papers in distraint, which ((shall)) must contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner.

(a) The treasurer ((shall)) must without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and ((shall)) must proceed to advertise the same by posting written notices in three public places in the county in which

such property has been distrained, one of which places ((shall)) must be at the county courthouse, such notice to state the time when and place where such property will be sold.

(b) The county treasurer, or the treasurer's deputy, ((shall)) must tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint.

(c) If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which ((shall be)) may not be less than ten days after the taking of such property, such treasurer or treasurer's designee ((shall)) must proceed to sell such property at public auction, or so much thereof as ((shall be)) is sufficient to pay such taxes, with interest and costs, and if there be any excess of money arising from the sale of any personal property, the treasurer ((shall)) must pay such excess less any cost of the auction to the owner of the property so sold or to his or her legal representative(~~(= PROVIDED, That whenever it shall become)~~).

(d) If necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net, or drag seine fishing location, or any other personal property as the treasurer ((shall)) determines to be incapable or reasonably impracticable of manual delivery, it ((shall be)) is deemed to have been distrained and taken into possession when the treasurer ((shall have)) has, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that the treasurer has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale(=). A copy of the notice ((shall)) must also be sent to the owner or reputed owner at his or her last known address, by registered letter at least thirty days prior to the date of sale(~~(= AND PROVIDED FURTHER, That)~~).

(e) If the county treasurer has reasonable grounds to believe that any personal property, including mobile homes, manufactured homes, or park model trailers, upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold, or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may ((forthwith)) distraint sufficient goods and chattels to pay the same."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Brown moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5705 and ask the House to recede therefrom.

Senator Brown spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5705 and ask the House to recede therefrom.

The motion by Senator Brown carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5705 and asked the House to recede therefrom by voice vote.

MOTION

At 11:02 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:48 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SENATE BILL NO. 5666. The Speaker has appointed the following members as Conferees: Representatives Jinkins, Pedersen, Rodne and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Billig, Senators Eide and Shin were excused.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5510 with the following amendment(s): 5510 AMH JUDI H2292.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.34.020 and 2012 c 10 s 62 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department.

(6) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(7) "Financial institution" has the same meaning as in RCW 30.22.040 and 30.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

(8) "Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).

(9) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(10) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(11) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice

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agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(12) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(13) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(14) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(15) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(16) "Social worker" means:

(a) A social worker as defined in RCW 18.320.010(2); or

(b) Anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of vulnerable adults, or providing social services to vulnerable adults, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

(17) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

Sec. 2. RCW 74.34.035 and 2010 c 133 s 4 are each amended to read as follows:

(1) When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the department.

(2) When there is reason to suspect that sexual assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department.

(3) When there is reason to suspect that physical assault has occurred or there is reasonable cause to believe that an act has caused fear of imminent harm:

(a) Mandated reporters shall immediately report to the department; and

(b) Mandated reporters shall immediately report to the appropriate law enforcement agency, except as provided in subsection (4) of this section.

(4) A mandated reporter is not required to report to a law enforcement agency, unless requested by the injured vulnerable adult or his or her legal representative or family member, an incident of physical assault between vulnerable adults that causes minor bodily injury and does not require more than basic first aid, unless:

(a) The injury appears on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;

(b) There is a fracture;

(c) There is a pattern of physical assault between the same vulnerable adults or involving the same vulnerable adults; or

(d) There is an attempt to choke a vulnerable adult.

(5) When there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect, or abandonment by another person, mandated reporters shall, pursuant to RCW 68.50.020, report the death to the medical examiner or coroner having jurisdiction, as well as the department and local law enforcement, in the most expeditious manner possible. A mandated reporter is not relieved from the reporting requirement provisions of this subsection by the existence of a previously signed death certificate. If abuse, neglect, or abandonment caused or contributed to the death of a vulnerable adult, the death is a death caused by unnatural or unlawful means, and the body shall be the jurisdiction of the coroner or medical examiner pursuant to RCW 68.50.010.

(6) Permissive reporters may report to the department or a law enforcement agency when there is reasonable cause to believe that a vulnerable adult is being or has been abandoned, abused, financially exploited, or neglected.

(7) No facility, as defined by this chapter, agency licensed or required to be licensed under chapter 70.127 RCW, or facility or agency under contract with the department to provide care for vulnerable adults may develop policies or procedures that interfere with the reporting requirements of this chapter.

(8) Each report, oral or written, must contain as much as possible of the following information:

(a) The name and address of the person making the report;

(b) The name and address of the vulnerable adult and the name of the facility or agency providing care for the vulnerable adult;

(c) The name and address of the legal guardian or alternate decision maker;

(d) The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect;

(e) Any history of previous abandonment, abuse, financial exploitation, neglect, or self-neglect;

(f) The identity of the alleged perpetrator, if known; and

(g) Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult.

(9) Unless there is a judicial proceeding or the person consents, the identity of the person making the report under this section is confidential.

(10) In conducting an investigation of abandonment, abuse, financial exploitation, self-neglect, or neglect, the department or law enforcement, upon request, must have access to all relevant records related to the vulnerable adult that are in the possession of mandated reporters and their employees, unless otherwise prohibited by law. Records maintained under RCW 4.24.250, 18.20.390, 43.70.510, 70.41.200, 70.230.080, and 74.42.640 shall not be subject to the requirements of this subsection. Providing access to records relevant to an investigation by the department or law enforcement

under this provision may not be deemed a violation of any confidential communication privilege.

Sec. 3. RCW 74.34.067 and 2011 c 170 s 2 are each amended to read as follows:

(1) Where appropriate, an investigation by the department may include a private interview with the vulnerable adult regarding the alleged abandonment, abuse, financial exploitation, neglect, or self-neglect.

(2) In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the vulnerable adult or adults harmed, and, consistent with the protection of the vulnerable adult shall interview facility staff, any available independent sources of relevant information, including if appropriate the family members of the vulnerable adult.

(3) The department may conduct ongoing case planning and consultation with: (a) Those persons or agencies required to report under this chapter or submit a report under this chapter; (b) consultants designated by the department; and (c) designated representatives of Washington Indian tribes if client information exchanged is pertinent to cases under investigation or the provision of protective services. Information considered privileged by statute and not directly related to reports required by this chapter must not be divulged without a valid written waiver of the privilege.

(4) The department shall prepare and keep on file a report of each investigation conducted by the department for a period of time in accordance with policies established by the department.

(5) If the department has reason to believe that the vulnerable adult has suffered from abandonment, abuse, financial exploitation, neglect, or self-neglect, and lacks the ability or capacity to consent, and needs the protection of a guardian, the department may bring a guardianship action under chapter 11.88 RCW.

(6) For purposes consistent with this chapter, the department, the certified professional guardian board, and the office of public guardianship may share information contained in reports and investigations of the abuse, abandonment, neglect, self-neglect, and financial exploitation of vulnerable adults. This information may be used solely for (a) recruiting or appointing appropriate guardians and (b) monitoring, or when appropriate, disciplining certified professional or public guardians. Reports of abuse, abandonment, neglect, self-neglect, and financial exploitation are confidential under RCW 74.34.095 and other laws, and secondary disclosure of information shared under this section is prohibited.

(7) When the investigation is completed and the department determines that an incident of abandonment, abuse, financial exploitation, neglect, or self-neglect has occurred, the department shall inform the vulnerable adult of their right to refuse protective services, and ensure that, if necessary, appropriate protective services are provided to the vulnerable adult, with the consent of the vulnerable adult. The vulnerable adult has the right to withdraw or refuse protective services.

~~((7))~~ (8) The department's adult protective services division may enter into agreements with federally recognized tribes to investigate reports of abandonment, abuse, financial exploitation, neglect, or self-neglect of vulnerable adults on property over which a federally recognized tribe has exclusive jurisdiction. If the department has information that abandonment, abuse, financial exploitation, or neglect is criminal or is placing a vulnerable adult on tribal property at potential risk of personal or financial harm, the department may notify tribal law enforcement or another tribal representative specified by the tribe. Upon receipt of the notification, the tribe may assume jurisdiction of the matter. Neither the department nor its employees may participate in the investigation after the tribe assumes jurisdiction. The department, its officers, and its employees are not liable for any action or

inaction of the tribe or for any harm to the alleged victim, the person against whom the allegations were made, or other parties that occurs after the tribe assumes jurisdiction. Nothing in this section limits the department's jurisdiction and authority over facilities or entities that the department licenses or certifies under federal or state law.

~~((9))~~ (9) The department may photograph a vulnerable adult or their environment for the purpose of providing documentary evidence of the physical condition of the vulnerable adult or his or her environment. When photographing the vulnerable adult, the department shall obtain permission from the vulnerable adult or his or her legal representative unless immediate photographing is necessary to preserve evidence. However, if the legal representative is alleged to have abused, neglected, abandoned, or exploited the vulnerable adult, consent from the legal representative is not necessary. No such consent is necessary when photographing the physical environment.

~~((9))~~ (10) When the investigation is complete and the department determines that the incident of abandonment, abuse, financial exploitation, or neglect has occurred, the department shall inform the facility in which the incident occurred, consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and complainants."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5510 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5510 and ask the House to recede therefrom.

The motion by Senator Becker carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5510 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 11, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5053 with the following amendment(s): 5053.E AMH PS H2079.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.52.100 and 2011 c 336 s 376 are each amended to read as follows:

(1) A person is guilty of vehicle prowling in the second degree if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a vehicle other than a motor home, as defined in RCW 46.04.305, or a vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities.

(2) Except as provided in subsection (3) of this section, vehicle prowling in the second degree is a gross misdemeanor.

(3) Vehicle prowling in the second degree is a class C felony upon a third or subsequent conviction of vehicle prowling in the second degree. A third or subsequent conviction means that a person has been previously convicted at least two separate occasions of the crime of vehicle prowling in the second degree.

(4) Multiple counts of vehicle prowling (a) charged in the same

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charging document do not count as separate offenses for the purposes of charging as a felony based on previous convictions for vehicle prowling in the second degree and (b) based on the same date of occurrence do not count as separate offenses for the purposes of charging as a felony based on previous convictions for vehicle prowling in the second degree.

Sec. 2. RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)
- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- X Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))

- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually

- explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)

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- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Escape from Community Custody
(RCW 72.09.310) | Reckless Burning 1 (RCW 9A.48.040) |
| Failure to Register as a Sex Offender
(second or subsequent offense)
(RCW 9A.44.132) | Spotlighting Big Game 1 (RCW
77.15.450(3)(b)) |
| Health Care False Claims (RCW
48.80.030) | Suspension of Department Privileges 1
(RCW 77.15.670(3)(b)) |
| Identity Theft 2 (RCW 9.35.020(3)) | Taking Motor Vehicle Without
Permission 2 (RCW 9A.56.075) |
| Improperly Obtaining Financial
Information (RCW 9.35.010) | Theft 2 (RCW 9A.56.040) |
| Malicious Mischief 1 (RCW
9A.48.070) | Theft of Rental, Leased, or Lease-purchased
Property (valued at two
hundred fifty dollars or more but
less than one thousand five
hundred dollars) (RCW
9A.56.096(5)(b)) |
| Organized Retail Theft 2 (RCW
9A.56.350(3)) | Transaction of insurance business
beyond the scope of licensure
(RCW 48.17.063) |
| Possession of Stolen Property 1 (RCW
9A.56.150) | Unlawful Fish and Shellfish Catch
Accounting (RCW
77.15.630(3)(b)) |
| Possession of a Stolen Vehicle (RCW
9A.56.068) | Unlawful Issuance of Checks or Drafts
(RCW 9A.56.060) |
| Retail Theft with Extenuating
Circumstances 2 (RCW
9A.56.360(3)) | Unlawful Possession of Fictitious
Identification (RCW 9A.56.320) |
| Theft 1 (RCW 9A.56.030) | Unlawful Possession of Instruments of
Financial Fraud (RCW 9A.56.320) |
| Theft of a Motor Vehicle (RCW
9A.56.065) | Unlawful Possession of Payment
Instruments (RCW 9A.56.320) |
| Theft of Rental, Leased, or Lease-purchased
Property (valued at one
thousand five hundred dollars or
more) (RCW 9A.56.096(5)(a)) | Unlawful Possession of a Personal
Identification Device (RCW
9A.56.320) |
| Theft with the Intent to Resell 2 (RCW
9A.56.340(3)) | Unlawful Production of Payment
Instruments (RCW 9A.56.320) |
| Trafficking in Insurance Claims (RCW
48.30A.015) | Unlawful Release of Deleterious Exotic
Wildlife (RCW 77.15.250(2)(b)) |
| Unlawful factoring of a credit card or
payment card transaction (RCW
9A.56.290(4)(a)) | Unlawful Trafficking in Food Stamps
(RCW 9.91.142) |
| Unlawful Participation of Non-Indians
in Indian Fishery (RCW
77.15.570(2)) | Unlawful Use of Food Stamps (RCW
9.91.144) |
| Unlawful Practice of Law (RCW
2.48.180) | Unlawful Use of Net to Take Fish 1
(RCW 77.15.580(3)(b)) |
| Unlicensed Practice of a Profession or
Business (RCW 18.130.190(7)) | Unlawful Use of Prohibited Aquatic
Animal Species (RCW
77.15.253(3)) |
| Unlawful Purchase or Use of a License
(RCW 77.15.650(3)(b)) | Vehicle Prowl 1 (RCW 9A.52.095) |
| Unlawful Trafficking in Fish, Shellfish,
or Wildlife 2 (RCW
77.15.260(3)(a)) | Violating Commercial Fishing Area or
Time 1 (RCW 77.15.550(3)(b))" |
| Voyeurism (RCW 9A.44.115) | Correct the title.
and the same are herewith transmitted. |
| I Attempting to Elude a Pursuing Police
Vehicle (RCW 46.61.024) | BARBARA BAKER, Chief Clerk |
| False Verification for Welfare (RCW
74.08.055) | MOTION |
| Forgery (RCW 9A.60.020) | Senator Padden moved that the Senate concur in the House
amendment(s) to Engrossed Senate Bill No. 5053.
Senator Padden spoke in favor of the motion. |
| Fraudulent Creation or Revocation of a
Mental Health Advance Directive
(RCW 9A.60.060) | The President declared the question before the Senate to be
the motion by Senator Padden that the Senate concur in the House
amendment(s) to Engrossed Senate Bill No. 5053. |
| Malicious Mischief 2 (RCW
9A.48.080) | |
| Mineral Trespass (RCW 78.44.330) | |
| Possession of Stolen Property 2 (RCW
9A.56.160) | |

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The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5053 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5053, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5053, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Absent: Senator Keiser

Excused: Senators Carrell and Shin

ENGROSSED SENATE BILL NO. 5053, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 5105,

SUBSTITUTE SENATE BILL NO. 5148,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5215,

SUBSTITUTE SENATE BILL NO. 5459,

SENATE BILL NO. 5465,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5480,

SUBSTITUTE SENATE BILL NO. 5556,

SUBSTITUTE SENATE BILL NO. 5630,

SENATE BILL NO. 5692,

SENATE BILL NO. 5748,

SENATE JOINT MEMORIAL NO. 8005,

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5287 with the following amendment(s): 5287-S AMH APP H2182.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.06.280 and 2011 1st sp.s. c 43 s 419 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management (~~and the department of enterprise services~~) as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and

chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management (~~and the department of enterprise services~~) with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.50041.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

The director shall fix the terms and charges for services rendered by (~~the department of enterprise services and~~) the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management (~~and the department of enterprise services~~).

Sec. 2. RCW 43.19.025 and 2011 1st sp.s. c 43 s 202 are each amended to read as follows:

The enterprise services account is created in the custody of the state treasurer and shall be used for all activities (~~previously budgeted and accounted for in the following internal service funds: The motor transport account, the enterprise services management fund, the enterprise services facilities and services revolving fund, the central stores revolving fund, the surplus property purchase revolving fund, and the energy efficiency services account~~) conducted by the department, except information technology services. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW.

Sec. 3. RCW 43.84.092 and 2012 c 198 s 2, 2012 c 196 s 7, 2012 c 187 s 14, and 2012 c 83 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, ~~((the freight congestion relief account,))~~ the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety ~~((account fund))~~ fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, ~~((the public transportation systems account,))~~ the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account,

~~((the Puyallup tribal settlement account,))~~ the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 4. RCW 43.84.092 and 2012 c 198 s 2, 2012 c 196 s 7, 2012 c 187 s 14, 2012 c 83 s 4, and 2012 c 36 s 5 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash

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management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the Columbia river crossing project account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, ~~((the freight congestion relief account,))~~ the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety ~~((account fund))~~ fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the

motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, ~~((the public transportation systems account,))~~ the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, ~~((the Puyallup tribal settlement account,))~~ the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 5. RCW 43.79A.040 and 2012 c 198 s 8, 2012 c 196 s 6, 2012 c 187 s 13, and 2012 c 114 s 3 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the Washington advanced college tuition payment program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, ~~((the basic health plan self insurance reserve account,))~~ the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, ~~((and))~~ the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, ~~((and))~~ the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 6. RCW 64.44.060 and 2006 c 339 s 206 are each amended to read as follows:

(1) A contractor, supervisor, or worker may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors, supervisors, and workers by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors, supervisors, and workers on the essential elements in assessing property used as an illegal controlled substances manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper decontamination, demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, and after a background check, the contractor, supervisor, or worker shall be certified.

(2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee.

(3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification.

(4) The department may deny, suspend, revoke, or place restrictions on a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, revoked, or have restrictions placed on it on any of the following grounds:

(a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;

(b) Failing to perform decontamination, demolition, or disposal work using department of health certified decontamination personnel;

(c) Failing to file a work plan;

(d) Failing to perform work pursuant to the work plan;

(e) Failing to perform work that meets the requirements of the department and the requirements of the local health officers;

(f) Failing to properly dispose of contaminated property;

(g) Committing fraud or misrepresentation in: (i) Applying for or obtaining a certification, recertification, or reinstatement; (ii) seeking approval of a work plan; and (iii) documenting completion of work to the department or local health officer;

(h) Failing the evaluation and inspection of decontamination projects pursuant to RCW 64.44.075; or

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(i) If the person has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(5) A contractor, supervisor, or worker who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation.

(6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for: The issuance and renewal of certificates, conducting background checks of applicants, the administration of examinations, and the review of training courses.

~~((7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter.))~~

Sec. 7. RCW 70.47.100 and 2011 1st sp.s. c 9 s 4 and 2011 c 316 s 5 are each reenacted and amended to read as follows:

(1) A managed health care system participating in the plan shall do so by contract with the ~~((administrator))~~ director and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee covered by its contract with the ~~((administrator))~~ director as long as payments from the ~~((administrator))~~ director on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The ~~((administrator))~~ director may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the ~~((administrator))~~ director to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

(2) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter to the system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state.

(3) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the authority, including hospital-based physician services. The authority will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the authority will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

(4) The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The ~~((administrator))~~ director shall establish a period of at least twenty

days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the ~~((administrator))~~ director shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

(5) Prior to negotiating with any managed health care system, the ~~((administrator))~~ director shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state.

(6) In negotiating with managed health care systems for participation in the plan, the ~~((administrator))~~ director shall adopt a uniform procedure that includes at least the following:

(a) The ~~((administrator))~~ director shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(b) The ~~((administrator))~~ director shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(c) The ~~((administrator))~~ director may then select one or more systems to provide the covered services within a local area; and

(d) The ~~((administrator))~~ director may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low- income persons.

(7)(a) The ~~((administrator))~~ director may contract with a managed health care system to provide covered basic health care services to subsidized enrollees, nonsubsidized enrollees, health coverage tax credit eligible enrollees, or any combination thereof. At a minimum, such contracts issued on or after January 1, 2012, must include:

(i) Provider reimbursement methods that incentivize chronic care management within health homes;

(ii) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use; and

(iii) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training unless the managed care system is an integrated health delivery system that has programs in place for chronic care management.

(b) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(c) For the purposes of this subsection, "chronic care management," "chronic condition," and "health home" have the same meaning as in RCW 74.09.010.

(d) Contracts that include the items in (a)(i) through (iii) of this subsection must not exceed the rates that would be paid in the absence of these provisions.

(8) The ~~((administrator))~~ director may establish procedures and policies to further negotiate and contract with managed health care systems following completion of the request for proposal process in subsection (6) of this section, upon a determination by the ~~((administrator))~~ director that it is necessary to provide access, as defined in the request for proposal documents, to covered basic health care services for enrollees.

~~(9) ((The administrator may implement a self-funded or self-insured method of providing insurance coverage to subsidized enrollees, as provided under RCW 41.05.140. Prior to implementing a self-funded or self-insured method, the administrator shall ensure that funding available in the basic health plan self-insurance reserve account is sufficient for the self-funded or self-insured risk assumed, or expected to be assumed, by the administrator. If implementing a self-funded or self-insured method, the administrator may request funds to be moved from the basic health plan trust account or the basic health plan subscription account to the basic health plan self-insurance reserve account established in RCW 41.05.140.~~

~~—(10)) Subsections (2) and (3) of this section expire July 1, 2016.~~

Sec. 8. RCW 70.116.134 and 1991 c 18 s 1 are each amended to read as follows:

(1) The secretary shall adopt rules pursuant to chapter 34.05 RCW establishing criteria for designating individuals or water purveyors as qualified satellite system management agencies. The criteria shall set forth minimum standards for designation as a satellite system management agency qualified to assume ownership, operation, or both, of an existing or proposed public water system. The criteria shall include demonstration of financial integrity and operational capability, and may require demonstration of previous experience in successful operation and management of a public water system.

(2) Each county shall identify potential satellite system management agencies to the secretary for areas where: (a) No purveyor has been designated a future service area pursuant to this chapter, or (b) an existing purveyor is unable or unwilling to provide service. Preference shall be given to public utilities or utility districts or to investor-owned utilities under the jurisdiction of the utilities and transportation commission.

(3) The secretary shall approve satellite system management agencies meeting the established criteria and shall maintain and make available to counties a list of approved agencies. Prior to the construction of a new public water system, the individual(s) proposing the new system or requesting service shall first be directed by the local agency responsible for issuing the construction or building permit to one or more qualified satellite system management agencies designated for the service area where the new system is proposed for the purpose of exploring the possibility of a satellite agency either owning or operating the proposed new water system.

(4) Approved satellite system management agencies shall be reviewed periodically by the secretary for continued compliance with established criteria. The secretary may require status reports and other information necessary for such review. Satellite system management agencies shall be subject to reapproval at the discretion of the secretary but not less than once every five years.

(5) The secretary may assess reasonable fees to process applications for initial approval and for periodic review of satellite system management agencies. ~~((A satellite system management account is hereby created in the custody of the state treasurer. All receipts from satellite system management agencies or applicants under subsection (4) of this section shall be deposited into the account. Funds in this account may be used only for administration of the satellite system management program. Expenditures from the account shall be authorized by the secretary or the secretary's designee. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.))~~

(6) For purposes of this section, "satellite system management agency" and "satellite agency" shall mean a person or entity that is certified by the secretary to own or operate more than one public water system on a regional or countywide basis, without the necessity for a physical connection between such systems.

Sec. 9. RCW 82.44.180 and 1999 c 402 s 5 and 1999 c 94 s 31 are each reenacted and amended to read as follows:

~~((4))~~ The transportation fund is created in the state treasury. Revenues under RCW ~~((82.44.110 and))~~ 82.50.510 shall be deposited into the fund as provided in ~~((those))~~ that section(s).

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

~~((2) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2) (b) and (c) shall be appropriated to the transportation improvement board and allocated by the transportation improvement board to public transportation projects submitted by the public transportation systems as defined by chapters 36.56, 36.57, and 36.57A RCW and RCW 35.84.060 and 81.112.030, and the Washington state ferry system, solely for:~~

~~—(a) Planning;~~

~~—(b) Development of capital projects;~~

~~—(c) Development of high capacity transportation systems as defined in RCW 81.104.015;~~

~~—(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;~~

~~—(e) Other public transportation system related roadway projects on state highways, county roads, or city streets;~~

~~—(f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources; and~~

~~—(g) Reimbursement to the general fund of tax credits authorized under RCW 82.04.4453 and 82.16.048, subject to appropriation.))~~

Sec. 10. RCW 41.05.140 and 2012 c 187 s 10 are each amended to read as follows:

(1) Except for property and casualty insurance, the authority may self-fund, self-insure, or enter into other methods of providing insurance coverage for insurance programs under its jurisdiction, including the basic health plan as provided in chapter 70.47 RCW. The authority shall contract for payment of claims or other administrative services for programs under its jurisdiction. If a program does not require the prepayment of reserves, the authority shall establish such reserves within a reasonable period of time for the payment of claims as are normally required for that type of insurance under an insured program. The authority shall endeavor to reimburse basic health plan health care providers under this section at rates similar to the average reimbursement rates offered by the statewide benchmark plan determined through the request for proposal process.

(2) Reserves established by the authority for employee and retiree benefit programs shall be held in a separate account in the custody of the state treasurer and shall be known as the public employees' and retirees' insurance reserve fund. The state treasurer may invest the moneys in the reserve fund pursuant to RCW 43.79A.040.

(3) Any savings realized as a result of a program created for employees and retirees under this section shall not be used to increase benefits unless such use is authorized by statute.

~~(4) ((Reserves established by the authority to provide insurance coverage for the basic health plan under chapter 70.47 RCW shall be held in a separate trust account in the custody of the state treasurer and shall be known as the basic health plan self-insurance reserve account. The state treasurer may invest the moneys in the reserve fund pursuant to RCW 43.79A.040.~~

~~—(5))~~ Any program created under this section shall be subject to the examination requirements of chapter 48.03 RCW as if the program were a domestic insurer. In conducting an examination,

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the commissioner shall determine the adequacy of the reserves established for the program.

~~((6))~~ (5) The authority shall keep full and adequate accounts and records of the assets, obligations, transactions, and affairs of any program created under this section.

~~((7))~~ (6) The authority shall file a quarterly statement of the financial condition, transactions, and affairs of any program created under this section in a form and manner prescribed by the insurance commissioner. The statement shall contain information as required by the commissioner for the type of insurance being offered under the program. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

~~((8))~~ (7) The provisions of this section do not apply to the administration of chapter 74.09 RCW.

Sec. 11. RCW 82.45.180 and 2010 1st sp.s. c 26 s 9 are each amended to read as follows:

(1)(a) For taxes collected by the county under this chapter, the county treasurer shall collect a five dollar fee on all transactions required by this chapter where the transaction does not require the payment of tax. A total of five dollars shall be collected in the form of a tax and fee, where the calculated tax payment is less than five dollars. Through June 30, 2006, the county treasurer shall place one percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. After June 30, 2006, the county treasurer shall place one and three-tenths percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. For taxes collected by the county under this chapter before July 1, 2006, the county treasurer shall pay over to the state treasurer and account to the department of revenue for the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. For taxes collected by the county under this chapter after June 30, 2006, on a monthly basis the county treasurer shall pay over to the state treasurer the month's transmittal. The month's transmittal must be received by the state treasurer by 12:00 p.m. on the last working day of each month. The county treasurer shall account to the department for the month's transmittal by the twentieth day of the month following the month in which the month's transmittal was paid over to the state treasurer. The state treasurer shall deposit the proceeds in the general fund.

(b) For purposes of this subsection, the definitions in this subsection apply.

(i) "Close of business" means the time when the county treasurer makes his or her daily deposit of proceeds.

(ii) "Month's transmittal" means all proceeds deposited by the county through the close of business of the day that is two working days before the last working day of the month. This definition of "month's transmittal" shall not be construed as requiring any change in a county's practices regarding the timing of its daily deposits of proceeds.

(iii) "Proceeds" means moneys collected and receipted by the county from the taxes imposed by this chapter, less the county's share of the proceeds used to defray the county's costs of collection allowable in (a) of this subsection.

(iv) "Working day" means a calendar day, except Saturdays, Sundays, and all legal holidays as provided in RCW 1.16.050.

(2) For taxes collected by the department of revenue under this chapter, the department shall remit the tax to the state treasurer who shall deposit the proceeds of any state tax in the general fund. The state treasurer shall deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account hereby created in the state treasury. Moneys in the local real estate excise tax account may be spent only for distribution to counties,

cities, and towns imposing a tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local real estate excise tax account shall be credited to the local real estate excise tax account and distributed to the counties, cities, and towns monthly. Monthly the state treasurer shall make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority. The state treasurer shall make the distribution under this subsection without appropriation.

~~(3)(a) (The real estate excise tax electronic technology account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.~~

~~(b))~~ Through June 30, 2010, the county treasurer shall collect an additional five dollar fee on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the ~~(real estate excise tax electronic technology account)~~ general fund. By the twentieth day of the subsequent month, the state treasurer shall distribute to each county treasurer according to the following formula: Three-quarters of the funds available shall be equally distributed among the thirty-nine counties; and the balance shall be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

~~((e))~~ (b) When received by the county treasurer, the funds shall be placed in a special real estate excise tax electronic technology fund held by the county treasurer to be used exclusively for the development, implementation, and maintenance of an electronic processing and reporting system for real estate excise tax affidavits. Funds may be expended to make the system compatible with the automated real estate excise tax system developed by the department and compatible with the processes used in the offices of the county assessor and county auditor. Any funds held in the account that are not expended by the earlier of: July 1, 2015, or at such time that the county treasurer is utilizing an electronic processing and reporting system for real estate excise tax affidavits compatible with the department and compatible with the processes used in the offices of the county assessor and county auditor, revert to the special real estate and property tax administration assistance account in accordance with subsection (5)(c) of this section.

(4) Beginning July 1, 2010, through December 31, 2013, the county treasurer shall continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. During this period, the county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the annual property revaluation grant account created in RCW 84.41.170.

(5)(a) The real estate and property tax administration assistance account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.

(b) Beginning January 1, 2014, the county treasurer must continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall deposit one-half of this fee in the special real estate and property tax administration assistance account in accordance with (c) of this subsection and remit the balance to the state treasurer at the same time the county treasurer remits funds to the state under

subsection (1) of this section. The state treasurer must place money from this fee in the real estate and property tax administration assistance account. By the twentieth day of the subsequent month, the state treasurer must distribute the funds to each county treasurer according to the following formula: One-half of the funds available must be equally distributed among the thirty-nine counties; and the balance must be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(c) When received by the county treasurer, the funds must be placed in a special real estate and property tax administration assistance account held by the county treasurer to be used for:

(i) Maintenance and operation of an annual revaluation system for property tax valuation; and

(ii) Maintenance and operation of an electronic processing and reporting system for real estate excise tax affidavits.

Sec. 12. RCW 70.122.130 and 2006 c 108 s 2 are each amended to read as follows:

(1) The department of health shall establish and maintain a statewide health care declarations registry containing the health care declarations identified in subsection (2) of this section as submitted by residents of Washington. The department shall digitally reproduce and store health care declarations in the registry. The department may establish standards for individuals to submit digitally reproduced health care declarations directly to the registry, but is not required to review the health care declarations that it receives to ensure they comply with the particular statutory requirements applicable to the document. The department may contract with an organization that meets the standards identified in this section.

(2)(a) An individual may submit any of the following health care declarations to the department of health to be digitally reproduced and stored in the registry:

(i) A directive, as defined by this chapter;

(ii) A durable power of attorney for health care, as authorized in chapter 11.94 RCW;

(iii) A mental health advance directive, as defined by chapter 71.32 RCW; or

(iv) A form adopted pursuant to the department of health's authority in RCW 43.70.480.

(b) Failure to submit a health care declaration to the department of health does not affect the validity of the declaration.

(c) Failure to notify the department of health of a valid revocation of a health care declaration does not affect the validity of the revocation.

(d) The entry of a health care directive in the registry under this section does not:

(i) Affect the validity of the document;

(ii) Take the place of any requirements in law necessary to make the submitted document legal; or

(iii) Create a presumption regarding the validity of the document.

(3) The department of health shall prescribe a procedure for an individual to revoke a health care declaration contained in the registry.

(4) The registry must:

(a) Be maintained in a secure database that is accessible through a web site maintained by the department of health;

(b) Send annual electronic messages to individuals that have submitted health care declarations to request that they review the registry materials to ensure that it is current;

(c) Provide individuals who have submitted one or more health care declarations with access to their documents and the ability to revoke their documents at all times; and

(d) Provide the personal representatives of individuals who have submitted one or more health care declarations to the registry, attending physicians, advanced registered nurse practitioners, health care providers licensed by a disciplining authority identified in RCW 18.130.040 who is acting under the direction of a physician or an advanced registered nurse practitioner, and health care facilities, as defined in this chapter or in chapter 71.32 RCW, access to the registry at all times.

(5) In designing the registry and web site, the department of health shall ensure compliance with state and federal requirements related to patient confidentiality.

(6) The department shall provide information to health care providers and health care facilities on the registry web site regarding the different federal and Washington state requirements to ascertain and document whether a patient has an advance directive.

(7) The department of health may accept donations, grants, gifts, or other forms of voluntary contributions to support activities related to the creation and maintenance of the health care declarations registry and statewide public education campaigns related to the existence of the registry. ~~((All funds received shall be transferred to the health care declarations registry account, created in RCW 70.122.140.))~~ All receipts from donations made under this section, and other contributions and appropriations specifically made for the purposes of creating and maintaining the registry established under this section and statewide public education campaigns related to the existence of the registry, shall be deposited into the general fund. These moneys in the general fund may be spent only after appropriation.

(8) The department of health may adopt rules as necessary to implement chapter 108, Laws of 2006.

(9) By December 1, 2008, the department shall report to the house and senate committees on health care the following information:

(a) Number of participants in the registry;

(b) Number of health care declarations submitted by type of declaration as defined in this section;

(c) Number of health care declarations revoked and the method of revocation;

(d) Number of providers and facilities, by type, that have been provided access to the registry;

(e) Actual costs of operation of the registry(;

~~(f) Donations received by the department for deposit into the health care declarations registry account, created in RCW 70.122.140 by type of donor).~~

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 43.19.730 (Public printing revolving account) and 2011 1st sp.s. c 43 s 307;

(2) RCW 43.70.325 (Rural health access account) and 1992 c 120 s 1;

(3) RCW 43.338.030 (Manufacturing innovation and modernization account) and 2008 c 315 s 5;

(4) RCW 46.68.210 (Puyallup tribal settlement account) and 1991 sp.s. c 13 s 104 & 1990 c 42 s 411;

(5) RCW 46.68.330 (Freight congestion relief account) and 2007 c 514 s 2;

(6) RCW 70.122.140 (Health care declarations registry account) and 2006 c 108 s 3; and

(7) 2006 c 372 s 715 (uncodified).

NEW SECTION. Sec. 14. The office of the state treasurer, the office of financial management, and the code reviser shall review state statutes relating to state capital construction funds and accounts and bond authorizations and submit to the appropriate fiscal committees of the 2015 legislature recommended legislation for the amendment, repeal, or decodification of those statutes that

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are inactive, obsolete, or no longer necessary for continued publication in the Revised Code of Washington.

NEW SECTION. Sec. 15. Section 3 of this act expires if the requirements set out in section 7, chapter 36, Laws of 2012 are met.

NEW SECTION. Sec. 16. Section 4 of this act takes effect if the requirements set out in section 7, chapter 36, Laws of 2012 are met.

NEW SECTION. Sec. 17. Any residual balance of funds remaining in the public printing revolving account repealed by section 13 of this act on the effective date of this section shall be transferred to the enterprise services account. Any residual balance of funds remaining in the Puyallup tribal settlement account repealed by section 13 of this act on the effective date of this section shall be transferred to the motor vehicle fund. Any residual balance of funds remaining in any other account abolished in this act on June 30, 2013, shall be transferred by the state treasurer to the state general fund.

NEW SECTION. Sec. 18. Except for section 4 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hill moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5287.

Senators Hill and Nelson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hill that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5287.

The motion by Senator Hill carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5287 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5287, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5287, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5287, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5449 with the following amendment(s): 5449-S.E AMH HCW H2152.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The federal patient protection and affordable care act of 2010, P.L. 111-148, as amended, prohibits the imposition of any preexisting condition coverage exceptions in the individual market for insurance coverage beginning January 1, 2014. The affordable care act also extends opportunities for individuals to enroll in comprehensive coverage in a health benefit exchange beginning January 1, 2014. The legislature finds that some individuals may still be barred from enrolling in the new comprehensive coverage options and it is the intent of the legislature to continue some limited access to the Washington state health insurance pool for a transitional period, and to provide for modification to the pool to reflect changes in federal law and insurance availability.

Sec. 2. RCW 48.41.060 and 2011 c 314 s 13 are each amended to read as follows:

(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board shall:

(a) ~~((Designate or establish the standard health questionnaire to be used under RCW 48.41.100 and 48.43.018, including the form and content of the standard health questionnaire and the method of its application. The questionnaire must provide for an objective evaluation of an individual's health status by assigning a discreet measure, such as a system of point scoring to each individual. The questionnaire must not contain any questions related to pregnancy, and pregnancy shall not be a basis for coverage by the pool. The questionnaire shall be designed such that it is reasonably expected to identify the eight percent of persons who are the most costly to treat who are under individual coverage in health benefit plans, as defined in RCW 48.43.005, in Washington state or are covered by the pool, if applied to all such persons;~~

~~—(b) Obtain from a member of the American academy of actuaries, who is independent of the board, a certification that the standard health questionnaire meets the requirements of (a) of this subsection;~~

~~—(c) Approve the standard health questionnaire and any modifications needed to comply with this chapter. The standard health questionnaire shall be submitted to an actuary for certification, modified as necessary, and approved at least every thirty six months unless at the time when certification is required the pool will be discontinued before the end of the succeeding thirty six month period. The designation and approval of the standard health questionnaire by the board shall not be subject to review and approval by the commissioner. The standard health questionnaire or any modification thereto shall not be used until ninety days after public notice of the approval of the questionnaire or any modification thereto, except that the initial standard health questionnaire approved for use by the board after March 23, 2000, may be used immediately following public notice of such approval;~~

~~—(d)) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into~~

consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state individual plan rating requirements under RCW 48.44.022 and 48.46.064;

~~((e))~~ ~~(b)~~(i) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year.

(ii) Self-funded multiple employer welfare arrangements are subject to assessment under this subsection only in the event that assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing assessments on these arrangements before imposing the assessment. Once the legality of the assessments has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these assessments.

(iii) If there has not been a final determination of the legality of these assessments, then beginning on the earlier of (A) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (B) April 1, 2006, the arrangement shall deposit the assessments imposed by this subsection into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the board;

~~((f))~~ ~~(c)~~ Issue policies of health coverage in accordance with the requirements of this chapter;

~~((g))~~ ~~(d)~~ Establish procedures for the administration of the premium discount provided under RCW 48.41.200(3)(a)(iii);

~~((h))~~ ~~(e)~~ Contract with the Washington state health care authority for the administration of the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii);

~~((i))~~ ~~(f)~~ Set a reasonable fee to be paid to an insurance producer licensed in Washington state for submitting an acceptable application for enrollment in the pool; and

~~((j))~~ ~~(g)~~ Provide certification to the commissioner when assessments will exceed the threshold level established in RCW 48.41.037.

(2) In addition thereto, the board may:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(c) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(d) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

(3) Nothing in this section shall be construed to require or authorize the adoption of rules under chapter 34.05 RCW.

Sec. 3. RCW 48.41.100 and 2011 c 315 s 5 and 2011 c 314 s 15 are each reenacted and amended to read as follows:

(1)(a) The following persons who are residents of this state are eligible for pool coverage:

~~(i) ((Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;~~

~~—(ii) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;~~

~~—(iii) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool)) Any resident of the state not eligible for medicare coverage or medicaid coverage, and residing in a county where an individual health plan other than a catastrophic health plan as defined in RCW 48.43.005 is not offered to the resident during defined open enrollment or special enrollment periods at the time of application to the pool, whether through the health benefit exchange operated pursuant to chapter 43.71 RCW or in the private insurance market, and who makes application to the pool for coverage prior to December 31, 2017;~~

(ii) Any resident of the state not eligible for medicare coverage, enrolled in the pool prior to December 31, 2013, shall remain eligible for pool coverage except as provided in subsections (2) and (3) of this section through December 31, 2017;

~~((iv))~~ ~~(iii)~~ Any person becoming eligible for medicare before August 1, 2009, who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application; and

~~((v))~~ ~~(iv)~~ Any person becoming eligible for medicare on or after August 1, 2009, who does not have access to a reasonable choice of comprehensive medicare part C plans, as defined in (b) of this subsection, and who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application;~~and~~

~~—(vi) Any person under the age of nineteen who does not have access to individual plan open enrollment or special enrollment, as defined in RCW 48.43.005, or the federal preexisting condition insurance pool, at the time of application to the pool is eligible for the pool coverage).~~

(b) For purposes of (a)(i) of this subsection, by December 1, 2013, the board shall develop and implement a process to determine an applicant's eligibility based on the criteria specified in (a)(i) of this subsection.

(c) For purposes of (a)((v))(iv) of this subsection (1), a person does not have access to a reasonable choice of plans unless the person has a choice of health maintenance organization or preferred provider organization medicare part C plans offered by at least three different carriers that have had provider networks in the person's county of residence for at least five years. The plan options must

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include coverage at least as comprehensive as a plan F medicare supplement plan combined with medicare parts A and B. The plan options must also provide access to adequate and stable provider networks that make up- to-date provider directories easily accessible on the carrier web site, and will provide them in hard copy, if requested. In addition, if no health maintenance organization or preferred provider organization plan includes the health care provider with whom the person has an established care relationship and from whom he or she has received treatment within the past twelve months, the person does not have reasonable access.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Inmates of public institutions and those persons who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

~~(c) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(a)(iv) of this section).~~

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(a)(~~(iii)~~) (i) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(a)(~~(iii)~~) (i) of this section ~~(, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(a)(iii) of this section within thirty days of determining that he or she is no longer eligible;~~

~~(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a)(i), (ii), or (iv) of this section); and~~

~~(c) (b) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; and (iii) describe the ((procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(a)(ii) of this section; and (iv) describe the)) enrollment process for the available options outside of the pool.~~

~~((4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the~~

~~impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.)~~

Sec. 4. RCW 48.41.160 and 2007 c 259 s 27 are each amended to read as follows:

(1) On or before December 31, 2007, the pool shall cancel all existing pool policies and replace them with policies that are identical to the existing policies except for the inclusion of a provision providing for a guarantee of the continuity of coverage consistent with this section. As a means to minimize the number of policy changes for enrollees, replacement policies provided under this subsection also may include the plan modifications authorized in RCW 48.41.100, 48.41.110, and 48.41.120.

(2) A pool policy shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) ~~((and)), (5), (7), and (8)~~ of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

(a) Nonpayment of premium;

(b) Violation of published policies of the pool;

(c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;

(d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the pool;

(f) Covered persons materially breaching the pool policy; or

(g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, and must not significantly limit access to the kind of services covered under the replacement plan through unreasonable cost-sharing requirements or otherwise. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace or discontinue a plan under this subsection (4) until it has completed an evaluation of the impact of replacing the plan upon:

(i) The cost and quality of care to pool enrollees;

(ii) Pool financing and enrollment;

(iii) The board's ability to offer comprehensive and other plans to its enrollees;

(iv) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

(6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

(7) All pool policies issued on or after January 1, 2014, must reflect the new eligibility requirements of RCW 48.41.100 and contain a statement of the intent to discontinue the pool coverage on December 31, 2017, under pool nonmedicare plans.

(8) Pool policies issued prior to January 1, 2014, shall be modified effective January 1, 2013, consistent with subsection (3)(g) of this section, and contain a statement of the intent to discontinue pool coverage on December 31, 2017, under pool nonmedicare plans.

(9) The pool shall discontinue all nonmedicare pool plans effective December 31, 2017.

Sec. 5. RCW 48.41.240 and 2012 c 87 s 17 are each amended to read as follows:

(1) The board shall review populations that may need ongoing access to coverage through the pool, with specific attention to those persons who may be excluded from or may receive inadequate coverage beginning January 1, 2014, such as persons with end-stage renal disease or HIV/AIDS, or persons not eligible for coverage in the exchange.

(2) If the review under subsection (1) of this section indicates a continued need for coverage through the pool after December 31, 2013, the board shall submit recommendations regarding any modifications to pool eligibility requirements for new and ongoing enrollment after December 31, 2013. The recommendations must address any needed modifications to the standard health questionnaire or other eligibility screening tool that could be used in a manner consistent with federal law to determine eligibility for enrollment in the pool.

(3) The board shall complete an analysis of current pool assessment requirements in relation to assessments that will fund the reinsurance program and recommend changes to pool assessments or any credits against assessments that may be considered for the reinsurance program. The analysis shall recommend whether the categories of members paying assessments should be adjusted to make the assessment fair and equitable among all payers.

(4) The board shall report its recommendations to the governor and the legislature by December 1, 2012.

(5) The board shall revisit the study of eligibility completed in 2012 with another review of the populations that may need ongoing access to coverage through the pool, to be submitted to the governor and legislature by November 1, 2015. The eligibility study shall include the nonmedicare populations scheduled to lose coverage and medicare populations, and consider whether the enrollees have access to comprehensive coverage alternatives that include appropriate pharmacy coverage. The study shall include recommendations to address any barriers in eligibility that remain in accessing other coverage such as medicare supplemental coverage or comprehensive pharmacy coverage, as well as suggestions for financing changes and recommendations on a future expiration of the pool.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act take effect January 1, 2014."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Parlette moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5449.

Senators Parlette and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Parlette that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5449.

The motion by Senator Parlette carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5449 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5449, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5449, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5449, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5551 with the following amendment(s): 5551-S.E AMH JUDI H2269.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.77 RCW to read as follows:

(1) If, at the time of a referral for an evaluation of competency to stand trial in a jail for an in-custody defendant, the department has not met the performance target for timely completion of competency evaluations under RCW 10.77.068(1)(a)(ii) during the most recent quarter in fifty percent of cases submitted by the referring county, as documented in the most recent quarterly report under RCW 10.77.068(3) or confirmed by records maintained by the department, the department shall reimburse the county for the cost of appointing a qualified expert or professional person under RCW 10.77.060(1)(a) subject to subsections (2) and (3) of this section.

(2) Appointment of a qualified expert or professional person under this section must be from a list of qualified experts or professional persons assembled with participation by representatives of the prosecuting attorney and the defense bar of the county. The qualified expert or professional person shall complete an evaluation and report that includes the components specified in RCW 10.77.060(3).

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(3) The county shall provide a copy of the evaluation report to the applicable state hospital upon referral of the defendant for admission to the state hospital. The county shall maintain data on the timeliness of competency evaluations completed under this section.

(4) A qualified expert or professional person appointed by a court under this section must be compensated for competency evaluations in an amount that will encourage in-depth evaluation reports. Subject to the availability of amounts appropriated for this specific purpose, the department shall reimburse the county in an amount determined by the department to be fair and reasonable with the county paying any excess costs. The amount of reimbursement established by the department must at least meet the equivalent amount for evaluations conducted by the department.

(4) Nothing in this section precludes either party from objecting to the appointment of an evaluator on the basis that an inpatient evaluation is appropriate under RCW 10.77.060(1)(d).

(5) This section expires June 30, 2016.

NEW SECTION. Sec. 2. Within current resources, the office of the state human resources director shall gather market salary data related to psychologists and psychiatrists employed by the department of social and health services and department of corrections and report to the governor and relevant committees of the legislature by June 30, 2013.

NEW SECTION. Sec. 3. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5551.

Senator Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5551.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5551 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5551, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5551, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Hasegawa

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5551, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5577 with the following amendment(s): 5577-S.E AMH HUNS H2394.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that ensuring public trust in government is a priority. The public expects its elected officials and state employees to adhere to the highest ethical standards during their service, and this includes a commitment to full and independent investigations, with proper penalties, in cases where the ethics in public service act is violated.

Sec. 2. RCW 42.52.410 and 1994 c 154 s 211 are each amended to read as follows:

(1) A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board a complaint on a form provided by the appropriate ethics board. The complaint shall state the name of the person alleged to have violated this chapter or rules adopted under it and the particulars thereof, and contain such other information as may be required by the appropriate ethics board.

(2) If it has reason to believe that any person has been engaged or is engaging in a violation of this chapter or rules adopted under it, an ethics board may issue a complaint.

(3)(a) A state employee who files a complaint with the appropriate ethics board shall be afforded the protection afforded to a whistleblower under RCW 42.40.050 and 49.60.210(2), subject to the limitations of RCW 42.40.035 and 42.40.910. An agency, manager, or supervisor may not retaliate against a state employee who, after making a reasonable attempt to ascertain the correctness of the information furnished, files a complaint with the appropriate ethics board.

(b) A state employee may not be denied the protections in chapter 42.40 RCW even if the ethics board denies an investigation of the complaint.

(4) If a determination is made that a reprisal or retaliatory action has been taken against the state employee, the retaliator may be subject to a civil penalty of up to five thousand dollars.

Sec. 3. RCW 42.52.360 and 2005 c 106 s 5 are each amended to read as follows:

(1) The executive ethics board shall enforce this chapter and rules adopted under it with respect to statewide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.

(2) The executive ethics board shall enforce this chapter with regard to the activities of university research employees as provided in this subsection.

(a) With respect to compliance with RCW 42.52.030, 42.52.110, 42.52.130, 42.52.140, and 42.52.150, the administrative process shall be consistent with and adhere to no less than the current standards in regulations of the United States public health service and the office of the secretary of the department of health and human services in Title 42 C.F.R. Part 50, Subpart F relating to promotion of objectivity in research.

(b) With respect to compliance with RCW 42.52.040, 42.52.080, and 42.52.120, the administrative process shall include a

comprehensive system for the disclosure, review, and approval of outside work activities by university research employees while assuring that such employees are fulfilling their employment obligations to the university.

(c) With respect to compliance with RCW 42.52.160, the administrative process shall include a reasonable determination by the university of acceptable private uses having de minimis costs to the university and a method for establishing fair and reasonable reimbursement charges for private uses the costs of which are in excess of de minimis.

(3) The executive ethics board shall:

(a) Develop educational materials and training;

(b) Adopt rules and policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of RCW 42.52.180 and where otherwise authorized under chapter 154, Laws of 1994;

(c) Issue advisory opinions;

(d) Investigate, hear, and determine complaints by any person or on its own motion;

(e) Impose sanctions including reprimands and monetary penalties;

(f) Recommend to the appropriate authorities suspension, removal from position, prosecution, or other appropriate remedy; and

(g) Establish criteria regarding the levels of civil penalties appropriate for violations of this chapter and rules adopted under it.

(4) The board may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(5) The board shall not delegate to the board's executive director its authority to issue advisories, advisory letters, or opinions.

(6) Except as provided in RCW 42.52.220, the executive ethics board may review and approve agency policies as provided for in this chapter.

~~((6))~~ (7) This section does not apply to state officers and state employees of the judicial branch.

Sec. 4. RCW 42.52.420 and 2000 c 211 s 1 are each amended to read as follows:

(1) After the filing of any complaint, except as provided in RCW 42.52.450, the staff of the appropriate ethics board shall investigate the complaint.

~~(The investigation shall be limited to the allegations contained in the complaint.)~~ The ethics board may request the assistance of the office of the attorney general or a contract investigator in conducting its investigation.

(2) The results of the investigation shall be reduced to writing and the staff shall either make a determination that the complaint should be dismissed pursuant to RCW 42.52.425, or recommend to the board that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed.

(3) The board's determination on reasonable cause shall be provided to the complainant and to the person named in such complaint.

(4) The identity of a person filing a complaint under RCW 42.52.410(1) is exempt from public disclosure, as provided in RCW 42.56.240.

Sec. 5. RCW 42.52.460 and 1994 c 154 s 216 are each amended to read as follows:

Any person who has notified the appropriate ethics board and the attorney general in writing that there is reason to believe that

RCW 42.52.180 is being or has been violated may, in the name of the state, bring a citizen action for any of the actions authorized under this chapter. A citizen action may be brought only if the appropriate ethics board or the attorney general have failed to commence an action under this chapter within forty-five days after notice from the person, the person has thereafter notified the appropriate ethics board and the attorney general that the person will commence a citizen's action within ten days upon their failure to commence an action, and the appropriate ethics board and the attorney general have in fact failed to bring an action within ten days of receipt of the second notice. An action is deemed to have been commenced when the appropriate ethics board or the board's executive director accepts a complaint for filing and initiates a preliminary investigation.

If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but the person shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees incurred. If a citizen's action that the court finds was brought without reasonable cause is dismissed, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.

Upon commencement of a citizen action under this section, at the request of a state officer or state employee who is a defendant, the office of the attorney general shall represent the defendant if the attorney general finds that the defendant's conduct complied with this chapter and was within the scope of employment.

NEW SECTION. Sec. 6. A new section is added to chapter 42.52 RCW to read as follows:

(1) Each executive branch agency shall designate an ethics advisor or advisors to assist the agency's employees in understanding their obligations under the ethics in public service act. Agencies shall inform the executive ethics board of their designated advisors. As funding permits and as determined by the executive ethics board and the agency head, the advisors shall receive regular ethics training.

(2) Executive branch officers and employees are encouraged to attend ethics training offered by the executive ethics board at least once every thirty-six months.

Sec. 7. RCW 42.56.240 and 2012 c 88 s 1 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

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(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) The statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and e-mail address; ~~(and)~~

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business; and

(10) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5577.

Senators Pearson and Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5577.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5577 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5577, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5577, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5577, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:13 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:54 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5601 with the following amendment(s): 5601-S AMH HCW H2163.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes the complexity of the health care delivery system and the need to provide a clear and consistent regulatory framework to enable health care providers to manage their operations in an efficient and effective manner. The legislature also recognizes that the donation of electronic health records systems reduces health care costs, promotes patient safety, and improves the quality of health care.

(2) To further the important national policy of promoting the widespread adoption of electronic health records systems, the federal antikickback statute and the rules adopted to implement the statute contain a safe harbor that allows the donation of electronic health records systems. The federal statute and rules also contain additional safe harbors to preserve a variety of other activities which, in many cases, improve access to health care. For health care entities other than clinical laboratories, the legality of all of these arrangements is currently in question.

(3) The legislature is adding language to chapter 19.68 RCW to clarify existing law and ensure that, except with respect to arrangements involving an entity which principally operates as a clinical laboratory, it is interpreted in a manner consistent with the federal antikickback statute.

NEW SECTION. Sec. 2. (1) Nothing in this chapter may be construed to limit or prohibit the donation of electronic health record technology or other activity by any entity, including a hospital licensed under chapter 70.41 RCW that operates a clinical laboratory, when the donation or other activity is allowed by or otherwise does not violate, 42 U.S.C. Sec. 1320a-7b(b) or the federal rules adopted to implement 42 U.S.C. Sec. 1320a-7b(b).

(2) This section does not apply to any entity which principally operates as a clinical laboratory licensed or certified under section 353 of the public health service act, 42 U.S.C. Sec. 263a, or other applicable Washington state law.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Electronic health record technology" means items and services, in the form of software or information technology and training services, necessary and used predominantly to create, maintain, transmit, or receive electronic health records.

NEW SECTION. Sec. 4. This act applies retroactively to June 1, 2006, as well as prospectively.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act are each added to chapter 19.68 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Fain moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5601.

Senator Fain spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senators Kline and McAuliffe were excused.

The President declared the question before the Senate to be the motion by Senator Fain that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5601.

The motion by Senator Fain carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5601 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5601, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5601, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Kline, McAuliffe and Shin

SUBSTITUTE SENATE BILL NO. 5601, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5810 with the following amendment(s): 5810 AMH HUNS H2382.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department may collect, evaluate, and analyze data and specific investigative and intelligence information concerning the existence, structure, activities, and operations of security threat groups and the participants involved therein under the jurisdiction of the department. The data compiled may aid in addressing violence reduction, illegal activities, and identification of offender separation or protection needs, and may be used to assist law enforcement agencies and prosecutors in developing evidence for purposes of criminal prosecution upon request.

(2) The following security threat group information collected and maintained by the department shall be exempt from public disclosure under chapter 42.56 RCW: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates.

Sec. 2. RCW 42.56.240 and 2012 c 88 s 1 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) The statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and e-mail address; (~~and~~)

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business; and

(10) The following security threat group information collected and maintained by the department of corrections pursuant to section 1 of this act: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c)

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information that identifies the number of security threat group members, affiliates, or associates."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Senate Bill No. 5810.

Senator Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Senate Bill No. 5810.

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5810 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5810, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5810, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Kline and Shin

SENATE BILL NO. 5810, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5913, by Senator Becker

Concerning a hospital safety net assessment and quality incentive program for increased hospital payments.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5913 was substituted for Senate Bill No. 5913 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5913 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Hargrove and Keiser spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Dammeier: "Senator Dammeier: "Would Senator Conway yield to a question? So, Senator Conway, I know you are very familiar with the over ten thousand ICD-9 and -10 [International Classification of Diseases] codes and I was hoping you've had a chance to review their interaction with this complex legislation and whether you had a chance to review the Ways & Means report on said codes and the interaction?"

Senator Conway: "I was just looking at it on my computer actually."

Senator Dammeier: "As a matter of fact Senator Conway I happen to have a copy of the report for you. I would be interested in your approach."

Senator Conway: "Thank you very much, I appreciate it. It's a lot easier in a hard copy at times. All right, thanks."

REMARKS BY THE PRESIDENT

President Owen: "Hmmm. Do we have to wait for him to read it?"

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5913.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5913 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Baumgartner, Brown, Chase, Ericksen, Holmquist Newbry, Padden, Pearson, Rivers, Rolfes, Schlicher and Smith

Excused: Senators Carrell, Kline and Shin

SUBSTITUTE SENATE BILL NO. 5913, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5892, by Senators Hargrove and Kline

Reducing corrections costs.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5892 was substituted for Senate Bill No. 5892 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Brown and Roach be adopted:

On page 5, line 32, after "(iii)" insert "The offender has not committed a sex offense as defined in RCW 9.94A.030; (iv)"

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senators Benton and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Brown and Roach on page 5, line 32 to Substitute Senate Bill No. 5892.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others be adopted:

On page 8, line 30, after "facility." Strike "The" and insert "Except in a county in which there is a single hospital with which the local correctional facilities may contract and with a state correctional facility housing more than one thousand, five hundred offenders, the"

On page 8, line 35, after "Washington." Insert "In a county in which there is a single hospital with which the local correctional facilities may contract and with a state correctional facility housing more than one thousand, five hundred offenders, the department of corrections shall pay the difference between the medicaid reimbursement and the amount agreed to by the correctional facility and the provider of hospital services."

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 8, line 30 to Substitute Senate Bill No. 5892.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5892 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5892.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5892 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon and Tom

Voting nay: Senators Brown, Pearson, Roach and Smith

Excused: Senators Carrell, Kline and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1130 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1130.

The President declared the question before the Senate to be motion by Senator Hobbs that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1130.

The motion by Senator Hobbs carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1130 by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended and Substitute House Bill No. 1130 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1130, by House Committee on Business & Financial Services (originally sponsored by Representatives Hurst and Dahlquist)

Modifying who is authorized to redeem an impounded vehicle.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.55.120 and 2009 c 387 s 3 are each amended to read as follows:

(1)(a) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only (~~under the following circumstances~~) by the following persons or entities:

~~((a) Only)~~ (i) The legal owner(ers);

(ii) The registered owner(ers);

(iii) A person authorized in writing by the registered owner (~~or~~

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~~the vehicle's insurer;);~~

~~(iv) The vehicle's insurer or a vendor working on behalf of the vehicle's insurer;~~

~~(v) A third-party insurer that has a duty to repair or replace the vehicle, has obtained consent from the registered owner or the owner's agent to move the vehicle, and has documented that consent in the insurer's claim file, or a vendor working on behalf of a third-party insurer that has received such consent; provided, however, that at all times the registered owner must be granted access to and may reclaim possession of the vehicle. For the purposes of this subsection, "owner's agent" means the legal owner of the vehicle, a driver in possession of the vehicle with the registered owner's permission, or an adult member of the registered owner's family;~~

~~(vi) A person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department(, or~~

~~(vii) A person who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor(, may redeem an impounded vehicle or items of personal property registered or titled with the department)).~~

(b) In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under (a) of this subsection ~~((1)(a))~~ satisfies the requirements of ~~((e))~~ (f) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency shall issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of the following:

(i) Economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record; or

(ii) The owner of the vehicle was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release under this subsection or RCW 46.55.113(3).

In order to avoid discriminatory application, other than for the reasons for release set forth in ~~((e))~~ (b)(i) and (ii) of this subsection, an agency shall, under a provision of an applicable state agency rule or local ordinance, deny release in all other circumstances without discretion.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under (a) of this subsection ~~((1)(a))~~ satisfies the requirements of ~~((e))~~ (f) of this subsection, including paying all

towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

~~((b))~~ (c) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

~~((e))~~ (d) Notwithstanding ~~((b))~~ (c) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

~~((d))~~ (e) Notwithstanding ~~((b))~~ (c) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9A RCW, including providing redemption rights to the debtor under RCW 62A.9A-623. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9A RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

~~((e))~~ (f) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under ~~((b))~~ (c) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or

her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards issued by financial institutions, or personal checks drawn on Washington state branches of financial institutions if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm cannot determine through the customer's bank or a check verification service that the presented check would be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in ~~((subsection (2)))~~(a) of this subsection and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not

adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.345 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the Court located at in the sum of \$., in an action entitled, Case No. YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this . . . day of, (year) . . .

Signature

and address
of party
mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees."

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Senator Hobbs spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Substitute House Bill No. 1130.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.55.120."

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1130 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1130 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1130 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Kline and Shin

SUBSTITUTE HOUSE BILL NO. 1130 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1471 and asks the Senate to recede therefrom, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate recede from its position in the Senate amendment(s) to House Bill No. 1471.

The President declared the question before the Senate to be motion by Senator Becker that the Senate recede from its position in the Senate amendment(s) to House Bill No. 1471.

The motion by Senator Becker carried and the Senate receded from its position in the Senate amendment(s) to House Bill No. 1471 by voice vote.

MOTION

On motion of Senator Becker, the rules were suspended and House Bill No. 1471 was returned to second reading for the purposes of amendment.

SECOND READING

HOUSE BILL NO. 1471, by Representatives Riccelli, Schmick, Cody, Clibborn, Ross, Short, Rodne, Green, Angel and Morrell

Updating and aligning with federal requirements hospital health care-associated infection rate reporting.

The measure was read the second time.

MOTION

Senator Becker moved that the following striking amendment by Senators Becker and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.70.056 and 2010 c 113 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Health care-associated infection" means a localized or systemic condition that results from adverse reaction to the presence of an infectious agent or its toxins and that was not present or incubating at the time of admission to the hospital.

(b) "Hospital" means a health care facility licensed under chapter 70.41 RCW.

(2)(a) A hospital shall collect data related to health care-associated infections as required under this subsection (2) on the following:

(i) ~~((Beginning July 1, 2008,))~~ Central line-associated bloodstream infection in ((the intensive care unit)) all hospital inpatient areas where patients normally reside at least twenty-four hours;

(ii) ~~((Beginning January 1, 2009, ventilator associated pneumonia; and~~

~~—((Beginning January 1, 2010,))~~ Surgical site infection for the following procedures:

(A) Deep sternal wound for cardiac surgery, including coronary artery bypass graft;

(B) Total hip and knee replacement surgery; and

(C) ~~((Hysterectomy, abdominal and vaginal.~~

~~—(b)(i) Except as required under (b)(ii) and (c) of this subsection,))~~ Colon and abdominal hysterectomy procedures.

(b) The department shall, by rule, delete, add, or modify categories of reporting when the department determines that doing so is necessary to align state reporting with the reporting categories of the centers for medicare and medicaid services. The department shall begin rule making forty-five calendar days, or as soon as practicable, after the centers for medicare and medicaid services adopts changes to reporting requirements.

(c) A hospital must routinely collect and submit the data required to be collected under (a) and (b) of this subsection to the

national healthcare safety network of the United States centers for disease control and prevention in accordance with national healthcare safety network definitions, methods, requirements, and procedures.

~~((ii) Until the national health care safety network releases a revised module that successfully interfaces with a majority of computer systems of Washington hospitals required to report data under (a)(iii) of this subsection or three years, whichever occurs sooner, a hospital shall monthly submit the data required to be collected under (a)(iii) of this subsection to the Washington state hospital association's quality benchmarking system instead of the national health care safety network. The department shall not include data reported to the quality benchmarking system in reports published under subsection (3)(d) of this section. The data the hospital submits to the quality benchmarking system under (b)(ii) of this subsection:~~

~~—(A) Must include the number of infections and the total number of surgeries performed for each type of surgery; and~~

~~—(B) Must be the basis for a report developed by the Washington state hospital association and published on its web site that compares the health care associated infection rates for surgical site infections at individual hospitals in the state using the data reported in the previous calendar year pursuant to this subsection. The report must be published on December 1, 2010, and every year thereafter until data is again reported to the national health care safety network.~~

~~—(c)(i) With respect to any of the health care associated infection measures for which reporting is required under (a) of this subsection, the department must, by rule, require hospitals to collect and submit the data to the centers for medicare and medicaid services according to the definitions, methods, requirements, and procedures of the hospital compare program, or its successor, instead of to the national healthcare safety network, if the department determines that:~~

~~—(A) The measure is available for reporting under the hospital compare program, or its successor, under substantially the same definition; and~~

~~—(B) Reporting under this subsection (2)(c) will provide substantially the same information to the public.~~

~~—(ii) If the department determines that reporting of a measure must be conducted under this subsection (2)(c), the department must adopt rules to implement such reporting. The department's rules must require reporting to the centers for medicare and medicaid services as soon as practicable, but not more than one hundred twenty days, after the centers for medicare and medicaid services allow hospitals to report the respective measure to the hospital compare program, or its successor. However, if the centers for medicare and medicaid services allow infection rates to be reported using the centers for disease control and prevention's national healthcare safety network, the department's rules must require reporting that reduces the burden of data reporting and minimizes changes that hospitals must make to accommodate requirements for reporting.) If the centers for medicare and medicaid services changes reporting from the national healthcare safety network to another database or through another process, the department shall review the new reporting database or process and consider whether it aligns with the purposes of this section.~~

(d) Data collection and submission required under this subsection (2) must be overseen by a qualified individual with the appropriate level of skill and knowledge to oversee data collection and submission.

(e)(i) A hospital must release to the department, or grant the department access to, its hospital-specific information contained in the reports submitted under this subsection (2), as requested by the department consistent with RCW 70.02.050.

(ii) The hospital reports obtained by the department under this subsection (2), and any of the information contained in them, are not subject to discovery by subpoena or admissible as evidence in a civil proceeding, and are not subject to public disclosure as provided in RCW 42.56.360.

(3) The department shall:

(a) Provide oversight of the health care-associated infection reporting program established in this section;

(b) ~~By ((January 1, 2014))~~ November 1, 2013, and biennially thereafter, submit a report to the appropriate committees of the legislature ~~((based on the recommendations of the advisory committee established in subsection (5) of this section for additional reporting requirements related to health care associated infections, considering the methodologies and practices of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations))~~ that contains: (i) Categories of reporting currently required of hospitals under subsection (2)(a) of this section; (ii) categories of reporting the department plans to add, delete, or modify by rule; and (iii) a description of the evaluation process used under (d) of this subsection;

~~(c) ((Delete, by rule, the reporting of categories that the department determines are no longer necessary to protect public health and safety;~~

~~—(d))~~ By December 1, 2009, and by each December 1st thereafter, prepare and publish a report on the department's web site that compares the health care-associated infection rates at individual hospitals in the state using the data reported in the previous calendar year pursuant to subsection (2) of this section. The department may update the reports quarterly. In developing a methodology for the report and determining its contents, the department shall consider the recommendations of the advisory committee established in subsection (5) of this section. The report is subject to the following:

(i) The report must disclose data in a format that does not release health information about any individual patient; and

(ii) The report must not include data if the department determines that a data set is too small or possesses other characteristics that make it otherwise unrepresentative of a hospital's particular ability to achieve a specific outcome; ~~((and~~

~~—(e))~~ (d) Evaluate, on a regular basis, the quality and accuracy of health care-associated infection reporting required under subsection (2) of this section and the data collection, analysis, and reporting methodologies; and

(e) Provide assistance to hospitals with the reporting requirements of this chapter including definitions of required reporting elements.

(4) The department may respond to requests for data and other information from the data required to be reported under subsection (2) of this section, at the requestor's expense, for special studies and analysis consistent with requirements for confidentiality of patient records.

(5)(a) The department shall establish an advisory committee which may include members representing infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and consumers, and the department. The advisory committee shall make recommendations to assist the department in carrying out its responsibilities under this section, including making recommendations on allowing a hospital to review and verify data to be released in the report and on excluding from the report selected data from certified critical access hospitals. ~~((Annually, beginning January 1, 2011, the advisory committee shall also make a recommendation to the department as to whether current science~~

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~~supports expanding presurgical screening for methicillin-resistant staphylococcus aureus prior to open chest cardiac, total hip, and total knee elective surgeries.)~~

(b) In developing its recommendations, the advisory committee shall consider methodologies and practices related to health care-associated infections of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations.

(6) The department shall adopt rules as necessary to carry out its responsibilities under this section.

Sec. 2. RCW 43.70.056 and 2013 c ... s 1 (section 1 of this act) are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Health care-associated infection" means a localized or systemic condition that results from adverse reaction to the presence of an infectious agent or its toxins and that was not present or incubating at the time of admission to the hospital.

(b) "Hospital" means a health care facility licensed under chapter 70.41 RCW.

(2)(a) A hospital shall collect data related to health care-associated infections as required under this subsection (2) on the following:

(i) Central line-associated bloodstream infection in all hospital inpatient areas where patients normally reside at least twenty-four hours;

(ii) Surgical site infection for ~~((the following procedures: (A) Deep sternal wound for cardiac surgery, including coronary artery bypass graft;~~

~~(B) Total hip and knee replacement surgery; and (C))~~ colon and abdominal hysterectomy procedures.

(b) The department shall, by rule, delete, add, or modify categories of reporting when the department determines that doing so is necessary to align state reporting with the reporting categories of the centers for medicare and medicaid services. The department shall begin rule making forty-five calendar days, or as soon as practicable, after the centers for medicare and medicaid services adopts changes to reporting requirements.

(c) A hospital must routinely collect and submit the data required to be collected under (a) and (b) of this subsection to the national healthcare safety network of the United States centers for disease control and prevention in accordance with national healthcare safety network definitions, methods, requirements, and procedures.

If the centers for medicare and medicaid services changes reporting from the national healthcare safety network to another database or through another process, the department shall review the new reporting database or process and consider whether it aligns with the purposes of this section.

(d) Data collection and submission required under this subsection (2) must be overseen by a qualified individual with the appropriate level of skill and knowledge to oversee data collection and submission.

(e)(i) A hospital must release to the department, or grant the department access to, its hospital-specific information contained in the reports submitted under this subsection (2), as requested by the department consistent with RCW 70.02.050.

(ii) The hospital reports obtained by the department under this subsection (2), and any of the information contained in them, are not subject to discovery by subpoena or admissible as evidence in a civil proceeding, and are not subject to public disclosure as provided in RCW 42.56.360.

(3) The department shall:

(a) Provide oversight of the health care-associated infection reporting program established in this section;

(b) By November 1, 2013, and biennially thereafter, submit a report to the appropriate committees of the legislature that contains: (i) Categories of reporting currently required of hospitals under subsection (2)(a) of this section; (ii) categories of reporting the department plans to add, delete, or modify by rule; and (iii) a description of the evaluation process used under (d) of this subsection;

(c) By December 1, 2009, and by each December 1st thereafter, prepare and publish a report on the department's web site that compares the health care-associated infection rates at individual hospitals in the state using the data reported in the previous calendar year pursuant to subsection (2) of this section. The department may update the reports quarterly. In developing a methodology for the report and determining its contents, the department shall consider the recommendations of the advisory committee established in subsection (5) of this section. The report is subject to the following:

(i) The report must disclose data in a format that does not release health information about any individual patient; and

(ii) The report must not include data if the department determines that a data set is too small or possesses other characteristics that make it otherwise unrepresentative of a hospital's particular ability to achieve a specific outcome;

(d) Evaluate, on a regular basis, the quality and accuracy of health care-associated infection reporting required under subsection (2) of this section and the data collection, analysis, and reporting methodologies; and

(e) Provide assistance to hospitals with the reporting requirements of this chapter including definitions of required reporting elements.

(4) The department may respond to requests for data and other information from the data required to be reported under subsection (2) of this section, at the requestor's expense, for special studies and analysis consistent with requirements for confidentiality of patient records.

(5)(a) The department shall establish an advisory committee which may include members representing infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and consumers, and the department. The advisory committee shall make recommendations to assist the department in carrying out its responsibilities under this section, including making recommendations on allowing a hospital to review and verify data to be released in the report and on excluding from the report selected data from certified critical access hospitals.

(b) In developing its recommendations, the advisory committee shall consider methodologies and practices related to health care-associated infections of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations.

(6) The department shall adopt rules as necessary to carry out its responsibilities under this section.

NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1, 2017.

NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1, 2017."

Senator Becker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Becker and Keiser to House Bill No. 1471.

The motion by Senator Becker carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "reporting;" strike the remainder of the title and insert "amending RCW 43.70.056 and 43.70.056; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Becker, the rules were suspended, House Bill No. 1471 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1471 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1471 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Kline and Shin

HOUSE BILL NO. 1471 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate insist on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1552 and ask the House to concur thereon.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Padden that the Senate insist on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1552 and ask the House to concur thereon.

The motion by Senator Padden carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1552 and asked the House to concur thereon by voice vote.

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1768 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Eide moved that the Senate recede from its position on House Bill No. 1768 and consider the bill without the Senate amendment(s).

Senator Eide spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Eide that the Senate recede from its position on 1768 and consider the bill without Senate amendment(s).

The motion by Senator Eide carried and the Senate receded from its position on House Bill No. 1768 and considered the bill without the Senate amendment(s) by voice vote.

The President declared the question before the Senate to be the final passage of House Bill No. 1768 without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1768, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Kline and Shin

HOUSE BILL NO. 1768, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1821 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

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ROLL CALL

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1821.

The President declared the question before the Senate to be motion by Senator Pearson that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1821 by voice vote.

The motion by Senator Pearson carried and the Senate receded from its amendments to Substitute House Bill No. 1821.

MOTION

On motion of Senator Pearson, the rules were suspended and Substitute House Bill No. 1821 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1821, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman and Santos)

Concerning good cause exceptions during permanency hearings.

The measure was read the second time.

MOTION

Senator Darneille moved that the following amendment by Senators Darneille and Pearson be adopted:

On page 4, line 7, after "(IV)" strike "Where" and insert "Until June 30, 2015, where"

On page 4, beginning on line 10, after "(V)" strike all material through "service" on line 14 and insert "Until June 30, 2015, where a parent who has been court ordered to complete services necessary for the child's safe return home files a declaration under penalty of perjury stating the parent's financial inability to pay for the same court-ordered services, and also declares the department was unwilling or unable to pay for the same services necessary for the child's safe return home"

Senator Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Darneille and Pearson on page 4, line 7 to Substitute House Bill No. 1821.

The motion by Senator Darneille carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1821 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1821 as amended by the Senate.

The Secretary called the roll on the final passage of Substitute House Bill No. 1821 as amended by the Senate and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell, Kline and Shin

SUBSTITUTE HOUSE BILL NO. 1821 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Baumgartner: "I just wanted to thank everybody who participated in the benefit auction for Mike Carrell today over in A/B/C and mention it is still open. if you would like to help the Carrell family. I think I'm the high bidder on the bike ride with Ross Hunter and would challenge anybody to top me on that delectable item. Thank you Mr. President."

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1723 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Litzow moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1723.

The President declared the question before the Senate to be motion by Senator Litzow that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1723.

The motion by Senator Litzow carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 1723 by voice vote.

MOTION

On motion of Senator Litzow, the rules were suspended and Second Substitute House Bill No. 1723 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1723, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Walsh, Farrell, Maxwell, Roberts, Freeman, Goodman, Sawyer, Sullivan, Jinkins, Seaquist, Lytton,

Haigh, Hunter, Morrell, Sells, Ryu, Morris, McCoy, Reykdal, Tarleton, Tharinger, Pollet, Fey, Moscoso, Bergquist, Ormsby and Santos)

Concerning early learning opportunities.

The measure was read the second time.

MOTION

Senator Litzow moved that the following striking amendment by Senators Litzow and Billig be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.215 RCW to read as follows:

The legislature finds that the first five years of a child's life establish the foundation for educational success. The legislature also finds that children who have high quality early learning opportunities from birth through age five are more likely to succeed throughout their K-12 education and beyond. The legislature further finds that the benefits of high quality early learning experiences are particularly significant for low-income parents and children, and provide an opportunity to narrow the opportunity gap in Washington's K-12 educational system. The legislature understands that early supports for high-risk parents of young children through home visiting services show a high return on investment due to significantly improved chances of better education, health, and life outcomes for children. The legislature further recognizes that, when parents work or go to school, high quality and full-day early learning opportunities should be available and accessible for their children. In order to improve education outcomes, particularly for low-income children, the legislature is committed to expanding high quality early learning opportunities and integrating currently disparate funding streams for all birth-to-five early learning services including, working connections child care and the early childhood education and assistance program, into a single high quality continuum of learning that provides essential services to low-income families and prepares all enrolled children for success in school. The legislature therefore intends to establish the early start program to provide a continuum of high quality and accountable early learning opportunities for Washington's parents and children.

Sec. 2. RCW 28A.150.220 and 2011 1st sp.s. c 27 s 1 are each amended to read as follows:

(1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature, but not before the 2014-15 school year; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, subject to a phased-in implementation of the twenty-four credits as established by the legislature. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. However, schools administering the Washington kindergarten inventory of developing skills may use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory. In addition, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(6) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 3. RCW 43.215.010 and 2011 c 295 s 3 and 2011 c 78 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides ~~((child day care))~~ early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child ~~((day))~~ care provider who regularly provides ~~((child day care))~~ early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in ~~((a))~~(i), (ii), or (iii) of this subsection ~~((2))~~, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools ~~((or kindergartens))~~ that are engaged primarily in ~~((educational work))~~ early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) ~~((Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or~~

~~assistance from any state or federal agency, and is supported in part by an endowment or trust fund;~~

~~—((j) An agency))~~ A program operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

~~—((k) An agency))~~ (j) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

~~—((l) An agency))~~ (k) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(5) "Department" means the department of early learning.

(6) "Director" means the director of the department.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:

(a) Home visiting and parent education and support programs;

(b) The early achievers program described in RCW 43.215.100;

(c) Integrated full-day and part-day high quality early learning programs; and

(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.

(9) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~—((8))~~ (10) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~—((9))~~ (11) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

~~—((10))~~ (12) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

~~—((11))~~ (13) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~—((12))~~ (14) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(15) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet

entered kindergarten, such as the early childhood education and assistance program.

NEW SECTION. Sec. 4. (1)(a) The chairs of the early learning committees of the legislature shall convene a technical working group to:

- (i) Review federal and state early education funding streams;
- (ii) Develop technical options for aligning eligibility requirements for child care and Washington state preschool;
- (iii) Develop recommendations for an effective and responsive eligibility system;
- (iv) Develop technical options for system designs that blend and braid disparate federal and state funding streams into a single program, including the option of applying for waivers from existing federal requirements; and

(v) Present findings and options in a report to the early learning committees of both houses of the legislature by December 1, 2013.

(b) At a minimum, the technical working group must be composed of financial and policy staff from the department of social and health services and the department of early learning.

(2) The technical working group shall provide monthly progress reports to the staff of the legislative early learning committees and the relevant legislative fiscal committees. The legislative staff shall share the progress reports with the chairs of the legislative committees. The chairs of the committees may provide additional guidance to the working group through legislative staff depending on the information that is shared with the chairs.

(3) This section expires December 31, 2013.

Sec. 5. RCW 43.215.020 and 2010 c 233 s 1, 2010 c 232 s 2, and 2010 c 231 s 6 are each reenacted and amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To apply data already collected comparing the following factors and make biennial recommendations to the legislature regarding working connections subsidy and state-funded preschool rates and compensation models that would attract and retain high quality early learning professionals:

(i) State-funded early learning subsidy rates and market rates of licensed early learning homes and centers;

(ii) Compensation of early learning educators in licensed centers and homes and early learning teachers at state higher education institutions;

(iii) State-funded preschool program compensation rates and Washington state head start program compensation rates; and

(iv) State-funded preschool program compensation to compensation in similar comprehensive programs in other states.

(f) To serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA);

~~((f))~~ (g) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

~~((g))~~ (h) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

~~((h))~~ (i) To work cooperatively and in coordination with the early learning council;

~~((i))~~ (j) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

~~((j))~~ (k) To develop and adopt rules for administration of the program of early learning established in RCW 43.215.141;

~~((k))~~ (l) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

~~((l))~~ (m) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(3) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(4) Home visiting services must include programs that serve families involved in the child welfare system.

(5) Subject to the availability of amounts appropriated for this specific purpose, the legislature shall fund the expansion in the Washington state preschool program pursuant to RCW 43.215.142 in fiscal year 2014.

(6) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

Sec. 6. RCW 43.215.100 and 2007 c 394 s 4 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, in collaboration with community and statewide partners, shall implement a voluntary quality rating and improvement system, called the early achievers program, that is applicable to licensed or certified child care centers and homes and early education programs.

(2) The purpose of the ~~((voluntary quality rating and improvement system))~~ early achievers program is: (a) To give parents clear and easily accessible information about the quality of child care and early education programs, support improvement in early learning programs throughout the state, increase the readiness of children for school, and close the disparity in access to quality care; and (b) to establish a common set of expectations and standards that define, measure, and improve the quality of early learning settings.

(3) Participation in the early achievers program is voluntary for licensed or certified child care centers and homes.

(4) By fiscal year 2015, Washington state preschool programs receiving state funds must enroll in the early achievers program and

ONE HUNDRED FIRST DAY, APRIL 24, 2013

2013 REGULAR SESSION

maintain a minimum score level.

~~(5) Before final implementation of the ((voluntary quality rating and improvement system)) early achievers program, the department shall report on program progress, as defined within the race to the top federal grant award, and expenditures to the appropriate policy and fiscal committees of the legislature. Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects.~~

Sec. 7. RCW 43.215.430 and 1994 c 166 s 8 are each amended to read as follows:

The department shall review applications from public or private nonsectarian organizations for state funding of early childhood education and assistance programs ~~((and award funds as determined by department rules and based on))~~. The department shall consider local community needs ((and)), demonstrated capacity ((to provide services)), and the need to support a mixed delivery system of early learning that includes alternative models for delivery including licensed centers and licensed family child care providers when reviewing applications.

Sec. 8. RCW 43.215.545 and 2006 c 265 s 204 are each amended to read as follows:

The department of early learning shall:

(1) Work in conjunction with the statewide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(2) Actively seek public and private money for distribution as grants to the statewide child care resource and referral network and to existing or potential local child care resource and referral organizations;

(3) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs, including training under RCW 74.25.040;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care;

(f) Provide technical assistance to employers regarding employee child care services; and

(g) Serve recipients of temporary assistance for needy families and working parents with incomes at or below household incomes of ~~((one))~~ two hundred ~~((seventy five))~~ percent of the federal poverty line;

(4) Provide staff support and technical assistance to the statewide child care resource and referral network and local child care resource and referral organizations;

(5) Maintain a statewide child care licensing data bank and work with department licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(6) Through the statewide child care resource and referral network and local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(7) Coordinate with the statewide child care resource and referral network and local child care resource and referral organizations for the provision of training and technical assistance to child care providers; ~~((and))~~

(8) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services;

(9) Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2013, increase the base rate for all child care providers by ten percent;

(10) Subject to the availability of amounts appropriated for this specific purpose, provide tiered subsidy rate enhancements to child care providers if the provider meets the following requirements:

(a) The provider enrolls in quality rating and improvement system levels 2, 3, 4, or 5;

(b) The provider is actively participating in the early achievers program;

(c) The provider continues to advance towards level 5 of the early achievers program; and

(d) The provider must complete level 2 within thirty months or the reimbursement rate returns the level 1 rate; and

(11) Require exempt providers to participate in continuing education, if adequate funding is available.

Sec. 9. RCW 43.215.135 and 2012 c 253 s 5 and 2012 c 251 s 1 are each reenacted and amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

(2) Beginning in fiscal year 2013, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months. The twelve-month certification applies only if the enrollments in the child care subsidy or working connections child care program are capped.

(3) Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2013, working connections child care providers shall receive a five percent increase in the subsidy rate for enrolling in level 2 in the early achievers programs. Providers must complete level 2 and advance to level 3 within thirty months in order to maintain this increase."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Litzow and Billig to Second Substitute House Bill No. 1723.

The motion by Senator Litzow carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28A.150.220, 43.215.100, and 43.215.430; reenacting and amending RCW 43.215.010, 43.215.020, and 43.215.135; adding a new section to chapter 43.215 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Litzow, the rules were suspended, Second Substitute House Bill No. 1723 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and Billig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1723 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1723 as amended by the Senate and the bill passed the Senate by the following vote:

Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon and Tom

Voting nay: Senators Hasegawa, Padden and Smith

Excused: Senators Carrell and Shin

SECOND SUBSTITUTE HOUSE BILL NO. 1723 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Fain, the following measures under consideration on the 2nd and 3rd reading calendar were referred to the Committee on Rules and placed in the Committee's "X" file: Substitute House Bill No. 1010; Substitute House Bill No. 1016; Substitute House Bill No. 1032; Engrossed Substitute House Bill No. 1090; Substitute House Bill No. 1107; Engrossed Substitute House Bill No. 1199; Engrossed Substitute House Bill No. 1204; House Bill No. 1251; House Bill No. 1339; House Bill No. 1361; Substitute House Bill No. 1382; Substitute House Bill No. 1409; House Bill No. 1419; Substitute House Bill No. 1459; Engrossed House Bill No. 1470; Substitute House Bill No. 1527; House Bill No. 1531; Engrossed House Bill No. 1538; House Bill No. 1544; House Bill No. 1570; Substitute House Bill No. 1614; Engrossed Substitute House Bill No. 1620; Substitute House Bill No. 1638; Engrossed Substitute House Bill No. 1651; Substitute House Bill No. 1669; House Bill No. 1715; Engrossed Second Substitute House Bill No. 1727; Engrossed Substitute House Bill No. 1773; Substitute House Bill No. 1840; Substitute House Bill No. 1841; Engrossed Substitute House Bill No. 1950; Senate Bill No. 5159.

MOTION

At 3:53 p.m., on motion of Senator Fain, the Senate adjourned until 10:30 a.m. Thursday, April 25, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SENATE JOURNAL
SIXTY-THIRD LEGISLATURE
STATE OF WASHINGTON

AT

OLYMPIA, THE STATE CAPITOL

2013 Regular Session Convened January 14, 2013

Adjourned Sine Die April 28, 2013

2013 First Special Session Convened May 13, 2013

Adjourned Sine Die June 11, 2013

2013 Second Special Session Convened June 12, 2013

Adjourned Sine Die June 29, 2013

2013 Third Special Session Convened November 7, 2013

Adjourned Sine Die November 9, 2013

Official Record of All Senate Actions Compiled, Edited and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of
Washington, by Hunter Goodman, Secretary of the Senate

Volume 2



Linda Jansson,
Minute and Journal Clerk

Lieutenant Governor Brad Owen, *President of the Senate*
Senator Tim Sheldon, *President Pro Tempore*
Senator Paull Shin, *Vice President Pro Tempore*

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2013

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Republican Leader.....Mark Schoesler
Majority Caucus Chair.....Linda Evans Parlette
Majority Floor Leader.....Joe Fain
Majority Whip.....Ann Rivers
Majority Caucus Deputy Leader.....Don Benton
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Democratic Deputy Leader.....Nick Harper
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Democratic Assistant Floor Leader.....Kevin Ranker
Democratic Assistant Whip.....Mark Mullet

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Secretary of the Senate Hunter Goodman
Deputy Secretary Brad Hendrickson
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ONE HUNDRED SECOND DAY

MORNING SESSION

April 24, 2013

Senate Chamber, Olympia, Thursday, April 25, 2013

The Senate was called to order at 10:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell and Hatfield.

The Sergeant at Arms Color Guard consisting of Pages Lydia Simpson and Jack Pokarny, presented the Colors. Reverend Tony Irving of St. Benedict Episcopal Church of Lacey offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 24, 2013

EHB 1421 Prime Sponsor, Representative Tharinger: Protecting the state's interest in collecting deferred property taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 2013

MR. PRESIDENT:

The House concurred in the Senate amendment to:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1253 and passed the bill as amended by the Senate.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5924 by Senator Benton

AN ACT Relating to voter-approved local transportation funding options; and adding a new section to chapter 82.80 RCW.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
8659

By Senators McAuliffe, Hewitt, Chase, Schlicher, Eide, Kohl-Welles, Frockt, Litzow, Keiser, Ericksen, Cleveland, Becker, Rivers, and Parlette

WHEREAS, The Red Hat Society was founded in 1998 by Sue Ellen Cooper of Fullerton, California, as a social "disorganization" for women 50 years and older; and

WHEREAS, Sue Ellen Cooper was inspired by Warning, a poem by Jenny Joseph that opens with the line "When I am an old woman I shall wear purple/With a red hat that doesn't go and doesn't suit me"; and

WHEREAS, The Red Hat Society was created as a social outlet for women at least 50 years old; and

WHEREAS, Members of The Red Hat Society who are 50 years or older wear a red hat and purple attire and members younger

than 50 wear pink hats and lavender clothing until their "Reduation"; and

WHEREAS, The motto of The Red Hat Society is "Red Hatters Matter," to promote the value of older women in society and reshape the way they are viewed in today's culture; and

WHEREAS, Women of The Red Hat Society are from all areas of life: Mothers, grandmothers, homemakers, entrepreneurs, teachers, retirees, and senators, as well as women who are single, married, or widowed; and

WHEREAS, There are more than one million members of The Red Hat Society worldwide; and

WHEREAS, Leaders of individual chapters obtain the title "Queen Mum" and the members are referred to as "Red Hatters"; and

WHEREAS, April 25th is Red Hat Day nationally and at the legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Red Hat Day and that its members celebrate womanhood by having fun; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Washington State Senate and all Washington State chapters of The Red Hat Society.

Senators McAuliffe, Chase, Ericksen, Baumgartner and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8659.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Senator Rosa Franklin who was seated at the rostrum.

REMARKS BY ROSA FRANKLIN

Rosa Franklin: "Thank you Mr. Lieutenant Governor and your assistant, your young assistant. I love it. As I said to the Lieutenant Governor and to everyone, I was quite comfortable up there looking down. They said 'No, you come down', and I said, 'All right, if they will tolerate me.' It is so good to see each and every one of you. Red Hat Day, it started over in the Pritchard Building and I said to our then-Majority Leader Snyder and others, 'You know, we sometimes don't have enough fun. Let's have some fun' and spoke of let's do Red Hat and went around and that's where it started and then when I go back and think Senator West was ill and was recovering and he said he looked at channel 23 and looked and said 'What in the world are they doing'? He could not imagine what we were doing? We were having fun with Red Hat Day. From that day on when I was looking at some pictures a couple nights ago and thought about I wonder whose carrying on this tradition of having some fun and was so surprised when Senator McAuliffe called and said you're doing Red Hat Day and I said, 'great.' It's so good to be here and to have our male colleagues with their Red Caps. Keep up the good work. Have fun, don't get too serious. When you really serious and don't have fun, then it's time to quit but have fun and do the work. It's good being here."

PERSONAL PRIVILEGE

Senator Fain: "I just wanted to thank all the members and everyone here at the Capitol who participated in the Senator Carrell bake sale and auction yesterday in the JAC Building. I wanted to let members know that through our collective efforts

we were able to raise over \$5,000 for Senator Carrell. Thank you very much. Certainly would want you to know that donations are still able to be made through Senator Carrell's LA, Michelle and that he continues to be in our thoughts and prayers during his recovery."

MOTION

At 10:49 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:50 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5851, by Senators Bailey, Hill and Baumgartner

Creating a defined contribution retirement plan option for public employees.

MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 5851 was substituted for Senate Bill No. 5851 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Conway moved that the following striking amendment by Senator Conway be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The joint select committee on pension policy shall conduct a study of the possible impacts on the state retirement systems established under chapters 41.32, 41.35, 41.37, and 41.40 RCW that could result from the enactment of a defined contribution retirement savings plan option for new employees and current members of plans 2 and 3 of those retirement systems as proposed in Substitute Senate Bill No. 5851. The study shall include, but not be limited to, a review of the financial impact on the retirement systems, the impact on member and employer contribution rates, the impact on the Washington state investment board operations and investments, members' retirement income security, and on such other factors as deemed appropriate by the committee. The committee shall submit a report on the study findings to the legislature no later than December 31, 2013."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "directing the joint select committee on pension policy to evaluate the effects on existing pension plans of establishing a new defined contribution plan; and creating a new section."

Senators Conway and Hobbs spoke in favor of adoption of the striking amendment.

Senator Tom spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Conway to Substitute Senate Bill No. 5851.

ONE HUNDRED SECOND DAY, APRIL 25, 2013

2013 REGULAR SESSION

The motion by Senator Conway failed and the striking amendment was not adopted by voice vote.

MOTION

Senator Bailey moved that the following striking amendment by Senator Bailey be adopted:

Strike everything after the enacting clause and insert the following:

"PART I SHORT TITLE AND INTENT

NEW SECTION. Sec. 101. This act may be known and cited as the public employee defined contribution retirement plan act.

NEW SECTION. Sec. 102. The legislature recognizes the need for public employees, public safety employees, teachers, and school employees, to have a secure and viable retirement benefit, not only for their own financial protection, but also so that public funds are spent prudently for their intended purpose. The legislature also recognizes the need for public employers and taxpayers to have consistent and predictable pension funding obligations in support of employee retirement benefits. Therefore, it is the intent of the legislature to provide a defined contribution retirement plan option for new public employees, teachers, and school employees that uses best practices of defined contribution plans to provide opportunity and flexibility to accrue a viable retirement benefit, while providing stable funding requirements for public employers and taxpayers. These best practices include minimizing the investment risk borne by the participants, whether through lack of investment knowledge or lack of access to the full variety of investment classes, and providing a distribution option that would ensure participants do not outlive their savings.

PART II RETIREMENT SYSTEM

NEW SECTION. Sec. 201. This chapter applies only to members of the Washington public employees' savings plan created under this chapter.

NEW SECTION. Sec. 202. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, together with the earnings thereon.

(2)(a) "Compensation earnable" means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the internal revenue code, but excludes nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation leave, unused accumulated annual leave, or any form of severance pay.

(b) "Compensation earnable" also includes the following actual or imputed payments, which are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period is considered compensation earnable to the extent provided in this subsection (2), and the individual shall receive the equivalent service;

(ii) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(iii) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038;

(iv) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670; and

(v) Compensation that a member receives for being in standby status. For the purposes of this section, a member is in standby status when not being paid for time actually worked and the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise.

(3) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(4) "Director" means the director of the department.

(5) "Eligible position" means any position that meets the definition of eligible position in chapters 41.32, 41.35, 41.37, and 41.40 RCW shall be considered an eligible position under this chapter.

(6) "Employee" or "employed" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law.

(7)(a) "Employer" means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including school districts, educational service districts, and public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030. Any employer who is participating in the retirement systems established in chapters 41.32, 41.35, 41.37, and 41.40 RCW on the effective date of this section is an employer under this chapter. Any entity that becomes an employer under chapters 41.32, 41.35, 41.37, and 41.40 RCW after the effective date of this section is also an employer under this chapter.

(b) Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an employer. The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an employer, but is based solely on the relationship between a government contractor's employee and an employer under this chapter.

(8) "Ineligible position" means any position that does not conform with the requirements set forth in subsection (5) of this section.

(9) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(10) "Member" means any employee included in the membership of the retirement system, as provided for in section 204 of this act.

(11) "Member account" or "member's account" means the sum of the member and employer contributions and earnings on behalf of the member.

(12) "Regular interest" means the rate the director determines.

(13) "Retirement system" means the Washington public employees' savings plan created in this chapter.

(14) "Separation from service" occurs when a person has terminated all employment with an employer. Separation from service or employment does not occur, and if claimed by an

employer or employee may be a violation of RCW 41.40.055, when an employee and employer have a written or oral agreement to resume employment with the same employer following termination. Mere expressions or inquiries about postretirement employment by an employer or employee that do not constitute a commitment to reemploy the employee after retirement are not an agreement under this subsection.

(15)(a) "Service" means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Time spent in standby status, whether compensated or not, is not service. Educational employees who are compensated for work in at least nine months from September to August shall be provided one year of service.

(b) Service in any state elective position is service.

(16) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(17) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(18) "State treasurer" means the treasurer of the state of Washington.

(19) "Substitute employee" means any substitute employee as defined in RCW 41.35.010 and any substitute teacher as defined in RCW 41.32.010.

(20) "Transferable plan" means the plans 2 and plans 3 of the retirement systems established under chapters 41.32, 41.34, 41.35, 41.37, and 41.40 RCW.

NEW SECTION. Sec. 203. A public employees' savings plan is hereby created for the employees of the state of Washington and its political subdivisions. The administration and management of the savings plan, the responsibility for making effective the provisions of this chapter, and the authority to make all rules and regulations necessary therefor are hereby vested in the department. All such rules and regulations shall be governed by the provisions of chapter 34.05 RCW. The retirement system created in this chapter shall be known as the Washington public employees' savings plan.

NEW SECTION. Sec. 204. Membership in the retirement system consists of:

(1) All regularly compensated employees, substitute employees, and appointive and elective officials who:

(a) Are eligible for membership in plan 2 or plan 3 of the retirement systems established under chapters 41.32, 41.35, 41.37, or 41.40 RCW;

(b) First become employed by an employer on or after July 1, 2014; and

(c) Make an irrevocable choice to become a member of the system, or become a member by default, as provided in subsection (3) of this section. However, a member may not participate in another defined contribution retirement plan or annuity retirement plan which includes an employer contribution for the same period of employment with an employer.

(2) All regularly compensated employees and appointive and elective officials employed by an employer who first established service in a transferable plan prior to July 1, 2014, and who made an irrevocable choice to transfer into the system as provided in section 206 of this act.

(3)(a) All individuals who meet the requirements of subsection (1) of this section have a period of ninety days to make an irrevocable choice to either become a member of the public employees' savings plan or to instead elect to become a member, if eligible, of plan 2 or plan 3 of a retirement system established under chapters 41.32, 41.35, 41.37, and 41.40 RCW. At the end of ninety days, if the individual has not made a choice of a retirement plan, he or she becomes a member of plan 3 of the applicable retirement system or plan 2 of the retirement system established under chapter 41.37 RCW.

(b) For administrative efficiency, until a member makes a choice or becomes a plan 3 member by default, as provided in (a) of this subsection, the member shall be reported to the department in plan 2 of the state defined benefit retirement system listed in (a) of this subsection for which they are eligible, with member and employer contributions. Upon becoming a member of the public employees' savings plan or of plan 3, all member and employer accumulated contributions will be credited to the member's account in the public employees' savings plan, subject to the vesting requirements in section 207 of this act, or in the member's plan 3 defined contribution account. If the individual becomes a member of plan 3, all service credit shall be transferred to the member's plan 3 defined benefit.

NEW SECTION. Sec. 205. Substitute employees may establish membership and service in the plan under the provisions of RCW 41.32.013 or 41.35.033.

NEW SECTION. Sec. 206. (1) Between January 1, 2015, and July 1, 2015, every member of a transferable plan employed by an employer in an eligible position has a one-time and irrevocable option to transfer to the public employees' savings plan. Contributions to this plan shall begin the first day of the pay cycle in which the employee becomes a member. Members electing this option must transfer service from each transferable plan in which the member has established service credit.

(2) Service in each transferable plan for which a transferring member has established service credit will be transferred to the public employees' savings plan on July 1, 2015. This service applies to the eligibility for vesting in employer matching contributions as provided in section 207 of this act.

(3) Retirement benefits in each transferable plan for which a transferring member has established service credit will be transferred to the public employees' savings plan and credited to member accounts in the public employees' savings plan as follows:

(a) Plan 2 members' accumulated contributions from each transferable plan 2 will be transferred on July 1, 2015, including all accrued interest as of the transfer date;

(b) Plan 3 members' member accounts from each transferable plan 3 will be transferred on July 1, 2015;

(c) An additional transfer payment from each transferable plan will be credited to qualified members' accounts in the public employees' savings plan on July 1, 2017. The transfer payment represents the employer provided portion of the member's accrued retirement benefit and is equal to the actuarial equivalent value of the member's accrued retirement benefit on June 30, 2015, as determined by the director in consultation with the state actuary, less any amounts transferred under (a) of this subsection. In no event may the additional transfer payment result in a decrease in the value of a member's account;

(d) For purposes of determining the actuarial equivalent value of the accrued benefit transferred under (c) of this subsection, the department shall include both expected future salary increases and expected future service credit for benefit eligibility purposes. However, only service credit earned as of June 30, 2015, shall be used to determine the portion of the present value of future benefits that the transferring member has accrued at the date of the transfer;

(e) The additional transfer payment provided under (c) of this subsection must be increased with regular interest, as determined by the director, for the period of time between the transfer date and the date of the additional transfer payment;

(f) To qualify for the transfer payment provided under (c) of this subsection, a transferring member must remain employed by an employer in an eligible position through July 1, 2017;

(g) Members and beneficiaries are fully vested in each amount transferred under (a), (b), (c), and (e) of this subsection when the amount is credited to the member's account in the public employees' savings plan.

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(4) Members transferring to the public employees' savings plan forfeit all service and benefits from all transferable plans and may not reestablish membership in any transferable plan.

(5) The department shall notify potentially eligible members of their option to transfer to the public employees' savings plan and shall provide estimates of the amounts potentially available for transfer to their member accounts.

NEW SECTION. Sec. 207. (1) Except as provided in subsection (5) of this section, a member shall contribute five percent of his or her compensation earnable until age thirty-five, and seven and one-half percent thereafter.

(2) The employer of a member shall contribute to the member's account an amount equal to eighty percent of the contributions made by a member.

(3) Members with less than five years of service are not vested in employer contributions to member accounts and the earnings on those contributions. Once members have attained five years of service, they become fully vested in the employer contributions and the earnings on those contributions. Members do not have any right to receive employer contributions or the earnings on those contributions in which they are not vested.

(4) Contributions shall begin the first day of the pay cycle in which the employee becomes a member.

(5) If required by the federal internal revenue service pursuant to a private letter ruling issued pursuant to section 213 of this act, the member contribution rate for persons who transfer to the retirement plan pursuant to section 206 of this act shall be identical to the member contribution rate they had immediately prior to transferring to the retirement plan. The employers of those members shall contribute to those members' accounts four percent of the member's compensation earnable until age thirty-five, and six percent thereafter.

NEW SECTION. Sec. 208. In addition to contributions made to members' accounts, employers shall make contributions to the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system and plan 1 of the public employees' retirement system as follows:

(1) School districts and educational service districts shall contribute to plan 1 of the teachers' retirement system the amounts specified in RCW 41.45.060(8) (b) and (c) on earnable compensation paid to teachers as defined in RCW 41.32.010.

(2) School districts and educational service districts shall contribute to plan 1 of the public employees' retirement system the amounts specified in RCW 41.45.060(6) (b) and (c) on earnable compensation paid to classified employees as defined in RCW 41.35.010.

(3) Employers other than school districts and educational service districts shall contribute to plan 1 of the public employees' retirement system the amounts specified in RCW 41.45.060(6) (b) and (c).

NEW SECTION. Sec. 209. (1) Members may self-direct their investments as set forth in section 210 of this act and RCW 43.33A.190. If a member does not select investments, the member's account shall be invested in the default investment option of the retirement strategy fund that is closest to the retirement target date of the member. "Retirement strategy fund" means one of several diversified asset allocation portfolios managed by investment advisors under contract to the state investment board. The asset mix of the portfolios adjusts over time depending on a target retirement date.

(2) The department shall adopt rules that will allow members the option to roll over moneys from other tax qualified accounts into their public employees' savings plan member account. This option is subject to internal revenue service requirements for favorable tax

qualification. The department is not required to allow all roll-overs that may be permitted under internal revenue service regulations.

NEW SECTION. Sec. 210. (1) The state investment board has the full authority to invest all self-directed investment moneys in accordance with RCW 43.84.150 and 43.33A.140, and cumulative investment directions received pursuant to section 209 of this act and this section. In carrying out this authority the state investment board, after consultation with the department, shall provide a set of options for members to choose from for self-directed investment.

(2) All investment and operating costs of the state investment board associated with making self-directed investments shall be paid by members and recovered under procedures agreed to by the department and the state investment board pursuant to the principles set forth in RCW 43.33A.160 and 43.84.160. All other expenses caused by self-directed investment shall be paid by the member in accordance with rules established by the department. With the exception of these expenses, all earnings from self-directed investments shall accrue to the member's account.

(3)(a)(i) The department shall keep or cause to be kept full and adequate accounts and records of each individual member's account. The department shall account for and report on the investment of defined contribution assets or may enter into an agreement with the state investment board for such accounting and reporting under this chapter.

(ii) The department's duties related to individual member accounts include conducting the activities of trade instruction, settlement activities, and direction of cash movement and related wire transfers with the custodian bank and outside investment firms.

(iii) The department has sole responsibility for contracting with any recordkeepers for individual member accounts and shall manage the performance of recordkeepers under those contracts.

(b)(i) The department's duties under (a)(ii) of this subsection do not limit the authority of the state investment board to conduct its responsibilities for asset management and balancing of the defined contribution funds.

(ii) The state investment board has sole responsibility for contracting with outside investment firms to provide investment management for the defined contribution funds and shall manage the performance of investment managers under those contracts.

(c) The state treasurer shall designate and define the terms of engagement for the custodial banks.

NEW SECTION. Sec. 211. (1) If the member terminates employment, the balance in the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the department. A distribution from the member account shall not result in loss of service for purposes of vesting in employer contributions under section 207 of this act.

(2) If the member dies while in service, the balance of the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the department. The distribution is as follows:

(a) The distribution shall be made to the person or persons the member nominated by written designation duly executed and filed with the department;

(b) If there is no designated person or persons still living at the time of the member's death, the balance of the member's account in the retirement system shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation;

(c) If there is no surviving spouse, then to the person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department; or

(d) If there is no designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(3) The distribution under subsections (1) and (2) of this section is less:

(a) Any amount identified as owing to an obligee upon withdrawal pursuant to a court order filed under RCW 41.50.670; and

(b) Any employer contributions and the earnings on those contributions in which the member is not vested as provided for in section 207 of this act.

(4) Upon any distribution from a member account under this section, any employer contributions and the earnings on those contributions in which the member is not vested as provided for in section 207 of this act are forfeited by the member. Amounts forfeited under this subsection will be credited, under rules developed by the department, to the employers that made the contributions.

(5) The department, in consultation with the state investment board, shall adopt rules providing members and survivors an option to purchase, using funds in the member's account, an annuity from a state-administered fund. The offering of this option is subject to favorable tax determination by the internal revenue service.

NEW SECTION. Sec. 212. (1) Subject to subsections (2) and (3) of this section, the right of a person to an annuity or any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and is not subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable.

(2)(a) This section does not prohibit a beneficiary of an annuity from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department. This section does not prohibit a beneficiary of an annuity from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(b) This section does not prohibit a beneficiary of an annuity from authorizing deductions from that allowance for charitable purposes on the same terms as employees and public officers under RCW 41.04.035 and 41.04.036.

(3) Subsection (1) of this section does not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

NEW SECTION. Sec. 213. (1) The retirement plan created by this chapter must be administered so as to comply with the internal revenue code, Title 26 U.S.C., and specifically with plan qualification requirements imposed on governmental plans by

section 401(a) of the internal revenue code. The department shall submit a request for a private letter ruling to the federal internal revenue service to confirm that permitting persons who transfer to the retirement plan pursuant to section 206 of this act to make contributions at the rates provided in section 207(1) of this act, will not prevent the retirement plan from being a qualified plan.

(2) Any section or provision of this chapter which is susceptible to more than one construction must be interpreted in favor of the construction most likely to satisfy requirements imposed by section 401(a) of the internal revenue code.

(3) If any section or provision of this chapter is found to be in conflict with the plan qualification requirements for governmental plans in section 401(a) of the internal revenue code, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict, and such finding does not affect the operation of the remainder of this chapter.

NEW SECTION. Sec. 214. (1) A state board, commission, or agency, or any officer, employee, or member thereof, is not liable for any loss or deficiency resulting from member investments selected or required pursuant to section 210 (1) or (3) of this act.

(2) Neither the department, nor director or any employee, nor the state investment board, nor any officer, employee, or member thereof, is liable for any loss or deficiency resulting from a member investment in the default option pursuant to section 209 of this act or reasonable efforts to implement investment directions pursuant to section 210 (1) or (3) of this act.

(3) The state investment board, or any officer, employee, or member thereof, is not liable with respect to any declared unit valuations or crediting of rates of return, or any other exercise of powers or duties, including discretion, under section 210(2) of this act.

(4) The department, or any officer or employee thereof, is not liable for crediting rates of return which are consistent with the state investment board's declaration of unit valuations pursuant to section 210(2) of this act.

NEW SECTION. Sec. 215. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family apply equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. When necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law are gender neutral, and applicable to individuals in state registered domestic partnerships.

NEW SECTION. Sec. 216. Sections 201 through 215 of this act constitute a new chapter in Title 41 RCW.

PART III

CHANGES TO EXISTING RETIREMENT SYSTEMS

Sec. 301. RCW 41.04.440 and 2007 c 492 s 3 are each amended to read as follows:

(1) The sole purpose of RCW 41.04.445 and 41.04.450 is to allow the members of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.35, 41.37, 41.40, 41.34, ~~41.---~~ (the new chapter created in section 216 of this act), and 43.43 RCW to enjoy the tax deferral benefits allowed under 26 U.S.C. 414(h). Chapter 227, Laws of 1984 does not alter in any manner the provisions of RCW 41.45.060, 41.45.061, and 41.45.067 which require that the member contribution rates shall be set so as to provide fifty percent of the cost of the respective retirement plans.

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(2) Should the legislature revoke any benefit allowed under 26 U.S.C. 414(h), no affected employee shall be entitled thereafter to receive such benefit as a matter of contractual right.

Sec. 302. RCW 41.04.445 and 2007 c 492 s 4 are each amended to read as follows:

(1) This section applies to all members who are:

(a) Judges under the retirement system established under chapter 2.10, 2.12, or 2.14 RCW;

(b) Employees of the state under the retirement system established by chapter 41.32, 41.37, 41.40, ~~41.---~~ (the new chapter created in section 216 of this act), or 43.43 RCW;

(c) Employees of school districts under the retirement system established by chapter 41.32 ~~((¶))~~, 41.40, ~~or 41.---~~ (the new chapter created in section 216 of this act) RCW, except for substitute teachers as defined by RCW 41.32.010;

(d) Employees of educational service districts under the retirement system established by chapter 41.32 ~~((¶))~~, 41.40, ~~or 41.---~~ (the new chapter created in section 216 of this act) RCW; or

(e) Employees of community college districts under the retirement system established by chapter 41.32 ~~((¶))~~, 41.40, ~~or 41.---~~ (the new chapter created in section 216 of this act) RCW.

(2) Only for compensation earned after the effective date of the implementation of this section and as provided by section 414(h) of the federal internal revenue code, the employer of all the members specified in subsection (1) of this section shall pick up only those member contributions as required under:

(a) RCW 2.10.090(1);

(b) RCW 2.12.060;

(c) RCW 2.14.090;

(d) RCW 41.32.263;

(e) RCW 41.32.350;

(f) RCW 41.40.330 (1) and (3);

(g) RCW 41.45.061 and 41.45.067;

(h) RCW 41.34.070; ~~and~~

(i) ~~((RCW 43.43.300; and~~
~~---))~~ RCW 41.34.040.

(3) Only for the purposes of federal income taxation, the gross income of the member shall be reduced by the amount of the contribution to the respective retirement system picked up by the employer.

(4) All member contributions to the respective retirement system picked up by the employer as provided by this section, plus the accrued interest earned thereon, shall be paid to the member upon the withdrawal of funds or lump sum payment of accumulated contributions as provided under the provisions of the retirement systems.

(5) At least forty-five days prior to implementing this section, the employer shall provide:

(a) A complete explanation of the effects of this section to all members; and

(b) Notification of such implementation to the director of the department of retirement systems.

Sec. 303. RCW 41.04.450 and 2007 c 492 s 5 are each amended to read as follows:

(1) Employers of those members under chapters 41.26, 41.34, 41.35, 41.37, ~~41.---~~ (the new chapter created in section 216 of this act), and 41.40 RCW who are not specified in RCW 41.04.445 may choose to implement the employer pick up of all member contributions without exception under RCW 41.26.080(1)(a), 41.26.450, 41.40.330(1), 41.45.060, 41.45.061, and 41.45.067 and chapters 41.34, ~~and 41.---~~ (the new chapter created in section 216 of this act) RCW. If the employer does so choose, the employer and members shall be subject to the conditions and limitations of RCW 41.04.445 (3), (4), and (5) and 41.04.455.

(2) An employer exercising the option under this section may later choose to withdraw from and/or reestablish the employer pick up of member contributions only once in a calendar year following forty-five days prior notice to the director of the department of retirement systems.

NEW SECTION. Sec. 304. A new section is added to chapter 41.32 RCW under the subchapter heading "plan 3" to read as follows:

(1) All teachers who first become employed by an employer in an eligible position on or after July 1, 2014, must make an irrevocable choice to become a member of either the teacher's retirement system, or the public employees' savings plan established under chapter 41.--- RCW (the new chapter created in section 216 of this act). At the end of ninety days, if the employee has not made a choice, he or she becomes a member of plan 3 of the teachers' retirement system.

(2) For administrative efficiency, until a member makes a choice or becomes a plan 3 member by default, as provided in subsection (1) of this section, the member shall be reported to the department in plan 2 of the state defined benefit retirement system listed in subsection (1) of this section for which they are eligible, with member and employer contributions. Upon becoming a member of the public employees' savings plan or plan 3, all member and employer accumulated contributions shall be credited to the member's account in the public employees' savings plan, subject to the vesting requirements in section 207 of this act, or in the member's plan 3 defined contribution account. Upon becoming a member of plan 3 all service credit shall be transferred to the member's plan 3 defined benefit.

NEW SECTION. Sec. 305. A new section is added to chapter 41.35 RCW under the subchapter heading "plan 3" to read as follows:

(1) All classified employees who first become employed by an employer in an eligible position on or after July 1, 2014, must make an irrevocable choice to become a member of either the school employees' retirement system, or the public employees' savings plan established under chapter 41.--- RCW (the new chapter created in section 216 of this act). At the end of ninety days, if the employee has not made a choice, he or she becomes a member of plan 3 of the school employees' retirement system.

(2) For administrative efficiency, until a member makes a choice or becomes a plan 3 member by default, as provided in subsection (1) of this section, the member shall be reported to the department in plan 2 of the state defined benefit retirement system listed in subsection (1) of this section for which they are eligible, with member and employer contributions. Upon becoming a member of the public employees' savings plan or plan 3, all member and employer accumulated contributions shall be credited to the member's account in the public employees' savings plan, subject to the vesting requirements in section 207 of this act, or in the member's plan 3 defined contribution account. Upon becoming a member of plan 3 all service credit shall be transferred to the member's plan 3 defined benefit.

NEW SECTION. Sec. 306. A new section is added to chapter 41.37 RCW to read as follows:

(1) All public safety employees who first become employed by an employer in an eligible position on or after July 1, 2014, must make an irrevocable choice to become a member of either the public safety employees' retirement system, or the public employees' savings plan established under chapter 41.--- RCW (the new chapter created in section 216 of this act). At the end of ninety days, if the employee has not made a choice, he or she becomes a member of plan 2 of the school employees' retirement system.

(2) For administrative efficiency, until a member makes a choice or becomes a plan 2 member by default, as provided in

subsection (1) of this section, the member shall be reported to the department in plan 2 of the state defined benefit retirement system listed in subsection (1) of this section for which they are eligible, with member and employer contributions. Upon becoming a member of the public employees' savings plan, all member and employer accumulated contributions shall be credited to the member's account in the public employees' savings plan, subject to the vesting requirements in section 207 of this act.

NEW SECTION. Sec. 307. A new section is added to chapter 41.40 RCW under the subchapter heading "plan 3" to read as follows:

(1) All employees who first become employed by an employer in an eligible position on or after July 1, 2014, must make an irrevocable choice to become a member of either the public employees' retirement system, or the public employees' savings plan established under chapter 41.--- RCW (the new chapter created in section 216 of this act). At the end of ninety days, if the employee has not made a choice, he or she becomes a member of plan 3 of the public employees' retirement system.

(2) For administrative efficiency, until a member makes a choice or becomes a plan 3 member by default, as provided in subsection (1) of this section, the member shall be reported to the department in plan 2 of the state defined benefit retirement system listed in subsection (1) of this section for which they are eligible, with member and employer contributions. Upon becoming a member of the public employees' savings plan or plan 3, all member and employer accumulated contributions shall be credited to the member's account in the public employees' savings plan, subject to the vesting requirements in section 207 of this act, or in the member's plan 3 defined contribution account. Upon becoming a member of plan 3 all service credit shall be transferred to the member's plan 3 defined benefit.

NEW SECTION. Sec. 308. A new section is added to chapter 41.50 RCW to read as follows:

If the department determines that due to employer error a member of the public employees' savings plan has suffered a loss of investment return, the employer shall pay the department for credit to the member's account the amount determined by the department as necessary to correct the error.

Sec. 309. RCW 41.50.030 and 2011 1st sp.s. c 47 s 20 are each amended to read as follows:

(1) As soon as possible but not more than one hundred and eighty days after March 19, 1976, there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

- (a) The Washington public employees' retirement system;
- (b) The Washington state teachers' retirement system;
- (c) The Washington law enforcement officers' and firefighters' retirement system;
- (d) The Washington state patrol retirement system;
- (e) The Washington judicial retirement system; and
- (f) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12 RCW.

(2) On July 1, 1996, there is transferred to the department all powers, duties, and functions of the deferred compensation committee.

(3) The department shall administer chapter 41.34 RCW.

(4) The department shall administer the Washington school employees' retirement system created under chapter 41.35 RCW.

(5) The department shall administer the Washington public safety employees' retirement system created under chapter 41.37 RCW.

(6) The department shall administer the collection of employer contributions and initial prefunding of the higher education retirement plan supplemental benefits, also referred to as the annuity or retirement income plans created under chapter 28B.10 RCW.

(7) The department shall administer the Washington public employees' savings plan created in chapter 41.--- RCW (the new chapter created in section 216 of this act).

Sec. 310. RCW 41.50.110 and 2011 1st sp.s. c 50 s 936 and 2011 1st sp.s. c 47 s 22 are each reenacted and amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 28B.10, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 41.--- (the new chapter created in section 216 of this act), 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 28B.10.400, 41.26.030, 41.32.010, 41.35.010, 41.37.010, section 202 of this act, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 28B.10.400, 41.26.030, 41.32.010, 41.35.010, 41.37.010, section 202 of this act, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(~~((3))~~) (4) shall be paid pursuant to subsection (1) of this section.

(7) During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 311. RCW 43.33A.190 and 2000 c 247 s 701 are each amended to read as follows:

Pursuant to RCW 41.34.130 and section 210 of this act, the state investment board shall invest all self-directed investment moneys under the public employees' savings plan, the teachers' retirement

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system plan 3, the school employees' retirement system plan 3, and the public employees' retirement system plan 3 with full power to establish investment policy, develop investment options, and manage self-directed investment funds.

under lying bill had some internal, I. R. S. considerations, whether you could change your contribution rates mid-stream. I'm actually asking the sponsors of this amendment if they've checked with the Department of Retirement System to ensure that this isn't in violation of I. R. S. rules?"

**PART IV
ADDITIONAL PROVISIONS**

NEW SECTION. Sec. 401. This act takes effect July 1, 2014.

NEW SECTION. Sec. 402. The benefits provided pursuant to this act are not provided to employees as a matter of contractual right prior to July 1, 2014. The legislature retains the right to alter or abolish these benefits at any time prior to July 1, 2014."

Senator Hargrove: "Senator Benton apparently has checked so I will let him answer the question."

Senator Benton: "Thank you Mr. President. The answer to the question is yes, this amendment meets federal muster. I should have mentioned that in my original remarks. I apologize for leaving that out but we did check with the federal statutes, with the I. R. S., and it's in complete accordance with their guidelines. So, yes, it does reach the federal level."

MOTION

Senator Benton moved that the following amendment by Senators Benton, Hargrove and Roach to the striking amendment be adopted:

On page 5, line 19, after "Make", strike "an irrevocable choice", and insert "a choice";

On page 5, line 19, after "system", strike everything through "section" on line 21;

On page 5, line 31, after "make", strike "an irrevocable choice", and insert "a choice";

On page 6, line 20, after "one-time", strike "and irrevocable";

On page 7, on line 32, after "plan", insert "except as provided in section 216 of this act";

On page 14, after line 4, insert:

"NEW SECTION. Sec. 216. A person who has made an election to become a member of the public employees savings plan may, if otherwise eligible, elect to transfer to membership in plan 3 of a retirement system established under chapters 41.32, 41.35, 41.37, or 41.40 RCW. A person who transfers membership under this section may establish service credit in the applicable plan 3 for periods of time in the public employees savings plan by making payment for the actuarial value of the service credit pursuant to RCW 41.50.165."

On page 14, on line 5, after "NEW SECTION.", strike "**Sec. 216.** Sections 201 through 215", and insert "**Sec. 217.** Sections 201 through 216"

On page 16, line 19, after "make", strike "an irrevocable choice", and insert "a choice";

On page 17, beginning on line 4, after "make", strike "an irrevocable choice", and insert "a choice";

On page 17, beginning on line 26, after "make", strike "an irrevocable choice", and insert "a choice";

On page 18, on line 8, after "make", strike "an irrevocable choice", and insert "a choice";

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senators Roach and Conway spoke in favor of adoption of the striking amendment.

Senator Hasegawa spoke on adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Hargrove and Roach on page 5, line 19 to the striking amendment to Substitute Senate Bill No. 5851.

The motion by Senator Benton carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Bailey as amended to Substitute Senate Bill No. 5851.

Senator Hargrove spoke in favor of adoption of the striking amendment.

The motion by Senator Bailey carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 41.04.440, 41.04.445, 41.04.450, 41.50.030, and 43.33A.190; reenacting and amending RCW 41.50.110; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; adding a new chapter to Title 41 RCW; creating new sections; and providing an effective date."

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Benton spoke in favor of passage of the bill.

Senators Fraser, Mullet, Hobbs, Conway and Hasegawa spoke against passage of the bill.

POINT OF INQUIRY

Senator Conway: "Would Senator Benton yield to a question?"

President Owen: "The Senator does not yield."

POINT OF INQUIRY

Senator Conway: "Would Senator Hargrove yield to a question? You know, this is the first I've seen this amendment. It came up on the bar today and my concerns here are whether the

MOTION

On motion of Senator Billig, Senator Hatfield was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5851.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5851 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senators Carrell and Hatfield

ENGROSSED SUBSTITUTE SENATE BILL NO. 5851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:30 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:30 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5336,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2042,

HOUSE BILL NO. 2044,

HOUSE BILL NO. 2045,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist Newbry moved that Jack Eng, Gubernatorial Appointment No. 9097, be confirmed as a member of the Board of Industrial Insurance Appeals.

Senators Holmquist Newbry and Conway spoke in favor of passage of the motion.

APPOINTMENT OF JACK ENG

The President declared the question before the Senate to be the confirmation of Jack Eng, Gubernatorial Appointment No. 9097, as a member of the Board of Industrial Insurance Appeals.

The Secretary called the roll on the confirmation of Jack Eng, Gubernatorial Appointment No. 9097, as a member of the Board of Industrial Insurance Appeals and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senators Fraser and McAuliffe

Excused: Senators Carrell and Hatfield

Jack Eng, Gubernatorial Appointment No. 9097, having received the constitutional majority was declared confirmed as a member of the Board of Industrial Insurance Appeals.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 5053,

SUBSTITUTE SENATE BILL NO. 5287,

SENATE BILL NO. 5337,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5551,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5577,

SUBSTITUTE SENATE BILL NO. 5601,

SENATE BILL NO. 5810,

SENATE JOINT MEMORIAL NO. 8001.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide moved that Elizabeth Baum, Gubernatorial Appointment No. 9076, be confirmed as a member of the Housing Finance Commission.

Senator Eide spoke in favor of the motion.

APPOINTMENT OF ELIZABETH BAUM

The President declared the question before the Senate to be the confirmation of Elizabeth Baum, Gubernatorial Appointment No. 9076, as a member of the Housing Finance Commission.

Dahlquist, Vick, Zeiger, Maxwell, Hudgins, Upthegrove, Ryu and Bergquist)

The Secretary called the roll on the confirmation of Elizabeth Baum, Gubernatorial Appointment No. 9076, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newby, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Fraser

Excused: Senators Carrell and Hatfield

Elizabeth Baum, Gubernatorial Appointment No. 9076, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

MOTION

On motion of Senator Billig, Senator Fraser was excused.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1183 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ericksen moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1183.

The President declared the question before the Senate to be motion by Senator Ericksen that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1183.

The motion by Senator Ericksen carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1183 by voice vote.

MOTION

On motion of Senator Ericksen, the rules were suspended and Substitute House Bill No. 1183 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1183, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Smith, Habib, Crouse, Morrell, Magendanz, Freeman, Kochmar, Walsh, Tarleton,

Regarding wireless communications structures.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following striking amendment by Senator Ericksen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.21C.0384 and 1996 c 323 s 2 are each amended to read as follows:

(1) Decisions pertaining to applications to site ~~((personal))~~ wireless service facilities are not subject to the requirements of RCW 43.21C.030(2)(c), if those facilities meet the following requirements:

~~(a)((i)) The ((facility to be sited is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school)) collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures does not substantially change the physical dimensions of such structures; or ((ii) the facility includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or a school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agricultural zone; or (iii))~~

~~(b) The siting project involves constructing a ((personal)) wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone((; and~~

~~(b) The project is not in)). This exemption does not apply to projects within a designated ((environmentally sensitive)) critical area((; and~~

~~(c) The project does not consist of a series of actions: (i) Some of which are not categorically exempt; or (ii) that together may have a probable significant adverse environmental impact)).~~

~~(2) The exemption authorized under subsection (1) of this section may only be applied to a project consisting of a series of actions when all actions in the series are categorically exempt and the actions together do not have a probable significant adverse environmental impact.~~

~~(3) The department of ecology shall adopt rules to create a categorical exemption for ((microcells and other personal)) wireless service facilities that meet the conditions set forth in subsections (1) and (2) of this section.~~

~~((3) For the purposes of this section:))~~

~~(4) By January 1, 2020, all wireless service providers granted an exemption to RCW 43.21C.030(2)(c) must provide the legislature with the number of permits issued pertaining to wireless service facilities, the number of exemptions granted under this section, and the total dollar investment in wireless service facilities between July 1, 2013, and June 30, 2019.~~

~~(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "((Personal)) Wireless services" means wireless data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.~~

(b) ~~"(Personal)~~ Wireless service facilities" means facilities for the provision of ~~((personal))~~ wireless services.

(c) ~~"(Microcell" means a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length))~~ "Collocation" means the mounting or installation of equipment on an existing tower, building, or structure for the purpose of either transmitting or receiving, or both, radio frequency signals for communications purposes.

(d) "Existing structure" means any existing tower, pole, building, or other structure capable of supporting wireless service facilities.

(e) "Substantially change the physical dimensions" means:

(i) The mounting of equipment on a structure that would increase the height of the structure by more than ten percent, or twenty feet, whichever is greater; or

(ii) The mounting of equipment that would involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater.

NEW SECTION. Sec. 2. The code reviser is directed to put the defined terms in RCW 43.21C.0384(5) into alphabetical order."

Senator Erickson spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Ericksen to Substitute House Bill No. 1183.

The motion by Senator Ericksen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "structures;" strike the remainder of the title and insert "amending RCW 43.21C.0384; and creating a new section."

MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute House Bill No. 1183 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1183 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1183 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Eide, Ericksen, Fain, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Conway, Darneille, Frockt, Keiser, Kohl-Welles, Murray, Nelson, Rolfes and Schlicher

Excused: Senators Carrell and Fraser

SUBSTITUTE HOUSE BILL NO. 1183 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5405 with the following amendment(s): 5405-S2.E AMH ROBE H2402.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the federal fostering connections to success and increasing adoptions act of 2008 provides important new opportunities to increase the impact of state funding through maximizing the amount of federal funding available to promote permanency and positive outcomes for dependent youth.

(2) The legislature also finds that children and adolescents who are legal dependents of Washington state have experienced significant trauma and loss, putting them at increased risk for poor life outcomes. Longitudinal research on the adult functioning of former foster youth indicates a disproportionate likelihood that youth aging out of foster care and those who spent several years in care will experience poor outcomes in a variety of areas, including limited human capital upon which to build economic security and inability to fully take advantage of secondary and postsecondary educational opportunities, untreated mental or behavioral health problems, involvement in the criminal justice and corrections systems, and early parenthood combined with second-generation child welfare involvement.

(3) The legislature further finds that research also demonstrates that access to adequate and appropriate supports during the period of transition from foster care to independence can have significant positive impacts on adult functioning and can improve outcomes relating to educational attainment and postsecondary enrollment, employment and earnings, and reduced rates of teen pregnancies.

Sec. 2. RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of

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placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(9) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(10) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(11) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(12) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(13) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(14) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(15) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(16) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(17) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(18) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(19) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to

provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.

(20) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(21) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

(22) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 3. RCW 13.34.145 and 2011 c 330 s 6 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) When the youth is at least age seventeen years but not older than seventeen years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age eighteen years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why

the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department or supervising agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department or supervising agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department or supervising agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department or supervising agency to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(ii) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

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(iii) The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(i) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(ii) If the department or supervising agency is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

~~((4))~~ (5) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the supervising agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((5))~~ (6) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

~~((6))~~ (7) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

~~((7))~~ (8) If the court orders the child returned home, casework supervision by the department or supervising agency shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

~~((8))~~ (9) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

~~((9))~~ (10) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection ~~((8))~~ (9) of this section are met.

~~((10))~~ (11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department or supervising agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((14))~~ (12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

~~((12))~~ (13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 4. RCW 13.34.267 and 2012 c 52 s 4 are each amended to read as follows:

(1) In order to facilitate the delivery of extended foster care services, the court, upon the agreement of the youth to participate in the extended foster care program, shall ~~(postpone for six months the dismissal of a)~~ maintain the dependency proceeding for any ~~(child)~~ youth who is ~~((a))~~ dependent ~~((child))~~ in foster care at the age of eighteen years and who, at the time of his or her eighteenth birthday, is:

(a) Enrolled in a secondary education program or a secondary education equivalency program; ~~((or))~~

(b) Enrolled and participating in a postsecondary academic or postsecondary vocational program, or has applied for and can demonstrate that he or she intends to timely enroll in a postsecondary academic or postsecondary vocational program; or

(c) Participating in a program or activity designed to promote employment or remove barriers to employment.

(2) If the court maintains the dependency proceeding of a youth pursuant to subsection (1) of this section, the youth is eligible to receive extended foster care services pursuant to RCW 74.13.031, subject to the youth's continuing eligibility and agreement to participate.

(3) A dependent youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian must be dismissed from the dependency proceeding when the youth reaches the age of eighteen.

(4) The court shall dismiss the dependency proceeding for any youth who is a dependent in foster care and who, at the age of eighteen years, does not meet any of the criteria described in subsection (1)(a) through (c) of this section or does not agree to participate in the program.

~~((2)(a) The six month postponement under this subsection is intended to allow a reasonable window of opportunity for an eligible youth who reaches the age of eighteen to request extended foster care services from the department or supervising agency. The court shall dismiss the dependency if the youth:~~

~~(i) Has not requested extended foster care services from the department by the end of the six month period; or~~

~~(ii) Is no longer eligible for extended foster care services under RCW 74.13.031(10) at any point during the six month period.~~

~~(b) Until the youth requests to participate in the extended foster care program, the department is relieved of any supervisory responsibility for the youth.~~

~~(3) A youth who participates in extended foster care while completing a secondary education or equivalency program may continue to receive extended foster care services for the purpose of participating in a postsecondary academic or postsecondary vocational education program if, at the time the secondary education or equivalency program is completed, the youth has applied to and can demonstrate that he or she intends to timely enroll in a postsecondary academic or vocational education program. The dependency shall be dismissed if the youth fails to timely enroll or continue in the postsecondary program, or reaches age twenty one, whichever is earlier.~~

~~(4) A youth receiving extended foster care services is a party to~~

~~the dependency proceeding. The youth's parent or guardian shall be dismissed from the dependency proceeding when the youth reaches the age of eighteen years.)~~

(5) The court shall order a youth participating in extended foster care services to be under the placement and care authority of the department, subject to the youth's continuing agreement to participate in extended foster care services. The department may establish foster care rates appropriate to the needs of the youth participating in extended foster care services. The department's placement and care authority over a youth receiving extended foster care services is solely for the purpose of providing services and does not create a legal responsibility for the actions of the youth receiving extended foster care services.

(6) The court shall appoint counsel to represent a youth, as defined in RCW 13.34.030(2)(b), in dependency proceedings under this section.

(7) The case plan for and delivery of services to a youth receiving extended foster care services is subject to the review requirements set forth in RCW 13.34.138 and 13.34.145, and should be applied in a developmentally appropriate manner, as they relate to youth age eighteen to twenty-one years. Additionally, the court shall consider:

(a) Whether the youth is safe in his or her placement;

(b) Whether the youth continues to be eligible for extended foster care services;

(c) Whether the current placement is developmentally appropriate for the youth;

(d) The youth's development of independent living skills; and

(e) The youth's overall progress toward transitioning to full independence and the projected date for achieving such transition.

(8) Prior to the review hearing, the youth's attorney shall indicate whether there are any contested issues and may provide additional information necessary for the court's review.

~~((9) Upon the request of the youth, or when the youth is no longer eligible to receive extended foster care services according to rules adopted by the department, the court shall dismiss the dependency.)~~

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

(1) A youth who has reached age eighteen years may request extended foster care services authorized under RCW 74.13.031 at any time before he or she reaches the age of nineteen years if on or after the effective date of this section:

(a) The dependency proceeding of the youth was dismissed pursuant to RCW 13.34.267(4) at the time that he or she reached age eighteen years; or

(b) The court, after holding the dependency case open pursuant to RCW 13.34.267(1), has dismissed the case because the youth became ineligible for extended foster care services.

(2)(a) Upon a request for extended foster care services by a youth pursuant to subsection (1) of this section, a determination that the youth is eligible for extended foster care services, and the completion of a voluntary placement agreement, the department shall provide extended foster care services to the youth.

(b) In order to continue receiving extended foster care services after entering into a voluntary placement agreement with the department, the youth must agree to the entry of an order of dependency within one hundred eighty days of the date that the youth is placed in foster care pursuant to a voluntary placement agreement.

(3) A youth may enter into a voluntary placement agreement for extended foster care services only once. A youth may transition among the eligibility categories identified in RCW 74.13.031 while under the same voluntary placement agreement, provided that the youth remains eligible for extended foster care services during the transition.

(4) "Voluntary placement agreement," for the purposes of this section, means a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

(1)(a) If a youth prior to reaching age nineteen years requests extended foster care services from the department pursuant to section 5 of this act, and the department declines to enter into a voluntary placement agreement with the youth, the department must provide written documentation to the youth which contains:

(i) The date that the youth requested extended foster care services;

(ii) The department's reasons for declining to enter into a voluntary placement agreement with the youth and the date of the department's decision; and

(iii) Information regarding the youth's right to ask the court to establish a dependency for the purpose of providing extended foster care services and his or her right to counsel to assist in making that request.

(b) The written documentation pursuant to (a) of this subsection must be provided to the youth within ten days of the department's decision not to enter into a voluntary placement agreement with the youth.

(2)(a) A youth seeking to participate in extended foster care after being declined by the department under subsection (1) of this section may file a notice of intent to file a petition for dependency, asking the court to determine his or her eligibility for extended foster care services, and to enter an order of dependency. If the youth chooses to file such notice, it must be filed within thirty days of the date of the department's decision.

(b) Upon filing the notice, the youth must be provided counsel at no cost to him or her. Upon receipt of the youth's petition, the court must set a hearing date to determine whether the petition should be granted.

Sec. 7. RCW 74.13.020 and 2012 c 205 s 12 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

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(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services may include ~~(, but are not limited to,)~~ placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(9) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(10) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(11) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(12) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(13) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(14) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(15) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

(16) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 8. RCW 74.13.020 and 2012 c 259 s 7 and 2012 c 205 s 12 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising

agency is assigned in a performance-based contract, in time periods established in the contract.

(10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(14) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(16) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

(17) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 9. RCW 74.13.031 and 2012 c 52 s 2 are each amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a

section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(6) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95- 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) The department and supervising agency shall have authority to purchase care for children.

(9) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related

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thereto. At least one member shall represent the adoption community.

(10)(a) The department and supervising agencies shall ~~((have authority to))~~ provide continued extended foster care services to ~~((youth ages eighteen to twenty one years to participate in or complete))~~ nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program~~((-or))~~;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program; or

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under section 5 of this act or pursuant to an order of dependency issued by the court under section 6 of this act. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(11) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (10) of this section.

(12) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(13) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(14) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(15) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty- one years of age who are or have been in foster care.

(16) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster

parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(17)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community- based organization and must be updated as needed.

Sec. 10. RCW 74.13.031 and 2012 c 259 s 8 and 2012 c 52 s 2 are each reenacted and amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95- 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department and supervising agency shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11)(a) The department and supervising agencies shall ~~((have authority to))~~ provide continued extended foster care services to ~~((youth ages eighteen to twenty one years to participate in or complete))~~ nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program~~((-or))~~;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program; or

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed

pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under section 5 of this act or pursuant to an order of dependency issued by the court under section 6 of this act. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out- of-home placement.

(16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty- one years of age who are or have been in foster care.

(17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

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(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

Sec. 11. RCW 43.88C.010 and 2012 c 217 s 3 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

Sec. 12. RCW 74.13.107 and 2012 c 204 s 2 are each amended to read as follows:

(1) The child and family reinvestment account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended solely for improving outcomes related to: (a) Safely reducing entry into the foster care system and preventing reentry; (b) safely increasing reunifications; (c) achieving permanency for children unable to be reunified; and (d) improving outcomes for youth who will age out of the foster care system. Moneys may be expended for shared savings under performance-based contracts.

(2) Revenues to the child and family reinvestment account consist of: (a) Savings to the state general fund resulting from reductions in foster care caseloads and per capita costs, as calculated and transferred into the account under this section; and (b) any other public or private funds appropriated to or deposited in the account.

(3)(a) The department of social and health services, in collaboration with the office of financial management and the caseload forecast council, shall develop a methodology for calculating the savings under this section. The methodology must be used for the 2013- 2015 fiscal biennium, and for each biennium thereafter. The methodology must establish a baseline for calculating savings. In developing the methodology, the department of social and health services shall incorporate the relevant requirements of any demonstration waiver granted to the state under P.L. 112-34. The savings must be based on actual caseload and per capita expenditures.

(b) The caseload and the per capita expenditures for youth in extended foster care pursuant to RCW 74.13.031 and as determined under RCW 43.88C.010(9) shall not be included in the following:(i) The calculation of savings transferred to the account; or(ii) The capped allocation of the demonstration waiver granted to the state under P.L. 112-34.

(c) By December 1, 2012, the department of social and health services shall submit the proposed methodology to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation to modify or reject the methodology.

~~((b))~~ (d) The department of social and health services shall use the methodology established in (a) of this subsection to calculate savings to the state general fund for transfer into the child and family reinvestment account in fiscal year 2014 and each fiscal year thereafter. Savings calculated by the department under this section are not subject to RCW 43.79.460. The department shall report the amount of the state general fund savings achieved to the office of financial management and the fiscal committees of the legislature at the end of each fiscal year. The office of financial management shall provide notice to the state treasurer of the amount of state general fund savings, as calculated by the department of social and health services, for transfer into the child and family reinvestment account.~~((e))~~ (e) Nothing in this section prohibits (i) the caseload forecast council from forecasting the foster care caseload under RCW 43.88C.010 or (ii) the department from including maintenance funding in its budget submittal for caseload costs that exceed the baseline established in (a) of this subsection.**Sec. 13.** RCW 43.131.416 and 2012 c 204 s 5 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2019:

(1) 2012 c 204 s 1 (uncodified);

(2) RCW 74.13.107 and 2013 c ... s 12 (section 12 of this act) & 2012 c 204 s 2; and

(3) RCW 43.135.0341 and 2012 c 204 s 3.

NEW SECTION. Sec. 14. No later than September 1, 2013, the department of social and health services shall develop recommendations regarding the needs of dependent youth in juvenile rehabilitation administration institutions and report those recommendations to the governor and appropriate legislative committees. The report must include specific recommendations regarding how these youth may access services under the extended foster care program. The recommendations must be developed by the children's administration and the juvenile rehabilitation administration in consultation with youth who have been involved with the juvenile rehabilitation administration and representatives from community stakeholders and the courts.

NEW SECTION. Sec. 15. This act applies prospectively only and not retroactively. It applies to:

(1) Dependency matters that have an open court case on the effective date of this section; and

(2) Dependency matters for which a petition is filed on or after the effective date of this section.

NEW SECTION. Sec. 16. Sections 7 and 9 of this act expire December 1, 2013.

NEW SECTION. Sec. 17. Sections 8 and 10 of this act take effect December 1, 2013."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5405.

Senator Murray spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5405.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5405 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5405, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5405, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Fraser

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5405, as amended by the House, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5797 with the following amendment(s): 5797 AMH ENGR H2300.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in the state of Washington, there exists a type of court administered by the judiciary commonly called a specialty or therapeutic court. Judges in the trial courts throughout the state effectively utilize specialty and therapeutic courts to remove defendants with their consent and the consent of the prosecuting authority from the normal criminal court system and allow those defendants the opportunity to obtain treatment services to address particular issues that may have contributed to the conduct that led to their arrest in exchange for dismissal of the charges. Trial courts have proved adept at creative approaches in fashioning a wide variety of specialty and therapeutic courts addressing the spectrum of social issues that can contribute to criminal activity.

The legislature also finds that there are presently more than seventy-four specialty and therapeutic courts operating in the state of Washington that save costs to both the trial courts and law enforcement by strategic focus of resources within the criminal justice system. There are presently more than fifteen types of specialty and therapeutic courts in the state including: Veterans treatment court, adult drug court, juvenile drug court, family dependency treatment court, mental health court, DUI court, community court, reentry drug court, tribal healing to wellness court, truancy court, homeless court, domestic violence court, gambling court, and Back on TRAC: Treatment, responsibility, accountability on campus.

The legislature recognizes the inherent authority of the judiciary under Article IV, section 1 of the state Constitution to establish specialty and therapeutic courts. The legislature recognizes the outstanding contribution to the state and a local community made by the establishment of specialty and therapeutic courts and desires to provide a general provision in statute acknowledging and encouraging the judiciary to provide for such courts to address the particular needs within a given judicial jurisdiction.

NEW SECTION. Sec. 2. A new section is added to chapter 2.28 RCW to read as follows:

(1) The legislature respectfully encourages the supreme court to adopt any administrative orders and court rules of practice and procedure it deems necessary to support the establishment of effective specialty and therapeutic courts.

(2) Any jurisdiction may establish a specialty or therapeutic court under this section and may seek state or federal funding as it becomes available for the establishment, maintenance, and expansion of specialty and therapeutic courts and for the provision by participating agencies of treatment to participating defendants.

(3) Any jurisdiction establishing a specialty court shall endeavor to incorporate the treatment court principles of best practices as recognized by state and national treatment court agencies and organizations in structuring a particular program, which may include:

- (a) Determine the population;
- (b) Perform a clinical assessment;
- (c) Develop the treatment plan;
- (d) Supervise the offender;
- (e) Forge agency, organization, and community partnerships;

- (f) Take a judicial leadership role;
- (g) Develop case management strategies;
- (h) Address transportation issues;
- (i) Evaluate the program;
- (j) Ensure a sustainable program.

(4) No therapeutic or specialty court may be established specifically for the purpose of applying foreign law, including foreign criminal, civil, or religious law, that is otherwise not required by treaty.

(5) Specialty and therapeutic courts shall continue to: (a) Obtain the consent of the prosecuting authority in order to remove a charged offender from the regular course of prosecution and punishment; and (b) comply with sentencing requirements as established in state law.

(6) No specialty or therapeutic court established by court rule shall enforce a foreign law, if doing so would violate a right guaranteed by the Constitution of this state or of the United States.

NEW SECTION. Sec. 3. The superior court judges' association and the district and municipal court judges' association are encouraged to invite other appropriate organizations and convene a work group to examine the structure of all specialty and therapeutic courts in Washington. If such a work group is convened, the legislature requests a recommendation for the structure for such courts in the law and court rules, incorporating principles of best practices relative to a particular court as recognized by state and national treatment court agencies and organizations, to make such courts more effective and more prevalent throughout the state. The legislature requests such recommendations prior to the beginning of the 2014 legislative session, and respectfully requests the supreme court to consider any recommendations from the work group pertaining to necessary changes in court rules.

NEW SECTION. Sec. 4. For the purposes of this act, "specialty court" and "therapeutic court" both mean a specialized pretrial or sentencing docket in select criminal cases where agencies coordinate work to provide treatment for a defendant who has particular needs.

Sec. 5. RCW 2.28.170 and 2009 c 445 s 2 are each amended to read as follows:

(1) ((Counties)) Jurisdictions may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services. However, from July 26, 2009, until June 30, 2013, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a drug court pursuant to RCW 70.96A.350.

(b) Any ((county)) jurisdiction that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may

adopt local requirements that are more stringent than the minimum. The minimum requirements are:

- (i) The offender would benefit from substance abuse treatment;
- (ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

- (A) That is a sex offense;
- (B) That is a serious violent offense;
- (C) During which the defendant used a firearm; or
- (D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 6. RCW 2.28.175 and 2012 c 183 s 1 are each amended to read as follows:

(1) ((Counties)) Jurisdictions may establish and operate DUI courts. Municipalities may enter into cooperative agreements with counties or other municipalities that have DUI courts to provide DUI court services.

(2) For the purposes of this section, "DUI court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism of impaired driving among nonviolent, alcohol abusing offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic testing for alcohol use and, if applicable, drug use; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a DUI court program must first:

(i) Exhaust all federal funding that is available to support the operations of its DUI court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for DUI court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for DUI court operations and associated services. However, until June 30, 2014, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a DUI court established as of January 1, 2011.

(b) Any jurisdiction that establishes a DUI court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The DUI court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

- (i) The offender would benefit from alcohol treatment;
- (ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030, vehicular homicide under RCW 46.61.520, vehicular assault under RCW 46.61.522, or an equivalent out-of-state offense; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

- (A) That is a sex offense;
- (B) That is a serious violent offense;
- (C) That is vehicular homicide or vehicular assault;
- (D) During which the defendant used a firearm; or
- (E) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 7. RCW 2.28.180 and 2011 c 236 s 1 are each amended to read as follows:

(1) ((Counties)) Jurisdictions may establish and operate mental health courts.

(2) For the purposes of this section, "mental health court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and symptoms of mental illness among

nonviolent, felony and nonfelony offenders with mental illnesses and recidivism among nonviolent felony and nonfelony offenders who have developmental disabilities as defined in RCW 71A.10.020 or who have suffered a traumatic brain injury by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment including drug treatment for persons with co-occurring disorders; mandatory periodic reviews, including drug testing if indicated; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a mental health court program must first:

(i) Exhaust all federal funding that is available to support the operations of its mental health court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for mental health court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for mental health court operations and associated services.

(b) Any (~~county~~) jurisdiction that establishes a mental health court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The mental health court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from psychiatric treatment or treatment related to his or her developmental disability or traumatic brain injury;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 8. RCW 2.28.190 and 2011 c 293 s 11 are each amended to read as follows:

Any (~~county~~) jurisdiction that has established a DUI court, drug court, and a mental health court under this chapter may combine the functions of these courts into a single therapeutic court.

NEW SECTION. **Sec. 9.** This act takes effect August 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Senate Bill No. 5797.

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Senate Bill No. 5797.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5797 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5797, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5797, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Fraser

SENATE BILL NO. 5797, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1421, by Representatives Tharinger and Nealey

Protecting the state's interest in collecting deferred property taxes.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed House Bill No. 1421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1421.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1421 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Kline

Excused: Senators Carrell and Fraser

ENGROSSED HOUSE BILL NO. 1421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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At 3:00 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 a.m. Friday, April 26, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

ONE HUNDRED THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 26, 2013

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Carrell.

The Sergeant at Arms Color Guard consisting of Pages Jonathan Gizinski and Eli Everson, presented the Colors. Ms. Lihu'e Ling offered the prayer, Pule Kakou (Prayer for Everyone). The Doxology (*Praise God from Whom All Blessings Flow*) in Olelo Hawai'i was performed by representatives of the state's Hawai'ian community.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 25, 2013

SB 5889 Prime Sponsor, Senator Nelson: Modifying snowmobile parking permit and license fees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5889 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Parlette; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Padden and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Passed to Committee on Rules for second reading.

April 25, 2013

SB 5914 Prime Sponsor, Senator Parlette: Concerning a waiver request to implement a premium assistance program to purchase market-based insurance for medicaid-eligible individuals. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5914 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hargrove, Ranking Member;

Hasegawa; Hatfield; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

April 25, 2013

E2SHB 1306 Prime Sponsor, Committee on Finance: Extending the expiration dates of the local infrastructure financing tool program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

April 25, 2013

SHB 1982 Prime Sponsor, Committee on Appropriations: Eliminating lottery games that generate insufficient net revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 26, 2013

SGA 9219 JOHN WIESMAN, appointed on April 15, 2013, for the term ending at the governors pleasure, as Secretary of the Department of Health. Reported by Committee on Health Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Cleveland; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

ONE HUNDRED THIRD DAY, APRIL 26, 2013

2013 REGULAR SESSION

On motion of Senator Fain, the Senate advanced to the third order of business.

DEBORAH J. WILDS, appointed March 11, 2013, for the term ending January 12, 2017, as Member of the State Board of Education.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

April 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PETER W. BOGDANOFF, appointed January 16, 2013, for the term ending August 2, 2018, as Member of the Lottery Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce & Labor.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 25, 2013

April 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

PAUL P. GEORGE, reappointed March 20, 2013, for the term ending January 17, 2019, as Member of the Horse Racing Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce & Labor.

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1130,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2013

April 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOHN G. STEWART, appointed April 12, 2013, for the term ending December 26, 2016, as Member of the Board of Pilotage Commissioners.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation.

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 1723,
SUBSTITUTE HOUSE BILL NO. 1821,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2013

April 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

J. TAYLOE WASHBURN, appointed November 16, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 7 (Shoreline Community College).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5053,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5082,
ENGROSSED SENATE BILL NO. 5105,
SUBSTITUTE SENATE BILL NO. 5148,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5153,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5215,
SUBSTITUTE SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5282,
SUBSTITUTE SENATE BILL NO. 5287,
ENGROSSED SENATE BILL NO. 5305,
SUBSTITUTE SENATE BILL NO. 5315,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5324,
SENATE BILL NO. 5337,
SENATE BILL NO. 5344,
SENATE BILL NO. 5417,
SUBSTITUTE SENATE BILL NO. 5437,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,

April 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SUBSTITUTE SENATE BILL NO. 5459,
 SENATE BILL NO. 5465,
 SENATE BILL NO. 5472,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5480,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5491,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5092,
 ENGROSSED SENATE BILL NO. 5099,
 SENATE BILL NO. 5102,
 ENGROSSED SENATE BILL NO. 5104,
 SENATE BILL NO. 5113,
 SUBSTITUTE SENATE BILL NO. 5135,
 SENATE BILL NO. 5136,
 SENATE BILL NO. 5145,
 ENGROSSED SENATE BILL NO. 5206,
 SENATE BILL NO. 5220,
 SUBSTITUTE SENATE BILL NO. 5256,
 SUBSTITUTE SENATE BILL NO. 5308,
 SUBSTITUTE SENATE BILL NO. 5369,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5389,
 SUBSTITUTE SENATE BILL NO. 5399,
 SUBSTITUTE SENATE BILL NO. 5507,
 SENATE BILL NO. 5674,
 ENGROSSED SENATE BILL NO. 5699,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5723,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5551,
 SUBSTITUTE SENATE BILL NO. 5556,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5577,
 SUBSTITUTE SENATE BILL NO. 5601,
 SUBSTITUTE SENATE BILL NO. 5615,
 ENGROSSED SENATE BILL NO. 5616,
 SUBSTITUTE SENATE BILL NO. 5630,
 SENATE BILL NO. 5692,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5709,
 SENATE BILL NO. 5748,
 SUBSTITUTE SENATE BILL NO. 5761,
 SUBSTITUTE SENATE BILL NO. 5767,
 SUBSTITUTE SENATE BILL NO. 5786,
 SENATE BILL NO. 5810,
 SENATE JOINT MEMORIAL NO. 8001,
 SENATE JOINT MEMORIAL NO. 8005,
 ENGROSSED SUBSTITUTE SENATE CONCURRENT
 RESOLUTION NO. 8401,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1242,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412,
 SUBSTITUTE HOUSE BILL NO. 1466,
 SUBSTITUTE HOUSE BILL NO. 1612,
 SECOND SUBSTITUTE HOUSE BILL NO. 1764,
 HOUSE BILL NO. 1768,
 SUBSTITUTE HOUSE BILL NO. 1779,
 SUBSTITUTE HOUSE BILL NO. 1941,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5925 by Senators Roach, Mullet, Keiser and Dammeier

AN ACT Relating to extending contribution limits to candidates for public hospital district boards of commissioners; amending RCW 42.17A.405 and 42.17A.405; and providing contingent effective dates.

Referred to Committee on Governmental Operations.

SB 5926 by Senators Chase and Braun

AN ACT Relating to aerospace competitiveness; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

SB 5927 by Senators Brown, Holmquist Newbry, Hewitt, Honeyford, Benton, Bailey, Padden, Braun, Smith and Rivers

AN ACT Relating to the right to engage in commerce free from discrimination; amending RCW 49.60.030; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5928 by Senators Chase and Hasegawa

AN ACT Relating to the audit of the state universities; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2038 by House Committee on Finance (originally sponsored by Representatives Carlyle, Hunter, Ormsby, Tharinger, Reykdal and Pollet)

By Senators Dammeier, Conway, Becker, Darneille, Schlicher, Eide, and Roach

AN ACT Relating to investing in the education legacy trust account for K-12 basic education and higher education by narrowing or eliminating tax preferences and extending taxes set to expire; amending RCW 82.04.29002, 82.04.260, 82.08.0293, 82.12.0293, 82.08.0273, 82.04.4452, 82.63.030, 82.16.050, 82.04.610, 82.12.0263, 82.04.440, and 82.04.460; reenacting and amending RCW 82.04.260; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 39.42 RCW; repealing RCW 82.04.272; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2042 by Representatives Cody, Hunter and Sullivan

AN ACT Relating to modifying the nursing facility medicaid payment system by delaying the rebase of certain rate components and extending certain rate add-ons; amending RCW 74.46.431 and 74.46.501; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2044 by Representatives Hunter and Sullivan

AN ACT Relating to delaying the implementation of the family leave insurance program until funding and payment of benefits are authorized in law; and amending RCW 49.86.030 and 49.86.210.

Referred to Committee on Ways & Means.

HB 2045 by Representatives Hunter and Sullivan

AN ACT Relating to payments to counties in lieu of taxes; and amending RCW 77.12.201 and 77.12.203.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Dammeier moved adoption of the following resolution:

SENATE RESOLUTION
8658

WHEREAS, Forrest Westering, better known as "Frosty," was an honored football coach and motivational speaker; and

WHEREAS, He began his career at Parsons College in 1962, moved to Albert Lea in 1966, and commenced his legendary run at Pacific Lutheran University in 1972, where he remained until he retired and handed the team over to his son Scott in 2003; and

WHEREAS, He led Pacific Lutheran University to four national titles, three NAIA titles, and one NCAA Division III title; and

WHEREAS, Frosty had a career mark of 305-96-7 and holds the National Association of Intercollegiate Athletics record for most coaching wins; and

WHEREAS, Despite ranking number 10 in wins among all college football coaches, Frosty spent his time – both on and off the football field – encouraging others to have a positive outlook on life; and

WHEREAS, He had a great sense of humor and adored when his players pulled pranks on him; and

WHEREAS, He always insisted his players call him Frosty - and corrected them if they used "Coach"; and

WHEREAS, He and his players sang before and after each game - often to the mock direction of Frosty's cane. He taught them to sing without embarrassment, for it had become uncool to refrain from the refrains; and

WHEREAS, Frosty's meetings rarely started on time, and he was so rooted in the habit of always being late, that his wife gave him an "ish" clock with the suffix "ish" beside each number; and

WHEREAS, He was only known to be on time while he was a drill instructor in the United States Marine Corps where he served immediately following World War II; and

WHEREAS, He was well known for his motivational speaking and his popular books "Make the Big Time Where You Are" and its sequel "The Strange Secret of the Big Time"; and

WHEREAS, Off the field, Frosty was a devoted husband to his wife Donna, his grade-school sweetheart, and their five children; and

WHEREAS, He made a lasting impact on the lives of his family and friends, as well as on the lives of his players and those he met along the way;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and cherish the life, work, and fun-loving attitude of Forrest 'Frosty' Westering.

Senators Dammeier, Schlicher, Conway, Pearson, Ericksen and Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8658.

The motion by Senator Dammeier carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Westering family members: Mrs. Donna Belle Westering; son Scott and his three children; daughter Holly and husband, Jim Johnson, and their children Chad & Michelle Johnson and their children, Jason and Christy and Heather & Chris Linderman and their children who were present in the gallery.

REMARKS BY SCOTT WESTERING

Mr. Westering (from the gallery): "Well, I'll speak like my father did for a moment. The State of Washington has the Space Needle, Mount Rainier and now, humbly, also I think, Frosty and

Donna Westering as national treasurers in the State of Washington. Thank you for honoring us.”

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1242,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412,
SUBSTITUTE HOUSE BILL NO. 1466,
SUBSTITUTE HOUSE BILL NO. 1612,
SECOND SUBSTITUTE HOUSE BILL NO. 1764,
HOUSE BILL NO. 1768,
SUBSTITUTE HOUSE BILL NO. 1779,
SUBSTITUTE HOUSE BILL NO. 1941.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pearson moved that Larry Carpenter, Gubernatorial Appointment No. 9086, be confirmed as a member of the Fish and Wildlife Commission.

Senator Pearson spoke in favor of the motion.

APPOINTMENT OF LARRY CARPENTER

The President declared the question before the Senate to be the confirmation of Larry Carpenter, Gubernatorial Appointment No. 9086, as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Larry Carpenter, Gubernatorial Appointment No. 9086, as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Kline, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Chase, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kohl-Welles, McAuliffe, Murray, Ranker and Shin

Excused: Senators Carrell and Nelson

Larry Carpenter, Gubernatorial Appointment No. 9086, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hobbs moved that Dennis Kloida, Gubernatorial Appointment No. 9130, be confirmed as a member of the Housing Finance Commission.

Senator Hobbs spoke in favor of the motion.

APPOINTMENT OF DENNIS KLOIDA

The President declared the question before the Senate to be the confirmation of Dennis Kloida, Gubernatorial Appointment No. 9130, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Dennis Kloida, Gubernatorial Appointment No. 9130, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Ericksen

Excused: Senators Carrell and Nelson

Dennis Kloida, Gubernatorial Appointment No. 9130, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hobbs moved that M. A. Leonard, Gubernatorial Appointment No. 9132, be confirmed as a member of the Housing Finance Commission.

Senator Hobbs spoke in favor of the motion.

APPOINTMENT OF M. A. LEONARD

The President declared the question before the Senate to be the confirmation of M. A. Leonard, Gubernatorial Appointment No. 9132, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of M. A. Leonard, Gubernatorial Appointment No. 9132, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Nelson

M. A. Leonard, Gubernatorial Appointment No. 9132, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

REPORT OF THE CONFERENCE COMMITTEE
Engrossed Senate Bill No. 5666

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Senate Bill No. 5666, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.71.030 and 2012 c 165 s 1 are each amended to read as follows:

(1) If the limitation on damages under RCW 7.71.020 and P.L. 99-660 Sec. 411(a)(1) does not apply, this section shall provide the exclusive ~~((remedy))~~ remedies in any lawsuit by a health care provider for any action taken by a professional peer review body of health care providers as defined in RCW 7.70.020 ~~((; that is found to be based on matters not related to the competence or professional conduct of a health care provider)).~~

(2) ~~((Actions))~~ Remedies shall be limited to appropriate injunctive relief, and damages shall be allowed only for lost earnings directly attributable to the action taken by the professional peer review body, incurred between the date of such action and the date the action is functionally reversed by the professional peer review body.

(3) Reasonable attorneys' fees and costs shall be awarded if approved by the court under RCW 7.71.035.

(4) The statute of limitations for actions under this section shall be one year from the date of the action of the professional peer review body.

Sec. 2. RCW 70.41.200 and 2007 c 273 s 22 and 2007 c 261 s 3 are each reenacted and amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of ~~((a))~~ one or more quality improvement committees with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. ~~((The))~~ Different quality improvement committees may be established as a part of a quality improvement program to review different health care services. Such committees shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A process, including a medical staff privileges sanction procedure which must be conducted substantially in accordance with medical staff bylaws and applicable rules, regulations, or policies of the medical staff through which credentials, physical and mental capacity, professional conduct, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) ~~((The))~~ A process for the periodic review of the credentials, physical and mental capacity, professional conduct, and competence in delivering health care services of all ~~((persons))~~ other health care providers who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients including health care-associated infections as defined in RCW 43.70.056, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, infection control, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude:

(a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality

improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510, a coordinated quality improvement committee maintained by an ambulatory surgical facility under RCW 70.230.070, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 74.42.640 (7) and (9), and 4.24.250.

(9) A hospital that operates a nursing home as defined in RCW 18.51.010 may conduct quality improvement activities for both the hospital and the nursing home through a quality improvement committee under this section, and such activities shall be subject to the provisions of subsections (2) through (8) of this section.

(10) Violation of this section shall not be considered negligence per se.

Sec. 3. RCW 70.41.230 and 1994 sp.s. c 9 s 744 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the hospital

may request additional information going back further than five years, and the physician shall use his or her best efforts to comply with such a request for additional information;

(b) ((If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation)) Whether the physician has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity listed in (b)(i) through (x) of this subsection, or has ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity listed in (b)(i) through (x) of this subsection in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct:

(i) License to practice any profession in any jurisdiction;

(ii) Other professional registration or certification in any jurisdiction;

(iii) Specialty or subspecialty board certification;

(iv) Membership on any hospital medical staff;

(v) Clinical privileges at any facility, including hospitals, ambulatory surgical centers, or skilled nursing facilities;

(vi) Medicare, medicaid, the food and drug administration, the national institute of health (office of human research protection), governmental, national, or international regulatory agency, or any public program;

(vii) Professional society membership or fellowship;

(viii) Participation or membership in a health maintenance organization, preferred provider organization, independent practice association, physician-hospital organization, or other entity;

(ix) Academic appointment;

(x) Authority to prescribe controlled substances (drug enforcement agency or other authority);

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.71.0195.

(3) The medical quality assurance commission shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the

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physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude:

(a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical quality assurance commission and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

Sec. 4. RCW 70.230.080 and 2007 c 273 s 9 are each amended to read as follows:

(1) Every ambulatory surgical facility shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of ~~((a))~~ one or more quality improvement committees with the responsibility to review the services rendered in the ambulatory surgical facility, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. ~~((The))~~ Different quality improvement committees may be established as a part of the quality improvement program to review different health care services. Such committees shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise the policies and procedures of the ambulatory surgical facility;

(b) A process, including a medical staff privileges sanction procedure which must be conducted substantially in accordance with medical staff bylaws and applicable rules, regulations, or policies of the medical staff through which credentials, physical and mental capacity, professional conduct, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the ambulatory surgical facility;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the ambulatory surgical facility's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the ambulatory surgical facility for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual practitioners within the practitioner's personnel or credential file maintained by the ambulatory surgical facility;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee is not subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence of information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the

reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the management of the ambulatory surgical facility, as identified in the facility's application, in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission, the board of osteopathic medicine and surgery, or the podiatric medical board, as appropriate, may review and audit the records of committee decisions in which a practitioner's privileges are terminated or restricted. Each ambulatory surgical facility shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained is not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of an ambulatory surgical facility to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department and any accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of the ambulatory surgical facility. Information so obtained is not subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each ambulatory surgical facility shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510 or 70.41.200, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents are not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 70.41.200(3), 74.42.640 (7) and (9), and 4.24.250.

(9) An ambulatory surgical facility that participates in a coordinated quality improvement program under RCW 43.70.510 shall be deemed to have met the requirements of this section.

(10) Violation of this section shall not be considered negligence per se.

Sec. 5. RCW 70.230.140 and 2007 c 273 s 15 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any practitioner or hiring a practitioner, an ambulatory surgical facility approved pursuant to this chapter shall request from the practitioner and the practitioner shall provide the following information:

(a) The name of any hospital, ambulatory surgical facility, or other facility with or at which the practitioner had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the ambulatory surgical facility may request additional information going back further than five years, and the physician shall use his or her best efforts to comply with such a request for additional information;

(b) ~~((If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation))~~ Whether the physician has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity listed in (b)(i) through (x) of this subsection, or has ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity listed in (b)(i) through (x) of this subsection in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct:

(i) License to practice any profession in any jurisdiction;

(ii) Other professional registration or certification in any jurisdiction;

(iii) Specialty or subspecialty board certification;

(iv) Membership on any hospital medical staff;

(v) Clinical privileges at any facility, including hospitals, ambulatory surgical centers, or skilled nursing facilities;

(vi) Medicare, medicaid, the food and drug administration, the national institute of health (office of human research protection), governmental, national, or international regulatory agency, or any public program;

(vii) Professional society membership or fellowship;

(viii) Participation or membership in a health maintenance organization, preferred provider organization, independent practice association, physician-hospital organization, or other entity;

(ix) Academic appointment;

(x) Authority to prescribe controlled substances (drug enforcement agency or other authority);

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the practitioner deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the practitioner deems appropriate;

(e) A waiver by the practitioner of any confidentiality provisions concerning the information required to be provided to ambulatory surgical facilities pursuant to this subsection; and

(f) A verification by the practitioner that the information provided by the practitioner is accurate and complete.

(2) Prior to granting privileges or association to any practitioner or hiring a practitioner, an ambulatory surgical facility approved under this chapter shall request from any hospital or ambulatory surgical facility with or at which the practitioner had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the practitioner:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

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(c) Any information required to be reported by hospitals or ambulatory surgical facilities pursuant to RCW 18.130.070.

(3) The medical quality assurance commission, board of osteopathic medicine and surgery, podiatric medical board, or dental quality assurance commission, as appropriate, shall be advised within thirty days of the name of any practitioner denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital, ambulatory surgical facility, or other facility that receives a request for information from another hospital, ambulatory surgical facility, or other facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital, ambulatory surgical facility, or other facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital, ambulatory surgical facility, or facility. A hospital, ambulatory surgical facility, other facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude:

(a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(6) Ambulatory surgical facilities shall be granted access to information held by the medical quality assurance commission, board of osteopathic medicine and surgery, or podiatric medical board pertinent to decisions of the ambulatory surgical facility regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "health care quality improvement measures, including professional peer review; amending RCW 7.71.030, 70.41.230, 70.230.080, and 70.230.140; and reenacting and amending RCW 70.41.200."

And the bill do pass as recommended by the conference committee.

Signed by Senators Dammeier, Becker and Frockt; Representatives Jinkins, Pedersen and Rodne.

MOTION

Senator Dammeier moved that the Report of the Conference Committee on Engrossed Senate Bill No. 5666 be adopted.

Senators Dammeier and Frockt spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Dammeier that the Report of the Conference Committee on Engrossed Senate Bill No. 5666 be adopted.

The motion by Senator Dammeier carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5666, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5666, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Nelson

ENGROSSED SENATE BILL NO. 5666, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS
MOTION

Senator Rolfes moved that Conrad Mahnken, Gubernatorial Appointment No. 9137, be confirmed as a member of the Fish and Wildlife Commission.

Senator Rolfes spoke in favor of the motion.

MOTION

On motion of Senator Harper, Senators Hatfield and Ranker were excused.

APPOINTMENT OF CONRAD MAHNKEN

The President declared the question before the Senate to be the confirmation of Conrad Mahnken, Gubernatorial Appointment No. 9137, as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Conrad Mahnken, Gubernatorial Appointment No. 9137, as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford,

Keiser, King, Kline, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Ericksen, Hatfield, Kohl-Welles and Murray

Excused: Senators Carrell and Ranker

Conrad Mahnken, Gubernatorial Appointment No. 9137, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Parlette moved that Steve Milner, Gubernatorial Appointment No. 9142, be confirmed as a member of the Parks and Recreation Commission.

Senator Parlette spoke in favor of the motion.

APPOINTMENT OF STEVE MILNER

The President declared the question before the Senate to be the confirmation of Steve Milner, Gubernatorial Appointment No. 9142, as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Steve Milner, Gubernatorial Appointment No. 9142, as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Steve Milner, Gubernatorial Appointment No. 9142, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hobbs moved that Mario Villanueva, Gubernatorial Appointment No. 9192, be confirmed as a member of the Housing Finance Commission.

Senators Hobbs and Honeyford spoke in favor of passage of the motion.

APPOINTMENT OF MARIO VILLANUEVA

The President declared the question before the Senate to be the confirmation of Mario Villanueva, Gubernatorial Appointment No. 9192, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Mario Villanueva, Gubernatorial Appointment No. 9192, as a member of the Housing Finance Commission and the appointment was

confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Mario Villanueva, Gubernatorial Appointment No. 9192, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

MOTION

At 12:07 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:22 p.m. by President Owen.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dammeier moved that Creigh Agnew, Gubernatorial Appointment No. 9072, be confirmed as a member of the Work Force Training and Education Coordinating Board.

Senator Dammeier spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator McAuliffe was excused.

APPOINTMENT OF CREIGH AGNEW

The President declared the question before the Senate to be the confirmation of Creigh Agnew, Gubernatorial Appointment No. 9072, as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Creigh Agnew, Gubernatorial Appointment No. 9072, as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Creigh Agnew, Gubernatorial Appointment No. 9072, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

MOTION

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On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 2013

MR. PRESIDENT:

The House has passed:

HOUSE CONCURRENT RESOLUTION NO. 4405,

HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Murray moved that Kristianne Blake, Gubernatorial Appointment No. 9079, be confirmed as a member of the Board of Regents, University of Washington.

Senator Murray spoke in favor of the motion.

APPOINTMENT OF KRISTIANNE BLAKE

The President declared the question before the Senate to be the confirmation of Kristianne Blake, Gubernatorial Appointment No. 9079, as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Kristianne Blake, Gubernatorial Appointment No. 9079, as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Kristianne Blake, Gubernatorial Appointment No. 9079, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5213. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5213-S2 AMH CODY H2475.2, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.09 RCW to read as follows:

The legislature finds that chronic care management, including comprehensive medication management services, provided by licensed pharmacists and qualified providers is a critical component of a collaborative, multidisciplinary, inter-professional approach to the treatment of chronic diseases for targeted individuals, to improve the quality of care and reduce overall cost in the treatment of such diseases.

Sec. 2. RCW 74.09.522 and 2011 1st sp.s. c 15 s 29, 2011 1st sp.s. c 9 s 2, and 2011 c 316 s 4 are each reenacted and amended to read as follows:

(1) For the purposes of this section:

(a) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(b) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their scope of practice, that does not have a written contract to participate in a managed health care system's provider network, but provides health care services to enrollees of programs authorized under this chapter whose health care services are provided by the managed health care system.

(2) The authority shall enter into agreements with managed health care systems to provide health care services to recipients of temporary assistance for needy families under the following conditions:

(a) Agreements shall be made for at least thirty thousand recipients statewide;

(b) Agreements in at least one county shall include enrollment of all recipients of temporary assistance for needy families;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the authority may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed twelve months: AND PROVIDED FURTHER, That the authority shall not restrict a recipient's right to terminate enrollment in a system for good cause as established by the authority by rule;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except as authorized by the authority under federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e)(i) In negotiating with managed health care systems the authority shall adopt a uniform procedure to enter into contractual arrangements, to be included in contracts issued or renewed on or after January 1, ~~((2012))~~ 2015, including:

(A) Standards regarding the quality of services to be provided;

(B) The financial integrity of the responding system;

(C) Provider reimbursement methods that incentivize chronic care management within health homes, including comprehensive medication management services for patients with multiple chronic conditions consistent with the findings and goals established in section 1 of this act;

(D) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use; ~~((and))~~

(E) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training, unless the managed care system is an integrated health delivery system that has programs in place for chronic care management;

(F) Provider reimbursement methods within the medical billing processes that incentivize pharmacists or other qualified providers licensed in Washington state to provide comprehensive medication management services consistent with the findings and goals established in section 1 of this act; and

(G) Evaluation and reporting on the impact of comprehensive medication management services on patient clinical outcomes and total health care costs, including reductions in emergency department utilization, hospitalization, and drug costs.

(ii)(A) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(B) Contracts that include the items in (e)(i)(C) through ~~((E))~~ (G) of this subsection must not exceed the rates that would be paid in the absence of these provisions;

(f) The authority shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The authority shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the authority may enter into prepaid capitation contracts that do not include inpatient care;

(h) The authority shall define those circumstances under which a managed health care system is responsible for out-of-plan services and assure that recipients shall not be charged for such services;

(i) Nothing in this section prevents the authority from entering into similar agreements for other groups of people eligible to receive services under this chapter; and

(j) The ~~((department))~~ authority must consult with the federal center for medicare and medicaid innovation and seek funding opportunities to support health homes.

(3) The authority shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate as managed health care systems are seriously considered as contractors. The authority shall coordinate its managed care activities with activities under chapter 70.47 RCW.

(4) The authority shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

(5) The legislature finds that competition in the managed health care marketplace is enhanced, in the long term, by the existence of a large number of managed health care system options for medicaid clients. In a managed care delivery system, whose goal is to focus on prevention, primary care, and improved enrollee health status,

continuity in care relationships is of substantial importance, and disruption to clients and health care providers should be minimized. To help ensure these goals are met, the following principles shall guide the authority in its healthy options managed health care purchasing efforts:

(a) All managed health care systems should have an opportunity to contract with the authority to the extent that minimum contracting requirements defined by the authority are met, at payment rates that enable the authority to operate as far below appropriated spending levels as possible, consistent with the principles established in this section.

(b) Managed health care systems should compete for the award of contracts and assignment of medicaid beneficiaries who do not voluntarily select a contracting system, based upon:

(i) Demonstrated commitment to or experience in serving low-income populations;

(ii) Quality of services provided to enrollees;

(iii) Accessibility, including appropriate utilization, of services offered to enrollees;

(iv) Demonstrated capability to perform contracted services, including ability to supply an adequate provider network;

(v) Payment rates; and

(vi) The ability to meet other specifically defined contract requirements established by the authority, including consideration of past and current performance and participation in other state or federal health programs as a contractor.

(c) Consideration should be given to using multiple year contracting periods.

(d) Quality, accessibility, and demonstrated commitment to serving low-income populations shall be given significant weight in the contracting, evaluation, and assignment process.

(e) All contractors that are regulated health carriers must meet state minimum net worth requirements as defined in applicable state laws. The authority shall adopt rules establishing the minimum net worth requirements for contractors that are not regulated health carriers. This subsection does not limit the authority of the Washington state health care authority to take action under a contract upon finding that a contractor's financial status seriously jeopardizes the contractor's ability to meet its contract obligations.

(f) Procedures for resolution of disputes between the authority and contract bidders or the authority and contracting carriers related to the award of, or failure to award, a managed care contract must be clearly set out in the procurement document.

(6) The authority may apply the principles set forth in subsection (5) of this section to its managed health care purchasing efforts on behalf of clients receiving supplemental security income benefits to the extent appropriate.

(7) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter to the system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state.

(8) For services covered under this chapter to medical assistance or medical care services enrollees and provided on or after August 24, 2011, nonparticipating providers must accept as payment in full the amount paid by the managed health care system under subsection (7) of this section in addition to any deductible, coinsurance, or copayment that is due from the enrollee for the service provided. An enrollee is not liable to any nonparticipating provider for covered services, except for amounts due for any deductible, coinsurance, or copayment under the terms and conditions set forth in the managed health care system contract to provide services under this section.

(9) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written

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agreements sufficient to provide adequate access to all services covered under the contract with the department, including hospital-based physician services. The department will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the department will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

(10) Subsections (7) through (9) of this section expire July 1, 2016."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5213.

Senators Becker and Keiser spoke in favor of the motion.

MOTION

On motion of Senator Harper, Senator Hatfield was excused.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5213.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5213 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5213, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5213, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Hatfield

SECOND SUBSTITUTE SENATE BILL NO. 5213, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SENATE BILL NO. 5221. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s).

The House adopted the following amendment(s): 5221.E AMH PEDE ADAM 082, and passed the bill as amended by the House.

On page 3, beginning on line 3, after "(4)" strike all material through "determination." on line 7 and insert "A facility conducting a civil commitment evaluation under RCW 10.77.086(4) or 10.77.088(1)(b)(ii) that makes a determination to release the person instead of filing a civil commitment petition must provide written notice to the prosecutor and defense attorney at least twenty-four hours prior to release. The notice may be given by electronic mail, facsimile, or other means reasonably likely to communicate the information immediately." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5221.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5221.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5221 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5221, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5221, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Padden

Excused: Senators Carrell and Hatfield

ENGROSSED SENATE BILL NO. 5221, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "The President would ask the Senate to join me in wishing Senator Roach a very Happy Birthday, today."

PERSONAL PRIVILEGE

Senator Roach: "Thank you. I can only tell you that now that I am officially old. I used to fight it. Nope, now I am. Should a little more respect come my way, right? Thanks very much. Appreciate the wishes Mr. President and looking forward to at least part of this weekend we will be here but then I have my five kids and sixteen grand kids and we're going to have a birthday

bash and I surely appreciate your good wishes. Thank you so much."

MESSAGE FROM THE HOUSE

April 12, 2013

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5236 with the following amendment(s): 5236.E AMH ENGR H2276.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. DEFINITION. The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, or other legal or commercial entity. The term does not include a government or governmental subdivision, agency, or instrumentality.

NEW SECTION. Sec. 2. SCOPE. (1) This chapter applies to any claim for relief, however characterized, for damages arising out of harm caused by the false content of a publication that is published on or after the effective date of this section.

(2) This chapter applies to all publications, including writings, broadcasts, oral communications, electronic transmissions, or other forms of transmitting information.

NEW SECTION. Sec. 3. REQUEST FOR CORRECTION OR CLARIFICATION. (1) A person may maintain an action for defamation only if:

(a) The person has made a timely and adequate request for correction or clarification from the defendant; or

(b) The defendant has made a correction or clarification.

(2) A request for correction or clarification is timely if made within the period of limitation for commencement of an action for defamation. However, a person who, within ninety days after knowledge of the publication, fails to make a good-faith attempt to request a correction or clarification may not recover damages for injury to reputation or presumed damages; however, the person may recover all other damages permitted by law.

(3) A request for correction or clarification is adequate if it:

(a) Is made in writing and reasonably identifies the person making the request;

(b) Specifies with particularity the statement alleged to be false and defamatory and, to the extent known, the time and place of publication;

(c) Alleges the defamatory meaning of the statement;

(d) Specifies the circumstances giving rise to any defamatory meaning of the statement which arises from other than the express language of the publication; and

(e) States that the alleged defamatory meaning of the statement is false.

(4) In the absence of a previous adequate request, service of a summons and complaint stating a claim for relief for defamation and containing the information required in subsection (3) of this section constitutes an adequate request for correction or clarification.

NEW SECTION. Sec. 4. DISCLOSURE OF EVIDENCE OF FALSITY. (1) A person who has been requested to make a correction or clarification may ask the requester to disclose reasonably available information material to the falsity of the allegedly defamatory statement.

(2) If a correction or clarification is not made, a person who unreasonably fails to disclose the information after a request to do so may not recover damages for injury to reputation or presumed damages; however, the person may recover all other damages permitted by law.

NEW SECTION. Sec. 5. EFFECT OF CORRECTION OR CLARIFICATION. If a timely and sufficient correction or clarification is made, a person may not recover damages for injury to reputation or presumed damages; however, the person may recover all other damages permitted by law as well as reasonable expenses of litigation, including attorneys' fees incurred before the publication of the correction or clarification.

NEW SECTION. Sec. 6. TIMELY AND SUFFICIENT CORRECTION OR CLARIFICATION. (1) A correction or clarification is timely if it is published before, or within one month after, receipt of a request for correction or clarification or of the information in section 4(1) of this act, whichever is later, unless the period is extended by written agreement of the parties.

(2) A correction or clarification is sufficient if it:

(a) Is published with a prominence and in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of;

(b) Refers to the statement being corrected or clarified and:

(i) Corrects the statement;

(ii) In the case of defamatory meaning arising from other than the express language of the publication, disclaims an intent to communicate that meaning or to assert its truth; or

(iii) In the case of a statement attributed to another person, identifies the person and disclaims an intent to assert the truth of the statement;

(c) Is communicated to the person who has made a request for correction or clarification; and

(d) Accompanies and is an equally prominent part of any electronic publication of the allegedly defamatory statement by the publisher.

(3) A correction or clarification is published in a medium reasonably likely to reach substantially the same audience as the publication complained of if it is published in a later issue, edition, or broadcast of the original publication.

(4) If a later issue, edition, or broadcast of the original publication will not be published within the time limits established for a timely correction or clarification, a correction or clarification is published in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of if:

(a) It is timely published in a reasonably prominent manner:

(i) In another medium likely to reach an audience reasonably equivalent to the original publication; or

(ii) If the parties cannot agree on another medium, in the newspaper with the largest general circulation in the region in which the original publication was distributed;

(b) Reasonable steps are taken to correct undistributed copies of the original publication, if any; and

(c) It is published in the next practicable issue, edition, or broadcast, if any, of the original publication.

(5) A correction or clarification is timely and sufficient if the parties agree in writing that it is timely and sufficient.

NEW SECTION. Sec. 7. CHALLENGES TO CORRECTION OR CLARIFICATION OR TO REQUEST FOR CORRECTION OR CLARIFICATION. (1) If a defendant in an action governed by this chapter intends to rely on a timely and sufficient correction or clarification, the defendant's intention to do so, and the correction or clarification relied upon, must be set forth in a notice served on the plaintiff within sixty days after service of the summons and complaint or ten days after the correction or clarification is made, whichever is later. A correction or clarification is deemed to be timely and sufficient unless the plaintiff challenges its timeliness or sufficiency within twenty days after the notice is served.

(2) If a defendant in an action governed by this chapter intends to challenge the adequacy or timeliness of a request for correction or clarification, the defendant must set forth the challenge in a motion

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to declare the request inadequate or untimely served within sixty days after service of the summons and complaint. The court shall rule on the motion at the earliest appropriate time before trial.

NEW SECTION. Sec. 8. OFFER TO CORRECT OR CLARIFY. (1) If a timely correction or clarification is no longer possible, the publisher of an alleged defamatory statement may offer, at any time before trial, to make a correction or clarification. The offer must be made in writing to the person allegedly defamed by the publication and:

(a) Contain the publisher's offer to:

(i) Publish, at the person's request, a sufficient correction or clarification; and

(ii) Pay the person's reasonable expenses of litigation, including attorneys' fees, incurred before publication of the correction or clarification; and

(b) Be accompanied by a copy of the proposed correction or clarification and the plan for its publication.

(2) If the person accepts in writing an offer to correct or clarify made pursuant to subsection (1) of this section:

(a) The person is barred from commencing an action against the publisher based on the statement; or

(b) If an action has been commenced, the court shall dismiss the action against the defendant with prejudice after the defendant complies with the terms of the offer.

(3) A person who does not accept an offer made in conformance with subsection (1) of this section may not recover damages for injury to reputation or presumed damages in an action based on the statement; however, the person may recover all other damages permitted by law, as well as reasonable expenses of litigation, including attorneys' fees, incurred before the offer, unless the person failed to make a good-faith attempt to request a correction or clarification in accordance with section 3(2) of this act or failed to disclose information in accordance with section 4 of this act.

(4) On request of either party, a court shall promptly determine the sufficiency of the offered correction or clarification.

NEW SECTION. Sec. 9. SCOPE OF PROTECTION. A timely and sufficient correction or clarification made by a person responsible for a publication constitutes a correction or clarification made by all persons responsible for that publication other than a republisher. However, a correction or clarification that is sufficient only because of the operation of section 6(2)(b)(iii) of this act does not constitute a correction or clarification made by the person to whom the statement is attributed.

NEW SECTION. Sec. 10. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 11. SHORT TITLE. This chapter may be known and cited as the uniform correction or clarification of defamation act.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act constitute a new chapter in Title 7 RCW."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5236 and ask the House to recede therefrom.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5236 and ask the House to recede therefrom.

The motion by Senator Padden carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5236 and asked the House to recede therefrom by voice vote.

MOTION

At 2:43 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:07 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4405 by Representatives Sullivan and Kretz

Directing that HB 2056 be considered.

HCR 4406 by Representatives Sullivan and Kretz

Directing that HB 2058 be considered.

MOTION

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4405 and House Concurrent Resolution No. 4406 were placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4405, by Representatives Sullivan and Kretz

Directing that HB 2056 be considered.

The measure was read the second time.

MOTION

Senator Fain moved that the rules be suspended and House Concurrent Resolution No. 4405 be advanced to third reading, the second reading considered the third and the resolution be placed on final passage.

PARLIAMENTARY INQUIRY

Senator Padden: "Mr. President, has the resolution itself been passed out to the members?"

REPLY BY THE PRESIDENT

President Owen: "No, it has not."

PARLIAMENTARY INQUIRY

Senator Padden: "Mr. President, would it be possible in lieu of making copies of the resolution that perhaps the clerk could read the resolution?"

The President called upon the Secretary to read House Concurrent Resolution No. 4405 in full and the resolution was read.

Without objection, the motion by Senator Fain carried and the rules were suspended and House Concurrent Resolution No. 4405 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Fain and Frockt spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4405.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4405 and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Hatfield

HOUSE CONCURRENT RESOLUTION NO. 4405, having received the constitutional majority, was declared passed.

MOTION

At 3:16 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 a.m. Saturday, April 27, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

ONE HUNDRED FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 27, 2013

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell, Conway, Darneille and McAuliffe.

The Sergeant at Arms Color Guard consisting of Senate Interns Melissa Rose Day and Alexis Guse, presented the Colors. Senator Bailey offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 2013

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1183,
HOUSE BILL NO. 1471,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1130,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1253,
ENGROSSED HOUSE BILL NO. 1421,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
SECOND SUBSTITUTE HOUSE BILL NO. 1723,
SUBSTITUTE HOUSE BILL NO. 1821,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION
8661

By Senator Sheldon

WHEREAS, The Washington State Senate recognize and value the role and the contributions of the church to the development of our citizens and our communities; and

WHEREAS, On August 1, 1863, six pioneers led by Reverend John Jay Clark and Reverend Alvin Clark formed the Salmon Creek Baptist Church, which later became Brush Prairie Baptist Church; and

WHEREAS, The first pastor, Reverend John Jay Clark, of the church was elected to the Territorial Legislature in 1869, where he served one term; and

WHEREAS, The Brush Prairie Baptist Church is recognized as the oldest Baptist Church in Washington State; and

WHEREAS, The Brush Prairie Baptist Church has continued to serve the community from its present location since 1894; and

WHEREAS, The Brush Prairie Baptist Church has sent ministers and assisted in founding new churches in Clark County, Washington, and around the world; and

WHEREAS, The Brush Prairie Baptist Church has ministered to the greater Vancouver community in both temporal and spiritual needs since its inception until now; and

WHEREAS, In August 2013, the Brush Prairie Baptist Church will be celebrating its 150th anniversary; and

WHEREAS, The members of the Brush Prairie Baptist Church will celebrate this 150th anniversary by serving the community through 150 unique community service touch points, beginning in August 2013;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the longevity, perseverance, and contribution of the Brush Prairie Baptist Church and recognize its upcoming 150th anniversary; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the City of Vancouver and the Brush Prairie Baptist Church.

Senator Benton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8661.

The motion by Senator Benton carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that J. A. Bricker, Gubernatorial Appointment No. 9082, be confirmed as a member of the State Board for Community and Technical Colleges.

Senators Bailey, King and Fraser spoke in favor of passage of the motion.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

SIGNED BY THE PRESIDENT

MOTION

On motion of Senator Billig, Senators Conway, Darneille and McAuliffe were excused.

APPOINTMENT OF J. A. BRICKER

The President declared the question before the Senate to be the confirmation of J. A. Bricker, Gubernatorial Appointment No. 9082, as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of J. A. Bricker, Gubernatorial Appointment No. 9082, as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Conway, Darneille and McAuliffe

J. A. Bricker, Gubernatorial Appointment No. 9082, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Don Brunell, Gubernatorial Appointment No. 9084, be confirmed as a member of the Work Force Training and Education Coordinating Board.

Senator Bailey spoke in favor of the motion.

APPOINTMENT OF DON BRUNELL

The President declared the question before the Senate to be the confirmation of Don Brunell, Gubernatorial Appointment No. 9084, as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Don Brunell, Gubernatorial Appointment No. 9084, as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Conway, Darneille and McAuliffe

Don Brunell, Gubernatorial Appointment No. 9084, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1130,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1253,
ENGROSSED HOUSE BILL NO. 1421,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
SECOND SUBSTITUTE HOUSE BILL NO. 1723,
SUBSTITUTE HOUSE BILL NO. 1821.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Chris Jordan, Gubernatorial Appointment No. 9127, be confirmed as a member of the Board of Regents, University of Washington.

Senators Frockt and Shin spoke in favor of passage of the motion.

APPOINTMENT OF CHRIS JORDAN

The President declared the question before the Senate to be the confirmation of Chris Jordan, Gubernatorial Appointment No. 9127, as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Chris Jordan, Gubernatorial Appointment No. 9127, as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Conway, Darneille and McAuliffe

Chris Jordan, Gubernatorial Appointment No. 9127, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5456 with the following amendment(s): 5456-S AMH JUDI H2291.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71.05 RCW to read as follows:

A designated mental health professional conducting an evaluation of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding

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the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated mental health professional shall take serious consideration of observations and opinions by examining emergency room physicians in determining whether detention under this chapter is appropriate. The designated mental health professional must document the consultation with an examining emergency room physician, including the physician's observations or opinions regarding whether detention of the person is appropriate.

April 9, 2013

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

A designated mental health professional who conducts an evaluation for imminent likelihood of serious harm or imminent danger because of being gravely disabled under RCW 71.05.153 must also evaluate the person under RCW 71.05.150 for likelihood of serious harm or grave disability that does not meet the imminent standard for emergency detention."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Schlicher moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5456.

Senator Schlicher spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Schlicher that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5456.

The motion by Senator Schlicher carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5456 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5456, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5456, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Benton

Absent: Senator Hewitt

Excused: Senators Carrell, Conway, Darneille and McAuliffe

SUBSTITUTE SENATE BILL NO. 5456, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Eide was excused.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5484 with the following amendment(s): 5484.E AMH PS H2325.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.36.031 and 2011 c 336 s 359 and 2011 c 238 s 1 are each reenacted and amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself, herself, or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver, the immediate supervisor of a transit operator or driver, a mechanic, or a security officer, by a public or private transit company or a contracted transit service provider, while that person is performing his or her official duties at the time of the assault; or

(c) Assaults a school bus driver, the immediate supervisor of a driver, a mechanic, or a security officer, employed by a school district transportation service or a private company under contract for transportation services with a school district, while the person is performing his or her official duties at the time of the assault; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a firefighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a peace officer with a projectile stun gun; or

(i) Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person licensed under chapter 18.79 RCW; "physician" means a person licensed under chapter 18.57 or 18.71 RCW; and "health care provider" means a person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW; or

(j) Assaults a judicial officer, court-related employee, county clerk, or county clerk's employee, while that person is performing his or her official duties at the time of the assault or as a result of that person's employment within the judicial system. For purposes of this subsection, "court-related employee" includes bailiffs, court reporters, judicial assistants, court managers, court managers' employees, and any other employee, regardless of title, who is engaged in equivalent functions; or

(k) Assaults a person located in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. This section shall apply only: (i) During the times when a courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings; and (ii) if signage was posted in compliance with section 3 of this act at the time of the assault .

(2) Assault in the third degree is a class C felony.

Sec. 2. RCW 9.94A.535 and 2011 c 87 s 1 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The defendant was making a good faith effort to obtain or provide medical assistance for someone who is experiencing a drug-related overdose.

(j) The current offense involved domestic violence, as defined in RCW 10.99.020, and the defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be

consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

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(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

(aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

(bb) The current offense involved paying to view, over the internet in violation of RCW 9.68A.075, depictions of a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (g).

(cc) The offense was intentionally committed because the defendant perceived the victim to be homeless, as defined in RCW 9.94A.030.

The current offense involved a felony crime against persons, except for assault in the third degree pursuant to RCW 9A.36.031(1)(k), that occurs in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. This subsection shall apply only: (i) During the times when a courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings; and (ii) if signage was posted in compliance with section 3 of this act at the time of the offense.

NEW SECTION. Sec. 3. A new section is added to chapter 2.28 RCW to read as follows:

(1) Signage shall be posted notifying the public of the possible enhanced penalties under this act.

(2) The signage shall be prominently displayed at any public entrance to a courtroom.

(3) The administrative office of the courts shall develop a standard signage form notifying the public of the possible enhanced penalties under this act."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5484.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5484.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5484 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5484, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5484, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 9; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Becker, Billig, Braun, Chase, Cleveland, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Rolfes, Schlicher, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner, Benton, Brown, Dammeier, Ericksen, Holmquist Newbry, Honeyford, Roach and Schoesler

Excused: Senators Carrell, Conway, Darneille, Eide and McAuliffe

ENGROSSED SENATE BILL NO. 5484, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5193 with the following amendment(s): 5193-S2.E AMH KRET H2558.1

On page 1, beginning on line 6, strike all of section 1

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Beginning on page 6, line 8, strike all of sections 7, 8, and 9 and insert the following:

"**Sec. 7.** RCW 46.17.210 and 2011 c 171 s 57 are each amended to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration under chapter 46.16A RCW, the holder of a personalized license plate shall pay an initial fee of (~~forty-two~~) fifty-two dollars and (~~thirty-two~~) forty-two dollars for each renewal. The personalized license plate fee must be distributed as provided in RCW 46.68.435.

NEW SECTION. Sec. 8. Section 7 of this act applies only to vehicle registrations that are due or become due on or after October 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Smith moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5193.

Senators Smith and Rolfes spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Smith that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5193.

The motion by Senator Smith carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5193 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5193, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5193, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette,

Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senators Carrell, Conway, Darneille, Eide and McAuliffe

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5193, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ranker: "Thank you Mr. President. I want to thank Senator Smith, Senator Pearson and Senator Rolfes for their work on this bill that we just passed and to Senator Rolfes saluted to the decision by the Fish & Wildlife Commission yesterday. The actions of the Commission and these Senators and others in the House over the last weeks has brought us to a place in Washington State where I believe we are going to be able to move forward with implementation of the wolf management plan which has been extremely controversial in a manner that truly respects ranchers in Eastern Washington making sure that people can actually defend their private property and their families in a time of fear and that's what we've accomplished with this bill and it's kind of a package here with this bill and the commission's decision. I just really want to thank the three of you on your efforts on this. I think it's a great effort for Washington State so that we can recover the species as well as make sure our ranchers have a livelihood that is protected."

MESSAGE FROM THE HOUSE

April 24, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5211. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5211-S AMH REYK SILV 343, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.44 RCW to read as follows:

(1) An employer may not:

(a) Request, require, or otherwise coerce an employee or applicant to disclose login information for the employee's or applicant's personal social networking account;

(b) Request, require, or otherwise coerce an employee or applicant to access his or her personal social networking account in the employer's presence in a manner that enables the employer to observe the contents of the account;

(c) Compel or coerce an employee or applicant to add a person, including the employer, to the list of contacts associated with the employee's or applicant's personal social networking account;

(d) Request, require, or cause an employee or applicant to alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account; or

(e) Take adverse action against an employee or applicant because the employee or applicant refuses to disclose his or her login information, access his or her personal social networking account in the employer's presence, add a person to the list of contacts associated with his or her personal social networking

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account, or alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account.

(2) This section does not apply to an employer's request or requirement that an employee share content from his or her personal social networking account if the following conditions are met:

(a) The employer requests or requires the content to make a factual determination in the course of conducting an investigation;

(b) The employer undertakes the investigation in response to receipt of information about the employee's activity on his or her personal social networking account;

(c) The purpose of the investigation is to: (i) Ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; or (ii) investigate an allegation of unauthorized transfer of an employer's proprietary information, confidential information, or financial data to the employee's personal social networking account; and

(d) The employer does not request or require the employee to provide his or her login information.

(3) This section does not:

(a) Apply to a social network, intranet, or other technology platform that is intended primarily to facilitate work-related information exchange, collaboration, or communication by employees or other workers;

(b) Prohibit an employer from requesting or requiring an employee to disclose login information for access to: (i) An account or service provided by virtue of the employee's employment relationship with the employer; or (ii) an electronic communications device or online account paid for or supplied by the employer;

(c) Prohibit an employer from enforcing existing personnel policies that do not conflict with this section; or

(d) Prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations.

(4) If, through the use of an employer-provided electronic communications device or an electronic device or program that monitors an employer's network, an employer inadvertently receives an employee's login information, the employer is not liable for possessing the information but may not use the login information to access the employee's personal social networking account.

(5) For the purposes of this section and section 2 of this act:

(a) "Adverse action" means: discharging, disciplining, or otherwise penalizing an employee; threatening to discharge, discipline, or otherwise penalize an employee; and failing or refusing to hire an applicant.

(b) "Applicant" means an applicant for employment.

(c) "Electronic communications device" means a device that uses electronic signals to create, transmit, and receive information, including computers, telephones, personal digital assistants, and other similar devices.

(d) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or other activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. "Employer" includes an agent, a representative, or a designee of the employer.

(e) "Login information" means a user name and password, a password, or other means of authentication that protects access to a personal social networking account.

NEW SECTION. Sec. 2. A new section is added to chapter 49.44 RCW to read as follows:

An employee or applicant aggrieved by a violation of section 1 of this act may bring a civil action in a court of competent jurisdiction. The court may:

(1) Award a prevailing employee or applicant injunctive or other equitable relief, actual damages, a penalty in the amount of five hundred dollars, and reasonable attorneys' fees and costs; and

(2) Pursuant to RCW 4.84.185, award any prevailing party against whom an action has been brought for a violation of section 1 of this act reasonable expenses and attorneys' fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5211.

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5211.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5211 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5211, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5211, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Conway, Darneille, Eide and McAuliffe

SUBSTITUTE SENATE BILL NO. 5211, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to SENATE BILL NO. 5510. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5510 AMH PEDE H2561.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.34.020 and 2012 c 10 s 62 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department.

(6) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(7) "Financial institution" has the same meaning as in RCW 30.22.040 and 30.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

(8) "Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).

(9) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(10) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(11) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(12) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(13) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(14) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(15) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(16) "Social worker" means:

(a) A social worker as defined in RCW 18.320.010(2); or

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(b) Anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of vulnerable adults, or providing social services to vulnerable adults, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

(17) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

Sec. 2. RCW 74.34.035 and 2010 c 133 s 4 are each amended to read as follows:

(1) When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the department.

(2) When there is reason to suspect that sexual assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department.

(3) When there is reason to suspect that physical assault has occurred or there is reasonable cause to believe that an act has caused fear of imminent harm:

(a) Mandated reporters shall immediately report to the department; and

(b) Mandated reporters shall immediately report to the appropriate law enforcement agency, except as provided in subsection (4) of this section.

(4) A mandated reporter is not required to report to a law enforcement agency, unless requested by the injured vulnerable adult or his or her legal representative or family member, an incident of physical assault between vulnerable adults that causes minor bodily injury and does not require more than basic first aid, unless:

(a) The injury appears on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;

(b) There is a fracture;

(c) There is a pattern of physical assault between the same vulnerable adults or involving the same vulnerable adults; or

(d) There is an attempt to choke a vulnerable adult.

(5) When there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect, or abandonment by another person, mandated reporters shall, pursuant to RCW 68.50.020, report the death to the medical examiner or coroner having jurisdiction, as well as the department and local law enforcement, in the most expeditious manner possible. A mandated reporter is not relieved from the reporting requirement provisions of this subsection by the existence of a previously signed death certificate. If abuse, neglect, or abandonment caused or contributed to the death of a vulnerable adult, the death is a death caused by unnatural or unlawful means, and the body shall be the jurisdiction of the coroner or medical examiner pursuant to RCW 68.50.010.

(6) Permissive reporters may report to the department or a law enforcement agency when there is reasonable cause to believe that a vulnerable adult is being or has been abandoned, abused, financially exploited, or neglected.

(7) No facility, as defined by this chapter, agency licensed or required to be licensed under chapter 70.127 RCW, or facility or agency under contract with the department to provide care for vulnerable adults may develop policies or procedures that interfere with the reporting requirements of this chapter.

(8) Each report, oral or written, must contain as much as possible of the following information:

(a) The name and address of the person making the report;

(b) The name and address of the vulnerable adult and the name of the facility or agency providing care for the vulnerable adult;

(c) The name and address of the legal guardian or alternate decision maker;

(d) The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect;

(e) Any history of previous abandonment, abuse, financial exploitation, neglect, or self-neglect;

(f) The identity of the alleged perpetrator, if known; and

(g) Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult.

(9) Unless there is a judicial proceeding or the person consents, the identity of the person making the report under this section is confidential.

(10) In conducting an investigation of abandonment, abuse, financial exploitation, self-neglect, or neglect, the department or law enforcement, upon request, must have access to all relevant records related to the vulnerable adult that are in the possession of mandated reporters and their employees, unless otherwise prohibited by law. Records maintained under RCW 4.24.250, 18.20.390, 43.70.510, 70.41.200, 70.230.080, and 74.42.640 shall not be subject to the requirements of this subsection. Providing access to records relevant to an investigation by the department or law enforcement under this provision may not be deemed a violation of any confidential communication privilege. Access to any records that would violate attorney-client privilege shall not be provided without a court order unless otherwise required by court rule or caselaw.

Sec. 3. RCW 74.34.067 and 2011 c 170 s 2 are each amended to read as follows:

(1) Where appropriate, an investigation by the department may include a private interview with the vulnerable adult regarding the alleged abandonment, abuse, financial exploitation, neglect, or self-neglect.

(2) In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the vulnerable adult or adults harmed, and, consistent with the protection of the vulnerable adult shall interview facility staff, any available independent sources of relevant information, including if appropriate the family members of the vulnerable adult.

(3) The department may conduct ongoing case planning and consultation with: (a) Those persons or agencies required to report under this chapter or submit a report under this chapter; (b) consultants designated by the department; and (c) designated representatives of Washington Indian tribes if client information exchanged is pertinent to cases under investigation or the provision of protective services. Information considered privileged by statute and not directly related to reports required by this chapter must not be divulged without a valid written waiver of the privilege.

(4) The department shall prepare and keep on file a report of each investigation conducted by the department for a period of time in accordance with policies established by the department.

(5) If the department has reason to believe that the vulnerable adult has suffered from abandonment, abuse, financial exploitation, neglect, or self-neglect, and lacks the ability or capacity to consent,

and needs the protection of a guardian, the department may bring a guardianship action under chapter 11.88 RCW.

(6) For purposes consistent with this chapter, the department, the certified professional guardian board, and the office of public guardianship may share information contained in reports and investigations of the abuse, abandonment, neglect, self-neglect, and financial exploitation of vulnerable adults. This information may be used solely for (a) recruiting or appointing appropriate guardians and (b) monitoring, or when appropriate, disciplining certified professional or public guardians. Reports of abuse, abandonment, neglect, self-neglect, and financial exploitation are confidential under RCW 74.34.095 and other laws, and secondary disclosure of information shared under this section is prohibited.

(7) When the investigation is completed and the department determines that an incident of abandonment, abuse, financial exploitation, neglect, or self-neglect has occurred, the department shall inform the vulnerable adult of their right to refuse protective services, and ensure that, if necessary, appropriate protective services are provided to the vulnerable adult, with the consent of the vulnerable adult. The vulnerable adult has the right to withdraw or refuse protective services.

((7)) (8) The department's adult protective services division may enter into agreements with federally recognized tribes to investigate reports of abandonment, abuse, financial exploitation, neglect, or self-neglect of vulnerable adults on property over which a federally recognized tribe has exclusive jurisdiction. If the department has information that abandonment, abuse, financial exploitation, or neglect is criminal or is placing a vulnerable adult on tribal property at potential risk of personal or financial harm, the department may notify tribal law enforcement or another tribal representative specified by the tribe. Upon receipt of the notification, the tribe may assume jurisdiction of the matter. Neither the department nor its employees may participate in the investigation after the tribe assumes jurisdiction. The department, its officers, and its employees are not liable for any action or inaction of the tribe or for any harm to the alleged victim, the person against whom the allegations were made, or other parties that occurs after the tribe assumes jurisdiction. Nothing in this section limits the department's jurisdiction and authority over facilities or entities that the department licenses or certifies under federal or state law.

((8)) (9) The department may photograph a vulnerable adult or their environment for the purpose of providing documentary evidence of the physical condition of the vulnerable adult or his or her environment. When photographing the vulnerable adult, the department shall obtain permission from the vulnerable adult or his or her legal representative unless immediate photographing is necessary to preserve evidence. However, if the legal representative is alleged to have abused, neglected, abandoned, or exploited the vulnerable adult, consent from the legal representative is not necessary. No such consent is necessary when photographing the physical environment.

((9)) (10) When the investigation is complete and the department determines that the incident of abandonment, abuse, financial exploitation, or neglect has occurred, the department shall inform the facility in which the incident occurred, consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and complainants."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Senate Bill No. 5510.

Senators Becker and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Senate Bill No. 5510.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5510 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5510, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5510, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Conway, Darneille and McAuliffe
SENATE BILL NO. 5510, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5595. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5595-S2 AMH KAGI H2496.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.215 RCW to read as follows:

(1) The standards and guidelines described in this section are intended for the guidance of the department and the department of social and health services. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

(2) When providing services to parents applying for or receiving working connections child care benefits, the department must provide training to departmental employees on professionalism.

(3) When providing services to parents applying for or receiving working connections child care benefits, the department of social and health services has the following responsibilities:

(a) To return all calls from parents receiving working connections child care benefits within two business days of receiving the call;

(b) To develop a process by which parents receiving working connections child care benefits can submit required forms and information electronically by June 30, 2015;

(c) To notify providers and parents ten days before the loss of working connections child care benefits; and

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(d) To provide parents with a document that explains in detail and in easily understood language what services they are eligible for, how they can appeal an adverse decision, and the parents' responsibilities in obtaining and maintaining eligibility for working connections child care.

NEW SECTION. Sec. 2. (1)(a) A legislative task force on child care improvements for the future is established with members as provided in this subsection.

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses in the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall appoint fifteen members representing the following interests:

- (A) The department of early learning;
- (B) The department of social and health services;
- (C) The early learning advisory committee;
- (D) Thrive by five;
- (E) Private pay child care consumers;
- (F) Child care consumers receiving a subsidy;
- (G) Family child care providers;
- (H) Child care center providers;
- (I) Exempt child care providers;
- (J) The collective bargaining unit representing child care providers;
- (K) School-age child care providers;
- (L) Child care aware;
- (M) The Washington state association of head start and the early childhood education and assistance program;
- (N) The early learning action alliance; and
- (O) Puget Sound educational service district.

(b) The task force shall choose its cochairs from among its legislative leadership. The members of the majority party in each house shall convene the first meeting.

(2) The task force shall address the following issues:

(a) The creation of a tiered reimbursement model that works for both consumers and providers and provides incentives for quality child care across communities;

(b) The development of recommendations and an implementation plan for expansion of the program referred to in RCW 43.215.400 to include a mixed delivery system that integrates community-based early learning providers, including but not limited to family child care, child care centers, schools, and educational services districts. Recommendations shall include:

- (i) Areas of alignment and conflicts in restrictions and eligibility requirements associated with early learning funding and services;
- (ii) A funding plan that blends and maximizes existing resources and identifies new revenue and other funding sources; and
- (iii) Incentives for integrating child care and preschool programming to better serve working families;

(c) The development of recommendations for market rate reimbursement to allow access to high quality child care; and

(d) The development of recommendations for a further graduation of the copay scale to eliminate the cliff that occurs at subsidy cut off.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature no later than December 31, 2013.

(5) This section expires July 1, 2014.

NEW SECTION. Sec. 3. (1) The legislature finds that the Aclara group report on the eligibility requirements for working connections child care which came from the pedagogy of lean management and focused on identifying and eliminating nonvalue added work should be followed. The legislature further finds that, following some of the recommendations in the report, would result in simplifying and streamlining the child care system to improve access and customer service without decreasing the program's integrity.

(2) By December 1, 2013, the department and the department of social and health services shall accomplish the following:

(a) Eliminate the current custody/visitation policy and design a subsidy system that is flexible and accounts for small fluctuations in family circumstances;

(b) Create broad authorization categories so that relatively minor changes in parents' work schedule does not require changes in authorization;

(c) Establish rules to specify that parents who receive working connections child care benefits and participate in one hundred ten hours or more of approved work or related activities are eligible for full-time child care services; and

(d) Clarify and simplify the requirement to count child support as income."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Billig moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5595.

Senator Billig spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Billig that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5595.

The motion by Senator Billig carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5595 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5595, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5595, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Chase, Cleveland, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Baumgartner, Brown, Dammeier, Holmquist Newbry, Padden, Rivers and Smith

Excused: Senators Carrell, Conway, Darneille and McAuliffe
SECOND SUBSTITUTE SENATE BILL NO. 5595, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 26, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1539,

ENGROSSED HOUSE BILL NO. 2056,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2056 by Representatives Hurst and Condotta

AN ACT Relating to correcting the definition of THC concentration as adopted by Initiative Measure No. 502 to avoid an implication that conversion, by combustion, of tetrahydrocannabinol acid into delta-9 tetrahydrocannabinol is not part of the THC content that differentiates marijuana from hemp; amending RCW 69.50.101; and declaring an emergency.

Referred to Committee on Government Accountability & Oversight.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed House Bill No. 2056 was placed on the second reading calendar.

MOTION

At 12:02 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:12 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5267. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5267-S2.E AMH CODY H2523.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A work group is formed to develop criteria to streamline the prior authorization process for prescription drugs, medical procedures, and medical tests, with the goal of simplification and uniformity.

(2) The work group shall be cochaired by the chair of the senate health care committee and the chair of the house of representatives health care committee, and membership of the work group shall be determined by the cochaurs, not to exceed eleven participants.

(3) The work group shall examine elements that may include the following:

(a) National standard transaction information, such as HIPAA 278 standards, for sending or receiving authorizations electronically;

(b) Standard transaction information and uniform prior authorization forms;

(c) Clean, uniform, and readily accessible forms for prior authorization including determining the appropriate number of forms;

(d) A core set of common data requirements for nonclinical information for prior authorization and electronic prescriptions, or both;

(e) The prior authorization process, which considers electronic forms and allows for flexibility for health insurance carriers to develop electronic forms; and

(f) Existing prior authorization forms by health insurance carriers and by state agencies, in developing the uniform prior authorization forms.

(4) The work group must:

(a) Establish timelines for urgent requests and timeliness for nonurgent requests;

(b) Work on a receipt and missing information time frame;

(c) Determine time limits for a response of acknowledgment of receipts or requests of missing information;

(d) Establish when an authorization request will be deemed as granted when there is no response.

(5) The work group must submit their recommendations to the appropriate committees of the legislature by November 15, 2013.

(6) This section expires January 1, 2014.

NEW SECTION. Sec. 2. The insurance commissioner shall adopt rules implementing only the recommendations of the work group established in section 1 of this act. The rules must take effect no later than January 1, 2015."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5267.

Senators Becker and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5267.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5267 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5267, as amended by the House.

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ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5267, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and McAuliffe

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5267, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5744 with the following amendment(s): 5744-S.E AMH LWD H2192.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that many Washington workers involved in manual logging in the logging industry suffer industrial injuries with greater frequency and severity than workers in other industries. The legislature further finds that the incidence and severity of injury is particularly high among young workers during the early periods of employment in manual logging. The legislature recognizes the importance of improving safety performance in the logging industry to reduce industrial injuries for workers and resulting workers' compensation premium rates for employers. The legislature acknowledges that industry participants, including private land owners, timber industry employers, the department of natural resources, and the department of labor and industries, have formed a logger safety task force to develop and implement a logger safety initiative. The goal of the initiative is to reduce the frequency and severity of injuries in the logging industry. The task force will create a program that will establish sector-wide standards for worker training and supervision; establish a certification process for individual company safety programs; and review the progress of logging operations through mandatory performance-based audits. The legislature further recognizes that as the safety culture in the logging industry evolves, the frequency and severity of injuries will decrease, which will drive down industrial insurance costs for logging industry employers. While the industrial insurance costs will decline over time as safety improves, the legislature acknowledges that an immediate reduction in industrial insurance rates for the 2014 rate year for participating logging employers provides an additional incentive for these employers to commit to the logger safety initiative. Therefore, the legislature intends to monitor development and implementation of the logger safety initiative.

NEW SECTION. Sec. 2. A new section is added to chapter 51.04 RCW to read as follows:

(1) The department shall include one or more representatives of logging industry workers on the logger safety task force. In addition, the department shall reach out to all employers in the logging

industry, including those having one or more on the job fatalities in the last five years, and invite them to participate in the logger safety initiative. All participants must comply with the requirements of the logger safety initiative.

(2) By December 31, 2013, the department shall report back to the appropriate committees of the legislature on the development and implementation of the logger safety initiative. The report shall provide a status update on implementation of the initiative and participation in the safety program, including a description and summary of the worker training and supervision standards and the certification process for individual companies. The report shall also contain a description and summary of any industrial insurance rate reduction or other incentive for rate year 2014 that will be applied to employers participating in the initiative. The report may provide recommendations for legislative consideration to further the goals of the initiative."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5744.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5744.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5744 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5744, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5744, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and McAuliffe
ENGROSSED SUBSTITUTE SENATE BILL NO. 5744, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Sullivan and Kretz

Directing that HB 2058 be considered.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senators Fain and Frockt spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4406.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4406 and the concurrent resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and McAuliffe

HOUSE CONCURRENT RESOLUTION NO. 4406, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 2056, by Representatives Hurst and Condotta

Correcting the definition of THC concentration as adopted by Initiative Measure No. 502 to avoid an implication that conversion, by combustion, of tetrahydrocannabinol acid into delta-9 tetrahydrocannabinol is not part of the THC content that differentiates marijuana from hemp.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed House Bill No. 2056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2056.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2056 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and McAuliffe

ENGROSSED HOUSE BILL NO. 2056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1306, by House Committee on Finance (originally sponsored by Representatives Wylie, Moeller, Harris, Pike, Johnson, Chandler, Sells, Pollet, Uptegrove and Moscoco)

Extending the expiration dates of the local infrastructure financing tool program.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.102 RCW to read as follows:

This chapter expires June 30, 2044.

NEW SECTION. Sec. 2. RCW 39.102.904 (Expiration date--2006 c 181) and 2006 c 181 s 707 are each repealed.

Sec. 3. RCW 82.14.475 and 2010 c 164 s 12 are each amended to read as follows:

(1) A sponsoring local government, and any cosponsoring local government, that has been approved by the board to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and is collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government or cosponsoring local government.

(2) The tax authorized under subsection (1) of this section is credited against the state taxes imposed under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1). The department must perform the collection of such taxes on behalf of the sponsoring local government or cosponsoring local government at no cost to the sponsoring local government or cosponsoring local government and must remit the taxes as provided in RCW 82.14.060.

(3) The aggregate rate of tax imposed by the sponsoring local government, and any cosponsoring local government, must not exceed the lesser of:

(a) The rate provided in RCW 82.08.020(1) less:

(i) The aggregate rates of all other local sales and use taxes imposed by any taxing authority on the same taxable events;

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(ii) The aggregate rates of all taxes under RCW 82.14.465 and this section that are authorized to be imposed on the same taxable events but have not yet been imposed by a sponsoring local government or cosponsoring local government that has been approved by the department or the community economic revitalization board to receive a state contribution under chapter 39.100 or 39.102 RCW; and

(iii) The percentage amount of distributions required under RCW 82.08.020(5) multiplied by the rate of state taxes imposed under RCW 82.08.020(1); and

(b) The rate, as determined by the sponsoring local government, and any cosponsoring local government, in consultation with the department, reasonably necessary to receive the state contribution over ten months.

(4) Sponsoring local governments that have been approved before October 1, 2008, by the community economic revitalization board for a state contribution must select the rate of tax under this section no later than September 1, 2009.

(5) The department, upon request, must assist a sponsoring local government and cosponsoring local government in establishing their tax rate in accordance with subsection (3) of this section. Once the rate of tax is selected, it may not be increased.

(6)(a) No tax may be imposed under the authority of this section:

(i) Before July 1st of the second calendar year following the year approval by the board under RCW 39.102.040 was made; and

(ii) Until a sponsoring local government reports to the board and the department as required by RCW 39.102.140 that the state has benefited through the receipt of state excise tax allocation revenues or state property tax allocation revenues, or both.

(b) The tax imposed under this section expires when all indebtedness issued under the authority of RCW 39.102.150 is retired and all other contractual obligations relating to the financing of public improvements under chapter 39.102 RCW are satisfied, but not more than twenty-five years after the tax is first imposed.

(7) An ordinance adopted by the legislative authority of a sponsoring local government or cosponsoring local government imposing a tax under this section must provide that:

(a) The tax is first imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the sponsoring local government, and any cosponsoring local government, in any fiscal year may not exceed the amount of the state contribution;

(c) The tax will cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax received by the sponsoring local government, and any cosponsoring local government, equals the amount of the state contribution;

(ii) The amount of revenue from taxes imposed under this section by all sponsoring and cosponsoring local governments equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in RCW 39.102.040;

(d) Neither the local excise tax allocation revenues nor the local property tax allocation revenues may constitute more than eighty percent of the total local funds as described in RCW 39.102.020(~~((28))~~) (29)(b). This requirement applies beginning January 1st of the fifth calendar year after the calendar year in which the sponsoring local government begins allocating local excise tax allocation revenues under RCW 39.102.110;

(e) The tax must be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(f) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection belongs to the state of Washington.

(8) If a county and city cosponsor a revenue development area, the combined amount of distributions received by both the city and county may not exceed the state contribution.

(9) The department must determine the amount of tax receipts distributed to each sponsoring local government, and any cosponsoring local government, imposing sales and use tax under this section and shall advise a sponsoring or cosponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (11) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring or cosponsoring local government are final and may not be used to challenge the validity of any tax imposed under this section. The department must remit any tax receipts in excess of the amounts specified in subsection (7)(c) of this section to the state treasurer who must deposit the money in the general fund.

(10) If a sponsoring or cosponsoring local government fails to comply with RCW 39.102.140, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring or cosponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(11) Each year, the amount of taxes approved by the department for distribution to a sponsoring or cosponsoring local government in the next fiscal year must be equal to the state contribution and may be no more than the total local funds as described in RCW 39.102.020(~~((28))~~) (29)(b). The department must consider information from reports described in RCW 39.102.140 when determining the amount of state contributions for each fiscal year. The department's determination of the amount of the state contribution is final and conclusive, and may not be changed once such determination is made and such contribution is distributed to the sponsoring or cosponsoring local government, unless the department subsequently determines that local revenue information contained in a report described in RCW 39.102.140 differs from the actual dedicated local revenue. If a discrepancy is found, the department must adjust its determination accordingly. A sponsoring or cosponsoring local government may not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department may not approve the receipt of more distributions of sales and use tax under this section to a sponsoring or cosponsoring local government than is authorized under subsection (7) of this section.

(12) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring and cosponsoring local governments is limited annually to not more than seven million five hundred thousand dollars.

(13) The definitions in RCW 39.102.020 apply to this section unless the context clearly requires otherwise.

(14) If a sponsoring local government is a federally recognized Indian tribe, the distribution of the sales and use tax authorized under this section must be authorized through an interlocal agreement pursuant to chapter 39.34 RCW.

(15) Subject to RCW 39.102.195, the tax imposed under the authority of this section may be applied either to provide for the payment of debt service on bonds issued under RCW 39.102.150 by the sponsoring local government or to pay public improvement costs on a pay-as-you-go basis, or both.

(16) The tax imposed under the authority of this section must cease to be imposed if the sponsoring local government or cosponsoring local government (~~(fails to issue indebtedness under the authority of RCW 39.102.150, and)~~) fails to commence construction on public improvements(;) by June (~~(30th of the fifth~~

fiscal year in which the local tax authorized under this section is imposed)) 30, 2017.

(17) For purposes of this section, the following definitions apply:

(a) "Local sales and use taxes" means sales and use taxes imposed by cities, counties, public facilities districts, and other local governments under the authority of this chapter, chapter 67.28 or 67.40 RCW, or any other chapter, and that are credited against the state sales and use taxes.

(b) "State sales and use taxes" means the tax imposed in RCW 82.08.020(1) and the tax imposed in RCW 82.12.020 at the rate provided in RCW 82.08.020(1).

(18) This section expires June 30, 2044.

Sec. 4. RCW 39.102.150 and 2009 c 267 s 6 are each amended to read as follows:

(1) A sponsoring local government that has designated a revenue development area and instead of paying public improvement costs on a pay-as-you-go basis has been authorized the use of local infrastructure financing may incur general indebtedness, including issuing general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local excise tax allocation revenues, local property tax allocation revenues, and sales and use taxes imposed under the authority of RCW 82.14.475 that it receives, subject to the following requirements:

(a)(i) The ordinance adopted by the sponsoring local government and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(ii) The sponsoring local government includes this statement of the intent in all notices required by RCW 39.102.100; or

(b) The sponsoring local government adopts a resolution, after opportunity for public comment, that indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated.

(2)(a) Except as provided in (b) of this subsection, the general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(b) A sponsoring local government that issues bonds under this section (~~shall~~) may not pledge any money received from the state of Washington for the payment of such bonds, other than the local sales and use taxes imposed under the authority of RCW 82.14.475 and collected by the department.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

(4) Bonds issued under this section (~~shall~~) must be authorized by ordinance of the governing body of the sponsoring local government and may be issued in one or more series and (~~shall~~) must bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other

characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local excise tax allocation revenues and local property tax allocation revenues derived from property or business activity within the revenue development area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under RCW 82.14.475, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under RCW 82.14.475 are subject to the use restriction in RCW 39.102.130.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter (~~shall~~) cease to be such officials before the delivery of such bonds, such signatures (~~shall~~), nevertheless, (~~be~~) are valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 5. RCW 39.102.140 and 2009 c 518 s 12 and 2009 c 267 s 5 are each reenacted and amended to read as follows:

(1) A sponsoring local government shall provide a report to the board and the department by March 1st of each year. The report shall contain the following information:

(a) The amount of local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, and taxes under RCW 82.14.475 received by the sponsoring local government, cosponsoring local government, or any participating local government during the preceding calendar year that were dedicated to pay the public improvements financed in whole or in part with local infrastructure financing, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(c) The total number of permanent jobs created in the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(d) The average wages and benefits received by all employees of businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(e) That the sponsoring local government is in compliance with RCW 39.102.070; and

(f) Beginning with the reports due March 1, 2010, the following must also be included:

(i) A list of public improvements financed on a pay-as-you-go basis in previous calendar years and by indebtedness issued under this chapter;

(ii) The date when any indebtedness issued under this chapter is expected to be retired;

(iii) At least once every three years, updated estimates of state excise tax allocation revenues, state property tax allocation revenues, and local excise tax increments, as determined by the sponsoring local government, that are estimated to have been

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received by the state, any participating local government, sponsoring local government, and cosponsoring local government, since the approval of the project award under RCW 39.102.040 by the board; and

(iv) Any other information required by the department or the board to enable the department or the board to fulfill its duties under this chapter and RCW 82.14.475.

(2) The board shall make a report available to the public and the legislature by June 1st of each even-numbered year. The report shall include a list of public improvements undertaken by sponsoring local governments and financed in whole or in part with local infrastructure financing and it shall also include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

(3) The department, upon request, must assist a sponsoring local government in estimating the amount of state excise tax allocation revenues and local excise tax increments required in subsection (1)(f)(iii) of this section.

Sec. 6. RCW 39.102.020 and 2010 c 164 s 11 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means seven million five hundred thousand dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(4) "Dedicated" means pledged, set aside, allocated, received, budgeted, or otherwise identified.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project; and
- (d) Spokane County Kendall Yards Urban Development Project.

~~((5))~~ (6) "Department" means the department of revenue.

~~((6))~~ (7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

~~((7))~~ (8) "Local excise tax allocation revenue" means an amount of local excise taxes equal to some or all of the sponsoring local government's local excise tax increment, amounts of local excise taxes equal to some or all of any participating local government's excise tax increment as agreed upon in the written agreement under RCW 39.102.080(1), or both, and dedicated to local infrastructure financing.

~~((8))~~ (9) "Local excise tax increment" means an amount equal to the estimated annual increase in local excise taxes in each calendar year following the approval of the revenue development area by the board from taxable activity within the revenue development area, as set forth in the application provided to the board under RCW 39.102.040, and updated in accordance with RCW 39.102.140(1)(f).

~~((9))~~ (10) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

~~((10))~~ (11) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

~~((11))~~ (12) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150

or to pay public improvement costs on a pay-as-you-go basis subject to RCW 39.102.195, or both.

~~((12))~~ (13) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

~~((13))~~ (14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

~~((14))~~ (15) "Ordinance" means any appropriate method of taking legislative action by a local government.

~~((15))~~ (16) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

~~((16))~~ (17) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

~~((17))~~ (18) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area less the property tax allocation revenue value.

~~((18))~~ (19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revenue development area is approved by the board;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;

(C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revenue development area is approved by the board.

(ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

~~((19))~~ (20) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; (f) administrative expenses and feasibility studies reasonably necessary and related to these costs; and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

~~((20))~~ (21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

~~((21))~~ (22) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

~~((22))~~ (23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the

aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

~~((23))~~ (24) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

~~((24))~~ (25) "Revenue development area" means the geographic area adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

~~((25))~~ (26)(a) "Revenues from local public sources" means:

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

~~((26))~~ (27) "Small business" has the same meaning as provided in RCW 19.85.020.

~~((27))~~ (28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that adopts a revenue development area and applies to the board to use local infrastructure financing.

~~((28))~~ (29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to RCW 39.102.195, or both;

(c) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040; or

(d) The highest amount of state excise tax allocation revenues and state property tax allocation revenues for any one calendar year as determined by the sponsoring local government and reported to the board and the department as required by RCW 39.102.140.

~~((29))~~ (30) "State excise tax allocation revenue" means an amount equal to the annual increase in state excise taxes estimated to be received by the state in each calendar year following the approval of the revenue development area by the board, from taxable activity within the revenue development area as set forth in the application provided to the board under RCW 39.102.040 and periodically updated and reported as required in RCW 39.102.140(1)(f).

~~((30))~~ (31) "State excise taxes" means revenues derived from state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes,

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other than the local sales and use taxes authorized by RCW 82.14.475 for the applicable revenue development area, imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

~~((34))~~ (32) "State property tax allocation revenue" means an amount equal to the estimated tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as set forth in the application submitted to the board under RCW 39.102.040 and updated annually in the report required under RCW 39.102.140(1)(f).

~~((32))~~ (33) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

NEW SECTION. **Sec. 7.** A new section is added to chapter 39.102 RCW to read as follows:

Notwithstanding RCW 39.102.040 and RCW 39.102.050, the board shall approve an additional demonstration project to be known as the Spokane County Kendall Yards Urban Development Project. The Spokane County Kendall Yards Urban Development Project application must be received by the board no later than July 1, 2014. Spokane County Kendall Yards Urban Development Project award must not exceed three hundred fifty thousand dollars per year. The board must approve by September 15, 2014, such demonstration project application submitted by July 1, 2014.

Sec. 8. RCW 39.102.060 and 2007 c 229 s 4 are each amended to read as follows:

The designation of a revenue development area is subject to the following limitations:

(1) The taxable real property within the revenue development area boundaries may not exceed one billion dollars in assessed value at the time the revenue development area is designated;

(2) The average assessed value per square foot of taxable land within the revenue development area boundaries, as of January 1st of the year the application is submitted to the board under RCW 39.102.040, may not exceed seventy dollars at the time the revenue development area is designated;

(3) No revenue development area shall have within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW or any part of another revenue development area created under this chapter;

(4) A revenue development area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revenue development area;

(5) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(6) The public improvements financed through local infrastructure financing must be located in the revenue development area;

(7) A revenue development area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government, including any cosponsoring local government, at the time the revenue development area is designated;

(8) The boundaries of the revenue development area shall not be changed for the time period that local infrastructure financing is used; and

(9)(a) Except as provided in (b) of this subsection, a revenue development area cannot include any part of an increment area created under chapter 39.89 RCW, except those increment areas created prior to January 1, 2006.

(b) A revenue development area's boundaries may include all or a portion of an existing increment area if:

(i) The state of Washington has loaned money for environmental cleanup in such area in order to stimulate

redevelopment of brownfields;

(ii) The environmental cleanup, for which the state's loans were intended has been completed; and

(iii) The sponsoring local government determines the creation of the revenue development is necessary for redevelopment and protecting the state's investment by increasing property tax revenue.

Sec. 9. RCW 39.102.120 and 2009 c 267 s 4 are each amended to read as follows:

(1) Commencing in the second calendar year following board approval of a revenue development area, except for the Spokane County Kendall Yards Urban Development Project which shall commence January 1, 2016, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revenue development area as follows:

(a) Each participating taxing district and the sponsoring local government shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local infrastructure financing project in the taxing district; and

(b) The sponsoring local government shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revenue development area. However, if there is no property tax allocation revenue value, the sponsoring local government shall not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revenue development area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure financing.

(2) The county assessor shall determine the property tax allocation revenue value and property tax allocation revenue base value. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The distribution of local property tax allocation revenue to the sponsoring local government must cease when local property tax allocation revenues are no longer obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues and earnings on such revenues remaining at the time the distribution of local property tax allocation revenue terminates must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revenue development area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revenue development area of that portion of the sponsoring local government's and each participating taxing district's regular property taxes levied by or for each taxing district upon the property tax allocation revenue value within that revenue development area is declared to be a public purpose of and benefit to the sponsoring local government and each participating taxing district.

(5) The distribution of local property tax allocation revenues pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any sponsoring local government and participating taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(6) This section does not apply to those revenue development areas that include any part of an increment area created under chapter 39.89 RCW."

Senator Rivers spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1306.

The motion by Senator Rivers carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 82.14.475, 39.102.150, 39.102.020, 39.102.060, and 39.102.120; reenacting and amending RCW 39.102.140; adding new sections to chapter 39.102 RCW; repealing RCW 39.102.904; and providing expiration dates."

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Second Substitute House Bill No. 1306 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1306 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1306 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase and Honeyford

Excused: Senators Carrell and McAuliffe

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1306 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SECOND SUBSTITUTE SENATE BILL NO. 5213,
ENGROSSED SENATE BILL NO. 5221.

MOTION

At 1:38 p.m., on motion of Senator Fain, the Senate adjourned until 12:30 p.m. Sunday, April 28, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

ONE HUNDRED FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, April 28, 2013

The Senate was called to order at 12:30 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell, Harper and Murray.

The Sergeant at Arms Color Guard consisting of Senate Interns Kylee Orr and Jacob Thorp, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 27, 2013

EHB 1287 Prime Sponsor, Representative Appleton: Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Keiser; Nelson, Assistant Ranking Member; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Capital Budget Chair; Hewitt; Padden and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

April 27, 2013

HB 1818 Prime Sponsor, Representative Smith: Promoting economic development through business and government streamlining projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 27, 2013

HB 2024 Prime Sponsor, Representative Pedersen: Concerning legal proceedings by the attorney general on behalf of state officers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hewitt; Keiser; Murray; Nelson, Assistant Ranking Member; Padden; Ranker; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hatfield; Parlette and Rivers.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 27, 2013

MR. PRESIDENT:
The House has passed:
HOUSE BILL NO. 2058,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

At 12:37 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:20 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5929 by Senator Kline

AN ACT Relating to funding improved impaired driving safety and enforcement; and amending RCW 82.08.160 and 46.68.260.

Referred to Committee on Ways & Means.

SB 5930 by Senator Kline

AN ACT Relating to funding and requiring the use of distributions from the additional tax on beer and strong beer for improving impaired driving safety and enforcement; and amending RCW 66.24.290 and 46.68.260.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1539 by Representatives Rodne, Springer, Hargrove, Sullivan, Magendanz, Takko, Kochmar, Pettigrew, Fitzgibbon and Ryu

AN ACT Relating to the annexation of unincorporated territory within a code city; and amending RCW 35A.14.295.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 1539 which was referred to the Committee on Governmental Operations.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Lee Newgent, Gubernatorial Appointment No. 9151, be confirmed as a member of the Work Force Training and Education Coordinating Board.

Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Kline was excused.

APPOINTMENT OF LEE NEWGENT

The President declared the question before the Senate to be the confirmation of Lee Newgent, Gubernatorial Appointment No. 9151, as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Lee Newgent, Gubernatorial Appointment No. 9151, as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senators Harper and Murray

Excused: Senator Carrell

Lee Newgent, Gubernatorial Appointment No. 9151, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

MOTION

On motion of Senator Billig, Senators Harper and Murray were excused.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Anne Proffitt, Gubernatorial Appointment No. 9159, be confirmed as a member of the Board of Trustees, The Evergreen State College.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF ANNE PROFFITT

The President declared the question before the Senate to be the confirmation of Anne Proffitt, Gubernatorial Appointment No. 9159, as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Anne Proffitt, Gubernatorial Appointment No. 9159, as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Harper and Murray

Anne Proffitt, Gubernatorial Appointment No. 9159, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5193,

SUBSTITUTE SENATE BILL NO. 5211,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5267,

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

SUBSTITUTE SENATE BILL NO. 5456,
ENGROSSED SENATE BILL NO. 5484,
SENATE BILL NO. 5510,
SECOND SUBSTITUTE SENATE BILL NO. 5595,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5744.

MESSAGE FROM THE HOUSE

April 26, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SENATE BILL NO. 5236. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5236.E AMH GOOD CLYN 464, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. INTENT. Since the United States Supreme Court recognized the First Amendment limitations on the common law tort of defamation and defamation-like torts, courts have struggled to achieve a balance between constitutionally protected guarantees of free expression and the need to protect citizens from reputational harm. Unlike personal injuries, harm to reputation can often be cured by means other than money damages. The correction or clarification of a published statement may restore a person's reputation more quickly and more thoroughly than a victorious lawsuit. The salutary effect of a correction or clarification is enhanced if it is published reasonably soon after a statement is made.

This act seeks to provide strong incentives for individuals to promptly correct or clarify an alleged false statement as an alternative to costly litigation. The options created by this act provide an opportunity for a plaintiff who believes he or she has been harmed by a false statement to secure quick and complete vindication of his or her reputation. This act provides publishers with a quick and cost-effective means of correcting or clarifying alleged mistakes and avoiding costly litigation.

NEW SECTION. Sec. 2. DEFINITION. The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, or other legal or commercial entity. The term does not include a government or governmental subdivision, agency, or instrumentality.

NEW SECTION. Sec. 3. SCOPE. (1) This chapter applies to any claim for relief, however characterized, for damages arising out of harm caused by the false content of a publication that is published on or after the effective date of this section.

(2) This chapter applies to all publications, including writings, broadcasts, oral communications, electronic transmissions, or other forms of transmitting information.

NEW SECTION. Sec. 4. REQUEST FOR CORRECTION OR CLARIFICATION. (1) A person may maintain an action for defamation or another claim covered by this chapter only if:

(a) The person has made a timely and adequate request for correction or clarification from the defendant; or

(b) The defendant has made a correction or clarification.

(2) A request for correction or clarification is timely if made within the period of limitation for commencement of an action for defamation.

(3) A request for correction or clarification is adequate if it:

(a) Is made in writing and reasonably identifies the person making the request;

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(b) Specifies with particularity the statement alleged to be false and defamatory or otherwise actionable and, to the extent known, the time and place of publication;

(c) Alleges the defamatory meaning of the statement;

(d) Specifies the circumstances giving rise to any defamatory meaning of the statement which arises from other than the express language of the publication; and

(e) States that the alleged defamatory meaning of the statement is false.

(4) In the absence of a previous adequate request, service of a summons and complaint stating a claim for defamation or another claim covered by this chapter and containing the information required in subsection (3) of this section constitutes an adequate request for correction or clarification.

(5) The period of limitation for commencement of a defamation action or another claim covered by this chapter is tolled during the period allowed in section 7(1) of this act for responding to a request for correction or clarification.

NEW SECTION. Sec. 5. DISCLOSURE OF EVIDENCE OF FALSITY. (1) A person who has been requested to make a correction or clarification may ask the requester to disclose reasonably available information material to the falsity of the allegedly defamatory or otherwise actionable statement.

(2) If a correction or clarification is not made, a person who unreasonably fails to disclose the information after a request to do so may not recover damages for injury to reputation or presumed damages; however, the person may recover all other damages permitted by law.

NEW SECTION. Sec. 6. EFFECT OF CORRECTION OR CLARIFICATION. If a timely and sufficient correction or clarification is made, a person may not recover damages for injury to reputation or presumed damages; however, the person may recover all other damages permitted by law.

NEW SECTION. Sec. 7. TIMELY AND SUFFICIENT CORRECTION OR CLARIFICATION. (1) A correction or clarification is timely if it is published before, or within thirty days after, receipt of a request for correction or clarification or of the information in section 5(1) of this act, whichever is later, unless the period is extended by written agreement of the parties.

(2) A correction or clarification is sufficient if it:

(a) Is published with a prominence and in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of;

(b) Refers to the statement being corrected or clarified and:

(i) Corrects the statement;

(ii) In the case of defamatory or false meaning arising from other than the express language of the publication, disclaims an intent to communicate that meaning or to assert its truth; or

(iii) In the case of a statement attributed to another person, identifies the person and disclaims an intent to assert the truth of the statement;

(c) In advance of the publication, is provided to the person who has made a request for correction or clarification; and

(d) Accompanies and is an equally prominent part of any electronic publication of the allegedly defamatory or otherwise actionable statement by the publisher.

(3) A correction or clarification is published in a medium reasonably likely to reach substantially the same audience as the publication complained of if it is published in a later issue, edition, or broadcast of the original publication.

(4) If a later issue, edition, or broadcast of the original publication will not be published within the time limits established for a timely correction or clarification, a correction or clarification is published in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of if:

(a) It is timely published in a reasonably prominent manner:

(i) In another medium likely to reach an audience reasonably equivalent to the original publication; or

(ii) If the parties cannot agree on another medium, in the newspaper with the largest general circulation in the region in which the original publication was distributed;

(b) Reasonable steps are taken to correct undistributed copies of the original publication, if any; and

(c) It is published in the next practicable issue, edition, or broadcast, if any, of the original publication.

(5) A correction or clarification is timely and sufficient if the parties agree in writing that it is timely and sufficient.

NEW SECTION. Sec. 8. CHALLENGES TO CORRECTION OR CLARIFICATION OR TO REQUEST FOR CORRECTION OR CLARIFICATION. (1) If a defendant in an action governed by this chapter intends to rely on a timely and sufficient correction or clarification, the defendant's intention to do so, and the correction or clarification relied upon, must be set forth in a notice served on the plaintiff within sixty days after service of the summons and complaint or ten days after the correction or clarification is made, whichever is later.

(2) If a defendant in an action governed by this chapter intends to challenge the adequacy or timeliness of a request for correction or clarification, the defendant must set forth the challenge in a motion to declare the request inadequate or untimely served within sixty days after service of the summons and complaint. The court shall rule on the motion at the earliest appropriate time before trial.

NEW SECTION. Sec. 9. OFFER TO CORRECT OR CLARIFY. (1) If a timely correction or clarification is no longer possible, the publisher of an alleged defamatory or otherwise actionable statement may offer, at any time before trial, to make a correction or clarification. The offer must be made in writing to the person allegedly harmed by the publication and:

(a) Contain the publisher's offer to:

(i) Publish, at the person's request, a sufficient correction or clarification; and

(ii) Pay the person's reasonable expenses of litigation, including attorneys' fees, incurred before publication of the correction or clarification; and

(b) Be accompanied by a copy of the proposed correction or clarification and the plan for its publication.

(2) If the person accepts in writing an offer to correct or clarify made pursuant to subsection (1) of this section:

(a) The person is barred from commencing an action against the publisher based on the statement; or

(b) If an action has been commenced, the court shall dismiss the action against the defendant with prejudice after the defendant complies with the terms of the offer.

(3) A person who does not accept an offer made in conformance with subsection (1) of this section may not recover damages for injury to reputation or presumed damages in an action based on the statement; however, the person may recover all other damages permitted by law, together with reasonable expenses of litigation, including attorneys' fees, incurred before the offer, unless the person failed to make a good-faith attempt to request a correction or clarification in accordance with section 4 of this act or failed to disclose information in accordance with section 5 of this act.

(4) On request of either party, a court shall promptly determine the sufficiency of the offered correction or clarification.

NEW SECTION. Sec. 10. SCOPE OF PROTECTION. A timely and sufficient correction or clarification made by a person responsible for a publication constitutes a correction or clarification made by all persons responsible for that publication other than a republisher. However, a correction or clarification that is sufficient only because of the operation of section 7(2)(b)(iii) of this act does

not constitute a correction or clarification made by the person to whom the statement is attributed.

NEW SECTION. Sec. 11. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 12. SHORT TITLE. This chapter may be known and cited as the uniform correction or clarification of defamation act.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 2 through 12 of this act constitute a new chapter in Title 7 RCW."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5236.

Senators Padden and Kline spoke in favor of the motion.

POINT OF INQUIRY

Senator Benton: "Would Senator Padden yield to a question? The original legislation that the senate passed there was an amendment that we adopted that required the correction to be posted electronically and would accompany the original article electronically with the correction from that point forward. Did that remain in the bill?"

Senator Padden: "It's my understanding that it did remain in there but to be honest Senator Benton I would need to look at the bill itself and read it to give you a completely correct answer."

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5236.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5236 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5236, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5236, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Brown, Holmquist Newbry, Honeyford and Smith

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Excused: Senators Carrell and Murray

ENGROSSED SENATE BILL NO. 5236, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5705. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5705-S AMH CARL H2564.1, and passed the bill as amended by the House.

On page 2, after line 3, insert the following:

"NEW SECTION. **Sec. 2.** The legislature finds that it is difficult for many property owners to pay property taxes under the current system where past due property tax payments must be paid in full, including penalties and interest. The legislature further finds that providing counties and property owners some flexibility in structuring past due property tax payments may provide some relief for property owners with delinquent tax payments.

Sec. 3. RCW 84.56.020 and 2010 c 200 s 1 are each amended to read as follows:

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and, except as provided in this section, shall be delinquent after that date.

(2) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax be paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the thirty-first day of October following and is delinquent after that date.

(5) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the full year amount of tax unpaid from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition,

delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the full year amount of tax unpaid is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the amount of tax delinquent on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection (11)(b) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(6)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) For the purposes of this section, "tax foreclosure avoidance costs" means those costs that can be identified specifically with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted and identified specifically to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended specifically for the purpose of administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

(c) When tax foreclosure avoidance costs are collected, the tax foreclosure avoidance costs must be credited to the county treasurer service fund account, except as otherwise directed.

(d) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

(7) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict on delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

~~((7))~~ (8) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

~~((8))~~ (9) For purposes of this chapter, "interest" means both interest and penalties.

~~((9))~~ (10) All collections of interest on delinquent taxes must be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

~~((10))~~ (11)(a) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic bill presentment and payment. Electronic bill presentment and payment may be utilized as an option by the taxpayer, but the treasurer may not require the use of electronic bill presentment and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for

~~((prepayments))~~ delinquent tax year payments only or for prepayments of current tax. All prepayments must be paid in full by the due date specified in (c) of this subsection. Payments on past due taxes must include collection of the oldest delinquent year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

(b) The treasurer must provide, by electronic means or otherwise, a payment agreement that ((may include prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic bill)) provides for payment of current year taxes, inclusive of prepayment collection charges. The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies, which must also require current year taxes to be paid timely. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

(c) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the thirty-first day of October following and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

(d) A county treasurer may authorize payment of past due property taxes, penalties, and interest under this chapter by electronic funds transfer payments on a monthly basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section.

(e) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

~~((11))~~ (12) For purposes of this section unless the context clearly requires otherwise, the following definitions apply:

(a) "Electronic bill presentment and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

Sec. 4. RCW 84.56.070 and 2009 c 350 s 2 are each amended to read as follows:

(1) The county treasurer ~~((shall))~~ must proceed to collect all personal property taxes after first completing the tax roll for the current year's collection.

(2) The treasurer ~~((shall))~~ must give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, the treasurer ~~((shall forthwith proceed to collect the same))~~ must commence delinquent collection efforts. A delinquent collection charge for costs incurred by the treasurer may be added to the account.

(3) In the event that ~~((he or she))~~ the treasurer is unable to collect the ~~((same))~~ taxes when due under this section, the treasurer ~~((shall))~~ must prepare papers in distraint, which ~~((shall))~~ must contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner.

(a) The treasurer ~~((shall))~~ must without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and ~~((shall))~~ must proceed to advertise the same by

posting written notices in three public places in the county in which such property has been distrained, one of which places ~~((shall))~~ must be at the county courthouse, such notice to state the time when and place where such property will be sold.

(b) The county treasurer, or the treasurer's deputy, ~~((shall))~~ must tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint.

(c) If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which ~~((shall be))~~ may not be less than ten days after the taking of such property, such treasurer or treasurer's designee ~~((shall))~~ must proceed to sell such property at public auction, or so much thereof as ~~((shall be))~~ is sufficient to pay such taxes, with interest and costs, and if there be any excess of money arising from the sale of any personal property, the treasurer ~~((shall))~~ must pay such excess less any cost of the auction to the owner of the property so sold or to his or her legal representative(~~(=~~ PROVIDED, That whenever it shall become)).

(d) If necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net, or drag seine fishing location, or any other personal property as the treasurer ~~((shall))~~ determines to be incapable or reasonably impracticable of manual delivery, it ~~((shall be))~~ is deemed to have been distrained and taken into possession when the treasurer ~~((shall have))~~ has, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that the treasurer has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale(~~(=)~~ A copy of the notice ~~((shall))~~ must also be sent to the owner or reputed owner at his or her last known address, by registered letter at least thirty days prior to the date of sale(~~(=~~ AND PROVIDED FURTHER, That)).

(e) If the county treasurer has reasonable grounds to believe that any personal property, including mobile homes, manufactured homes, or park model trailers, upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold, or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may ~~((forthwith))~~ distrain sufficient goods and chattels to pay the same."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5705.

Senator Brown spoke in favor of the motion.

PARLIAMENTARY INQUIRY

Senator Hasegawa: "Thank you Mr. President. Has a copy of that proposal been distributed?"

REPLY BY THE PRESIDENT

President Owen: "Senator Hasegawa, are you looking for the description, a bill report or are you looking for the actual language of the amendment?"

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PARLIAMENTARY INQUIRY

Senator Hasegawa: "The second, the amendment that was hung most recently in the House."

REPLY BY THE PRESIDENT

President Owen: "Senator Hasegawa, it has not been, just so the members know, it's not the tradition or whatever the practice is to provide the background but not the amendment. The amendment is available, you can pull it up. However, if you desire to have it, we will wait till you get it."

PARLIAMENTARY INQUIRY

Senator Hasegawa: "I would be ok in lieu of handing it out if I could get a little better description of what it does from the previous speaker."

Senator Hasegawa spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5705.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5705 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5705, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5705, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Murray

SUBSTITUTE SENATE BILL NO. 5705, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5732. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5732-S2 AMH GREE H2522.3, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) Beginning May 1, 2014, the legislature shall convene a task force to examine reform of the adult behavioral health system, with voting members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses in the house of representatives.

(iii) The governor shall appoint five members consisting of the secretary of the department of social and health services or the secretary's designee, the director of the health care authority or the director's designee, the director of the office of financial management or the director's designee, the secretary of the department of corrections or the secretary's designee, and a representative of the governor.

(iv) The governor shall request participation by a representative of tribal governments.

(b) The task force shall choose two cochairs from among its legislative members.

(c) The task force shall adopt a bottom-up approach and welcome input and participation from all stakeholders interested in the improvement of the adult behavioral health system. To that end, the task force must invite participation from, at a minimum, the following: Behavioral health service recipients and their families; local government; representatives of regional support networks; representatives of county coordinators; law enforcement; city and county jails; tribal representatives; behavioral health service providers; housing providers; labor representatives; counties with state hospitals; mental health advocates; public defenders with involuntary mental health commitment or mental health court experience; medicaid managed care plan representatives; long-term care service providers; the Washington state hospital association; and individuals with expertise in evidence-based and research-based behavioral health service practices. Leadership of subcommittees formed by the task force may be drawn from this body of invited participants.

(2) The task force shall undertake a systemwide review of the adult behavioral health system and make recommendations for reform concerning, but not limited to, the following:

(a) The means by which services are delivered for adults with mental illness and chemical dependency disorders;

(b) Availability of effective means to promote recovery and prevent harm associated with mental illness;

(c) Crisis services, including boarding of mental health patients outside of regularly certified treatment beds;

(d) Best practices for cross-system collaboration between behavioral health treatment providers, medical care providers, long-term care service providers, entities providing health home services to high-risk medicaid clients, law enforcement, and criminal justice agencies; and

(e) Public safety practices involving persons with mental illness with forensic involvement.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee

and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by January 1, 2015.

(7) This section expires June 1, 2015.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

(1) The systems responsible for financing, administration, and delivery of publicly funded mental health and chemical dependency services to adults must be designed and administered to achieve improved outcomes for adult clients served by those systems through increased use and development of evidence-based, research-based, and promising practices, as defined in RCW 71.24.025. For purposes of this section, client outcomes include: Improved health status; increased participation in employment and education; reduced involvement with the criminal justice system; enhanced safety and access to treatment for forensic patients; reduction in avoidable utilization of and costs associated with hospital, emergency room, and crisis services; increased housing stability; improved quality of life, including measures of recovery and resilience; and decreased population level disparities in access to treatment and treatment outcomes.

(2) The department and the health care authority must implement a strategy for the improvement of the adult behavioral health system.

(a) The department must establish a steering committee that includes at least the following members: Behavioral health service recipients and their families; local government; representatives of regional support networks; representatives of county coordinators; law enforcement; city and county jails; tribal representatives; behavioral health service providers, including at least one chemical dependency provider and at least one psychiatric advanced registered nurse practitioner; housing providers; medicaid managed care plan representatives; long-term care service providers; organizations representing health care professionals providing services in mental health settings; the Washington state hospital association; the Washington state medical association; individuals with expertise in evidence-based and research-based behavioral health service practices; and the health care authority.

(b) The adult behavioral health system improvement strategy must include:

(i) An assessment of the capacity of the current publicly funded behavioral health services system to provide evidence-based, research-based, and promising practices;

(ii) Identification, development, and increased use of evidence-based, research-based, and promising practices;

(iii) Design and implementation of a transparent quality management system, including analysis of current system capacity to implement outcomes reporting and development of baseline and improvement targets for each outcome measure provided in this section;

(iv) Identification and phased implementation of service delivery, financing, or other strategies that will promote improvement of the behavioral health system as described in this section and incentivize the medical care, behavioral health, and long-term care service delivery systems to achieve the improvements described in this section and collaborate across systems. The strategies must include phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance and levels of improvement between geographic regions of Washington; and

(v) Identification of effective methods for promoting workforce capacity, efficiency, stability, diversity, and safety.

(c) The department must seek private foundation and federal grant funding to support the adult behavioral health system improvement strategy.

(d) By May 15, 2014, the Washington state institute for public policy, in consultation with the department, the University of Washington evidence-based practice institute, the University of Washington alcohol and drug abuse institute, and the Washington institute for mental health research and training, shall prepare an inventory of evidence-based, research-based, and promising practices for prevention and intervention services pursuant to subsection (1) of this section. The department shall use the inventory in preparing the behavioral health improvement strategy. The department shall provide the institute with data necessary to complete the inventory.

(e) By August 1, 2014, the department must report to the governor and the relevant fiscal and policy committees of the legislature on the status of implementation of the behavioral health improvement strategy, including strategies developed or implemented to date, timelines, and costs to accomplish phased implementation of the adult behavioral health system improvement strategy.

(3) The department must contract for the services of an independent consultant to review the provision of forensic mental health services in Washington state and provide recommendations as to whether and how the state's forensic mental health system should be modified to provide an appropriate treatment environment for individuals with mental disorders who have been charged with a crime while enhancing the safety and security of the public and other patients and staff at forensic treatment facilities. By August 1, 2014, the department must submit a report regarding the recommendations of the independent consultant to the governor and the relevant fiscal and policy committees of the legislature.

NEW SECTION. Sec. 3. A new section is added to chapter 70.97 RCW to read as follows:

To the extent that funds are specifically appropriated for this purpose, the department must issue a request for a proposal for enhanced services facility services by June 1, 2014, and complete the procurement process by January 1, 2015.

NEW SECTION. Sec. 4. A new section is added to chapter 71.05 RCW to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of ninety or one hundred eighty days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the regional support network responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan and arrange for a transition to the community in accordance with the person's individualized discharge plan within twenty-one days of the determination.

Sec. 5. RCW 71.24.025 and 2012 c 10 s 59 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social

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Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(6) "Community mental health program" means all mental health services, activities, or programs using available resources.

(7) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(8) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(9) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(10) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(11) "Department" means the department of social and health services.

(12) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(13) "Emerging best practice" or "promising practice" means a ~~((practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based~~

~~practice)) program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (14) of this section.~~

(14) "Evidence-based" means a program or practice that has ((had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population)) been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(15) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(16) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(17) "Mental health services" means all services provided by regional support networks and other services provided by the state for persons who are mentally ill.

(18) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (27), and (28) of this section.

(19) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(20) "Regional support network" means a county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(21) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(22) "Research-based" means a program or practice that has ~~((some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices))~~ been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (14) of this section but does not meet the full criteria for evidence-based.

(23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the regional support network to be at

risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

(26) "Secretary" means the secretary of social and health services.

(27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(30) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 6. RCW 18.19.210 and 2008 c 135 s 9 are each amended to read as follows:

(1)(a) An applicant for registration as an agency affiliated counselor who applies to the department within seven days of employment by an agency may work as an agency affiliated counselor for up to sixty days while the application is processed. The applicant must stop working on the sixtieth day of employment if the registration has not been granted for any reason.

(b) The applicant may not provide unsupervised counseling prior to completion of a criminal background check performed by either the employer or the secretary. For purposes of this subsection, "unsupervised" means the supervisor is not physically present at the location where the counseling occurs.

(2) Agency affiliated counselors shall notify the department if they are either no longer employed by the agency identified on their application or are now employed with another agency, or both. Agency affiliated counselors may not engage in the practice of counseling unless they are currently affiliated with an agency.

NEW SECTION. Sec. 7. A new section is added to chapter 43.20A RCW to read as follows:

(1) By November 30, 2013, the department and the health care authority must report to the governor and the relevant fiscal and policy committees of the legislature, consistent with RCW 43.01.036, a plan that establishes a tribal-centric behavioral health system incorporating both mental health and chemical dependency services. The plan must assure that child, adult, and older adult American Indians and Alaskan Natives eligible for medicaid have increased access to culturally appropriate mental health and chemical dependency services. The plan must:

(a) Include implementation dates, major milestones, and fiscal estimates as needed;

(b) Emphasize the use of culturally appropriate evidence-based and promising practices;

(c) Address equitable access to crisis services, outpatient care, voluntary and involuntary hospitalization, and behavioral health care coordination;

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(d) Identify statutory changes necessary to implement the tribal-centric behavioral health system; and

a unique thought, read the bills that they're voting on? That's my question."

(e) Be developed with the department's Indian policy advisory committee and the American Indian health commission, in consultation with Washington's federally recognized tribes.

REPLY BY THE PRESIDENT

(2) The department shall enter into agreements with the tribes and urban Indian health programs and modify regional support network contracts as necessary to develop a tribal-centric behavioral health system that better serves the needs of the tribes.

President Owen: "Senator Padden, Rule 28 is not directly on point, however I understand the question that you're asking. All these amendments are available electronically. The President believes, though, that if a member should request, any member may request that it be printed out and we will print it out for you but the President does not believe, because that the practice for the last number of years, that it is necessary for us to hand each of those amendments out unless specifically requested. Senator Padden."

NEW SECTION. Sec. 8. Section 4 of this act takes effect July 1, 2018."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

REMARKS BY SENATOR PADDEN

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5732.

Senator Padden: "Thank you very much Mr. President. I will make my request in the future. Thank you."

Senators Pearson and Darneille spoke in favor of the motion.

MESSAGE FROM THE HOUSE

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5732.

April 26, 2013

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5732 by voice vote.

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5072 with the following amendment(s): 5072-S AMH FIN H2354.1

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5732, as amended by the House.

Strike everything after the enacting clause and insert the following:

ROLL CALL

"NEW SECTION. Sec. 1. (1) The legislature finds that it is important to recognize the service of active duty military and veterans and to acknowledge the continued sacrifice of those veterans who have been catastrophically injured. The legislature further finds that many disabled veterans often need customized, accessible transportation to be self-sufficient and to maintain a high quality of life. The legislature further finds that individuals with a severe disability are three times more likely to be at or below the national poverty level. The legislature further finds that the federal government pays for the cost of mobility adaptive equipment for severely injured veterans; however, it does not cover the cost of sales or use tax owed on this equipment. The legislature further finds that this cost is then shifted onto the veterans, who often times cannot afford the tax due to the substantial amount of adaptive equipment required in such customized vehicles. The legislature further finds that this added financial burden has the unintended effect of causing some veterans to acquire their mobility adaptive equipment in neighboring states that do not impose a sales tax, thereby negatively impacting Washington businesses providing mobility enhancing equipment and services to Washington veterans.

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5732, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

(2) It is the legislature's intent to provide specific financial relief for severely injured veterans and to ameliorate a negative consequence of Washington's tax structure by providing a sales and use tax exemption for mobility adaptive equipment required to customize vehicles for disabled veterans. It is the further intent of the legislature to reexamine this exemption in five years to determine whether it has mitigated the competitive disadvantage stemming from Washington's tax structure on mobility businesses and to assess whether the cost of the exemption in terms of forgone state revenue is beyond what was reasonably assumed in the fiscal estimate for the legislation.

Excused: Senators Carrell and Murray

SECOND SUBSTITUTE SENATE BILL NO. 5732, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Padden: "Mr. President, under Rule 28 any Senator shall have the right to compare an enrolled bill with an engrossed bill and may note any objections in the journal. By analogy, I have been trying to physically get copies of the bills that are on concurrence and in dispute and I'm told they are available electronically but are not available in print. I was trying to do that to respond to a question earlier from the good gentleman from the Seventeenth District regarding a provision in Senate Bill No. 5236. I guess my point is whether or not by analogy those should be available to members so they can actually read the bills, this is

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to sales to eligible purchasers of prescribed add-on automotive adaptive equipment, including charges incurred for labor and services rendered in respect to the installation and repairing of such

equipment. The exemption provided in this section only applies if the eligible purchaser is reimbursed in whole or part for the purchase by the United States department of veterans affairs or other federal agency, and the reimbursement is paid directly by that federal agency to the seller.

(2) Sellers making tax-exempt sales under this section must:

(a) Obtain an exemption certificate from the eligible purchaser in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement;

(b) File their tax return with the department electronically; and

(c) Report their total gross sales on their return and deduct the exempt sales under subsection (1) of this section from their reported gross sales.

(3) For purposes of this section, the following definitions apply unless the context clearly requires otherwise:

(a) "Add-on automotive adaptive equipment" means equipment installed in, and modifications made to, a motor vehicle that are necessary to assist physically challenged persons to enter, exit, or safely operate a motor vehicle. The term includes but is not limited to wheelchair lifts, wheelchair restraints, ramps, under vehicle lifts, power door openers, power seats, lowered floors, raised roofs, raised doors, hand controls, left foot gas pedals, chest and shoulder harnesses, parking brake extensions, dual battery systems, steering devices, reduced and zero effort steering and braking, voice-activated controls, and digital driving systems. The term does not include motor vehicles and equipment installed in a motor vehicle by the manufacturer of the motor vehicle.

(b) "Eligible purchaser" means a veteran, or member of the armed forces serving on active duty, who is disabled, regardless of whether the disability is service connected as that term is defined by federal statute 38 U.S.C. Sec. 101, as amended, as of August 1, 2013.

(c) "Prescribed add-on automotive adaptive equipment" means add-on automotive adaptive equipment prescribed by a physician.

(4) This section expires July 1, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of prescribed add-on automotive adaptive equipment or to labor and services rendered in respect to the installation and repairing of such equipment. The exemption under this section only applies if the sale of the prescribed add-on automotive adaptive equipment or labor and services was exempt from sales tax under section 1 of this act or would have been exempt from sales tax under section 1 of this act if the equipment or labor and services had been purchased in this state.

(2) For purposes of this section, "prescribed add-on automotive adaptive equipment" has the same meaning as provided in section 1 of this act.

(3) This section expires July 1, 2018.

NEW SECTION. Sec. 4. This act takes effect August 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hill moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5072.

Senators Hill, Conway, Brown and Hobbs spoke in favor of the motion.

Senators Bailey and Roach spoke on the motion.

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the motion by Senator Hill that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5072.

The motion by Senator Hill carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5072 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5072, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5072, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

SUBSTITUTE SENATE BILL NO. 5072, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SENATE BILL NO. 5607 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Holmquist Newbry moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5607.

Senators Holmquist Newbry, Harper and King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Holmquist Newbry that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5607.

The motion by Senator Holmquist Newbry carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5607 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5607, as amended by the House.

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ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5607, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Braun, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Becker, Brown, Dammeier, Darneille, Hargrove, Holmquist Newbry, Honeyford, Pearson and Roach

Excused: Senators Carrell and Kline

ENGROSSED SENATE BILL NO. 5607, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ranker, Senator Eide was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5910, by Senators Hill, Murray, Nelson, Baumgartner and Hargrove

Providing that a quarterly revenue forecast is due on February 20th during both a long and short legislative session year.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 5910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Darneille spoke in favor of passage of the bill.

MOTION

On motion of Senator Schlicher, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5910.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Kline and Nelson

SENATE BILL NO. 5910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1818, by Representatives Smith, Maxwell, Magendanz, Morris, Hargrove, Sells, Angel, Ryu, Hayes, Zeiger, Vick, O'Ban, Morrell, Bergquist, Stonier and Fey

Promoting economic development through business and government streamlining projects.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, House Bill No. 1818 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1818.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1818 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Kline and Nelson

HOUSE BILL NO. 1818, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1982, by House Committee on Appropriations (originally sponsored by Representative Hunter)

Eliminating lottery games that generate insufficient net revenue.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Substitute House Bill No. 1982 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

Senators Hill, Conway and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1982.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1982 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Roach, Rolfes and Schlicher

Excused: Senators Carrell and Kline

SUBSTITUTE HOUSE BILL NO. 1982, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2058 by Representatives Hawkins, Riccelli and Bergquist

AN ACT Relating to transparency in enacted state capital and transportation budget appropriations and expenditures; amending RCW 44.48.150; and creating a new section.

MOTION

On motion of Senator Fain, under suspension of the rules House Bill No. 2058 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2058, by Representatives Hawkins, Riccelli and Bergquist

Requiring transparency in enacted state capital and transportation budget appropriations and expenditures.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 3, after line 9, insert the following:

(7) The web site must also allow legislators to offer an explanatory statement regarding the transportation and capital budget appropriations in their districts not to exceed five hundred words. The statement must be in compliance with laws restricting use of public resources for campaign purposes.

(8) The web site must also display estimated general fund and transportation revenues received from each legislative district and expenditures from those revenues within each legislative district.

Senator Hasegawa spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa, the amendment by Senator Hasegawa on page 3, line 9 to House Bill No. 2058 was withdrawn.

MOTION

On motion of Senator Fain, the rules were suspended, House Bill No. 2058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

Senator Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2058.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2058 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Becker, Chase, Darneille, Fraser, Frockt, Hargrove, Hatfield, Kline, Kohl-Welles, McAuliffe, Murray, Nelson and Ranker

Excused: Senator Carrell

HOUSE BILL NO. 2058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that James Wigfall, Gubernatorial Appointment No. 9196, be confirmed as a member of the Board of Trustees, The Evergreen State College.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Frockt, Senator Schlicher was excused.

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On motion of Senator Fain, the Senate reverted to the fourth order of business.

APPOINTMENT OF JAMES WIGFALL

The President declared the question before the Senate to be the confirmation of James Wigfall, Gubernatorial Appointment No. 9196, as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of James Wigfall, Gubernatorial Appointment No. 9196, as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Schlicher

James Wigfall, Gubernatorial Appointment No. 9196, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Vicki Wilson, Gubernatorial Appointment No. 9197, be confirmed as a member of the Board of Trustees, Eastern Washington University.

Senator Brown spoke in favor of the motion.

APPOINTMENT OF VICKI WILSON

The President declared the question before the Senate to be the confirmation of Vicki Wilson, Gubernatorial Appointment No. 9197, as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Vicki Wilson, Gubernatorial Appointment No. 9197, as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Vicki Wilson, Gubernatorial Appointment No. 9197, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

MOTION

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5193,

SUBSTITUTE SENATE BILL NO. 5211,
SECOND SUBSTITUTE SENATE BILL NO. 5213,

ENGROSSED SENATE BILL NO. 5221,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5267,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5405,

SUBSTITUTE SENATE BILL NO. 5456,

ENGROSSED SENATE BILL NO. 5484,

SENATE BILL NO. 5510,

SECOND SUBSTITUTE SENATE BILL NO. 5595,

ENGROSSED SENATE BILL NO. 5666,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5744,

SENATE BILL NO. 5797,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1183,

HOUSE BILL NO. 1471,

ENGROSSED HOUSE BILL NO. 2056,

HOUSE CONCURRENT RESOLUTION NO. 4405,

HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1183,

HOUSE BILL NO. 1471,

ENGROSSED HOUSE BILL NO. 2056,

HOUSE CONCURRENT RESOLUTION NO. 4405,

HOUSE CONCURRENT RESOLUTION NO. 4406.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Benton moved that Steven Moss, Gubernatorial Appointment No. 9146, be confirmed as a member of the Housing Finance Commission.

Senators Benton and Hewitt spoke in favor of passage of the motion.

MOTION

On motion of Senator Billig, Senators Darneille and Keiser were excused.

APPOINTMENT OF STEVEN MOSS

The President declared the question before the Senate to be the confirmation of Steven Moss, Gubernatorial Appointment No. 9146, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Steven Moss, Gubernatorial Appointment No. 9146, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Darneille and Keiser

Steven Moss, Gubernatorial Appointment No. 9146, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Faouzi Sefrioui, Gubernatorial Appointment No. 9172, be confirmed as a member of the Housing Finance Commission.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF FAOUZI SEFRIOUI

The President declared the question before the Senate to be the confirmation of Faouzi Sefrioui, Gubernatorial Appointment No. 9172, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Faouzi Sefrioui, Gubernatorial Appointment No. 9172, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Darneille and Keiser

Faouzi Sefrioui, Gubernatorial Appointment No. 9172, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Benton moved that Gabe Spencer, Gubernatorial Appointment No. 9179, be confirmed as a member of the Housing Finance Commission.

Senator Benton spoke in favor of the motion.

APPOINTMENT OF GABE SPENCER

The President declared the question before the Senate to be the confirmation of Gabe Spencer, Gubernatorial Appointment No. 9179, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Gabe Spencer, Gubernatorial Appointment No. 9179, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Darneille and Keiser

Gabe Spencer, Gubernatorial Appointment No. 9179, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Mullet moved that Pamela Tietz, Gubernatorial Appointment No. 9188, be confirmed as a member of the Housing Finance Commission.

Senator Mullet spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Kline was excused.

APPOINTMENT OF PAMELA TIETZ

The President declared the question before the Senate to be the confirmation of Pamela Tietz, Gubernatorial Appointment No. 9188, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Pamela Tietz, Gubernatorial Appointment No. 9188, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper,

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Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Darneille, Keiser and Kline

Pamela Tietz, Gubernatorial Appointment No. 9188, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Steven Drury, Gubernatorial Appointment No. 9094, be confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

Senator Chase spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

APPOINTMENT OF STEVEN DRURY

The President declared the question before the Senate to be the confirmation of Steven Drury, Gubernatorial Appointment No. 9094, as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of Steven Drury, Gubernatorial Appointment No. 9094, as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Kline and Nelson

Steven Drury, Gubernatorial Appointment No. 9094, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rolfes moved that Lester Herndon, Gubernatorial Appointment No. 9112, be confirmed as a member of the Professional Educator Standards Board.

Senator Rolfes spoke in favor of the motion.

APPOINTMENT OF LESTER HERNDON

The President declared the question before the Senate to be the confirmation of Lester Herndon, Gubernatorial Appointment No. 9112, as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Lester Herndon, Gubernatorial Appointment No. 9112, as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

Lester Herndon, Gubernatorial Appointment No. 9112, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Smith moved that Timothy Rasmussen, Gubernatorial Appointment No. 9162, be confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

Senator Smith spoke in favor of the motion.

APPOINTMENT OF TIMOTHY RASMUSSEN

The President declared the question before the Senate to be the confirmation of Timothy Rasmussen, Gubernatorial Appointment No. 9162, as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of Timothy Rasmussen, Gubernatorial Appointment No. 9162, as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

Timothy Rasmussen, Gubernatorial Appointment No. 9162, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5024 with the following amendment(s): 5024-S.E AMH ENGR H2493.E

Strike everything after the enacting clause and insert the following:

"2013-2015 FISCAL BIENNIUM

NEW SECTION. **Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2015.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2014" or "FY 2014" means the fiscal year ending June 30, 2014.

(b) "Fiscal year 2015" or "FY 2015" means the fiscal year ending June 30, 2015.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

2013-2015 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account--State Appropriation.....\$435,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation\$504,000

NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account--State Appropriation.....\$1,641,000

Puget Sound Ferry Operations Account--State

Appropriation\$176,000

TOTAL APPROPRIATION\$1,817,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$932,000 of the motor vehicle account--state appropriation is provided solely for the office of financial management, from funds set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to identify, analyze, evaluate, and

implement county transportation performance measures associated with transportation system policy goals outlined in RCW 47.04.280. The Washington state association of counties, in cooperation with state agencies, must: Identify, analyze, and report on county transportation system preservation; identify, evaluate, and report on opportunities to streamline reporting requirements for counties; and evaluate project management tools to help improve project delivery at the county level.

(2) \$70,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the state's share of the marine salary survey.

NEW SECTION. **Sec. 104. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Motor Vehicle Account--State Appropriation.....\$502,000

NEW SECTION. **Sec. 105. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation.....\$986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. **Sec. 106. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation.....\$1,208,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$857,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION. **Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account--State Appropriation.....\$529,000

NEW SECTION. **Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Motor Vehicle Account--State Appropriation.....\$493,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$243,000 of the motor vehicle account--state appropriation is for the joint legislative audit and review committee to conduct a review of the methods and systems used by the department of transportation to develop asset condition and maintenance service level needs and subsequent funding requests for highway preservation and maintenance programs, to include tolled facilities. The review will examine whether the methods and systems used by the department of transportation for estimating preservation and maintenance needs and costs are consistent with industry practices and other appropriate standards. The review will include analysis of a selection of preservation and maintenance requests and address issues such as:

(a) Was a systematic, documented process used to develop the estimate of need?

(b) Are practices in place to minimize life-cycle preservation and maintenance costs?

(c) Was each stage in the cost estimating process fully documented?

(d) If appropriate, how were risks to the cost estimate quantified?

(e) What steps are in place to ensure that requests are not unduly impacted by outside pressures?

Expert engineering or cost estimating consultants may be used to review methods, systems, and individual estimates for accuracy. A briefing report, focusing on an overview of the methods and

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processes, must be completed by December 2013. A report containing any findings and recommendations must be completed by December 2014.

(2) \$200,000 of the motor vehicle account--state appropriation is provided solely for the joint legislative audit and review committee to conduct a forensic audit of the Interstate 5/Columbia River Crossing project (400506A) to investigate possible misuse of public funds. The joint legislative audit and review committee may contract with the state auditor's office for fraud-related investigation services, if necessary.

(3)(a) The joint legislative audit and review committee shall conduct a study of registration and inspection fee programs regulating gas stations and other businesses that emit gasoline vapors administered by the department of ecology and air pollution control authorities (collectively referred to as "regulatory agencies") as provided in chapter 70.94 RCW. The goal of the study is to provide recommendations to the legislature that, if implemented, would further effective implementation of chapter 70.94 RCW by the regulatory agencies and would result in more consistent and transparent registration fees and regulations across all regulatory agencies included in the study.

(b) The study must include, but not be limited to:

(i) Comparing and contrasting registration and inspection fees and methodologies used in calculating fees among all regulatory agencies as provided in RCW 70.94.151;

(ii) Comparing and contrasting inspection processes and criteria among all regulatory agencies, including frequency of registration and inspection of facilities; and

(iii) Comparing and contrasting inspection processes and criteria utilized by the state's regulatory agencies with criteria established by the United States environmental protection agency regulating gas stations and other businesses that emit gasoline vapors. This should include, but not be limited to, federal stage II vapor recovery requirements and federal ozone standards and nonattainment.

(c) In conducting the study, the joint legislative audit and review committee shall develop a stakeholder list, including representatives from each regulatory agency, from the Washington oil marketers association, and from other industry associations or groups. The committee shall meet with stakeholders as it deems necessary, but shall convene at least one meeting of all stakeholders within two months of commencing the study. The committee shall submit its findings and recommendations to the legislature by December 31, 2014.

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Motor Vehicle Account--State Appropriation\$295,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 of the motor vehicle account--state appropriation is from the cities statewide fuel tax distributions under RCW 46.68.110(2) and is provided solely for the department to inventory, prioritize, and study fish passage barriers associated with city roads and streets in the Puget Sound region. The department shall submit the results to the department of transportation and to organizations representing cities by June 30, 2015.

(2) \$95,000 of the motor vehicle account--state appropriation is from the counties statewide fuel tax distribution under RCW 46.68.120(3) and is provided solely for the department of transportation to contract with the department to inventory, assess, and prioritize fish passage barriers associated with county roads. The department shall submit the results to the department of transportation, the office of financial management, and the transportation committees of the legislature by June 30, 2015.

TRANSPORTATION AGENCIES—OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation \$3,017,000
Highway Safety Account--Federal Appropriation ... \$40,699,000
Highway Safety Account--Private/Local Appropriation \$50,000
School Zone Safety Account--State Appropriation\$1,800,000
TOTAL APPROPRIATION\$45,566,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall develop and implement, in collaboration with the Washington state patrol, a target zero team pilot program in Yakima and Spokane counties. The pilot program must demonstrate the effectiveness of intense, high visibility driving under the influence enforcement in Washington state. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program.

(2) \$20,000,000 of the highway safety account--federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2013-2015 fiscal biennium.

(3) Of the amounts provided in this section, any amounts that are granted by the commission for the traffic safety resource prosecutor program must be directed to the Washington association of prosecuting attorneys.

(4) The commission may continue to oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over one hundred ninety-five thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.

(b) By January 1, 2015, any local authority that is operating an automated traffic safety camera to detect speed violations must provide a summary to the transportation committees of the legislature concerning the use of the cameras and data regarding infractions, revenues, and costs.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation.....\$945,000
Motor Vehicle Account--State Appropriation\$2,186,000
County Arterial Preservation Account--State Appropriation\$1,456,000
TOTAL APPROPRIATION\$4,587,000

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account--State Appropriation\$3,804,000

NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation \$1,330,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$325,000 of the motor vehicle account--state appropriation is for a study of transportation cost drivers and potential efficiencies to contain project costs and gain more value from investments in Washington state's transportation system. The goal is to enable the department of transportation to construct bridge and highway projects more quickly and to build and operate them at a lower cost, while ensuring that appropriate environmental and

regulatory protections are maintained and a quality project is delivered. The joint transportation committee must convene an advisory panel to provide study guidance and discuss potential efficiencies and recommendations. The scope of the study must be limited to state-level policies and practices relating to the planning, design, permitting, construction, financing, and operation of department of transportation roadway and bridge projects. The study must:

- (i) Identify best practices;
- (ii) Identify inefficiencies in state policy or agency practice where changes may save money;
- (iii) Recommend changes to improve efficiency and save money; and
- (iv) Identify potential savings to be achieved by adopting changes in practice or policy.

(b) The joint transportation committee shall issue a report of its findings to the house of representatives and senate transportation committees by December 31, 2013.

(2) The joint transportation committee shall coordinate a work group comprised of the department of licensing, the department of revenue, county auditors or other agents, and subagents to identify possible issues relating to the administration of, compliance with, and enforcement of the existing statutory requirement for a person to provide an unexpired driver's license when registering a vehicle. The work group shall provide recommendations on how administration and enforcement may be modified, as needed, to address any identified issues, including whether statutory changes may be needed. A report presenting the recommendations must be presented to the house of representatives and senate transportation committees by December 31, 2013.

(3) The joint transportation committee shall continue to convene a subcommittee for legislative oversight of the I-5/Columbia river crossing bridge replacement project. The Columbia river crossing legislative oversight subcommittee must be made up of six members: Two appointed by the cochairs of the senate transportation committee, two appointed by the chair and ranking member of the house of representatives transportation committee, one designee of the governor, and one citizen jointly appointed by the four members of the joint transportation executive committee. The citizen appointee must be a Washington state resident of the area served by the bridge. At least two of the legislative members must be from the legislative districts served by the bridge. In addition to reviewing project and financing information, the subcommittee must also coordinate with the Oregon legislative oversight committee for the Columbia river crossing bridge.

(4) The joint transportation committee shall convene a work group to identify and evaluate internal refinance opportunities for the Tacoma Narrows bridge. The study must include a staff work group, including staff from the office of financial management, the transportation commission, the department of transportation, the office of the state treasurer, and the legislative transportation committees. The joint transportation committee shall issue a report of its findings to the house of representatives and the senate transportation committees by December 31, 2013.

(5) The joint transportation committee shall study and review the use of surplus property proceeds to fund facility replacement projects, and the possibility of using the north central region as a pilot. The joint transportation committee shall consult with the department of transportation and the office of financial management regarding the department's current process for prioritizing and funding facility improvement and replacement projects.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation.....	\$2,947,000
Multimodal Transportation Account--State	
Appropriation	\$112,000

TOTAL APPROPRIATION.....\$3,059,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315, during the 2013-2015 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of fares for the Washington state ferry system only in amounts not greater than those sufficient to generate the amount of revenue required by the biennial transportation budget. When adjusting ferry fares, the commission must consider input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the current ferry user survey.

(2) Consistent with RCW 43.135.055 and 47.46.100, during the 2013-2015 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of toll charges applicable to the Tacoma Narrows bridge only in amounts not greater than those sufficient to support (a) any required costs for operating and maintaining the toll bridge, including the cost of insurance, (b) any amount required by law to meet the redemption of bonds and applicable interest payments, and (c) repayment of the motor vehicle fund.

(3)(a) \$400,000 of the motor vehicle account--state appropriation is provided solely for the development of the business case for the transition to a road usage charge system as the basis for funding the state transportation system, from the current motor fuel tax system. The funds are provided for fiscal year 2014 only.

(b) The legislature finds that the efforts started in the 2011-2013 fiscal biennium regarding the transition to a road usage charge system represent an important first step in the policy and conceptual development of potential alternative systems to fund transportation projects, but that the governance for the development needs clarification. The legislature also finds that significant amounts of research and public education are occurring in similar efforts in several states and that these efforts can and should be leveraged to advance the evaluation in Washington. The legislature intends, therefore, that the commission and its staff lead the policy development of the business case for a road usage charge system, with the goal of providing the business case to the governor and the legislative committees of the legislature in time for inclusion in the 2014 supplemental omnibus transportation appropriations act. The legislature intends for additional oversight in the business case development, with guidance from a steering committee as provided in chapter 86, Laws of 2012, augmented with participation by the joint transportation committee. The legislature further intends that the department of transportation continue to address administrative, technical, and conceptual operational issues related to road usage charge systems, and that the department serve as a resource for information gleaned from other states on this topic for the commission's efforts.

(c) For the purposes of this subsection (3), the commission shall:

(i) Develop preliminary road usage charge policies that are necessary to develop the business case, as well as supporting research and data that will guide the potential application in Washington;

(ii) Develop the preferred operational concept or concepts that reflect the preliminary policies;

(iii) Evaluate the business case for the road usage charge system that would result from implementing the preliminary policies and preferred operational concept or concepts. The evaluation must assess likely financial outcomes if the system were to be implemented; and

(iv) Identify and document policy and other issues that are deemed important to further refine the preferred operational concept

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or concepts and to gain public acceptance. These identified issues should form the basis for continued work beyond this funding cycle.

(d) The commission shall convene a steering committee to guide the development of the business case. The membership must be the same as provided in chapter 86, Laws of 2012, except that the membership must also include the joint transportation committee executive members.

(e) The commission shall submit a report of the business case to the governor and the transportation committees of the legislature by December 15, 2013. The report must also include a proposed budget and work plan for fiscal year 2015. A progress report must be submitted to the governor and the joint transportation committee by November 1, 2013, including a presentation to the joint transportation committee.

(4) \$174,000 of the motor vehicle account--state appropriation is provided solely for the voice of Washington survey program. The funding must be utilized for continued program maintenance and two transportation surveys for the 2013-2015 fiscal biennium.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation\$904,000

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State
 Appropriation\$370,354,000

State Patrol Highway Account--Federal
 Appropriation\$11,137,000

State Patrol Highway Account--Private/Local
 Appropriation\$3,591,000

Highway Safety Account--State Appropriation\$19,429,000

Multimodal Transportation Account--State
 Appropriation\$273,000

Ignition Interlock Device Revolving Account--State
 Appropriation\$573,000

TOTAL APPROPRIATION.....\$405,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall collaborate with the Washington traffic safety commission on the target zero team pilot program referenced in section 201 of this act.

(2) During the 2013-2015 fiscal biennium, the Washington state patrol shall relocate its data center to the state data center in Olympia. The Washington state patrol shall work with the department of enterprise services to negotiate the lease termination agreement for the current data center site.

(3) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(4) \$573,000 of the ignition interlock device revolving account--state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(5) \$370,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the pilot program described under section 216(6) of this act. The Washington state patrol may incur costs related only to the assignment of cadets and necessary computer equipment and to the

reimbursement of the department of transportation for contract costs. The appropriation in this subsection must be funded from the portion of the automated traffic safety camera infraction fines deposited into the state patrol highway account; however, if the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach three hundred seventy thousand dollars, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program. The Washington state patrol may not incur overtime as a result of this pilot program. The Washington state patrol shall not assign troopers to operate or deploy the pilot program equipment used in roadway construction zones.

(6) The cost allocation for any costs incurred for the facilities at the Olympia, Washington airport used for the Washington state patrol aviation section must be split evenly between the state patrol highway account and the general fund.

(7) The Washington state patrol shall work with the state interoperability executive committee to compile a list of recent studies evaluating the potential savings and benefits of consolidating law enforcement and emergency dispatching centers and report to the joint transportation committee by December 1, 2014, on the findings and recommendations of those studies. As part of this study, the Washington state patrol must look for potential efficiencies within state government.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State
 Appropriation\$34,000

Motorcycle Safety Education Account--State
 Appropriation\$4,409,000

State Wildlife Account--State Appropriation\$885,000

Highway Safety Account--State Appropriation\$156,679,000

Highway Safety Account--Federal Appropriation\$4,392,000

Motor Vehicle Account--State Appropriation.....\$76,819,000

Motor Vehicle Account--Federal Appropriation.....\$467,000

Motor Vehicle Account--Private/Local Appropriation
\$1,544,000

Ignition Interlock Device Revolving Account--State
 Appropriation\$2,656,000

Department of Licensing Services Account--State
 Appropriation\$5,959,000

TOTAL APPROPRIATION.....\$253,844,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,235,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1752), Laws of 2013 (requirements for the operation of commercial motor vehicles in compliance with federal regulations). If chapter . . . (Substitute House Bill No. 1752), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(2) \$1,000,000 of the highway safety account--state appropriation is provided solely for information technology field system modernization.

(3) \$201,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5152), Laws of 2013 (Sounders FC and Seahawks license plates). If chapter . . . (Substitute Senate Bill No. 5152), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(4) \$425,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5182), Laws of 2013 (vehicle owner information). If chapter . . . (Substitute Senate Bill No. 5182), Laws of 2013 is not

enacted by June 30, 2013, the amount provided in this subsection lapses.

(5) \$172,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5775), Laws of 2013 (veterans/drivers' licenses). If chapter . . . (Senate Bill No. 5775), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(6) \$652,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5785), Laws of 2013 (license plates). If chapter . . . (Engrossed Substitute Senate Bill No. 5785), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(7) \$78,000 of the motor vehicle account--state appropriation and \$3,707,000 of the highway safety account--state appropriation are provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5857), Laws of 2013 (vehicle-related fees). If chapter . . . (Engrossed Substitute Senate Bill No. 5857), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(8) The appropriation in this section reflects the department charging an amount sufficient to cover the full cost of providing the data requested under RCW 46.12.630(1)(b).

(9)(a) The department must convene a work group to examine the use of parking placards and special license plates for persons with disabilities and develop a strategic plan for ending any abuse. In developing this plan, the department must work with the department of health, disabled citizen advocacy groups, and representatives from local government.

(b) The work group must be composed of no more than two representatives from each of the entities listed in (a) of this subsection. The work group may, when appropriate, consult with any other public or private entity in order to complete the strategic plan.

(c) The strategic plan must include:

(i) Oversight measures to ensure that parking placards and special license plates for persons with disabilities are being properly issued, including: (A) The entity responsible for coordinating a randomized review of applications for special parking privileges; (B) a volunteer panel of medical professionals to conduct such reviews; (C) a means to protect the anonymity of both the medical professional conducting a review and the medical professional under review; (D) a means to protect the privacy of applicants by removing any personally identifiable information; and (E) possible sanctions against a medical professional for repeated improper issuances of parking placards or special license plates for persons with disabilities, including those sanctions listed in chapter 18.130 RCW; and

(ii) The creation of a publicly accessible system in which the validity of parking placards and special license plates for persons with disabilities may be verified. This system must not allow the public to access any personally identifiable information or protected health information of a person who has been issued a parking placard or special license plate.

(d) The work group must convene by July 1, 2013, and terminate by December 1, 2013.

(e) By December 1, 2013, the work group must deliver to the legislature and the appropriate legislative committees the strategic plan required under this subsection, together with its findings, recommendations, and any necessary draft legislation in order to implement the strategic plan.

(10) \$3,082,000 of the highway safety account--state appropriation is provided solely for exam and licensing activities, including the workload associated with providing driver record abstracts, and is subject to the following additional conditions and limitations:

(a) The department may furnish driving record abstracts only to those persons or entities expressly authorized to receive the abstracts under Title 46 RCW;

(b) The department may furnish driving record abstracts only for an amount that does not exceed the specified fee amounts in RCW 46.52.130 (2)(e)(v) and (4); and

(c) The department may not enter into a contract, or otherwise participate in any arrangement, with a third party or other state agency for any service that results in an additional cost, in excess of the fee amounts specified in RCW 46.52.130 (2)(e)(v) and (4), to statutorily authorized persons or entities purchasing a driving record abstract.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High-Occupancy Toll Lanes Operations Account--State	
Appropriation	\$1,851,000
Motor Vehicle Account--State Appropriation	\$509,000
State Route Number 520 Corridor Account--State	
Appropriation	\$32,419,000
State Route Number 520 Civil Penalties Account--State	
Appropriation	\$4,169,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation	\$23,730,000
Puget Sound Ferry Operations Account--State	
Appropriation	\$250,000
TOTAL APPROPRIATION.....	\$62,928,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The legislature finds that the department's tolling division has expanded greatly in recent years to address the demands of administering several newly tolled facilities using emerging toll collection technologies. The legislature intends for the department to continue its good work in administering the tolled facilities of the state, while at the same time implementing controls and processes to ensure the efficient and judicious administration of toll payer dollars.

(b) The legislature finds that the department has undertaken a cost-of-service study in the winter and spring of 2013 for the purposes of identifying in detail the costs of operating and administering tolling on state route number 520, state route number 167 high-occupancy toll lanes, and the Tacoma Narrows bridge. The purpose of the study is to provide results to establish a baseline by which future activity may be compared and opportunities identified for cost savings and operational efficiencies. In addition, the legislature finds that the state auditor has undertaken a performance audit of the department's contract for the customer service center and back office processing of tolling transactions. The audit findings, which are expected to include lessons learned, are due in late spring 2013.

(c) Using the results of the cost-of-service study and the state audit as a basis, the department shall conduct a review of operations using lean management principles in order to eliminate inefficiencies and redundancies, incorporate lessons learned, and identify opportunities to conduct operations more efficiently and effectively. Within current statutory and budgetary tolling policy, the department shall use the results of the review to improve operations in order to conduct toll operations within the appropriations provided in subsections (2) through (4) of this section. The department shall submit the review, along with the status of and plans for the implementation of review recommendations, to the office of financial management and the house of representatives and senate transportation committees by October 15, 2013.

(2) \$10,482,000 of the Tacoma Narrows toll bridge account--state appropriation, \$17,056,000 of the state route number

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520 corridor account--state appropriation, \$1,226,000 of the high-occupancy toll lanes operations account--state appropriation, and \$509,000 of the motor vehicle account--state appropriation are provided solely for nonvendor costs of administering toll operations, including the costs of: Staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs.

(3) \$10,907,000 of the Tacoma Narrows toll bridge account--state appropriation, \$9,363,000 of the state route number 520 corridor account--state appropriation, and \$625,000 of the high-occupancy toll lanes operations account--state appropriation are provided solely for vendor-related costs of operating tolled facilities, including the costs of: The customer service center; cash collections on the Tacoma Narrows bridge; electronic payment processing; and toll collection equipment maintenance, renewal, and replacement.

(4) \$1,300,000 of the Tacoma Narrows toll bridge account--state appropriation and \$6,000,000 of the state route number 520 corridor account--state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this section, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(5) \$4,169,000 of the state route number 520 civil penalties account--state appropriation and \$1,039,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely for expenditures related to the toll adjudication process. The department shall report on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees by the end of each calendar quarter. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(6) The Tacoma Narrows toll bridge account--state appropriation in this section reflects reductions in management costs of \$1,235,000.

(7) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(8) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the use of consultants in the tolling program. The reports must include the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consulting contracts.

(9)(a) \$250,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the development of a plan to integrate and transition customer service, reservation, and payment systems currently provided by the marine division to ferry users into the statewide tolling customer service center.

- (b)(i) The department shall develop a plan that addresses:
 - (A) A phased implementation approach, beginning with "Good To Go" as a payment option for ferry users;
 - (B) The feasibility, schedule, and cost of creating a single account-based system for toll road and ferry users;
 - (C) Transitioning customer service currently provided by the marine division to the statewide tolling customer service center; and
 - (D) Transitioning existing and planned ferry reservation system support from the marine division to the statewide tolling customer service center.
- (ii) The plan must be provided to the office of financial management and the transportation committees of the legislature by January 14, 2014.

(10) \$120,000 of the state route number 520 corridor account--state appropriation and \$120,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely to the department to enter into an interagency agreement with the office of financial management to manage a contract with a certified public accounting firm to provide annual independent audits on the state route number 520 toll bridge, as required in master bond resolution 1117, and the Tacoma Narrows bridge. The department is not limited to providing technical support on these audits within existing funds provided in the tolling program and may use resources from elsewhere in the agency.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State	
Appropriation	\$1,460,000
Motor Vehicle Account--State Appropriation	\$68,773,000
Multimodal Transportation Account--State	
Appropriation	\$363,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$1,460,000
TOTAL APPROPRIATION	\$72,056,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$290,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.
- (2) \$1,460,000 of the transportation partnership account--state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for maintaining the department's project management reporting system.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation	\$26,251,000
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The appropriation in this section is subject to the following conditions and limitations: \$850,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation	\$7,361,000
Aeronautics Account--Federal Appropriation	\$2,150,000
TOTAL APPROPRIATION	\$9,511,000

The appropriations in this section are subject to the following conditions and limitations: \$3,500,000 of the aeronautics account--state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public airports for pavement, safety, planning, and security.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation	\$47,607,000
Motor Vehicle Account--Federal Appropriation	\$500,000
Multimodal Transportation Account--State	
Appropriation	\$250,000
TOTAL APPROPRIATION	\$48,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,423,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(2) The real estate services division of the department must recover the cost of its efforts from sale proceeds and fund additional future sales from those proceeds.

(3) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife for recreational use and fish and wildlife restoration efforts is consistent with the public interest in order to preserve the area for the use of the public and the betterment of the natural environment. The department shall work with the department of fish and wildlife and transfer and convey the Dryden pit site to the department of fish and wildlife as-is for an adjusted fair market value reflecting site conditions, the proceeds of which must be deposited in the motor vehicle fund. The department is not responsible for any costs associated with the cleanup or transfer of this property. This subsection expires June 30, 2014.

(4) The legislature recognizes that the trail known as the Apple Capital Loop, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on existing state route number 28. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) Nos. 2-09-04537 and 2-09-04569 to Douglas county and the city of East Wenatchee is consistent with the public interest. The legislature directs the department to transfer the property to Douglas county and the city of East Wenatchee. The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes. Douglas county and the city of East Wenatchee must agree to accept responsibility for trail segments within their respective jurisdictions and sign an agreement with the state that the transfer of these parcels to their respective jurisdictions extinguishes any state obligations to improve, maintain, or be in any way responsible for these assets. This subsection expires June 30, 2014.

(5) The legislature recognizes that the SR 20/Cook Road realignment and extension project in the city of Sedro-Woolley will enhance the state and local highway systems by providing a more direct route from state route number 20 and state route number 9 to Interstate 5, and will reduce traffic on state route number 20 and state route number 9, improving the capacity of each route. Furthermore, the legislature declares that certain portions of the department's property held for highway purposes located primarily to the north and west of state route number 20, between state route number 20 to the south and F and S Grade Road to the north, in the incorporated limits of Sedro-Woolley in Skagit county, can help facilitate completion of the project. Therefore, consistent with RCW 47.12.063, 47.12.080, and 47.12.120, it is the intent of the legislature that the department sell, transfer, or lease, as appropriate,

to the city of Sedro-Woolley only those portions of the property necessary to construct the project, including necessary staging areas. However, any staging areas should revert to the department within three years of completion of the project.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation	\$570,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that the efforts started in the 2011-2013 fiscal biennium regarding the transition to a road usage charge system represent an important first step in the policy and conceptual development of potential alternative systems to fund transportation projects, but that the governance for the development needs clarification. The legislature also finds that significant amounts of research and public education are occurring in similar efforts in several states and that these efforts can and should be leveraged to advance the evaluation in Washington. The legislature intends, therefore, that the transportation commission and its staff lead the policy development of the business case for a road usage charge system, with the goal of providing the business case to the governor and the legislative committees of the legislature in time for inclusion in the 2014 supplemental omnibus transportation appropriations act. The legislature intends for additional oversight in the business case development, with guidance from a steering committee as provided in chapter 86, Laws of 2012 for the transportation commission, augmented with participation by the joint transportation committee. The legislature further intends that, through the economic partnerships program, the department continue to address administrative, technical, and conceptual operational issues related to road usage charge systems, and that the department serve as a resource for information gleaned from other states on this topic for the transportation commission's efforts.

(2) The economic partnerships program must continue to explore retail partnerships at state-owned park-and-ride facilities, as authorized in RCW 47.04.295.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Highway Safety Account--State Appropriation	\$10,000,000
Motor Vehicle Account--State Appropriation	\$390,040,000
Motor Vehicle Account--Federal Appropriation	\$7,000,000
TOTAL APPROPRIATION	\$407,040,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$377,779,000 of the motor vehicle account--state appropriation and \$10,000,000 of the highway safety account--state appropriation are provided solely for the maintenance program to achieve specific levels of service on the thirty maintenance targets listed by statewide priority in LEAP Transportation Document 2013-4 as developed April 23, 2013. Beginning in February 2014, the department shall report to the legislature annually on its updated maintenance accountability process targets and whether or not the department was able to achieve its targets.

(2) \$8,450,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(3) \$1,305,000 of the motor vehicle account--state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of storm water runoff from state highways.

(4) The department shall submit a budget decision for the 2014 legislative session package that details all costs associated with utility fees assessed by local governments as authorized under RCW 90.03.525.

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(5) \$50,000 of the motor vehicle account--state appropriation is provided solely for clearing and pruning dangerous trees along state route number 542 between mile markers 43 and 48 to prevent safety hazards and delays.

(6) \$2,277,000 of the motor vehicle account--state appropriation is provided solely to replace or rehabilitate critical equipment needed to perform snow and ice removal activities and roadway maintenance. These funds may not be used to purchase passenger cars as defined in RCW 46.04.382.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation.....	\$50,504,000
Motor Vehicle Account--Federal Appropriation.....	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$250,000
TOTAL APPROPRIATION.....	\$52,804,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) \$9,000,000 of the motor vehicle account--state appropriation is provided solely for the department's incident response program.

(3) During the 2013-2015 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(4) The department shall work with the cities of Lynnwood and Edmonds to provide traffic light synchronization on state route number 524.

(5)(a) Upon receipt of funding from the city of Kenmore, the department shall erect guide signs along Interstate 5, Interstate 405, and state route number 522 directing travelers to Bastyr University and Kenmore International Air Harbor.

(b) Within existing resources, and only if the department is replacing existing signs, the department shall erect:

(i) Guide signs on Interstate 405 northbound and southbound that include the city of Kenmore; and

(ii) Overhead signs on Interstate 5 northbound and southbound that include the city of Kenmore.

(6) The department, in consultation with the Washington state patrol, must continue a pilot program for the state patrol to issue

infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. For the purpose of this pilot program, during the 2013-2015 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors may be present or where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2013-2015 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued under this subsection (6) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic safety camera infraction notice issued, along with instructions for its completion and use.

(7) \$102,000 of the motor vehicle account--state appropriation is provided solely to replace or rehabilitate critical equipment needed to perform traffic control. These funds may not be used to purchase passenger cars as defined in RCW 46.04.382.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation.....	\$27,281,000
Motor Vehicle Account--Federal Appropriation.....	\$30,000
Multimodal Transportation Account--State	

Appropriation\$973,000
 TOTAL APPROPRIATION.....\$28,284,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation.....\$20,109,000
 Motor Vehicle Account--Federal Appropriation.....\$24,885,000
 Multimodal Transportation Account--State
 Appropriation\$662,000
 Multimodal Transportation Account--Federal
 Appropriation\$2,809,000
 Multimodal Transportation Account--Private/Local
 Appropriation\$100,000
 TOTAL APPROPRIATION.....\$48,565,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within available resources, the department must collaborate with the affected metropolitan planning organizations, regional transportation planning organizations, transit agencies, and private transportation providers to develop a plan to reduce vehicle demand, increase public transportation options, and reduce vehicle miles traveled on corridors affected by growth at Joint Base Lewis-McChord.

(2) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Prior to the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, the department shall contract with an independent research organization with expertise in the evaluation of wood products to determine on a life-cycle basis the cost effectiveness of using wood posts versus steel posts in new guardrail installations.

- (a) The study must include the following objectives:
 - (i) Examine wood posts that are randomly selected, are representative of commonly found posts in service, and are of sufficient sampling size to produce a statistically valid data set;
 - (ii) Assess the residual flexural properties of guardrail posts after twenty years in service at various sites representing the climatic and soil variability of the state;
 - (iii) Measure test results against AASHTO standards;
 - (iv) Determine residual preservative levels in wood posts in terms of retention and penetration in order to determine the role of treatment quality on performance following test procedures outlined in American wood protection association standards;
 - (v) Examine the levels of decay in the guardrail posts, in terms of location of pockets and the presence of viable decay fungi, through culturing;
 - (vi) Investigate the effects of decay on flexural properties of guardrail posts;
 - (vii) Determine an acceptable level or number of nonstandard posts (i.e. posts with decay pockets that cause post strength to fall below AASHTO standards) that can be present in a guardrail run without compromising performance; and
 - (viii) Conduct thorough data search or identify case studies, or both, on service life of wood guardrail posts. Durability test results should also be factored in when evaluating service life.

(b) The study must be submitted to the office of financial management and the transportation committees of the legislature by January 1, 2015.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation.....\$81,628,000

Motor Vehicle Account--Federal Appropriation.....\$400,000
 Multimodal Transportation Account--State Appropriation \$40,000
 TOTAL APPROPRIATION\$82,068,000

The appropriations in this section are subject to the following conditions and limitations: The department of enterprise services must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

State Vehicle Parking Account--State Appropriation ..\$452,000
 Regional Mobility Grant Program Account--State
 Appropriation\$49,948,000
 Rural Mobility Grant Program Account--State
 Appropriation\$17,000,000
 Multimodal Transportation Account--State
 Appropriation\$39,057,000
 Multimodal Transportation Account--Federal
 Appropriation\$3,280,000
 TOTAL APPROPRIATION.....\$109,737,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$5,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2011 as reported in the "Summary of Public Transportation - 2011" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$17,000,000 of the rural mobility grant program account--state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$520,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by

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vanpools serving soldiers and civilian employees at Joint Base Lewis-McChord.

(4) \$9,948,000 of the regional mobility grant program account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2013-2 ALL PROJECTS - Public Transportation - Program (V) as developed April 23, 2013.

(5)(a) \$40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2013-2 ALL PROJECTS - Public Transportation - Program (V) as developed April 23, 2013. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2013, and December 15, 2014, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2013-2015 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,122,000 of the total appropriation in this section is provided solely for CTR grants and activities. Of this amount:

(a) \$3,900,000 of the multimodal transportation account--state appropriation is provided solely for grants to local jurisdictions, selected by the CTR board, for the purpose of assisting employers meet CTR goals;

(b) \$1,770,000 of the multimodal transportation account--state appropriation is provided solely for state costs associated with CTR. The department shall develop more efficient methods of CTR assistance and survey procedures; and

(c) \$452,000 of the state vehicle parking account--state appropriation is provided solely for CTR-related expenditures, including all expenditures related to the guaranteed ride home program and the STAR pass program.

(8) An affected urban growth area that has not previously implemented a commute trip reduction program as of the effective

date of this section is exempt from the requirements in RCW 70.94.527.

(9) \$200,000 of the multimodal transportation account--state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State	
Appropriation	\$485,076,000
Puget Sound Ferry Operations Account--Private/Local	
Appropriation	\$121,000
TOTAL APPROPRIATION.....	\$485,197,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2013-2015 supplemental and 2015-2017 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) Until a reservation system is operational on the San Juan islands inter-island route, the department shall provide the same priority loading benefits on the San Juan islands inter-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

(3) For the 2013-2015 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(4) \$112,342,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2013-2015 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, are contingent upon the enactment of section 701 of this act. The amount provided in this subsection represent the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall develop a fuel reduction plan to be submitted as part of its 2014 supplemental budget proposal. The plan must include fuel saving proposals, such as vessel modifications, vessel speed reductions, and changes to operating procedures, along with anticipated fuel saving estimates.

(5) \$100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(7) \$3,049,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the operating program share of the \$7,259,000 in lease payments for the ferry division's headquarters building. Consistent with the 2012 facilities oversight plan, the department shall strive to consolidate office space in downtown Seattle by the end of 2015. The department shall consider renewing the lease for the ferry division's current headquarters building only if the lease rate is reduced at least fifty percent and analysis shows that this is the least cost and risk option for the department. Consolidation with other divisions or state agencies, or a reduction in leased space, must also be considered as part of any headquarters lease renewal analysis.

(8) \$5,000,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the purchase of a 2013-2015 marine insurance policy. Within this amount, the

department is expected to purchase a policy with the lowest deductible possible, while maintaining at least existing coverage levels for ferry vessels, and providing coverage for all terminals.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State
Appropriation\$32,924,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$27,319,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining state-supported passenger rail service. In recognition of the increased costs the state is expected to absorb due to changes in federal law, the department is directed to analyze the Amtrak contract proposal and find cost saving alternatives. The department shall report to the transportation committees of the legislature before the 2014 regular legislative session on its revisions to the Amtrak contract, including a review of the appropriate costs within the contract for concession services, policing, host railroad incentives, and station services and staffing needs. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report any changes that would affect the state subsidy amount appropriated in this subsection.

(2) Amtrak Cascades runs may not be eliminated.

(3) The department shall continue a pilot program by partnering with the travel industry on the Amtrak Cascades service between Vancouver, British Columbia, and Seattle to test opportunities for increasing ridership, maximizing farebox recovery, and stimulating private investment. The pilot program must run from December 31, 2013, to December 31, 2014, and evaluate seasonal differences in the program and the effect of advertising. The department may offer to Washington universities an opportunity for business students to work as interns on the analysis of the pilot program process and results. The department shall report on the results of the pilot program to the office of financial management and the legislature by January 31, 2015.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation\$8,737,000
Motor Vehicle Account--Federal Appropriation.....\$2,567,000
TOTAL APPROPRIATION \$11,304,000

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account--State
Appropriation\$11,794,000
Freight Mobility Multimodal Account--State
Appropriation\$9,736,000
Freight Mobility Multimodal Account--Private/Local
Appropriation\$1,320,000
Highway Safety Account--State Appropriation\$2,450,000
Motor Vehicle Account--State Appropriation\$84,000
Motor Vehicle Account--Federal Appropriation.....\$3,250,000
TOTAL APPROPRIATION \$28,634,000

The appropriations in this section are subject to the following conditions and limitations: Except as provided otherwise in this section, the total appropriation in this section is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1256), Laws of 2013 (addressing project selection by the freight mobility strategic investment board). If chapter . . . (Substitute House Bill No. 1256), Laws of 2013 is not enacted by June 30, 2013, the amounts provided in this section lapse.

NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation . \$1,926,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 of the state patrol highway account--state appropriation is provided solely for unforeseen emergency repairs on facilities.

(2) \$426,000 of the state patrol highway account--state appropriation is provided solely for the replacement of the roofs of the Marysville district office and vehicle inspection building and Spokane East office.

(3) \$450,000 of the state patrol highway account--state appropriation is provided solely for upgrades to scales at South Pasco, Deer Park, and Kelso required to meet current certification requirements.

(4) \$850,000 of the state patrol highway account--state appropriation is provided solely for the replacement of the damaged and unrepairable scale house at the Everett southbound I-5 weigh scales, including equipment, weigh-in-motion technology, and an ALPR camera.

(5) The Washington state patrol, in cooperation with the Washington state department of transportation, must study the federal funding options available for weigh station construction and improvements on the national highway system. A study report must be provided by July 1, 2014, to the office of financial management and the transportation committees of the legislature with recommendations on utilizing federal funds for weigh station projects.

NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State
Appropriation\$35,894,000
Highway Safety Account--State Appropriation\$10,000,000
Motor Vehicle Account--State Appropriation.....\$706,000
County Arterial Preservation Account--State
Appropriation\$30,000,000
TOTAL APPROPRIATION.....\$76,600,000

NEW SECTION. Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State
Appropriation\$3,500,000
Highway Safety Account--State Appropriation\$10,000,000
Transportation Improvement Account--State
Appropriation\$174,225,000
TOTAL APPROPRIATION.....\$187,725,000

The appropriations in this section are subject to the following conditions and limitations: The highway safety account--state appropriation is provided solely for:

(1) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;

(2) The small city pavement program to help cities meet urgent preservation needs; and

(3) The small city low-energy street light retrofit demonstration program.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITIES--PROGRAM D--(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Transportation Partnership Account--State
Appropriation\$13,425,000
Motor Vehicle Account--State Appropriation\$8,106,000
TOTAL APPROPRIATION.....\$21,531,000

The appropriations in this section are subject to the following conditions and limitations:

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(1) The legislature recognizes that the Marginal Way site (King county parcel numbers 3024049182 & 5367202525) is surplus state-owned real property under the jurisdiction of the department and that the public would benefit significantly if this site is used to provide important social services. Therefore, the legislature declares that committing the Marginal Way site to this use is consistent with the public interest.

Pursuant to RCW 47.12.063, the department shall work with the owner of King county parcel number 7643400010, which abuts both parcels of the Marginal Way site, and shall convey the Marginal Way site to that abutting property owner for the appraised fair market value of the parcels, the proceeds of which must be deposited in the motor vehicle fund. The conveyance is conditional upon the purchaser's agreement to commit the use of the Marginal Way site to operations with the goal of ending hunger in western Washington. The department may not make this conveyance before September 1, 2013, and may not make this conveyance after January 15, 2014.

The Washington department of transportation is not responsible for any costs associated with the cleanup or transfer of the Marginal Way site.

(2) \$13,425,000 of the transportation partnership account--state appropriation is provided solely for the construction of a new traffic management and emergency operations center on property owned by the department on Dayton Avenue in Shoreline (project 100010T). Consistent with the office of financial management's 2012 study, it is the intent of the legislature to appropriate no more than \$15,000,000 for the total construction costs. The department shall report to the transportation committees of the legislature and the office of financial management by June 30, 2014, on the progress of the construction of the traffic management and emergency operations center, including a schedule for terminating the current lease of the Goldsmith building in Seattle.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Multimodal Transportation Account--State	
Appropriation	\$1,000,000
Transportation Partnership Account--State	
Appropriation	\$1,536,032,000
Motor Vehicle Account--State Appropriation	\$61,508,000
Motor Vehicle Account--Federal Appropriation	\$473,359,000
Motor Vehicle Account--Private/Local Appropriation	
.....	\$208,452,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$242,253,000
State Route Number 520 Corridor Account--State	
Appropriation	\$737,205,000
State Route Number 520 Corridor Account--Federal	
Appropriation	\$300,000,000
Special Category C Account--State Appropriation	\$124,000
TOTAL APPROPRIATION	\$3,559,933,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2013-1 as developed April 23, 2013, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account--state appropriation and motor vehicle account--federal appropriation are provided solely for the projects

and activities listed in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program - Highway Improvement Program (I). It is the intent of the legislature to direct the department to give first priority of federal funds gained through efficiencies or the redistribution process to the "Contingency (Unfunded) Highway Preservation Projects" as identified in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program - Highway Preservation Program (P). However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The transportation 2003 account (nickel account)--state appropriation includes up to \$217,604,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(5) The transportation partnership account--state appropriation includes up to \$1,156,217,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(6) The motor vehicle account--state appropriation includes up to \$30,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(7)(a) \$1,334,000 of the transportation partnership account--state appropriation, \$48,433,500 of the motor vehicle account--private/local appropriation, and \$32,020,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia River Crossing project (400506A). The federal funds appropriated in this subsection reflect the maximum amount of federal funds that may be allocated to this project. Section 603 of this act does not apply to the I-5/Columbia River Crossing project (400506A) and, therefore, funds shall not be transferred to this project. Of the amounts appropriated in this subsection, \$1,254,000 of the transportation partnership account--state appropriation, \$30,099,000 of the motor vehicle account--federal appropriation, and \$45,528,000 of the motor vehicle account--private/local appropriation in this subsection are held in unallotted status and are contingent upon the United States coast guard approving the I-5/Columbia River Crossing project's permit. If the permit is approved, the director of the office of financial management may allot the funds. If the permit is not approved, the appropriations in this subsection must be put into allotted status by the director of the office of financial management and may be used only for the development of a new supplemental environmental impact statement to redesign the Interstate 5 bridge between Washington and Oregon in accordance with the requirements of the United States coast guard. The department shall not submit the supplemental environmental impact statement to the appropriate federal agencies for approval until July 1, 2014.

(b) It is the intent of the legislature that Washington and Oregon have equal funding commitments and equal total expenditures to date on the shared components of the I-5/Columbia River Crossing project. The department shall provide a quarterly report on this project beginning September 30, 2013. The report must include:

- (i) An update on preliminary engineering and right-of-way acquisition for the previous quarter;
- (ii) Planned objectives for right-of-way and preliminary engineering for the ensuing quarter;
- (iii) An updated comparison of the total appropriation authority for the project by state;
- (iv) An updated comparison of the total expenditures to date on the project by state; and
- (v) The committed funding provided by the state of Oregon to right-of-way acquisition.

(8)(a) \$5,000,000 of the motor vehicle account--federal appropriation and \$200,000 of the motor vehicle account--state appropriation are provided solely for the I-90 Comprehensive Tolling Study and Environmental Review project (100067T). The department shall prepare a detailed environmental impact statement that complies with the national environmental policy act regarding tolling Interstate 90 between Interstate 5 and Interstate 405 for the purposes of both managing traffic and providing funding for the construction of the unfunded state route number 520 from Interstate 5 to Medina project. As part of the preparation of the statement, the department must review any impacts to the network of highways and roads surrounding Lake Washington. In developing this statement, the department must provide significant outreach to potential affected communities. The department may consider traffic management options that extend as far east as Issaquah.

(b)(i) As part of the project in this subsection (8), the department shall perform a study of all funding alternatives to tolling Interstate 90 to provide funding for construction of the unfunded state route number 520 and explore and evaluate options to mitigate the effect of tolling on affected residents and all other users of the network of highways and roads surrounding Lake Washington including, but not limited to:

(A) Allowing all Washington residents to traverse a portion of the tolled section of Interstate 90 without paying a toll. Residents may choose either (I) the portion of Interstate 90 between the easternmost landing west of Mercer Island and the westernmost landing on Mercer Island, or (II) the portion of Interstate 90 between the westernmost landing east of Mercer Island and the easternmost landing on Mercer Island;

(B) Assessing a toll only when a driver traverses, in either direction, the entire portion of Interstate 90 between the easternmost landing west of Mercer Island and the westernmost landing east of Mercer Island; and

(C) Allowing affected residents to choose one portion of the tolled section of Interstate 90 upon which they may travel without paying a toll. Residents may choose either (I) the portion of Interstate 90 between the easternmost landing west of Mercer Island and the westernmost landing on Mercer Island, or (II) the portion of Interstate 90 between the westernmost landing east of Mercer Island and the easternmost landing on Mercer Island.

(ii) The department may also consider any alternative mitigation options that conform to the purpose of this subsection (8).

(iii) For the purposes of this subsection (8), "affected resident" means anyone who must use a portion of Interstate 90 west of Interstate 405 upon which tolling is considered in order to access necessary medical services, such as a hospital.

(9) \$541,901,000 of the transportation partnership account--state appropriation, \$144,954,000 of the motor vehicle account--federal appropriation, \$129,779,000 of the motor vehicle account--private/local appropriation, and \$78,004,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the SR 99/Alaskan Way Viaduct - Replacement project (809936Z).

(10) The department shall reconvene an expert review panel of no more than three members as described under RCW 47.01.400 for the purpose of updating the work that was previously completed by the panel on the Alaskan Way viaduct replacement project and to ensure that an appropriate and viable financial plan is created and regularly reviewed. The expert review panel must be selected cooperatively by the chairs of the senate and house of representatives transportation committees, the secretary of transportation, and the governor. The expert review panel must report findings and recommendations to the transportation committees of the legislature, the governor's Alaskan Way viaduct project oversight committee, and the transportation commission annually until the project is operationally complete. This

subsection takes effect if chapter ... (Substitute House Bill No. 1957), Laws of 2013 is not enacted by June 30, 2013.

(11) \$7,408,000 of the transportation partnership account--state appropriation, \$14,594,000 of the transportation 2003 account (nickel account)--state appropriation, \$3,730,000 of the motor vehicle account--state appropriation, \$1,000,000 of the multimodal transportation account--state appropriation, and \$41,395,000 of the motor vehicle account--federal appropriation are provided solely for the US 395/North Spokane Corridor projects (600010A & 600003A). Any future savings on the projects must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor projects or any future phase of the projects.

(12) \$114,369,000 of the transportation partnership account--state appropriation and \$53,755,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C) or the I-405 Renton to Bellevue project.

(13)(a) The SR 520 Bridge Replacement and HOV project (0BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$819,524,625 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) The state route number 520 corridor account--state appropriation includes up to \$668,142,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(c) The state route number 520 corridor account--federal appropriation includes up to \$300,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(d) \$153,124,000 of the transportation partnership account--state appropriation, \$300,000,000 of the state route number 520 corridor account--federal appropriation, and \$737,205,000 of the state route number 520 corridor account--state appropriation are provided solely for the SR 520 Bridge Replacement and HOV project (0BI1003). Of the amounts appropriated in this subsection (13)(d), \$105,085,000 of the state route number 520 corridor account--federal appropriation and \$227,415,000 of the state route number 520 corridor account--state appropriation must be put into unallotted status and are subject to review by the office of financial management. The director of the office of financial management shall consult with the joint transportation committee prior to making a decision to allot these funds.

(e) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

(14) \$1,100,000 of the motor vehicle account--federal appropriation is provided solely for the 31st Ave SW Overpass Widening and Improvement project (L1100048).

(15) \$22,602,000 of the motor vehicle account--state appropriation is provided solely to advance the design, preliminary engineering, and rights-of-way acquisition for the priority projects identified in LEAP Transportation Document 2013-3 as developed April 23, 2013. Funds must be used to advance the emergent, initial development of these projects for the purpose of expediting delivery of the associated major investments when funding for such investments becomes available. Funding may be reallocated between projects to maximize the accomplishment of design and preliminary engineering work and rights-of-way acquisition, provided that all projects are addressed. It is the intent of the

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legislature that, while seeking to maximize the outcomes in this section, the department shall provide for continuity of both the state and consulting engineer workforce, while strategically utilizing private sector involvement to ensure consistency with the department's business plan for staffing in the highway construction program in the current fiscal biennium.

(16) If a planned roundabout in the vicinity of state route number 526 and 84th Street SW would divert commercial traffic onto neighborhood streets, the department may not proceed with improvements at state route number 526 and 84th Street SW until the traffic impacts in the vicinity of state route number 526 and 40th Avenue West are addressed.

(17) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Prior to the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2015, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(18) The legislature finds that "right-sizing" is a lean, metric-based approach to determining project investments. This concept entails compromise between project cost and design, incorporating local community needs, desired outcomes, and available funding. Furthermore, the legislature finds that the concepts and principles the department has utilized in the safety analyst program have been effective tools to prioritize projects and reduce project costs. Therefore, the department shall establish a pilot project on the SR 3/Belfair Bypass - New Alignment (300344C) to begin implementing the concept of "right-sizing" in the highway construction program.

(19) For urban corridors that are all or partially within a metropolitan planning organization boundary, for which the department has not initiated environmental review, and that require an environmental impact statement, at least one alternative must be consistent with the goals set out in RCW 47.01.440.

(20) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's 2014 budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(21) \$28,963,000 of the motor vehicle account--state appropriation is provided solely for improvement program support activities (095901X). \$18,000,000 of this amount must be held in unallotted status until the office of financial management certifies that the department's 2014 supplemental budget request conforms to the terms of subsection (20) of this section.

(22) The department shall report to the chairs of the senate transportation committee and the house of representatives transportation committee whenever the department is in negotiations to provide a public or private entity mitigation for ten million dollars or more.

(23) Any new advisory group that the department convenes during the 2013-2015 fiscal biennium must be representative of the interests of the entire state of Washington.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P
Transportation Partnership Account--State
Appropriation\$36,480,000

Highway Safety Account--State Appropriation	\$10,000,000
Motor Vehicle Account--State Appropriation.....	\$58,503,000
Motor Vehicle Account--Federal Appropriation	\$580,062,000
Motor Vehicle Account--Private/Local Appropriation	
.....	\$11,270,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$2,285,000
TOTAL APPROPRIATION.....	\$698,600,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2013-1 as developed April 23, 2013, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account--state appropriation and motor vehicle account--federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program - Highway Preservation Program (P). It is the intent of the legislature to direct the department to give first priority of federal funds gained through efficiencies or the redistribution process to the "Contingency (Unfunded) Highway Preservation Projects" as identified in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program - Highway Preservation Program (P). However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) \$27,278,000 of the motor vehicle account--federal appropriation and \$1,141,000 of the motor vehicle account--state appropriation are provided solely for the SR 167/Puyallup River Bridge Replacement project (316725A). This project must be completed as a design-build project. The department must work with local jurisdictions and the community during the environmental review process to develop appropriate esthetic design elements, at no additional cost to the department, and traffic management plans pertaining to this project. The department must report to the transportation committees of the legislature on estimated cost and/or time savings realized as a result of using the design-build process.

(5) The department shall examine the use of electric arc furnace slag for use as an aggregate for new roads and paving projects in high traffic areas and report back to the legislature on its current use in other areas of the country and any characteristics that can provide greater wear resistance and skid resistance in new pavement construction.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation.....	\$3,194,000
Motor Vehicle Account--Federal Appropriation.....	\$7,959,000
TOTAL APPROPRIATION.....	\$11,153,000

The appropriations in this section are subject to the following conditions and limitations: \$694,000 of the motor vehicle account--state appropriation is provided solely for project 000005Q as state matching funds for federally selected competitive grants or

congressional earmark projects. These moneys must be placed into reserve status until such time as federal funds are secured that require a state match.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State	
Appropriation	\$53,036,000
Puget Sound Capital Construction Account--Federal	
Appropriation	\$91,692,000
Puget Sound Capital Construction Account--Private/Local	
Appropriation	\$1,145,000
Multimodal Transportation Account--State Appropriation.....	
.....	\$1,534,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$143,941,000
TOTAL APPROPRIATION	\$291,348,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program - Washington State Ferries Capital Program (W).
- (2) The Puget Sound capital construction account--state appropriation includes up to \$20,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.
- (3) \$143,633,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the acquisition of two 144-car vessels (projects L2200038 and L2200039). The department shall use as much already procured equipment as practicable on the 144-car vessels.
- (4) \$8,270,000 of the Puget Sound capital construction account--federal appropriation, \$3,935,000 of the Puget Sound capital construction account--state appropriation, and \$1,534,000 of the multimodal transportation account--state appropriation are provided solely for the Mukilteo ferry terminal (project 952515P). To the greatest extent practicable, the department shall seek additional federal funding for this project.
- (5) \$4,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital repair costs (project 999910K). Funds may only be spent after approval by the office of financial management.
- (6) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is not precluded by any future modifications at the terminal.
- (7) \$3,800,000 of the Puget Sound capital construction account--state appropriation is provided solely for the reservation and communications system projects (L200041 & L200042).
- (8) \$4,210,000 of the Puget Sound capital construction account--state appropriation is provided solely for the capital program share of \$7,259,000 in lease payments for the ferry division's headquarters building. Consistent with the 2012 facilities oversight plan, the department shall strive to consolidate office space in downtown Seattle by the end of 2015. The department shall consider renewing the lease for the ferry division's current headquarters building only if the lease rate is reduced at least fifty percent and analysis shows that this is the least cost and risk option for the department. Consolidation with other divisions or state agencies, or a reduction in leased space, must also be considered as part of any headquarters lease renewal analysis.
- (9) \$21,950,000 of the total appropriation is for preservation work on the Hyak super class vessel (project 944431D), including

installation of a power management system and more efficient propulsion systems, that in combination are anticipated to save up to twenty percent in fuel and reduce maintenance costs. Upon completion of this project, the department shall provide a report to the transportation committees of the legislature on the fuel and maintenance savings achieved for this vessel and the potential to save additional funds through other vessel conversions.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State	
Appropriation	\$861,000
Transportation Infrastructure Account--State	
Appropriation	\$8,582,000
Multimodal Transportation Account--State	
Appropriation	\$33,156,000
Multimodal Transportation Account--Federal	
Appropriation	\$333,881,000
TOTAL APPROPRIATION	\$376,480,000

The appropriations in this section are subject to the following conditions and limitations:

- (1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program -Rail Capital Program (Y).
- (b) Within the amounts provided in this section, \$7,332,000 of the transportation infrastructure account--state appropriation is for low-interest loans through the freight rail investment bank program identified in the LEAP transportation document referenced in (a) of this subsection. The department shall issue freight rail investment bank program loans with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.
- (c) Within the amounts provided in this section, \$2,439,000 of the multimodal transportation account--state appropriation, \$1,250,000 of the transportation infrastructure account--state appropriation, and \$311,000 of the essential rail assistance account--state appropriation are for statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in (a) of this subsection.
- (2) Unsuccessful 2012 freight rail assistance program grant applicants may be awarded freight rail investment bank program loans, if eligible. If any funds remain in the freight rail investment bank or freight rail assistance program reserves (projects F01001A and F01000A), or any approved grants or loans are terminated, the department shall issue a call for projects for the freight rail investment bank loan program and the freight rail assistance grant program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 1, 2013, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.
- (3) \$314,647,000 of the multimodal transportation account--federal appropriation and \$4,867,000 of the multimodal transportation account--state appropriation are provided solely for expenditures related to passenger high-speed rail grants. The multimodal transportation account--state appropriation funds reflect one and one-half percent of the total project funds, and are provided solely for expenditures that are not eligible for federal reimbursement.
- (4) As allowable under federal rail authority rules and existing competitive bidding practices, when purchasing new train sets, the department shall give preference to bidders that propose train sets with characteristics and maintenance requirements most similar to those currently owned by the department.

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(5) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds and the status of such applications.

(6)(a) \$550,000 of the essential rail assistance account--state appropriation and \$1,893,000 of the multimodal transportation account--state appropriation are provided solely for the purpose of rehabilitation and maintenance of the Palouse river and Coulee City railroad line. The department shall complete an evaluation and assessment of future maintenance needs on the line to ensure appropriate levels of state investment.

(b) Expenditures from the essential rail assistance account--state appropriation in this section may not exceed the combined total of:

(i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad line.

(7) \$31,500,000 of the multimodal transportation account--federal appropriation is provided solely for the purchase of two new train sets for the state-supported intercity passenger rail service. The department must apply for any federal waivers required to purchase the new train sets, as allowable under existing competitive bidding practices, and seek federal funds in addition to those available from the high-speed rail grants.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal	
Appropriation	\$1,602,000
Freight Mobility Investment Account--State	
Appropriation	\$11,794,000
Transportation Partnership Account--State	
Appropriation	\$7,214,000
Highway Safety Account--State Appropriation	\$11,255,000
Motor Vehicle Account--State Appropriation	\$6,918,000
Motor Vehicle Account--Federal Appropriation.....	\$28,413,000
Freight Mobility Multimodal Account--State	
Appropriation	\$9,736,000
Freight Mobility Multimodal Account--Private/Local	
Appropriation	\$1,320,000
Multimodal Transportation Account--State	
Appropriation	\$13,913,000
TOTAL APPROPRIATION.....	\$92,372,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program -Local Programs (Z).

(2) With each department budget submittal, the department shall provide an update on the status of the repayment of the twenty million dollars of unobligated federal funds authority advanced by the department in September 2010 to the city of Tacoma for the Murray Morgan/11th Street bridge project. The department may negotiate with the city of Tacoma an agreement for repayment of the funds over a period of up to twenty-five years at terms agreed upon by the department and the city. The funds previously advanced by the department to the city are not to be considered a general obligation of the city but instead an obligation payable from identified revenues set aside for the repayment of the funds.

(3) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$12,160,000 of the multimodal transportation account--state appropriation, \$6,824,000 of the transportation partnership account--state appropriation, and \$62,000 of the motor vehicle account--federal appropriation are provided solely for pedestrian and bicycle safety program projects.

(b) \$11,700,000 of the motor vehicle account--federal appropriation, \$5,200,000 of the motor vehicle account--state appropriation, and \$6,750,000 of the highway safety account--state appropriation are provided solely for newly selected safe routes to school projects, and \$3,400,000 of the motor vehicle account--federal appropriation and \$2,055,000 of the highway safety account--state appropriation are reappropriated for safe routes to school projects selected in the previous biennia. The amount provided for new projects is consistent with federal funding levels from the 2011-2013 omnibus transportation appropriations act and the intent of the fee increases in chapter 74, Laws of 2012 and chapter 80, Laws of 2012. The motor vehicle account--state appropriation in this subsection (3)(b) is the amount made available by the repeal of the deduction from motor vehicle fuel tax liability for handling losses of motor vehicle fuel, as identified in chapter . . . (Substitute House Bill No. 2041), Laws of 2013 (handling losses of motor vehicle fuel). If chapter . . . (Substitute House Bill No. 2041), Laws of 2013 is not enacted by June 30, 2013, the motor vehicle account--state appropriation in this subsection (3)(b) lapses.

(4) \$84,000 of the motor vehicle account--state appropriation, \$3,250,000 of the motor vehicle account--federal appropriation, \$2,450,000 of the highway safety account--state appropriation, \$11,794,000 of the freight mobility investment account--state appropriation, \$9,736,000 of the freight mobility multimodal account--state appropriation, and \$1,320,000 of the freight mobility multimodal account--private/local appropriation are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2013-B as developed April 23, 2013. If chapter . . . (Substitute House Bill No. 1256), Laws of 2013 is enacted by June 30, 2013, the amounts provided in this subsection lapse.

(5) The department may enter into contracts and make expenditures for projects on behalf of and selected by the freight mobility strategic investment board from the amounts provided in section 301 of this act.

(6) The department shall submit a report to the transportation committees of the legislature by December 1, 2013, and December 1, 2014, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program (OLP600P). The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(7) \$50,000 of the motor vehicle account--state appropriation is provided solely for the installation of a guard rail on Deer Harbor Road in San Juan county (L2220054).

NEW SECTION. Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

(1) As part of its budget submittal for the 2014 supplemental budget, the department of transportation shall provide an update to the report provided to the legislature in 2013 that: (a) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to

completing the project; and (e) identifies contingency amounts allocated to projects.

(2) As part of its budget submittal for the 2014 supplemental budget, the department of transportation shall provide an annual report on the number of toll credits the department has accumulated and how the department has used the toll credits.

NEW SECTION. Sec. 313. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

(2) For completed projects, the report must:

(a) Compare the costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and

(b) Provide a list of nickel and TPA projects charging to the nickel/TPA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium.

(4) The department shall provide a list of change orders executed for each fiscal quarter beginning September 30, 2013. The report must include the name of the contractor, the dollar value of the change order, and a brief explanation for why there needs to be a change order.

(5) The department shall provide a quarterly report, beginning September 30, 2013, on project mitigation costs. The report must show:

(a) All mitigation payments made during the current fiscal biennium;

(b) The party with whom the mitigation was negotiated; and

(c) The parties with whom the department are in on-going negotiations.

NEW SECTION. Sec. 314. FEDERAL FUNDS RECEIVED FOR CAPITAL PROJECT EXPENDITURES

To the greatest extent practicable, the department of transportation shall expend federal funds received for capital project expenditures before state funds.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account--State	
Appropriation	\$10,406,000
Motor Vehicle Account--State Appropriation	\$450,000
State Route Number 520 Corridor Account--State	
Appropriation	\$3,866,000
Highway Bond Retirement Account--State	
Appropriation	\$1,074,580,000
Ferry Bond Retirement Account--State Appropriation	
.....	\$31,824,000
Transportation Improvement Board Bond Retirement	
Account--State Appropriation	\$16,267,000
Nondebt-Limit Reimbursable Bond Retirement Account--State	
Appropriation	\$25,825,000
Toll Facility Bond Retirement Account--State	
Appropriation	\$52,050,000
Toll Facility Bond Retirement Account--Federal	
Appropriation	\$64,982,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$1,958,000
Special Category C Account--State Appropriation	\$2,000
TOTAL APPROPRIATION	\$1,282,210,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account--State	
Appropriation	\$1,156,000
Motor Vehicle Account--State Appropriation	\$50,000
State Route Number 520 Corridor Account--State	
Appropriation	\$531,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$218,000
TOTAL APPROPRIATION	\$1,955,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation: For	
transfer to the Puget Sound Capital Construction	
Account.....	\$20,000,000

The department of transportation is authorized to sell up to \$20,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

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Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax distributions to cities and counties\$474,610,000

NEW SECTION. Sec. 405. FOR THE STATE

TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers\$1,235,491,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT

OF LICENSING--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers\$138,627,000

NEW SECTION. Sec. 407. FOR THE STATE

TREASURER--ADMINISTRATIVE TRANSFERS

(1) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State\$1,300,000

(2) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State..... \$13,000,000

(3) Rural Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State \$3,000,000

(4) Motor Vehicle Account--State Appropriation: For transfer to the Special Category C Account--State \$1,500,000

(5) Capital Vessel Replacement Account--State Appropriation: For transfer to the Transportation 2003 Account (Nickel Account)--State \$7,702,000

(6) Multimodal Transportation Account--State Appropriation: For transfer to the Public Transportation Grant Program Account--State \$26,000,000

(7) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State \$28,000,000

(8) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State \$28,000,000

(9) State Route Number 520 Civil Penalties Account--State Appropriation: For transfer to the State Route Number 520 Corridor Account--State \$886,000

(10) Multimodal Transportation Account--State Appropriation: For transfer to the Highway Safety Account--State \$10,000,000

(11) Motor Vehicle Account--State Appropriation: For transfer to the State Patrol Highway Account--State \$27,000,000

(12) Highway Safety Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State \$42,000,000

(13) Advanced Environmental Mitigation Revolving Account--State Appropriation: For transfer to the Motor Vehicle Account--State..... \$2,000,000

(14) Advanced Right-of-Way Revolving Fund--State Appropriation: For transfer to the Motor Vehicle Account--State \$6,000,000

(15) Tacoma Narrows Toll Bridge Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$950,000

(16) License Plate Technology Account--State Appropriation: For transfer to the Highway Safety Account--State \$3,000,000

(17) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Equipment Fund--State \$3,915,000

(18) Multimodal Transportation Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$10,000,000

NEW SECTION. Sec. 408. FOR THE STATE

TREASURER: FOR DISTRIBUTION TO TRANSIT ENTITIES

Public Transportation Grant Program Account--State Appropriation \$26,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) One-eighth of the appropriation in this section must be distributed quarterly to transit authorities according to the distribution formula in subsection (2) of this section. Funding must be used for operations.

(2) Of the amounts provided in subsection (1) of this section:

(a) One-third must be distributed based on vehicle miles of service provided;

(b) One-third must be distributed based on the number of vehicle hours of service provided; and

(c) One-third must be distributed based on the number of passenger trips.

(3) For the purposes of this section:

(a) "Transit authorities" has the same meaning as in RCW 9.91.025(2)(c).

(b) "Vehicle miles of service," "vehicle hours of service," and "passenger trips" are transit service metrics as reported by the public transportation program of the department of transportation in the annual report required in RCW 35.58.2796 for calendar year 2011.

NEW SECTION. Sec. 409. STATUTORY APPROPRIATIONS

In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 410. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS

Sections 503 through 516 of this act represent the results of the 2013-2015 collective bargaining process required under chapters 47.64, 41.80, and 41.56 RCW. Provisions of the collective bargaining agreements contained in sections 503 through 516 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining

agreements or the continuation of terms and conditions of the 2011-2013 agreements contained in sections 503 through 516 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 503. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--OPEIU

An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for an additional step on the OPEIU salary schedule. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund--state revenue from increased economic activity.

NEW SECTION. Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--FASPAA

An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for a one percent salary increase for all bargaining unit members beginning July 1, 2013, and a one percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--SEIU LOCAL 6

An agreement has been reached between the governor and the service employees international union local six pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for a new step on the salary schedule. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund--state revenue from economic activity.

NEW SECTION. Sec. 506. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--CARPENTERS

An agreement has been reached between the governor and the pacific northwest regional council of carpenters pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for a one and one-half percent salary increase for all bargaining unit members beginning July 1, 2013, and a one and one-half percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 507. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--METAL TRADES

An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded one and one-half percent salary increase for all bargaining unit members beginning July 1, 2013, and a one and one-half percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 508. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--MEBA-UL

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is

provided for the awarded one percent salary increase for all bargaining unit members beginning July 1, 2013, a one percent salary increase for all bargaining unit members beginning July 1, 2014, and additional vacation accrual beginning July 1, 2014.

NEW SECTION. Sec. 509. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--MEBA-L

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded one percent salary increase for all bargaining unit members beginning July 1, 2013, a one percent salary increase for all bargaining unit members beginning July 1, 2014, and additional vacation accrual beginning July 1, 2014.

NEW SECTION. Sec. 510. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--MM&P MATES

An agreement has been reached between the governor and the masters, mates, and pilots - mates through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members beginning July 1, 2014, additional pay for relief employees, increased uniform allowance, and increased Friday Harbor relief pay.

NEW SECTION. Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--MM&P MASTERS

An agreement has been reached between the governor and the masters, mates, and pilots - masters through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for a one percent salary increase for all bargaining unit members beginning July 1, 2013, a one percent salary increase for all bargaining unit members beginning July 1, 2014, relief assignment pay for all compensated hours beginning July 1, 2014, increased uniform allowance, increased license renewal allowance, and increased Friday Harbor relief pay.

NEW SECTION. Sec. 512. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--MM&P WATCH SUPERVISORS

An agreement has been reached between the governor and the masters, mates, and pilots - watch supervisors through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded 16.125 percent salary increase for all bargaining unit members beginning July 1, 2013, and a 16.125 percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 513. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--IBU

An agreement has been reached between the governor and the inlandboatmen's union of the pacific pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for an eighteen percent increase for entry-level wage rates for all bargaining unit members beginning July 1, 2013. For all other wage rates, funding is provided to increase rates two and one-half percent for all bargaining unit members beginning July 1, 2013, and to increase rates two and one-half percent for all bargaining unit members beginning July 1, 2014. Funding is also provided for marine license fees.

NEW SECTION. Sec. 514. COLLECTIVE BARGAINING AGREEMENTS--PTE LOCAL 17

An agreement has been reached between the governor and the professional and technical employees local seventeen under chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is

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provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund--state revenue from increased economic activity.

NEW SECTION. Sec. 515. COLLECTIVE BARGAINING AGREEMENTS--WSP TROOPERS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol troopers association through an interest arbitration decision under chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members effective July 1, 2013, and a one percent increase to longevity pay for years five through nine effective July 1, 2014.

NEW SECTION. Sec. 516. COLLECTIVE BARGAINING AGREEMENTS--WSP LIEUTENANTS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol lieutenants association through an interest arbitration decision under chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members effective July 1, 2014, and for parking of department-issued vehicles for employees assigned vehicles at the general administration building or capitol campus.

NEW SECTION. Sec. 517. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION--INSURANCE BENEFITS

No agreement has been reached between the governor and the health care super coalition under chapter 41.80 RCW for the 2013-2015 fiscal biennium. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to continue the provisions of the 2011-2013 collective bargaining agreement and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$809 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed \$820 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

NEW SECTION. Sec. 518. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$809 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed \$820 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

NEW SECTION. Sec. 519. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$809 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed \$820 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

NEW SECTION. Sec. 520. COMPENSATION--NONREPRESENTED EMPLOYEES--SALARIES AND WAGES

For classified state employees, except those within the Washington management service and those represented by a bargaining unit under chapter 41.80, 41.56, or 47.64 RCW, funding is provided within agency appropriations for implementation of a

longevity step, in accordance with rules adopted under RCW 41.06.133.

Sec. 521. RCW 47.64.170 and 2011 c 367 s 712 are each amended to read as follows:

(1) Any ferry employee organization certified as the bargaining representative shall be the exclusive representative of all ferry employees in the bargaining unit and shall represent all such employees fairly.

(2) A ferry employee organization or organizations and the governor may each designate any individual as its representative to engage in collective bargaining negotiations.

(3) Negotiating sessions, including strategy meetings of the employer or employee organizations, mediation, and the deliberative process of arbitrators are exempt from the provisions of chapter 42.30 RCW. Hearings conducted by arbitrators may be open to the public by mutual consent of the parties.

(4) Terms of any collective bargaining agreement may be enforced by civil action in Thurston county superior court upon the initiative of either party.

(5) Ferry system employees or any employee organization shall not negotiate or attempt to negotiate directly with anyone other than the person who has been appointed or authorized a bargaining representative for the purpose of bargaining with the ferry employees or their representative.

(6)(a) Within ten working days after the first Monday in September of every odd-numbered year, the parties shall attempt to agree on an interest arbitrator to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. If the parties cannot agree on an arbitrator within the ten-day period, either party may request a list of seven arbitrators from the federal mediation and conciliation service. The parties shall select an interest arbitrator using the coin toss/alternate strike method within thirty calendar days of receipt of the list. Immediately upon selecting an interest arbitrator, the parties shall cooperate to reserve dates with the arbitrator for potential arbitration between August 1st and September 15th of the following even-numbered year. The parties shall also prepare a schedule of at least five negotiation dates for the following year, absent an agreement to the contrary. The parties shall execute a written agreement before November 1st of each odd-numbered year setting forth the name of the arbitrator and the dates reserved for bargaining and arbitration. This subsection (6)(a) imposes minimum obligations only and is not intended to define or limit a party's full, good faith bargaining obligation under other sections of this chapter.

(b) The negotiation of a proposed collective bargaining agreement by representatives of the employer and a ferry employee organization shall commence on or about February 1st of every even-numbered year.

(c) For negotiations covering the 2009-2011 biennium and subsequent biennia, the time periods specified in this section, and in RCW 47.64.210 and 47.64.300 through 47.64.320, must ensure conclusion of all agreements on or before October 1st of the even-numbered year next preceding the biennial budget period during which the agreement should take effect. These time periods may only be altered by mutual agreement of the parties in writing. Any such agreement and any impasse procedures agreed to by the parties under RCW 47.64.200 must include an agreement regarding the new time periods that will allow final resolution by negotiations or arbitration by October 1st of each even-numbered year.

(7) It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical. It is further the intent of this section that all collective bargaining agreements be concluded by October 1st of the even-numbered year

before the commencement of the biennial budget year during which the agreements are to be in effect. After the expiration date of a collective bargaining agreement negotiated under this chapter, except to the extent provided in subsection (11) of this section and RCW 47.64.270(4), all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(8) The office of financial management shall conduct a salary survey, for use in collective bargaining and arbitration, which must be conducted through a contract with a firm nationally recognized in the field of human resources management consulting.

(9) Except as provided in subsection (11) of this section:

(a) The governor shall submit a request either for funds necessary to implement the collective bargaining agreements including, but not limited to, the compensation and fringe benefit provisions or for legislation necessary to implement the agreement, or both. Requests for funds necessary to implement the collective bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(i) Have been submitted to the director of the office of financial management by October 1st before the legislative session at which the requests are to be considered; and

(ii) Have been certified by the director of the office of financial management as being feasible financially for the state.

(b) The governor shall submit a request either for funds necessary to implement the arbitration awards or for legislation necessary to implement the arbitration awards, or both. Requests for funds necessary to implement the arbitration awards shall not be submitted to the legislature by the governor unless such requests:

(i) Have been submitted to the director of the office of financial management by October 1st before the legislative session at which the requests are to be considered; and

(ii) Have been certified by the director of the office of financial management as being feasible financially for the state.

(c) The legislature shall approve or reject the submission of the request for funds necessary to implement the collective bargaining agreements or arbitration awards as a whole for each agreement or award. The legislature shall not consider a request for funds to implement a collective bargaining agreement or arbitration award unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement and award or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 47.64.210 and 47.64.300.

(10) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(11)(a) For the collective bargaining agreements negotiated for the 2011-2013 fiscal biennium, the legislature may consider a request for funds to implement a collective bargaining agreement even if the request for funds was not received by the office of financial management by October 1st and was not transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060.

(b) For the ~~((2011-2013))~~ 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee must be a separate agreement for which the

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governor may request funds necessary to implement the agreement. ~~((If such an agreement is negotiated and funded by the legislature, this agreement will supersede any terms and conditions of an expired 2009-2011 biennial master collective bargaining agreement under this chapter regarding health care benefits.))~~ The legislature may act upon a 2013-2015 collective bargaining agreement related to employee health care benefits if an agreement is reached and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(c) For the collective bargaining agreements negotiated for the 2013-2015 fiscal biennium, the legislature may consider a request for funds to implement a collective bargaining agreement reached after October 1st after a determination of financial infeasibility by the director of the office of financial management if the request for funds is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060.

Sec. 522. RCW 47.64.270 and 2011 c 367 s 713 are each amended to read as follows:

(1) The employer and one coalition of all the exclusive bargaining representatives subject to this chapter and chapter 41.80 RCW shall conduct negotiations regarding the dollar amount expended on behalf of each employee for health care benefits.

(2) Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW.

(3) The employer and employee organizations may collectively bargain for insurance plans other than health care benefits, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050.

(4) For the ~~((2011-2013))~~ 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee must be a separate agreement for which the governor may request funds necessary to implement the agreement. ~~((If such an agreement is negotiated and funded by the legislature, this agreement will supersede any terms and conditions of an expired 2009-2011 biennial collective bargaining agreement under this chapter regarding health care benefits.))~~

IMPLEMENTING PROVISIONS

NEW SECTION. **Sec. 601. STAFFING LEVELS**

(1) As the department of transportation completes delivery of the projects funded by the 2003 and 2005 transportation revenue packages, it is clear that the current staffing levels necessary to deliver these projects are not sustainable into the future. Therefore, the department is directed to quickly move forward to develop and implement new business practices so that a smaller, more nimble state workforce can effectively and efficiently deliver transportation improvement programs as they are approved in the future, in strong partnership with the private sector, while protecting the public's interests and assets.

(2) To this end, the department of transportation is directed to reduce the size of its engineering and technical workforce to a level sustained by current law revenue levels currently estimated at two thousand FTEs by the end of the 2013-2015 fiscal biennium. The department shall submit a report on the progress made in 2011-2013 by July 1, 2013.

(3) In order to successfully deliver the highway construction program as funded, the department of transportation may continue to contract out engineering and technical services. In addition, the

department may continue the incentive program for retirements and employee separations.

NEW SECTION. **Sec. 602. FOR THE DEPARTMENT OF TRANSPORTATION**

The department shall begin to transition from owning a fleet of passenger vehicles in Thurston county to using the state motor pool. The funding appropriated in this act may not be used by programs headquartered in Thurston county to purchase passenger cars as defined in RCW 46.04.382.

NEW SECTION. **Sec. 603. FUND TRANSFERS**

(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in the LEAP list titled 2013-1 as developed April 23, 2013, which consists of a list of specific projects by fund source and amount over a ten-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a ten-year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 account (nickel account) projects on the LEAP transportation documents referenced in this act. However, this section does not apply to the I-5/Columbia River Crossing project (400506A). For the 2011-2013 and 2013-2015 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, or transportation partnership account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2014 supplemental omnibus transportation appropriations act, any unexpended 2011-2013 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur for projects not identified on the applicable project list;

(f) Transfers may not be made while the legislature is in session; and

(g) Transfers between projects may be made, without the approval of the director of the office of financial management, by the department of transportation until the transfer amount by project exceeds two hundred fifty thousand dollars, or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of financial management and the chairs of the house of representatives and senate transportation committees.

(2) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(4) The office of financial management shall document expected transfers and schedule changes in the transportation executive information system, compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP transportation documents referenced in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

NEW SECTION. Sec. 604. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS

(1) The agency in subsection (2) of this section may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) The Washington state patrol may enter into agreements with the department of enterprise services and the state treasurer's office to develop requests to the legislature for the acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered. The Washington state patrol may enter into a financing contract for up to \$4,680,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install mobile office platforms in state patrol and pursuit vehicles.

NEW SECTION. Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION

(1) The department of transportation shall prepare an updated facilities and property plan to improve the oversight of real estate procurement and property management across all department programs and regions, including the Washington state ferries. The plan must be submitted to the office of financial management and the transportation committees of the legislature by December 31, 2013. The plan must include:

(a) An inventory of all currently owned and leased buildings, including tunnel and bridge operation or maintenance facilities, and traffic management centers as provided by the state's facilities inventory process prescribed by the office of financial management annually by September 1st;

(b) A land inventory, as of July 2013, including an indication of whether the land is being held for right-of-way, disposition, or future operational facilities;

(c) A prioritized list of all facilities that are planned to be constructed, renovated, or remodeled in the next ten years, including each facilities' purpose and use, and the funding source indicating whether the funding that is assumed for the facility improvements is project or operational funding;

(d) A list of options for consolidating staff, equipment, and operational activities to reduce costs with an emphasis on consolidating facilities from leased facilities into state-owned facilities. New locations for a permanent state program or activity, unless a life-cycle cost analysis supports leasing in lieu of ownership or funds are not available for construction, should be state-owned facilities;

(e) A department-wide coordinated process and plan for regularly evaluating facility needs, which includes all facilities in the inventory under (a) of this subsection; and

(f) A list of department-owned property that can be declared surplus property.

(2) Except as provided otherwise in this act, the department of transportation may not enter into new leases, equal value exchanges, or property transactions, including land acquisitions, except for right-of-way purchases for projects on the legislative project lists, without first consulting with the office of financial management.

NEW SECTION. Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION

As part of its 2014 supplemental budget submittal, the department shall provide a report to the legislature and the office of financial management that:

(1) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2011-2013 fiscal biennium into the 2013-2015 fiscal biennium; and

(2) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2013 enacted omnibus transportation appropriations act.

NEW SECTION. Sec. 607. FOR THE DEPARTMENT OF TRANSPORTATION

The department of transportation, in conjunction with the office of minority and women's business enterprises, shall review the city of Seattle's minority and women's business enterprise inclusion plans that the city has implemented. The review should include a comparison between the existing state process and the city of Seattle inclusion process for bidding construction projects. As part of the review, any identified advantages or disadvantages along with any realized benefits that the city of Seattle has experienced should be included in a report that is due to the transportation committees of the legislature by December 1, 2013.

NEW SECTION. Sec. 608. VOLUNTARY RETIREMENT AND SEPARATION INCENTIVES

As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement a voluntary retirement and/or separation program that is cost neutral or results in cost savings, including costs to the state pension systems, over a two-year period following the commencement of the program, provided that the program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management, in consultation with the office of the state human resources director and the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have any contractual right to a financial incentive offered pursuant to this section. Offers must be reviewed and monitored jointly by the office of the state human resources director and the department of retirement systems. Agencies must submit a report by June 30, 2015, to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program, including the incentive payment amount for each participant, the total cost to the state, and the projected or actual net dollar savings over the two-year period.

The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

NEW SECTION. Sec. 609. COMPENSATION--REVISE PENSION CONTRIBUTION RATES

The appropriations for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted

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to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. Sec. 610. FOR THE DEPARTMENT OF TRANSPORTATION

The department of transportation may provide up to \$3,000,000 in toll credits to Kitsap Transit for its role in passenger-only ferry service and ferry corridor-related projects. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

NEW SECTION. Sec. 611. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. Sec. 612. WEB SITE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF TRANSPORTATION

(1) The department of transportation shall post on its web site every report that is due from the department to the legislature during the 2013-2015 fiscal biennium on one web page. The department must post both completed reports and planned reports on a single web page.

(2) The department shall provide a web link for each change order that is more than five hundred thousand dollars on the affected project web page.

MISCELLANEOUS 2013-2015 FISCAL BIENNIUM

Sec. 701. RCW 43.19.642 and 2012 c 86 s 802 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file biannual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the 2011-2013 ~~and 2013-2015~~ fiscal ~~((biennium))~~ biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel ~~((purchased))~~ purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

Sec. 702. RCW 46.12.630 and 2012 c 86 s 803 are each amended to read as follows:

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1)(a) The manufacturers of motor vehicles, or their authorized agents, to be used:

~~((a))~~ (i) To enable those manufacturers to carry out the provisions of the national traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles; or

~~((b))~~ (ii) During the 2011-2013 fiscal biennium, in research activities, and in producing statistical reports, as long as the personal information is not published, redisclosed, or used to contact individuals; or

(b) During fiscal year 2014, an entity that is an authorized agent of a motor vehicle manufacturer, for purposes of using lists of registered and legal owner information to conduct research activities and produce statistical reports, as long as the entity does not allow personal information received under this section to be published, redisclosed, or used to contact individuals. The department must charge an amount sufficient to cover the full cost of providing the data requested under this subsection (1)(b). Full cost of providing the data includes the information technology, administrative, and contract oversight costs;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(3) A commercial parking company requiring the names and addresses of registered owners to notify them of outstanding parking violations. Subject to the disclosure agreement provisions of RCW 46.12.635 and the requirements of Executive Order 97-01, the department may provide only the parts of the list that are required for completion of the work required of the company;

(4) An authorized agent or contractor of the department, to be used only in connection with providing motor vehicle excise tax, licensing, title, and registration information to motor vehicle dealers;

(5) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing; or

(6) A company or its agents operating a toll facility under chapter 47.46 RCW or other applicable authority requiring the names, addresses, and vehicle information of motor vehicle registered owners to identify toll violators.

Where both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing

address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

If a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in this section, the manufacturer, governmental agency, commercial parking company, authorized agent, contractor, financial institution, toll facility operator, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

Sec. 703. RCW 46.18.060 and 2012 c 65 s 6 are each amended to read as follows:

(1) The department must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(2) Duties of the department include, but are not limited to, the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the joint transportation committee;

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;

(c) Issue approval and rejection notification letters to sponsoring organizations, the executive committee of the joint transportation committee, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application; and

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The department may submit a recommendation to discontinue a special plate series to the executive committee of the joint transportation committee.

(3) Except as provided in RCW 46.18.245, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, ~~((2013))~~ 2015. During this period of time, the department is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, a special license plate may not be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the former special license plate review board before February 15, 2005.

(4) The limitations under subsection (3) of this section do not apply to the following special license plates:

(a) 4-H license plates created under RCW 46.18.200;

(b) Music Matters license plates created under RCW 46.18.200;

(c) State flower license plates created under RCW 46.18.200;

(d) Volunteer firefighter license plates created under RCW 46.18.200.

Sec. 704. RCW 46.68.113 and 2011 c 353 s 7 are each amended to read as follows:

(1) During the 2013-2015 fiscal biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia, but in no case shall it exceed eighty percent. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the department of transportation. Beginning January 1, 2007, the preservation rating information shall be submitted to the department.

(2) Cities and towns are exempt from the requirement to report preservation rating information to the department or the transportation commission through the 2013-2015 fiscal biennium.

Sec. 705. RCW 46.68.170 and 2011 c 367 s 715 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the ~~((2009-2011 and))~~ 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account to accomplish the purposes identified in this section.

Sec. 706. RCW 46.68.325 and 2011 c 367 s 721 are each amended to read as follows:

(1) The rural mobility grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.100.

(2) Beginning September 2011, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the rural mobility grant program account two million five hundred thousand dollars.

(3) During the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the rural mobility grant program account to the multimodal transportation account such amounts as reflect the excess fund balance of the rural mobility grant program account.

NEW SECTION. Sec. 707. A new section is added to chapter 47.06A RCW to read as follows:

During the 2013-2015 fiscal biennium, members of the freight advisory committee group created as a standing committee of the board may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Sec. 708. RCW 47.29.170 and 2011 c 367 s 701 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

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(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before July 1, ~~((2013))~~ 2015.

Sec. 709. RCW 47.56.403 and 2011 c 367 s 709 are each amended to read as follows:

(1) The department may provide for the establishment, construction, and operation of a pilot project of high occupancy toll lanes on state route 167 high occupancy vehicle lanes within King county. The department may issue, buy, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction of high occupancy toll lanes, carry insurance, and handle any other matters pertaining to the high occupancy toll lane pilot project.

(2) Tolls for high occupancy toll lanes will be established as follows:

(a) The schedule of toll charges for high occupancy toll lanes must be established by the transportation commission and collected in a manner determined by the commission.

(b) Toll charges shall not be assessed on transit buses and vanpool vehicles owned or operated by any public agency.

(c) The department shall establish performance standards for the state route 167 high occupancy toll lane pilot project. The department must automatically adjust the toll charge, using dynamic tolling, to ensure that toll-paying single-occupant vehicle users are only permitted to enter the lane to the extent that average vehicle speeds in the lane remain above forty-five miles per hour at least ninety percent of the time during peak hours. The toll charge may vary in amount by time of day, level of traffic congestion within the highway facility, vehicle occupancy, or other criteria, as the commission may deem appropriate. The commission may also vary toll charges for single-occupant inherently low-emission vehicles such as those powered by electric batteries, natural gas, propane, or other clean burning fuels.

(d) The commission shall periodically review the toll charges to determine if the toll charges are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) The department shall monitor the state route 167 high occupancy toll lane pilot project and shall annually report to the transportation commission and the legislature on operations and findings. At a minimum, the department shall provide facility use data and review the impacts on:

- (a) Freeway efficiency and safety;
- (b) Effectiveness for transit;
- (c) Person and vehicle movements by mode;
- (d) Ability to finance improvements and transportation services through tolls; and

(e) The impacts on all highway users. The department shall analyze aggregate use data and conduct, as needed, separate surveys to assess usage of the facility in relation to geographic, socioeconomic, and demographic information within the corridor in order to ascertain actual and perceived questions of equitable use of the facility.

(4) The department shall modify the pilot project to address identified safety issues and mitigate negative impacts to high occupancy vehicle lane users.

(5) Authorization to impose high occupancy vehicle tolls for the state route 167 high occupancy toll pilot project expires if either of the following two conditions apply:

(a) If no contracts have been let by the department to begin construction of the toll facilities associated with this pilot project within four years of July 24, 2005; or

(b) If high occupancy vehicle tolls are being collected on June 30, ~~((2013))~~ 2015.

(6) The department of transportation shall adopt rules that allow automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits.

(7) The conversion of a single existing high occupancy vehicle lane to a high occupancy toll lane as proposed for SR-167 must be taken as the exception for this pilot project.

(8) A violation of the lane restrictions applicable to the high occupancy toll lanes established under this section is a traffic infraction.

(9) Procurement activity associated with this pilot project shall be open and competitive in accordance with chapter 39.29 RCW.

Sec. 710. RCW 47.56.876 and 2011 c 367 s 720 are each amended to read as follows:

~~((4))~~ A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. During the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the state route number 520 civil penalties account to the state route number 520 corridor account such amounts as reflect the excess fund balance of the state route number 520 civil penalties account. Funds transferred must be used solely for capital expenditures for the state route number 520 bridge replacement and HOV project (8B11003).

~~((2))~~ This section is contingent on the enactment by June 30, 2010, of either chapter 249, Laws of 2010 or chapter . . . (Substitute House Bill No. 2897), Laws of 2010, but if the enacted bill does not designate the department as the toll penalty adjudicating agency, this section is null and void.)

Sec. 711. RCW 46.63.170 and 2012 c 85 s 3 and 2012 c 83 s 7 are each reenacted and amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic

safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) During the 2011-2013 and 2013-2015 fiscal ((biennium)) biennia, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(2), chapter 367, Laws of 2011 and section 201(4) of this act if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2011-2013 and 2013-2015 fiscal ((biennium)) biennia, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(2), chapter 367, Laws of 2011 and section 201(4) of this act.

(6) During the 2011-2013 and 2013-2015 fiscal ((biennium)) biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6) of this act.

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Sec. 712. RCW 46.20.745 and 2012 c 183 s 10 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the 2013-2015 fiscal biennium, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

Sec. 713. RCW 46.68.370 and 2011 c 367 s 716 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2011-2013 and 2013-2015 fiscal ~~(biennium)~~ biennia, the legislature may transfer from the license plate technology account to the highway safety account [fund] such amounts as reflect the excess fund balance of the license plate technology account.

Sec. 714. RCW 47.12.244 and 2011 c 367 s 717 are each amended to read as follows:

There is created the "advance right-of-way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right-of-way for future construction under the provisions of section 108 of Title 23, United States Code.

During the ~~((2009-2011 and))~~ 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the advance right-of-way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right-of-way revolving fund.

Sec. 715. RCW 47.12.340 and 2010 c 247 s 703 are each amended to read as follows:

The advanced environmental mitigation revolving account is created in the custody of the treasurer, into which the department shall deposit directly and may expend without appropriation:

(1) An initial appropriation included in the department of transportation's 1997-99 budget, and deposits from other identified sources;

(2) All moneys received by the department from internal and external sources for the purposes of conducting advanced environmental mitigation; and

(3) Interest gained from the management of the advanced environmental mitigation revolving account.

(4) During the ~~((2009-2011 fiscal biennium))~~ 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the advanced environmental mitigation revolving account to the motor vehicle account such amounts as reflect the excess fund balance of the advanced environmental mitigation revolving account.

Sec. 716. RCW 46.63.180 and 2011 c 375 s 2 are each amended to read as follows:

(1) School districts may install and operate automated school bus safety cameras on school buses to be used for the detection of violations of RCW 46.61.370(1) if the use of the cameras is approved by a vote of the school district board of directors. School districts are not required to take school buses out of service if the buses are not equipped with automated school bus safety cameras or functional automated safety cameras. Further, school districts shall be held harmless from and not liable for any criminal or civil liability arising under the provisions of this section.

(a) Automated school bus safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(b) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (2)(a)(i) of this section. The law enforcement officer issuing the notice of infraction shall include a certificate or facsimile of the notice, based upon inspection of photographs, microphotographs, or electronic images produced by an automated school bus safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated school bus safety camera may respond to the notice by mail.

(c) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (2) of this section. If appropriate under the circumstances, a renter identified under subsection (2)(a)(i) of this section is responsible for an infraction.

(d) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(e) If a school district installs and operates an automated school bus safety camera under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment. Further, any repair, replacement, or administrative work costs related to installing or repairing automated school bus safety cameras must be solely paid for by the manufacturer or vendor of the cameras. Before entering into a contract with the manufacturer or vendor of the equipment used under this subsection (1)(e), the school district must follow the competitive bid process as outlined in RCW 28A.335.190(1).

(f) Any revenue collected from infractions detected through the use of automated school bus safety cameras, less the administration and operating costs of the cameras, must be remitted to school districts for school zone safety projects as determined by the school district using the automated school bus safety cameras. The administration and operating costs of the cameras includes infraction enforcement and processing costs that are incurred by local law enforcement or local courts. During the 2013-2015 fiscal biennium, the infraction revenue may also be used for school bus safety projects by those school districts eligible to apply for funding from the school zone safety account appropriation in section 201 of this act.

(2)(a) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction is issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(i) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred;

(ii) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection (2)(a)(ii) must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(iii) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

(b) Timely mailing of a statement under this subsection to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(3) For purposes of this section, "automated school bus safety camera" means a device that is affixed to a school bus that is synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a vehicle at the time the vehicle is detected for an infraction identified in RCW 46.61.370(1).

Sec. 717. RCW 46.68.060 and 2011 c 367 s 718 and 2011 c 298 s 26 are each reenacted and amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited

all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, and chapters 46.72 and 46.72A RCW. During the ~~((2009-2011 and))~~ 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

Sec. 718. RCW 82.70.020 and 2005 c 297 s 3 are each amended to read as follows:

(1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, ~~((2013))~~ 2014, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per employee per fiscal year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, ~~((2013))~~ 2014, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per person per fiscal year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per fiscal year. No refunds may be granted for credits under this section.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

Sec. 719. RCW 82.70.040 and 2005 c 297 s 5 are each amended to read as follows:

(1)(a)(i) The department shall keep a running total of all credits allowed under RCW 82.70.020 during each fiscal year. The department shall not allow any credits that would cause the total amount allowed to exceed two million seven hundred fifty thousand dollars in any fiscal year. This limitation includes any deferred credits carried forward under subsection (2)(b)(i) of this section from prior years.

(ii) During the 2013-2015 fiscal biennium, the department shall not allow any credits that would cause the total amount allowed to exceed one million five hundred thousand dollars in any fiscal year. This limitation includes any deferred credits carried forward under subsection (2)(b)(i) of this section from prior years.

(b) If the total amount of credit applied for by all applicants in any year exceeds the limit in this subsection, the department shall ratably reduce the amount of credit allowed for all applicants so that the limit in this subsection is not exceeded. If a credit is reduced under this subsection, the amount of the reduction may not be carried forward and claimed in subsequent fiscal years.

(2)(a) Tax credits under RCW 82.70.020 may not be claimed in excess of the amount of tax otherwise due under chapter 82.04 or 82.16 RCW.

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(b)(i) Through June 30, 2005, a person with taxes equal to or in excess of the credit under RCW 82.70.020, and therefore not subject to the limitation in (a) of this subsection, may elect to defer tax credits for a period of not more than three years after the year in which the credits accrue. No credits deferred under this subsection (2)(b)(i) may be used after June 30, 2008. A person deferring tax credits under this subsection (2)(b)(i) must submit an application as provided in RCW 82.70.025 in the year in which the deferred tax credits will be used. This application is subject to the provisions of subsection (1) of this section for the year in which the tax credits will be applied. If a deferred credit is reduced under subsection (1)(b) of this section, the amount of deferred credit disallowed because of the reduction may be carried forward as long as the period of deferral does not exceed three years after the year in which the credit was earned.

(ii) For credits approved by the department after June 30, 2005, the approved credit may be carried forward to subsequent years until used. Credits carried forward as authorized by this subsection are subject to the limitation in subsection (1)(a) of this section for the fiscal year for which the credits were originally approved.

(3) No person shall be approved for tax credits under RCW 82.70.020 in excess of two hundred thousand dollars in any fiscal year. This limitation does not apply to credits carried forward from prior years under subsection (2)(b) of this section.

(4) No person may claim tax credits after June 30, ~~(2013)~~ 2014.

(5) Credits may not be carried forward other than as authorized in subsection (2)(b) of this section.

(6) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account created by Engrossed Substitute House Bill No. 2231 are terminated.

Sec. 720. RCW 82.70.900 and 2003 c 364 s 8 are each amended to read as follows:

This chapter expires July 1, ~~(2013)~~ 2014, except for RCW 82.70.050, which expires January 1, ~~(2014)~~ 2015.

**2011-2013 FISCAL BIENNIUM
TRANSPORTATION AGENCIES—OPERATING**

Sec. 801. 2012 c 86 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY
COMMISSION**

Highway Safety Account--State Appropriation ...(((\$2,983,000))	
.....	\$2,982,000
Highway Safety Account--Federal Appropriation	
.....(((\$42,507,000))	
.....	\$35,497,000
Highway Safety Account--Private/Local Appropriation \$50,000	
School Zone Safety Account--State Appropriation	
.....(((\$3,340,000))	
.....	\$2,340,000
TOTAL APPROPRIATION.....(((\$48,880,000))	
.....	\$40,869,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,673,900 of the highway safety account--federal appropriation is provided solely for the conclusion of the target zero trooper pilot program, which the commission has developed and implemented in collaboration with the Washington state patrol. The pilot program must continue to demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall continue to apply to the national highway traffic safety administration for federal highway

safety grants to cover the cost of the pilot program. State funding is provided in section ~~((207))~~ 807 of this act for the state patrol to continue the target zero trooper program in fiscal year 2013.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over one hundred ninety-five thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.

(b) In order to ensure adequate time in the 2011-2013 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2011.

(c) By January 1, 2013, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the pilot projects.

(3) \$460,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 (addressing DUI accountability). If chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(4) The commission shall conduct a review of the literature on potential safety benefits realized from drivers using their headlights and windshield wipers simultaneously and shall report to the transportation committees of the legislature by December 1, 2011.

(5) ~~(((\$22,000,000))~~ \$15,000,000 of the highway safety account--federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2011-2013 fiscal biennium.

Sec. 802. 2012 c 86 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD	
Rural Arterial Trust Account--State Appropriation.. (((\$915,000))	
.....	\$907,000
Motor Vehicle Account--State Appropriation	
.....(((\$2,088,000))	
.....	\$2,086,000
County Arterial Preservation Account--State	
Appropriation	(((\$1,428,000))
.....	\$1,413,000
TOTAL APPROPRIATION	(((\$4,431,000))
.....	\$4,406,000

The appropriations in this section are subject to the following conditions and limitations: The county road administration board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

Sec. 803. 2012 c 86 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD	
Transportation Improvement Account--State	
Appropriation.....	(((\$3,625,000))
.....	\$3,611,000

The appropriation in this section is subject to the following conditions and limitations: The transportation improvement board

shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

Sec. 804. 2012 c 86 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION	
Motor Vehicle Account--State Appropriation.....	(\$3,028,000))
.....	\$2,930,000
Multimodal Transportation Account--State Appropriation.....	
.....	\$112,000
TOTAL APPROPRIATION.....	(\$3,140,000))
.....	\$3,042,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of fares for the Washington state ferry system only in amounts not greater than those sufficient to generate the amount of revenue required by the biennial transportation budget. When adjusting ferry fares, the commission must consider input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the current ferry user survey.

(2) Consistent with RCW 43.135.055 and 47.46.100, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of toll charges applicable to the Tacoma Narrows bridge only in amounts not greater than those sufficient to support (a) any required costs for operating and maintaining the toll bridge, including the cost of insurance, (b) any amount required by law to meet the redemption of bonds and applicable interest payments, and (c) repayment of the motor vehicle fund.

(3) Consistent with its authority in RCW 47.56.840, the transportation commission shall consider the need for a citizen advisory group that provides oversight on new tolled facilities.

(4) \$775,000 of the motor vehicle account--state appropriation is provided solely to determine the feasibility of transitioning from the gas tax to a road user assessment system of paying for transportation.

(a) The transportation commission, with direction from the steering committee created in (b) of this subsection, must: Review relevant reports and data related to models of road user assessments and methods of transitioning to a road user assessment system; analyze the research to identify issues for policy decisions in Washington; make recommendations for the design of systemwide trials; develop a plan to assess public perspectives and educate the public on the current transportation funding system and options for a new system; and perform other tasks as deemed necessary by the steering committee.

(b) The transportation commission must convene a steering committee to provide direction to and guide the transportation commission's work. Membership of the steering committee must include, but is not limited to, members representing the following interests: The trucking industry; business; cities and counties; public transportation; environmental; user fee technology; auto and light truck manufacturers; and the motoring public. In addition, a member from each of the two largest caucuses of the senate, appointed by the president of the senate, and a member from each of the two largest caucuses of the house of representatives, appointed

by the speaker of the house of representatives, must serve on the steering committee.

(c) The transportation commission must update the governor and the legislature on this work by January 1, 2013. In addition, this update must include a plan and budget request for work to be completed during the 2013-2015 fiscal biennium.

(5) \$160,000 of the motor vehicle account--state appropriation is provided solely for the transportation commission to establish a statewide transportation survey panel and conduct two surveys on transportation funding and policy issues during the 2011-2013 fiscal biennium. At a minimum, the results of the first survey must be submitted to the legislature by January 2013.

Sec. 805. 2012 c 86 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD	
Motor Vehicle Account--State Appropriation.....	((\$781,000))
.....	\$805,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$100,000 of the motor vehicle account--state appropriation is provided solely for an additional staff person for the freight mobility strategic investment board.

(2) The freight mobility strategic investment board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

(3) \$25,000 of the motor vehicle account--state appropriation is provided solely to supplement existing staff and resources for activities related to the development of a freight plan identified under the federal moving forward for progress in the 21st century (MAP-21) act of 2012.

Sec. 806. 2012 c 86 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL	
Multimodal Transportation Account--State Appropriation	
.....	\$132,000
((Ignition Interlock Device Revolving Account--	
State Appropriation.....	\$212,000))
State Patrol Highway Account--State	
Appropriation	((\$350,605,000))
.....	\$348,619,000
State Patrol Highway Account--Federal	
Appropriation	\$10,903,000
State Patrol Highway Account--Private/Local	
Appropriation	((\$3,494,000))
.....	\$3,674,000
Highway Safety Account--State Appropriation	((\$432,000))
.....	\$5,984,000
TOTAL APPROPRIATION	((\$365,778,000))
.....	\$369,312,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the

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Washington state patrol. Cessna pilots funded from the state patrol highway account who are certified to fly the King Airs may pilot those aircraft for general fund purposes with the general fund reimbursing the state patrol highway account an hourly rate to cover the costs incurred during the flights since the aviation section is no longer part of the Washington state patrol cost allocation system as of July 1, 2009.

(2) The Washington state patrol shall continue to collaborate with the Washington traffic safety commission on the target zero trooper pilot program referenced in section ((201)) 801(1) of this act.

(3) \$370,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the pilot program described under section 216(5) ((of this act)), chapter 86, Laws of 2012. The Washington state patrol may incur costs related only to the assignment of cadets and necessary computer equipment and to the reimbursement of the Washington state department of transportation for contract costs. The appropriation in this subsection must be funded from the portion of the automated traffic safety camera fines deposited into the state patrol highway account; however, if the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach three hundred seventy thousand dollars, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program. The Washington state patrol may not incur overtime as a result of this pilot program. The Washington state patrol shall not assign troopers to operate or deploy the pilot program equipment used in the roadway construction zones.

(4) ((~~\$12,160,000~~)) \$12,244,000 of the total appropriation is provided solely for automobile fuel in the 2011-2013 fiscal biennium. The Washington state patrol shall analyze their fuel consumption and submit a report to the legislative transportation committees by December 31, 2011, on fuel conservation methods that could be used to minimize costs and ensure that the Washington state patrol is managing fuel consumption effectively.

(5) ((~~\$7,672,000~~)) \$8,312,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(6) ((~~\$6,686,000~~)) \$6,806,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(7) ((~~\$1,724,000~~)) \$1,856,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(8) \$1,200,000 of the total appropriation is provided solely for outfitting officers. The Washington state patrol shall prepare a cost-benefit analysis of the standard trooper uniform as compared to a battle dress uniform and uniforms used by other states and jurisdictions. The Washington state patrol shall report the results of the analysis to the transportation committees of the legislature by December 1, 2011.

(9) The Washington state patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(10) During the 2011-2013 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with Thurston county to transition the traffic accident investigations on Thurston county roads to Thurston county by July 1, 2013.

(11) \$2,187,000 of the state patrol highway account--state appropriation is provided solely for mobile office platforms.

(12) \$2,731,000 of the state patrol highway account--state appropriation is provided solely for the continuation of the target zero trooper program.

(13) \$432,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Second Substitute House Bill No. 2443), Laws of 2012 (DUI accountability). If chapter ... (Second Substitute House Bill No. 2443), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total highway safety account--state appropriation in this section assumes the revenue generated by the fees that the Washington state patrol is authorized to charge manufacturers, technicians, and other providers under Second Substitute House Bill No. 2443. Within the amounts provided in this subsection is funding for three additional troopers to provide oversight of the ignition interlock industry.

(14) \$212,000 of the ((~~ignition interlock device revolving~~)) highway safety account--state appropriation is provided solely for two additional troopers to provide oversight of the ignition interlock industry. If chapter ... (Second Substitute House Bill No. 2443), Laws of 2012 is enacted by June 30, 2012, the amount provided in this subsection lapses.

(15) \$132,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute House Bill No. 1820), Laws of 2012 (blue alert system). If chapter ... (Engrossed Substitute House Bill No. 1820), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

Sec. 807. 2012 c 86 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING	
Marine Fuel Tax Refund Account--State Appropriation.	\$32,000
Motorcycle Safety Education Account--State	
Appropriation.....	((\$4,367,000))
.....	\$4,364,000
Wildlife Account--State Appropriation	((\$826,000))
.....	\$824,000
Highway Safety Account--State Appropriation((\$148,666,000))	
.....	\$146,578,000
Highway Safety Account--Federal Appropriation...	\$4,299,000
Highway Safety Account--Private/Local Appropriation	\$200,000
Motor Vehicle Account--State Appropriation....	((\$76,511,000))
.....	\$74,457,000
Motor Vehicle Account--Private/Local Appropriation	\$1,714,000
Motor Vehicle Account--Federal Appropriation.....	\$380,000
Department of Licensing Services Account--State	
Appropriation	\$6,095,000
Ignition Interlock Device Revolving Account--State	
Appropriation.....	\$1,971,000
TOTAL APPROPRIATION	((\$245,061,000))
.....	\$240,914,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$231,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(2) \$193,000 of the department of licensing services account--state appropriation is provided solely for a phased implementation of chapter ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel quick titles). Funding is contingent upon revenues associated with the vehicle and vessel quick title program paying all direct and indirect expenditures associated with the department's implementation of this subsection.

If chapter ... (Substitute House Bill No. 1046), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(3) \$4,299,000 of the highway safety account--federal appropriation is for federal funds that may be received during the 2011-2013 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(4) By December 31, 2011, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites the tow truck statutes (chapter 46.55 RCW) in plain language and is revenue and policy neutral.

(5) \$128,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011 (driver's license exams). If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(6) \$68,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 (addressing DUI accountability). If chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(7) \$63,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Substitute House Bill No. 1237), Laws of 2011 (selective service system). If chapter ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(8) \$340,000 of the motor vehicle account--private/local appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion reduction charge). If chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(9) \$1,738,000 of the department of licensing services account--state appropriation is provided solely for purchasing equipment for field licensing service offices and subagent offices.

(10) (~~(\$2,500,000)~~) \$1,500,000 of the highway safety account--state appropriation is provided solely for information technology field system modernization.

(11) \$963,000 of the highway safety account--state appropriation is provided solely for implementation of chapter 374, Laws of 2011 (limousine carriers) and chapter 298, Laws of 2011 (master license service program).

(12) \$99,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute House Bill No. 2299), Laws of 2012 (special license plates). If chapter ... (Substitute House Bill No. 2299), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(13) \$174,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 6075), Laws of 2012 (vehicle owner information). If chapter ... (Substitute Senate Bill No. 6075), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total appropriation in this section assumes the revenue generated by the fee established in Substitute Senate Bill No. 6075. Within the amounts provided in this subsection, the department must improve on the information that the department makes publicly available to victims of domestic violence and sexual assault on how to better protect their personal information, especially their residential addresses. Specifically, the

department must provide a link to the secretary of state's address confidentiality program web site. The department also must provide information regarding a person's ability to provide a mailing address in addition to the person's residential address when registering a vehicle with the department.

(14) \$289,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 (facial recognition matching system). If chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(15) \$397,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6284), Laws of 2012 (civil traffic infractions). If chapter ... (Engrossed Substitute Senate Bill No. 6284), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total highway safety account--state appropriation in this section assumes the revenue generated by the policy changes in chapter ... (Engrossed Substitute Senate Bill No. 6284), Laws of 2012.

(16) \$222,000 of the motor vehicle account--state appropriation and \$36,000 of the highway safety account--state appropriation are provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 (transportation revenue). If chapter ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(17) \$274,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6582), Laws of 2012 (local transportation revenue options). If chapter ... (Engrossed Substitute Senate Bill No. 6582), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(18) Within the amounts provided in this section, the department must develop a transition plan for moving to a paperless renewal notice for drivers' licenses and vehicle registrations. The plan must consider people that do not have access to the internet and must include an opportunity for people to opt-in to a paper renewal notice. Prior to the implementation of a paperless renewal system, the department must consult with the joint transportation committee.

(19) Within existing resources, the department shall develop a plan to transition to a ten-year license plate replacement cycle. At a minimum, the plan must include the following provisions: (a) A ten-year replacement cycle for license plates only on vehicles that are subject to annual vehicle registration renewal; (b) a requirement that new license plates and registration, including all fees and taxes due upon annual registration, are required when a vehicle changes ownership, except when a vehicle is sold to a vehicle dealer for resale, in which case they are due only when the dealer sells the vehicle; (c) an original issue license plate fee that is equal to the current license plate replacement fee; and (d) an estimate of the plan's costs to implement and revenues generated. The department shall submit the plan with draft legislation implementing the plan to the transportation committees of the legislature by December 31, 2012.

(20) Consistent with RCW 43.135.055 and 43.24.086, during the 2011-2013 fiscal biennium, the legislature authorizes the department to adjust the business and vehicle fees for the for hire licensing program in amounts sufficient to recover the costs of administering the for hire licensing program.

(21) The legislature intends to establish a veteran designation for drivers' licenses and identicards issued under chapter 46.20 RCW, as proposed under House Bill No. 2378, during the 2013 legislative session. The designation would serve to establish a person's service in the armed forces and be granted to a person who provides a United States department of defense discharge document,

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DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions." The department shall report to the transportation committees of the legislature by December 1, 2012, with a plan to implement the designation. The plan must include the most cost-effective options for implementation, a proposed fee amount to cover the costs of the designation, and any other recommendations on the implementation of the designation.

(22) \$59,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2312), Laws of 2012 (military service award emblems). If chapter . . . (Substitute House Bill No. 2312), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(23) \$656,000 of the ignition interlock device revolving account--state appropriation is provided solely for the implementation of chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 (DUI accountability). If chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(24) \$134,000 of the highway safety account--state appropriation and \$134,000 of the motor vehicle account--state appropriation are provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 2373), Laws of 2012 (state recreational resources). If chapter . . . (Engrossed Second Substitute House Bill No. 2373), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(25) \$3,082,000 of the highway safety account--state appropriation is provided solely for exam and licensing activities, including the workload associated with providing driver record abstracts, and is subject to the following additional conditions and limitations:

(a) The department may furnish driving record abstracts only to those persons or entities expressly authorized to receive the abstracts under Title 46 RCW;

(b) The department may furnish driving record abstracts only for an amount that does not exceed the specified fee amounts in RCW 46.52.130 (2)(e)(v) and (4); and

(c) The department may not enter into a contract, or otherwise participate in any arrangement, with a third party or other state agency for any service that results in an additional cost, in excess of the fee amounts specified in RCW 46.52.130 (2)(e)(v) and (4), to statutorily authorized persons or entities purchasing a driving record abstract.

Sec. 808. 2012 c 86 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State	
Appropriation	(\$1,276,000)
.....	\$1,569,000
Motor Vehicle Account--State Appropriation.....	(\$538,000)
.....	\$537,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation	(\$23,365,000)
.....	\$23,361,000
State Route Number 520 Corridor Account--State	
Appropriation	(\$27,295,000)
.....	\$27,120,000
State Route Number 520 Civil Penalties	
Account--State Appropriation	(\$3,622,000)
.....	\$2,564,000
TOTAL APPROPRIATION	(\$56,096,000)
.....	\$55,151,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(2) \$3,622,000 of the state route number 520 civil penalties account--state appropriation and \$1,458,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely for expenditures related to the toll adjudication process. All costs associated with the toll adjudication process are anticipated to be covered by revenue collected from the toll adjudication process. The department shall report quarterly on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees beginning September 30, 2011. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(3) It is the intent of the legislature that transitioning to a statewide tolling operations center and preparing for all-electronic tolling on certain toll facilities will have no adverse revenue or expenditure impact on the Tacoma Narrows toll bridge account. Any increased costs related to this transition shall not be allocated to the Tacoma Narrows toll bridge account. All costs associated with the toll adjudication process are anticipated to be covered by revenue collected from the toll adjudication process.

(4) The department shall ensure that, at no cost to the Tacoma Narrows toll bridge account, new electronic tolling tag readers are installed on the Tacoma Narrows bridge as soon as practicable that are able to read existing and new electronic tolling tags.

(5) (~~(\$17,786,000)~~) \$15,238,000 of the state route number 520 corridor account--state appropriation is provided solely for nonvendor costs associated with tolling the state route number 520 bridge. Funds from the state route number 520 corridor account--state appropriation shall not be used to pay for items prohibited by Executive Order No. 1057, including subscriptions to technical publications, employee educational expenses, professional membership dues and fees, employee recognition and safety awards, meeting meals and light refreshments, commute trip reduction incentives, and employee travel.

Sec. 809. 2012 c 86 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation....	(\$67,398,000)
.....	\$65,667,000
Transportation Partnership Account--State	
Appropriation	\$1,460,000
Multimodal Transportation Account--State	
Appropriation	\$363,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$1,460,000
TOTAL APPROPRIATION	(\$70,681,000)
.....	\$68,950,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of enterprise services to: (a)

Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) \$1,460,000 of the transportation partnership account--state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for maintaining the department's project management reporting system.

(3) \$210,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(4) \$502,000 of the motor vehicle account--state appropriation is provided solely to provide support for the transportation executive information system.

Sec. 810. 2012 c 86 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF
TRANSPORTATION--FACILITY MAINTENANCE,
OPERATIONS AND CONSTRUCTION--PROGRAM
D--OPERATING

Motor Vehicle Account--State Appropriation....(~~\$25,466,000~~)
.....\$25,440,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall submit a predesign proposal for a new traffic management center to the office of financial management consistent with the process followed by nontransportation capital construction projects. The department shall not award a contract for construction of a new traffic management center until the predesign proposal has been submitted and the office of financial management has completed a budget evaluation study that indicates a new building is the recommended option for accommodating additional traffic management operations.

(2) \$850,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

Sec. 811. 2012 c 86 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF
TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation.....(~~\$6,002,000~~)
.....\$5,999,000
Aeronautics Account--Federal Appropriation.....\$2,150,000
TOTAL APPROPRIATION.....(~~\$8,152,000~~)
.....\$8,149,000

The appropriations in this section are subject to the following conditions and limitations:

((+)) \$200,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

Sec. 812. 2012 c 86 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF
TRANSPORTATION--PROGRAM DELIVERY
MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation....(~~\$45,796,000~~)
.....\$45,725,000
Motor Vehicle Account--Federal Appropriation.....\$500,000
Multimodal Transportation Account--State
Appropriation.....\$250,000
TOTAL APPROPRIATION.....(~~\$46,546,000~~)
.....\$46,475,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,754,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(2) It is the intent of the legislature that the real estate services division of the department will recover the cost of its efforts from future sale proceeds.

(3) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife for recreational use and fish and wildlife restoration efforts is consistent with the public interest in order to preserve the area for the use of the public and the betterment of the natural environment. The department of transportation shall work with the department of fish and wildlife, and shall transfer and convey the Dryden pit site to the department of fish and wildlife as is for an adjusted fair market value reflecting site conditions, the proceeds of which must be deposited in the motor vehicle fund. The department of transportation is not responsible for any costs associated with the cleanup or transfer of this property. By July 1, 2011, and annually thereafter until the entire Dryden pit property has been transferred, the department shall submit a status report regarding the transaction to the chairs of the legislative transportation committees.

(4) The legislature recognizes that the trail known as the Apple Capital Loop, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on existing state route number 28. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) Nos. 2-09-04537 and 2-09-04569 to Douglas county and the city of East Wenatchee is consistent with the public interest. The legislature directs the department to transfer the property to Douglas county and the city of East Wenatchee. The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes. Douglas county and the city of East Wenatchee must agree to accept responsibility for trail segments within their respective jurisdictions and sign an agreement with the state that the transfer of these parcels to their respective jurisdictions extinguishes any state obligations to improve, maintain, or be in any way responsible for these assets. The department shall report to the transportation committees of the legislature by June 30, 2013, and annually thereafter, on the status of the transfer until complete.

Sec. 813. 2012 c 86 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF
TRANSPORTATION--ECONOMIC
PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation.....(~~\$827,000~~)
.....\$826,000
Multimodal Transportation Account--State Appropriation
\$110,000
TOTAL APPROPRIATION.....(~~\$937,000~~)
.....\$936,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$225,000 of the motor vehicle account--state appropriation is provided solely to carry out work related to assessing the operational feasibility of a road user assessment, including technology, agency administration, multistate and federal standards, and other necessary elements. This work must be carried out under the guidance of the steering committee and in

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coordination with the transportation commission's policy assessment and public outreach planning authorized in section 205(4) ~~((of this act))~~ chapter 86, Laws of 2012.

(b) If subsequent appropriations are provided, the department may conduct a limited scope pilot project to test the feasibility of a road user assessment system to be applied to electric vehicles. The pilot project must be carried out under the guidance of the steering committee described under section 205(4) ~~((of this act))~~ chapter 86, Laws of 2012 and in coordination with the transportation commission.

(2) The department shall conduct a study on the potential to generate revenue from off-premise outdoor advertising signs that are erected or maintained adjacent and visible to the interstate system highways, primary system highways, or scenic system highways. The study must provide an evaluation of the market for outdoor advertising signs, including an evaluation of the number of potential advertisers and the amount charged by other jurisdictions for sign permits, and must provide a recommendation for a revised fee structure that recognizes the market value for off-premise signs and considers charging differential fees based on the size, type, and location of the sign.

(3) The public-private partnerships office must explore retail partnerships at state-owned park-and-ride facilities, as authorized in RCW 47.04.295, and if feasible, solicit proposals to implement a retail partnership pilot project at one park-and-ride facility by June 30, 2013.

Sec. 814. 2012 c 86 s 215 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--HIGHWAY			
MAINTENANCE--PROGRAM M			
Motor Vehicle Account--State Appropriation ..	((	373,709,000))	
.....		\$376,259,000	
Motor Vehicle Account--Federal Appropriation		\$7,000,000	
Highway Safety Account--State Appropriation		\$3,500,000	
TOTAL APPROPRIATION .....	((	380,709,000))	
.....		\$386,759,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal ~~((and shall place an equal amount of the motor vehicle account state appropriation into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal))~~.

(2) ~~((~~~~7,000,000))~~ \$7,850,000 of the motor vehicle account--state appropriation is provided solely for third-party damages to the highway system where the responsible party is known and reimbursement is anticipated. The department shall request additional appropriation authority for any funds received for reimbursements of third-party damages that are in excess of this appropriation.

(3) \$7,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2011-2013 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(4) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(5) \$4,530,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) The department shall continue to report maintenance accountability process (MAP) targets and achievements on an annual basis. The department shall use available funding to target and deliver a minimum MAP grade of C for the activity of roadway striping.

(7) \$6,884,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service. If chapter . . . (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee) is not enacted by June 30, 2011, \$500,000 of the appropriation provided in this subsection lapses.

(8) The department shall track the costs associated with active traffic management systems on a corridor basis and report to the transportation committees of the legislature on the costs and benefits of the systems by December 1, 2012.

Sec. 815. 2012 c 86 s 216 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--TRAFFIC		OPERATIONS--PROGRAM	
Q--OPERATING			
Motor Vehicle Account--State Appropriation .....	((	48,818,000))	
.....		\$48,741,000	
Motor Vehicle Account--Federal Appropriation		\$2,050,000	
Motor Vehicle Account--Private/Local Appropriation		\$250,000	
TOTAL APPROPRIATION .....	((	51,118,000))	
.....		\$51,041,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. Of this amount, \$10,000 of the motor vehicle account--state appropriation is provided solely for the department to install additional farm machinery signs to promote safety in agricultural areas along state highways. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) \$145,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) During the 2011-2013 fiscal biennium, the department shall implement a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an

employer for the benefit of its employees. By June 30, 2013, the department shall report to the transportation committees of the legislature on whether private transportation provider use of high occupancy vehicle lanes under the pilot program reduces the speeds of high occupancy vehicle lanes. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure. If chapter ... (Substitute Senate Bill No. 5836), Laws of 2011 is enacted by June 30, 2011, this subsection is null and void.

(4) \$9,000,000 of the motor vehicle account--state appropriation is provided solely for the department's incident response program.

(5) The department, in consultation with the Washington state patrol, must continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. The department must report to the joint transportation committee by January 1, 2012, and January 1, 2013, on the status of this pilot program. For the purpose of this pilot program, during the 2011-2013 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors may be present or where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2011-2013 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued under this subsection (5) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the

notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(6) The department shall track the costs associated with active traffic management systems on a corridor basis and report to the transportation committees of the legislature on the cost and benefits of the systems by December 1, 2011.

Sec. 816. 2012 c 86 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation.....	(\$27,389,000)
.....	\$27,335,000
Motor Vehicle Account--Federal Appropriation.....	\$30,000
Multimodal Transportation Account--State	
Appropriation.....	\$973,000
TOTAL APPROPRIATION.....	(\$28,392,000)
.....	\$28,338,000

The appropriations in this section are subject to the following conditions and limitations: The department shall utilize existing resources and customer service staff to develop and implement new policies and procedures to ensure compliance with new federal passenger vessel Americans with disabilities act requirements.

Sec. 817. 2012 c 86 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation.....	(\$22,304,000)
.....	\$22,245,000
Motor Vehicle Account--Federal Appropriation.....	\$21,885,000
Multimodal Transportation Account--State	
Appropriation	\$662,000
Multimodal Transportation Account--Federal	
Appropriation	\$3,559,000
Multimodal Transportation Account--Private/Local	
Appropriation.....	\$100,000
TOTAL APPROPRIATION.....	(\$48,510,000)
.....	\$48,451,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$70,000 of the motor vehicle account--state appropriation is a reappropriation provided solely for a corridor study of state route number 516 from the eastern border of Maple Valley to state route number 167 to determine whether improvements are needed and the costs of any needed improvements.

(2) \$200,000 of the motor vehicle account--state appropriation is provided solely for extending the freight database pilot project that began in 2009. Global positioning system (GPS) data is intended to help guide freight investment decisions and track highway project effectiveness as it relates to freight traffic.

(3) Within available resources, the department must collaborate with the affected metropolitan planning organizations, regional transportation planning organizations, transit agencies, and private transportation providers to develop a plan to reduce vehicle demand, increase public transportation options, and reduce vehicle miles traveled on corridors affected by growth at Joint Base Lewis-McChord.

(4) As part of their ongoing regional transportation planning, the regional transportation planning organizations across the state shall work together to provide a comprehensive framework for sources and uses of next-stage investments in transportation needed to

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improve structural conditions and ongoing operations and lay the groundwork for the transportation systems to support the long-term economic vitality of the state. This planning must include all forms of transportation to reflect the state's interests, including: Highways, streets, and roads; ferries; public transportation; systems for freight; and walking and biking systems. The department shall support this planning by providing information on potential state transportation uses and an analysis of potential sources of revenue to implement investments. In carrying out this planning, regional transportation planning organizations must be broadly inclusive of business, civic, labor, governmental, and environmental interests in regional communities across the state.

(5) \$190,000 of the motor vehicle account--state appropriation is provided solely for the regional transportation planning organizations across the state to implement the comprehensive transportation planning and data framework. The framework must provide regional transportation planning organizations with the ability to identify the spatial and temporal status of current and future high priority projects, and the next stage investment necessary to implement those projects. The framework must be accessible to the public and provide transparency and accountability to the regional transportation planning process.

(6) Within existing resources, the department shall work with the department of archaeology and historic preservation to develop a statewide policy regarding the curation of artifacts and the use of museums and information centers as potential mitigation under the national environmental policy act. This policy must address the following issues: How to minimize costs associated with information centers and museums; when to use existing facilities to preserve and display artifacts; how to minimize the time that stand-alone facilities are needed; and how to transfer artifacts and other items to facilities that are not owned or rented by the department. A report regarding this policy must be submitted to the joint transportation committee by September 1, 2012.

Sec. 818. 2012 c 86 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U	
Motor Vehicle Account--State Appropriation.....	(\$74,734,000)
.....	\$71,530,000
Motor Vehicle Account--Federal Appropriation.....	\$400,000
Multimodal Transportation Account--State Appropriation	\$1,798,000
TOTAL APPROPRIATION	(\$76,932,000)
.....	\$73,728,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of enterprise services must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) TO THE SECRETARY OF STATE--ARCHIVES AND RECORDS MANAGEMENT	\$512,000
(b) TO THE OFFICE OF THE STATE AUDITOR--AUDITOR SERVICES	\$488,000
(c) TO THE OFFICE OF THE ATTORNEY GENERAL--ATTORNEY GENERAL SERVICES	\$7,127,000
(d) TO THE OFFICE OF FINANCIAL MANAGEMENT--LABOR RELATIONS SERVICES.....	\$266,000
(e) TO THE OFFICE OF FINANCIAL	

MANAGEMENT--OFFICE OF CHIEF INFORMATION OFFICER.....	\$473,000
(f) TO THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES.....	\$840,000
(g) TO CONSOLIDATED TECHNICAL SERVICES	\$182,000
(h) TO THE DEPARTMENT OF ENTERPRISE SERVICES--HUMAN RESOURCE MANAGEMENT SYSTEM	\$3,495,000
(i) TO THE DEPARTMENT OF ENTERPRISE SERVICES--PRODUCTION SUPPORT.....	\$974,000
(j) TO THE DEPARTMENT OF ENTERPRISE SERVICES--REAL ESTATE SERVICES.....	\$108,000
(k) TO THE DEPARTMENT OF ENTERPRISE SERVICES--PUBLICATIONS AND HISTORICAL SERVICES	\$691,000
(l) TO THE DEPARTMENT OF ENTERPRISE SERVICES--CAMPUS RENT	\$3,293,000
(m) TO THE DEPARTMENT OF ENTERPRISE SERVICES--CAPITAL PROJECT SURCHARGE....	\$879,000
(n) TO THE DEPARTMENT OF ENTERPRISE SERVICES--PERSONAL SERVICE CONTRACTS.	\$100,000
(o) TO THE DEPARTMENT OF ENTERPRISE SERVICES--SECURE FILE TRANSFER SERVICES	\$39,000
(p) TO THE DEPARTMENT OF ENTERPRISE SERVICES--ACCESS SERVICES	\$179,000
(q) TO THE DEPARTMENT OF ENTERPRISE SERVICES--RISK MANAGEMENT SERVICES..	\$1,290,000
(r) TO THE DEPARTMENT OF ENTERPRISE SERVICES--INFORMATION TECHNOLOGY SERVICES	\$1,557,000

Sec. 819. 2012 c 86 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V	
Motor Vehicle Account--Federal Appropriation.....	\$160,000
State Vehicle Parking Account--State Appropriation ..	\$452,000
Regional Mobility Grant Program Account--State Appropriation	(\$48,942,000)
.....	\$38,331,000
Multimodal Transportation Account--State Appropriation	(\$42,939,000)
.....	\$42,930,000
Multimodal Transportation Account--Federal Appropriation	\$2,582,000
Multimodal Transportation Account--Private/Local Appropriation	\$1,027,000
Rural Mobility Grant Program Account--State Appropriation	\$17,000,000
TOTAL APPROPRIATION	(\$113,102,000)
.....	\$102,482,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of

service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2009 as reported in the "Summary of Public Transportation - 2009" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the rural mobility grant program account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2009" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs. If the funding provided in this subsection (2)(a) exceeds the amount required for recipient counties to reach eighty percent of the average per capita sales tax, funds in excess of that amount may be used for the competitive grant process established in (b) of this subsection.

(b) \$8,500,000 of the rural mobility grant program account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3)(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$520,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by vanpools serving soldiers and civilian employees at Joint Base Lewis-McChord.

(4) (~~(\$8,942,000)~~) \$6,453,000 of the regional mobility grant program account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2012-4)~~) 2013-2 ALL PROJECTS - Public Transportation - Program (V) as developed ((March 8, 2012)) April 23, 2013. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule and that all funds in the regional mobility grant program be used as soon as practicable to advance eligible projects.

(5)(a) (~~(\$40,000,000)~~) \$31,878,000 of the regional mobility grant program account--state appropriation is provided solely for the

regional mobility grant projects identified in LEAP Transportation Document (~~(2012-4)~~) 2013-2 ALL PROJECTS - Public Transportation - Program (V) as developed ((March 8, 2012)) April 23, 2013. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2011, and December 15, 2012, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2011-2013 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(7) \$200,000 of the multimodal transportation account--state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(8) Funds provided for the commute trip reduction program may also be used for the growth and transportation efficiency center program.

(9) An affected urban growth area that has not previously implemented a commute trip reduction program is exempt from the requirements in RCW 70.94.527 if a solution to address the state highway deficiency that exceeds the person hours of delay threshold has been funded and is in progress during the 2011-2013 fiscal biennium.

(10) \$300,000 of the multimodal transportation account--state appropriation is provided solely for the continuation of state support for the Whatcom smart trips commute trip reduction program.

(11) \$818,000 of the multimodal transportation account--state appropriation is provided solely for state support of the Everett connector bus service.

(12) The department shall contact all transit agencies with a nonvoting member recommended by a labor organization and request information regarding the participation of board members, both voting and nonvoting, for all transit agency meetings in 2012 and the three previous calendar years. The department shall provide a report to the transportation committees of the legislature regarding the findings of this survey, which must include the transit agencies, if any, that refuse to respond either in whole or in part, by January 15, 2013.

(13) \$250,000 of the multimodal transportation account--state appropriation is provided solely for the Clark county public

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transportation benefit area to comply with the requirements of RCW 81.104.110 regarding the formation of an expert review panel to provide an independent technical review of any plan that relies on any voter-approved local funding options.

(14) \$100,000 of the multimodal transportation account--state appropriation is provided solely for community transit to conduct a federally mandated alternatives analysis study to allow a second swift line to be funded through the federal transit administration's new starts or small starts process.

(15) \$160,000 of the motor vehicle account--federal appropriation is provided solely for King county metro to study demand potential for a state route number 18 and Interstate 90 park-and-ride location, to size the facilities appropriately, to perform site analysis, and to develop preliminary design concepts.

Sec. 820. 2012 c 86 s 221 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--MARINE--PROGRAM X			
Puget Sound Ferry Operations Account--State			
Appropriation		(((\$468,135,000))	
.....		\$465,085,000	

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-2013 supplemental and 2013-2015 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(3) Until a reservation system is operational on the San Juan islands inner-island route, the department shall provide the same priority loading benefits on the San Juan islands inner-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

(4) The department shall request from the United States coast guard variable minimum staffing levels on all of its vessels by December 31, 2011.

(5) The department shall continue to provide service to Sidney, British Columbia and shall explore the option of purchasing a foreign built vehicle and passenger ferry vessel either with safety of life at sea (SOLAS) certification or the ability to be retrofitted for SOLAS certification to operate solely on the Anacortes to Sidney, British Columbia route currently served by vessels of the Washington state ferries fleet. The vessel should have the capability of carrying at least one hundred standard vehicles and approximately four hundred to five hundred passengers. Further, the department shall explore the possibilities of contracting a commercial company to operate the vessel exclusively on this route so long as the contractor's employees assigned to the vessel are represented by the same employee organizations as the Washington state ferries. The department shall report back to the transportation committees of the legislature regarding: The availability of a vessel; the cost of the vessel, including transport to the Puget Sound region; and the need for any statutory changes for the operation of the Sydney, British Columbia service by a private company.

(6) For the 2011-2013 fiscal biennium, the department of transportation may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(7) (~~(\$136,648,000)~~) \$127,748,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2011-2013 fiscal biennium. The amount provided in this appropriation represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(8) \$150,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the department to increase recreation and tourist ridership by entering into agreements for marketing and outreach strategies with local economic development agencies. The department shall identify the number of tourist and recreation riders on the applicable ferry routes both before and after implementation of marketing and outreach strategies developed through the agreements. The department shall report results of the marketing and outreach strategies to the transportation committees of the legislature by October 15, 2012.

(9) The Washington state ferries shall participate in the facilities plan included in section 604 (~~of this act~~), chapter 367, Laws of 2011 and shall include an investigation and identification of less costly relocation options for the Seattle headquarters office. The department shall include relocation options for the Washington state ferries Seattle headquarters office in the facilities plan. Until September 1, 2012, the department may not enter into a lease renewal for the Seattle headquarters office.

(10) The department, office of financial management, and transportation committees of the legislature shall make recommendations regarding an appropriate budget structure for the Washington state ferries. The recommendation may include a potential restructuring of the Washington state ferries budget. The recommendation must facilitate transparency in reporting and budgeting as well as provide the opportunity to link revenue sources with expenditures. Findings and recommendations must be reported to the office of financial management and the joint transportation committee by September 1, 2011.

(11) Two Kwa-di-tabil class ferry vessels must be placed on the Port Townsend/Coupeville (Keystone) route to provide service at the same levels provided when the steel electric vessels were in service. After the vessels as funded under section 308 (5) (~~of this act~~), chapter 86, Laws of 2012 are in service, the two most appropriate of these vessels for the Port Townsend/Coupeville (Keystone) route must be placed on the route. \$100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the additional staffing required to maintain a reservation system at this route when the second vessel is in service.

(12) \$706,000 of the Puget Sound ferry operations account--state appropriation is provided solely for terminal operations to implement new federal passenger vessel Americans with disabilities act requirements.

(13) \$152,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

Sec. 821. 2012 c 86 s 222 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--RAIL--PROGRAM Y--OPERATING			
Multimodal Transportation Account--State			
Appropriation		(((\$33,642,000))	
.....		\$33,639,000	
Multimodal Transportation Account--Federal			
Appropriation		\$400,000	
TOTAL APPROPRIATION		(((\$34,042,000))	
.....		\$34,039,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$27,816,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining state-supported passenger rail service. The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review fares or fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits for increased revenue due to higher ridership, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account--state appropriation, which must be placed in reserve. Upon completion of the rail platform project in the city of Stanwood, the department shall continue to provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall plan for a third roundtrip Cascades train between Seattle and Vancouver, B.C.

(4) The department shall conduct a pilot program by partnering with the travel industry on the Amtrak Cascades service between Vancouver, British Columbia, and Seattle to test opportunities for increasing ridership, maximizing farebox recovery, and stimulating private investment. The pilot program must run from July 1, 2011, to June 30, 2012. The department shall report on the results of the pilot program to the office of financial management and the legislature by September 30, 2012.

(5) \$300,000 of the multimodal transportation account--state appropriation is provided solely for the department to conduct a study to examine the interconnectivity benefits of, and potential for, a future Amtrak Cascades stop in the vicinity of the city of Auburn. As part of its consideration, the department shall conduct a thorough market analysis of the potential for adding or changing stops on the Amtrak Cascades route.

Sec. 822. 2012 c 86 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation.....	(\$8,518,000)
.....	\$8,505,000
Motor Vehicle Account--Federal Appropriation.....	\$2,567,000
TOTAL APPROPRIATION.....	(\$11,085,000)
.....	\$11,072,000

The appropriations in this section are subject to the following conditions and limitations: The department shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 901. 2012 c 86 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD	
Motor Vehicle Account--State Appropriation.....	\$874,000
Rural Arterial Trust Account--State Appropriation.....	.....
.....	(\$62,510,000)
.....	\$61,470,000
Highway Safety Account--State Appropriation.....	\$3,500,000

County Arterial Preservation Account--State	
Appropriation.....	\$29,360,000
TOTAL APPROPRIATION.....	(\$92,744,000)
.....	\$95,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$874,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) ~~(\$62,510,000)~~ \$61,470,000 of the rural arterial trust account--state appropriation is provided solely for county road preservation grant projects as approved by the county road administration board. These funds may be used to assist counties recovering from federally declared emergencies by providing capitalization advances and local match for federal emergency funding, and may only be made using existing fund balances. It is the intent of the legislature that the rural arterial trust account be managed based on cash flow. The county road administration board shall specifically identify any of the selected projects and shall include information concerning the selected projects in its next annual report to the legislature.

Sec. 902. 2012 c 86 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD	
Small City Pavement and Sidewalk Account--State	
Appropriation.....	\$5,270,000
Transportation Improvement Account--State	
Appropriation.....	(\$237,545,000)
.....	\$213,152,000
Highway Safety Account--State Appropriation.....	\$3,500,000
TOTAL APPROPRIATION.....	(\$242,815,000)
.....	\$221,922,000

((The appropriations in this section are subject to the following conditions and limitations: The transportation improvement account--state appropriation includes up to \$22,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.))

Sec. 903. 2012 c 86 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I	
Transportation Partnership Account--State	
Appropriation.....	(\$1,636,316,000)
.....	\$1,149,062,000
Motor Vehicle Account--State Appropriation..	(\$103,889,000)
.....	\$63,790,000
Motor Vehicle Account--Federal Appropriation	(\$790,703,000)
.....	\$806,907,000
Motor Vehicle Account--Private/Local	
Appropriation.....	(\$124,917,000)
.....	\$84,830,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	(\$416,125,000)
.....	\$346,873,000
State Route Number 520 Corridor Account--State	
Appropriation.....	(\$1,752,138,000)
.....	\$995,741,000
((Special Category C Account--State Appropriation...))	
Tacoma Narrows Toll Bridge Account--State	.....
Appropriation.....	\$5,791,000))
State Route Number 520 Corridor Account--Federal	
Appropriation.....	\$300,000,000
Multimodal Transportation Account--State Appropriation.....	
.....	\$303,000
TOTAL APPROPRIATION.....	(\$4,830,003,000)
.....	\$3,747,506,000

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The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2012-2)~~) 2013-1 as developed (~~(March 8, 2012)~~) April 23, 2013, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603, chapter . . . , Laws of 2013 (section 603 of this act).

(2) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(3) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in programs I and P including, but not limited to, the state route number 518, state route number 520, Columbia river crossing, and Alaskan Way viaduct projects.

(4) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by October 1, 2011.

(5) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all mega-highway projects and large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(6) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental policy act (chapter 43.21C RCW), the department shall, to the greatest extent possible, consider using public land first. If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

(7) (~~(\$561,000)~~) \$665,000 of the transportation partnership account--state appropriation and (~~(\$1,176,000)~~) \$954,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for project OBI4ENV, Environmental Mitigation Reserve -Nickel/TPA project, as indicated in the LEAP transportation document referenced in subsection (1) of this section. Funds may be used only for environmental mitigation work that is required by permits that were issued for projects funded by the transportation partnership account or transportation 2003 account (nickel account).

(8) The transportation 2003 account (nickel account)--state appropriation includes up to (~~(\$339,608,000)~~) \$308,996,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(9) The transportation partnership account--state appropriation includes up to (~~(\$972,392,000)~~) \$734,097,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(10) The motor vehicle account--state appropriation includes up to (~~(\$55,870,000)~~) \$5,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(11) The state route number 520 corridor account--state appropriation includes up to (~~(\$1,779,000,000)~~) \$990,801,000 and the state route number 520 corridor account--federal appropriation includes up to \$300,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.879. Of the amounts appropriated in this subsection, \$300,000,000 of the state route number 520 corridor account--federal appropriation must be put into unallotted status and is subject to review by the office of financial management. The director of financial management shall consult with the joint transportation committee prior to making a decision to allot these funds.

(12) (~~(\$767,000)~~) \$692,000 of the motor vehicle account--state appropriation and (~~(\$3,736,000)~~) \$3,002,000 of the motor vehicle account--federal appropriation are provided solely for the US 2 High Priority Safety project (100224I). Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

(13) (~~(\$820,000)~~) \$819,900 of the motor vehicle account--federal appropriation, (~~(\$16,308,000)~~) \$6,226,000 of the motor vehicle account--private/local appropriation, and (~~(\$48,000)~~) \$344,000 of the motor vehicle account--state appropriation are provided solely for the US 2/Bickford Avenue - Intersection Safety Improvements project (100210E).

(14) \$1,025,000 of the motor vehicle account--state appropriation is provided solely for environmental work on the Belfair Bypass project (300344C).

(15) (~~(\$372,000)~~) \$360,000 of the motor vehicle account--federal appropriation and (~~(\$9,000)~~) \$49,000 of the motor vehicle account--state appropriation are provided solely for the I-5/Vicinity of Joint Base Lewis-McChord - Install Ramp Meters project (300596M).

(16) (~~(\$202,863,000)~~) \$102,588,000 of the transportation partnership account--state appropriation (~~and \$51,138,000~~), \$43,847,000 of the transportation 2003 account (nickel account)--state appropriation, \$12,000 of the motor vehicle account--federal appropriation, and \$68,000 of the motor vehicle account--private/local appropriation are provided solely for the I-5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). The use of funds in this subsection to renovate any buildings is subject to the requirements of section 604 (~~(of this act)~~), chapter 367, Laws of 2011. The department shall report to the legislature and the office of financial management on any costs associated with building renovations funded in this subsection.

(17)(a) \$7,423,000 of the transportation partnership account--state appropriation and (~~(\$54,461,000)~~) \$50,332,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia River Crossing project (400506A). (~~Of the amounts appropriated in this subsection, \$15,000,000 of the motor vehicle account--federal appropriation must be put into unallotted status and is subject to the review of the office of financial management. This funding may only be allotted once the state of Oregon's total contribution of shared expenses on the project are within five million dollars of the state of Washington's shared expenses.~~)

(b) It is the intent of the legislature that Washington and Oregon have equal funding commitments and equal total expenditures to date on the shared components of the Columbia river crossing project. The department shall provide a quarterly report on this project beginning March 31, 2012. This report must include:

(i) An update on preliminary engineering and right-of-way acquisition for the previous quarter;

(ii) Planned objectives for right-of-way and preliminary engineering for the ensuing quarter;

(iii) An updated comparison of the total appropriation authority for the project by state;

(iv) An updated comparison of the total expenditures to date on the project by state; and

(v) The committed funding provided by the state of Oregon to right-of-way acquisition.

(c) \$200,000 of the transportation partnership account--state appropriation in this subsection is provided solely for the department to work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on the Columbia river crossing project. This project must be conducted with active archaeological management and result in one report that spans the single cultural area in Oregon and Washington. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(d) Consistent with the draft environmental impact statement and the Columbia river crossing project's independent review panel report, the Columbia river crossing project's financial plan must include recognition of state transportation funding contributions from both Washington and Oregon, federal transportation funding, and a funding contribution from toll bond proceeds. Following the refinement of the finance plan as recommended by the independent review panel, the department may seek authorization from the legislature to collect tolls on the existing Columbia river crossing or on a replacement crossing over Interstate 5.

(e) The Washington state department of transportation budget includes resources to continue work on solutions that advance the Columbia river crossing project to completion of the required environmental impact statement. The department must report to the Columbia river crossing legislative oversight subcommittee of the joint transportation committee, established in section 204(7) (~~of this act~~), chapter 86, Laws of 2012, on the progress made on the Columbia river crossing project at each meeting of the oversight subcommittee. Reporting must include updated information on cost estimates, rights-of-way purchases and procurement schedules, and financing plans for the Columbia river crossing project, including projected traffic volumes, fuel and gas price assumptions, toll rates, costs of toll collections, as well as potential need for general transportation funding. By January 1, 2013, the department shall provide to the oversight subcommittee of the joint transportation committee a phased master plan for the Columbia river crossing project.

(18) Within the amounts provided for the Columbia river crossing project (400506A), the department shall conduct a traffic and revenue analysis for the Columbia river crossing project that will lay the foundation for investment grade traffic and revenue analysis. While conducting the analysis, the department must coordinate with the Oregon department of transportation, the Washington state transportation commission, (~~and the Washington state legislative oversight committee~~) the Washington state treasurer's office, and the Oregon state treasurer's office.

(a) The department's analysis must include the assessment and review of the following variables within the project:

(i) Exemptions from tolls for vehicles with two or more occupants;

(ii) A variable toll where the tolls vary by time of day and day of the week; and

(iii) A frequency-based toll rate for the facility.

(b) The analysis must also assess the following:

(i) The impact that light rail service in the corridor will have on estimated toll revenues;

(ii) The level of diversion from the Interstate 5 corridor and the impact on estimated toll revenues; and

(iii) The estimated toll revenues from vehicle trips originating within the region and outside the region by vehicle type.

(c) The department must submit a report of findings to the transportation committees of the legislature by July 1, 2013.

(19) (~~(\$309,000)~~) \$91,000 of the motor vehicle account--federal appropriation and (~~(\$78,000)~~) \$24,000 of the motor vehicle account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

(20) (~~(\$3,385,000)~~) \$980,000 of the motor vehicle account--federal appropriation and (~~(\$50,000)~~) \$51,000 of the motor vehicle account--state appropriation are provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic - Build New Highway project (501210T).

(21) (~~(\$5,791,000)~~) of the Tacoma Narrows toll bridge account--state appropriation is provided solely for deferred sales tax expenses on the construction of the new Tacoma Narrows bridge. However, if chapter . . . (Senate Bill No. 6073), Laws of 2012 (sales tax exemption on SR 16 projects) is enacted by June 30, 2012, the amount provided in this subsection lapses.

(22) \$391,000) \$226,000 of the motor vehicle account--federal appropriation and (~~(\$16,000)~~) \$19,000 of the motor vehicle account--state appropriation are provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage Road project (301639C). The frontage road must be built for driving speeds of no more than thirty-five miles per hour.

(~~(23) \$621,000~~) (22) \$663,000 of the motor vehicle account--federal appropriation (~~(*)~~) and \$12,000 of the motor vehicle account--state appropriation are provided solely for the SR 20/Race Road to Jacob's Road safety project (L2200042).

(~~(24) \$32,162,000~~) (23) \$15,746,000 of the transportation partnership account--state appropriation (~~(*)~~) and \$122,000 of the motor vehicle account--private/local appropriation are provided solely for the SR 28/ US 2 and US 97 Eastmont Avenue Extension project (202800D).

(~~(25) \$1,227,000~~) (24) \$705,000 of the motor vehicle account--federal appropriation and (~~(\$38,000)~~) \$165,000 of the motor vehicle account--state appropriation are provided solely for design and right-of-way work on the I-82/Red Mountain Vicinity project (508208M). The department shall continue to work with the local partners in developing transportation solutions necessary for the economic growth in the Red Mountain American viticulture area of Benton county.

(~~(26) \$1,500,000~~) (25) \$3,000,000 of the motor vehicle account--federal appropriation (~~(*)~~) and \$120,000 of the motor vehicle account--state appropriation are provided solely for the I-90 Comprehensive Tolling Study and Environmental Review project (100067T). The department shall undertake a comprehensive environmental review of tolling Interstate 90 between Interstate 5 and Interstate 405 for the purposes of both managing traffic and providing funding for construction of the unfunded state route number 520 from Interstate 5 to Medina project. The environmental review must include significant outreach to potentially affected communities. The department may consider traffic management options that extend as far east as Issaquah.

(~~(27)~~) (26) \$12,149,000 of the motor vehicle account--federal appropriation (~~(and)~~) \$362,000 of the motor vehicle account--state appropriation, and \$50,000 of the motor vehicle account--private/local appropriation are provided solely for the I-90/Sullivan Road to Barker Road - Additional Lanes project (609049N).

(~~(28)~~) (27) Up to \$8,000,000 in savings realized on the I-90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be used for design work on the next two-mile segment of the corridor. Any additional savings on this project must remain on the corridor. Project funds may not be

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used to build or improve buildings until the plan described in section 604 (~~(of this act)~~), chapter 367, Laws of 2011 is complete.

~~((29) \$657,000)~~ (28) \$637,000 of the motor vehicle account--federal appropriation (~~(is)~~) and \$15,000 of the motor vehicle account--state appropriation are provided solely for the US 97A/North of Wenatchee - Wildlife Fence project (209790B).

~~((30))~~ (29) The department shall reconvene an expert review panel of no more than three members as described under RCW 47.01.400 for the purpose of updating the work that was previously completed by the panel on the Alaskan Way viaduct replacement project and to ensure that an appropriate and viable financial plan is created and regularly reviewed. The expert review panel must be selected cooperatively by the chairs of the senate and house of representatives transportation committees, the secretary of transportation, and the governor. The expert review panel must report findings and recommendations to the transportation committees of the legislature, the governor's Alaskan Way viaduct project oversight committee, and the transportation commission by October 2011, and annually thereafter until the project is operationally complete.

~~((31))~~ (30) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at a minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

~~((32))~~ (31) Within the amounts provided in this section, ~~((20,000))~~ \$42,000 of the motor vehicle account--state appropriation and ~~((980,000))~~ \$958,000 of the motor vehicle account--federal appropriation are provided solely for the department to continue work on a comprehensive tolling study of the state route number 167 corridor (project 316718S). As funding allows, the department shall also continue work on a comprehensive tolling study of the state route number 509 corridor.

~~((33))~~ (32)(a) ~~((137,022,000))~~ \$70,663,000 of the transportation partnership account--state appropriation and ~~((50,623,000))~~ \$38,613,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project and must be constructed with a footprint that would accommodate potential future express toll lanes.

(b) As part of the project, the department shall conduct a traffic and revenue analysis and complete a financial plan to provide additional information on the revenues, expenditures, and financing options available for active traffic management and congestion relief in the Interstate 405 and state route number 167 corridors. A report must be provided to the transportation committees of the legislature and the office of financial management by January 2012. However, this subsection ~~((33))~~ (32)(b) is null and void if chapter . . . (Engrossed House Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by June 30, 2011.

(c) (Of the amount appropriated in (a) of this subsection, \$15,000,000 of the transportation partnership account--state appropriation is provided solely for the preliminary design and purchase of rights-of-way on the state route number 167 direct

connector. It is the intent of the legislature to fund an additional \$25,000,000 of the transportation partnership account--state appropriation for the preliminary design and purchase of rights-of-way on the state route number 167 direct connector during the 2013-2015 biennium.

(d)) Within the amounts provided for this project, funding is provided solely for tolling equipment, such as gantries, barriers, or cameras, on Interstate 405, consistent with chapter 369, Laws of 2011. The department shall place amounts for tolling equipment into unallotted status until the traffic and revenue analysis required in RCW 47.56.886 is submitted to the governor and the legislature. Once the report has been submitted, the office of financial management may approve the allotment of funds for tolling equipment only after consultation with the joint transportation committee.

~~((34))~~ (33) Funding for a signal at state route number 507 and Yew Street is included in the appropriation for intersection and spot improvements (OB12002).

(34) \$3,392,000 of the transportation partnership account--state appropriation is provided solely for the preliminary design and purchase of rights-of-way on the state route number 167 direct connector (140504C).

(35) ~~((224,592,000))~~ \$52,078,000 of the transportation partnership account--state appropriation (~~(and \$898,286,000)~~), \$902,101,000 of the state route number 520 corridor account--state appropriation, \$17,155,000 of the motor vehicle account--federal appropriation, and \$1,303,000 of the motor vehicle account--private/local appropriation are provided solely for the state route number 520 bridge replacement and HOV program (8BI1003). When developing the financial plan for the program, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility, and not by the motor vehicle account.

(36) \$500,000 of the motor vehicle account--state appropriation is provided solely for a multimodal corridor plan on state route number 520 between Interstate 405 and Avondale Road in Redmond (L1000054).

(37) \$300,000 of the motor vehicle account--federal appropriation (~~(is)~~) and \$13,000 of the motor vehicle account--state appropriation are provided solely for the SR 523 Corridor study (L1000059).

(38) The department shall consider using the city of Mukilteo's off-site mitigation program in the event any projects on state route number 525 or 526 require environmental mitigation.

(39) Any savings on projects on the state route number 532 corridor must be used within the corridor to begin work on flood prevention and raising portions of the highway above flood and storm influences.

(40) The total appropriation provided in this section assumes enactment of chapter . . . (Second Substitute Senate Bill No. 5250), Laws of 2012 (design-build procedures) and reflects efficiencies and cost savings generated by this innovative design and contracting tool.

(41) Construction of a new traffic management center may not commence until the budget evaluation study in section 102(1) (~~(of this act)~~), chapter 86, Laws of 2012 is complete and the office of financial management has determined that a new traffic management center is the preferred option and has approved this project.

(42) The department shall itemize all future requests for the construction of new buildings on a project list. Each building construction project must be listed in the project list along with all other highway construction projects and submitted by the department as part of its budget submittal. It is the intent of the

legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(43) ~~(\$250,000)~~ \$240,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$10,000 of the motor vehicle account--state appropriation are provided solely for planning a proposed off-ramp eastbound from state route number 518 to Des Moines Memorial Drive in Burien (L1100045).

(44) ~~(\$1,100,000)~~ \$425,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$18,000 of the motor vehicle account--state appropriation are provided solely for preliminary engineering on the I-5/Marvin Road Interchange study (L2200087).

(45) ~~(\$400,000)~~ \$389,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$22,000 of the motor vehicle account--state appropriation are provided solely for the SR 150/No-See-Um Road Intersection - Realignment project (L2200092).

(46) \$750,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$31,000 of the motor vehicle account--state appropriation are provided solely for ~~((preliminary engineering on))~~ the SR 305/Suquamish Way Intersection Improvements project (L2200093).

(47) ~~(\$700,000)~~ \$658,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$16,000 of the motor vehicle account--state appropriation are provided solely for the US 395/Lind Road Intersection project (L2200086).

(48) \$7,398,000 of the motor vehicle account--state appropriation is provided solely to advance the design, preliminary engineering, and rights-of-way acquisition for the priority projects identified in LEAP Transportation Document 2013-3 as developed April 23, 2013. Funds must be used to advance the emergent, initial development of these projects for the purpose of expediting delivery of the associated major investments when funding for such investments becomes available. Funding may be reallocated between projects to maximize the accomplishment of design and preliminary engineering work and rights-of-way acquisition, provided that all projects are addressed. It is the intent of the legislature that, while seeking to maximize the outcomes in this section, the department shall provide for continuity of both the state and consulting engineer workforce, while strategically utilizing private sector involvement to ensure consistency with the department's business plan for staffing in the highway construction program in the current and next fiscal biennium.

Sec. 904. 2012 c 86 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF	
TRANSPORTATION--PRESERVATION--PROGRAM P	
Transportation Partnership Account--State	
Appropriation	(\$44,463,000)
	\$23,488,000
Motor Vehicle Account--State Appropriation....	(\$81,741,000)
	\$78,112,000
Motor Vehicle Account--Federal Appropriation	(\$540,306,000)
	\$469,626,000
Motor Vehicle Account--Private/Local	
Appropriation	(\$21,585,000)
	\$18,892,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation	\$259,000
((Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$23,000)
Highway Safety Account--State Appropriation	\$3,500,000
TOTAL APPROPRIATION.....	(\$691,877,000)
	\$593,877,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2012-2))~~ 2013-1 as developed ~~((March 8, 2012))~~ April 23, 2013, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603, chapter . . ., Laws of 2013 (section 603 of this act).

(2) The department of transportation shall continue to implement the lowest life-cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(3) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in programs I and P.

(5) ~~((The motor vehicle account--state appropriation includes up to \$17,652,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.~~

(6)) The department must work with cities and counties to develop a comparison of direct and indirect labor costs, overhead rates, and other costs for high-cost bridge inspections charged by the state, counties, and other entities. The comparison is due to the transportation committees of the legislature on September 1, 2011.

~~((7) \$789,000)~~ (6) \$739,000 of the motor vehicle account--federal appropriation and ~~((6,000))~~ \$56,000 of the motor vehicle account-- state appropriation are provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge (project L2000018).

~~((8) \$10,843,000)~~ (7) \$9,096,000 of the motor vehicle account--federal appropriation, ~~((1,992,000))~~ \$1,794,000 of the motor vehicle account--private/local appropriation, and ~~((390,000))~~ \$340,000 of the motor vehicle account--state appropriation are provided solely for the SR 21/Keller Ferry - Replace Boat project (602110J).

~~((9) \$165,000)~~ (8) \$227,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$13,000 of the motor vehicle account--state appropriation are provided solely for the I-90/Ritzville to Tokio -Paving of Outside Lanes project (609041G).

~~((10) \$5,565,000)~~ (9) \$1,566,000 of the motor vehicle account--federal appropriation and ~~((232,000))~~ \$124,000 of the motor vehicle account--state appropriation are provided solely for the SR 167/Puyallup River Bridge Replacement project (316725A). This project must be completed as a design-build project. The department must work with local jurisdictions and the community during the environmental review process to develop appropriate esthetic design elements, at no additional cost to the department, and traffic management plans pertaining to this project. The department must report to the transportation committees of the legislature on estimated cost and/or time savings realized as a result of using the design-build process.

~~((11) \$507,000)~~ (10) \$649,000 of the motor vehicle account--federal appropriation and ~~((13,000))~~ \$15,000 of the motor vehicle account--state appropriation are provided solely for the SR 906/Travelers Rest - Building Renovation project (090600A).

((12) The department shall submit a renewal and rehabilitation plan for the new state route number 16 Tacoma Narrows bridge as a

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decision package as part of its 2013-2015 biennial budget submittal.)

Sec. 905. 2012 c 86 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation.....	(((\$8,779,000))
.....	\$8,801,000
Motor Vehicle Account--Federal Appropriation...	(((\$7,283,000))
.....	\$7,184,000
TOTAL APPROPRIATION.....	(((\$16,062,000))
.....	\$15,985,000

The appropriations in this section are subject to the following conditions and limitations: (((\$1,000,000)) \$371,000 of the motor vehicle account--state appropriation for project 000005Q is provided solely for state matching funds for federally selected competitive grants or congressional earmark projects. These moneys must be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 906. 2012 c 86 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State Appropriation	(((\$61,965,000))
.....	\$62,332,000
Puget Sound Capital Construction Account--Federal Appropriation	(((\$61,736,000))
.....	\$56,634,000
Puget Sound Capital Construction Account--Private/Local Appropriation	(((\$200,000))
.....	\$356,000
Transportation 2003 Account (Nickel Account)--State Appropriation	(((\$119,928,000))
.....	\$113,720,000
Transportation Partnership Account--State Appropriation	(((\$12,838,000))
.....	\$12,892,000
Multimodal Transportation Account--State Appropriation	\$27,527,000
TOTAL APPROPRIATION.....	(((\$284,194,000))
.....	\$273,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2012-1)) 2013-2 ALL PROJECTS as developed ((March 8, 2012)) April 23, 2013, Program -Washington State Ferries Capital Program (W).

(2) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management.

(3) The multimodal transportation account--state appropriation includes up to \$27,527,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(4) The Puget Sound capital construction account--state appropriation includes up to \$45,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(5) (((\$17,970,000)) \$17,370,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for

the acquisition of new Kwa-di-tabil class ferry vessels (project 944470A) subject to the conditions of RCW 47.56.780.

(6) \$25,404,000 of the multimodal transportation account--state appropriation, \$1,000,000 of the Puget Sound capital construction account--federal appropriation, \$11,500,000 of the transportation partnership account--state appropriation, and (((\$85,924,000)) \$54,616,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the acquisition of one 144-car vessel (project L2200038). The department shall use as much already procured equipment as practicable on the 144-car vessel. The vendor must present to the joint transportation committee and the office of financial management, by August 15, 2011, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. If neither chapter ... (Engrossed Substitute Senate Bill No. 5742), Laws of 2011 nor chapter ... (House Bill No. 2083), Laws of 2011 is enacted by June 30, 2011, \$75,000,000 of the transportation 2003 account (nickel account)--state appropriation in this subsection lapses.

(7) \$5,749,000 of the total appropriation is provided solely for continued permitting work on the Mukilteo ferry terminal (project 952515P). The department shall seek additional federal funding for this project. Prior to beginning terminal improvements, the department shall report to the legislature on the final environmental impact statement by December 31, 2012. The report must include an overview of the costs and benefits of each of the alternatives considered, as well as an identification of costs and a funding plan for the preferred alternative.

(8) The department shall review all terminal project cost estimates to identify projects where similar design requirements could result in reduced preliminary engineering or miscellaneous items costs. The department shall report to the legislature by September 1, 2011. The report must use programmatic design and include estimated cost savings by reducing repetitive design costs or miscellaneous costs, or both, applied to projects.

(9) (((\$3,000,000)) \$6,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital repair costs (project 999910K). Funds may be spent only after approval from the office of financial management.

(10) \$4,851,000 of the Puget Sound capital construction account--state appropriation is provided solely for the reservation and communications system projects (L200041 & L200042).

(11) \$1,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for security and operational planning as a first step in introducing liquid natural gas (LNG) to the Washington ferry fleet, including the issuance of a request for proposals (RFP). \$750,000 is provided solely for the department to work with appropriate agencies of the state and federal government to amend the state's current alternative security plan to account for the use of LNG as a propulsion fuel in the ferry fleet, and to begin public outreach efforts. \$250,000 is provided solely to issue an RFP for a design-build contract to fully convert the existing diesel powered Issaquah class fleet to be solely powered by LNG. The successful bidder must be awarded the \$250,000 appropriation and must be able to offer detailed design services, attain coast guard approval regarding vessel safety and any other requirements pertaining to design, acquire engines with LNG as a sole fuel source, provide public outreach and education regarding the conversion of ferry vessels to LNG, perform all conversion work, and supply dependable and suitable quantities of LNG. The RFP must include incentives for proposals that include alternative financing arrangements, such as a delayed payment plan based on fuel savings. To the extent allowable under current law, the bidder awarded the design-build contract for converting the Issaquah fleet

to LNG under this subsection must be given bidding preferences in any future LNG-related ferry proposals or projects. The RFP referenced in this subsection must be issued by the department by August 1, 2012. The department must provide a report to the joint transportation committee on the development of the RFP in July 2012 and an update report again in September 2012.

(12) ~~(\$500,000)~~ \$1,200,000 of the Puget Sound capital construction account--state appropriation is provided solely for the ADA visual paging project (L2200083). If any new federal grants are received by the department that may supplant the state funds in this appropriation, the state funds in this appropriation must be placed in unallotted status.

(13) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is not precluded by any future modifications at the terminal.

(14) The appropriation in this section includes up to \$47,759,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

Sec. 907. 2012 c 86 s 309 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL			
Essential Rail Assistance Account--State			
Appropriation		\$1,565,000	
Transportation Infrastructure Account--State			
Appropriation		(\$5,693,000)	
		\$5,018,000	
Multimodal Transportation Account--State			
Appropriation		(\$58,220,000)	
		\$31,124,000	
Multimodal Transportation Account--Federal			
Appropriation		(\$236,597,000)	
		\$110,725,000	
Multimodal Transportation Account--Private/Local			
Appropriation		(\$1,010,000)	
		\$1,096,000	
TOTAL APPROPRIATION		(\$303,085,000)	
		\$149,528,000	

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project (~~and amount~~) in LEAP Transportation Document (~~(2012-4)~~) 2013-2 ALL PROJECTS as developed (~~(March 8, 2012)~~) April 23, 2013, Program-Rail Capital Program (Y).

(b) Within the amounts provided in this section, ~~(\$4,757,000)~~ \$4,507,000 of the transportation infrastructure account--state appropriation is for low-interest loans through the freight rail investment bank program for specific projects listed as recipients of these loans in the LEAP transportation document identified in (a) of this subsection. The department shall issue freight rail investment bank program loans with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

(c) Within the amounts provided in this section, ~~(\$2,047,000)~~ \$1,754,000 of the multimodal transportation account--state appropriation (~~(-- \$10,000 of the multimodal transportation account private/local appropriation,))~~ and \$1,000,000 of the essential rail assistance account--state appropriation are for statewide emergent freight rail assistance projects identified in the LEAP transportation document identified in (a) of this subsection.

(2)(a) The department shall issue a call for projects for the freight rail investment bank (FRIB) loan program and the emergent freight rail assistance program (FRAP) grants, and shall evaluate the applications according to the cost-benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. Unsuccessful FRAP grant applicants should be encouraged to apply to the FRIB loan program, if eligible. By November 1, 2012, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost-benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost-benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost-benefit methodology are, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to expend unallocated federal rail crossing funds in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds and the status of such applications.

(5) The multimodal transportation account--state appropriation includes up to \$12,103,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(6) The Burlington Northern Santa Fe Skagit river bridge is an integral part of the rail system. Constructed in 1916, the bridge does not meet current design standards and is at risk during flood events that occur on the Skagit river. The department shall work with Burlington Northern Santa Fe and local jurisdictions to secure federal funding for the Skagit river bridge and to develop an appropriate replacement plan and schedule.

(7) ~~(\$218,341,000)~~ \$103,992,000 of the multimodal transportation account--federal appropriation and ~~(\$3,639,000)~~ \$1,815,000 of the multimodal transportation account--state appropriation are provided solely for expenditures related to passenger high-speed rail grants. At one and one-half percent of the total project funds, the multimodal transportation account--state funds are provided solely for expenditures that are not federally reimbursable. Funding in this subsection is the initial portion of multiyear high-speed rail program grants awarded to Washington state for high-speed intercity passenger rail investments. Funding will allow for two additional round trips between Seattle and Portland and other rail improvements.

(8) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the Port of Royal Slope

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rehabilitation project (L1000053). Funding is contingent upon the project completing the rail cost-benefit methodology process developed during the 2008 interim using the legislative priorities outlined in subsection (2)(c) of this section.

(9) As allowable under federal rail authority rules and existing competitive bidding practices, when purchasing new train sets, the department shall give preference to bidders that propose train sets with characteristics and maintenance requirements most similar to those currently owned by the department.

(10) Funds generated by the grain train program are solely for operating, sustaining, and enhancing the grain train program including, but not limited to, operations, capital investments, inspection, developing business plans for future growth, and fleet management. Any funds deemed by the department, in consultation with relevant port districts, to be in excess of current operating needs or capital reserves of the grain train program may be transferred from the miscellaneous program account to the essential rail assistance account for the purpose of sustaining the grain train program through maintaining the Palouse river and Coulee City railroad line, on which the grain train program operates.

(11) \$500,000 of the essential rail assistance account--state appropriation is provided solely for the purpose of rehabilitation and maintenance of the Palouse river and Coulee City railroad line. Expenditures from this appropriation may not exceed the combined total of:

(a) The revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(b) Revenues transferred from the miscellaneous program account for the purpose of sustaining the grain train program through maintaining the Palouse river and Coulee City railroad line.

(12) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the Clark county chelatchie prairie rail road (project L2200085).

Sec. 908. 2012 c 86 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

(Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal Appropriation.....	\$1,602,000))
Motor Vehicle Account--State Appropriation	(((\$4,179,000))
.....	\$2,511,000
Motor Vehicle Account--Federal Appropriation.(((\$37,935,000))	
.....	\$19,759,000
Highway Safety Account--State Appropriation.....	\$752,000
Freight Mobility Investment Account--State Appropriation.....	(((\$11,278,000))
.....	\$5,044,000
Transportation Partnership Account--State Appropriation.....	(((\$7,181,000))
.....	\$3,967,000
Freight Mobility Multimodal Account--State Appropriation.....	(((\$15,668,000))
.....	\$11,868,000
Freight Mobility Multimodal Account--Local Appropriation.....	(((\$2,834,000))
.....	\$960,000
Multimodal Transportation Account--State Appropriation.....	(((\$22,575,000))
.....	\$15,413,000
Passenger Ferry Account--State Appropriation.....	\$1,115,000
TOTAL APPROPRIATION	(((\$104,574,000))
.....	\$61,389,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,115,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements and operating expenses that are consistent with the business plan approved by the governor for passenger ferry service.

(2) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z--capital.

(3) Federal funds may be transferred from program Z to programs I and P and state funds must be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations must initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2011, and December 1, 2012.

(4) The city of Winthrop may utilize a design-build process for the Winthrop bike path project.

(5) (~~(\$14,813,000)~~) \$10,654,000 of the multimodal transportation account--state appropriation, (~~(\$12,804,000)~~) \$9,554,000 of the motor vehicle account--federal appropriation, (~~and \$6,241,000~~) \$3,417,000 of the transportation partnership account--state appropriation, and \$202,000 of the highway safety account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in: LEAP Transportation Document 2011-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 19, 2011; LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009; LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007; and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(6) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2012-1)~~) 2013-2 ALL PROJECTS as developed (~~(March 8, 2012)~~) April 23, 2013, Program - Local Programs (Z).

(7) For the 2011-2013 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board and may also advance projects in future biennia, as identified in LEAP Transportation Document (~~(2012-4)~~) 2013-2 ALL PROJECTS as developed (~~(March 8, 2012)~~) April 23, 2013,

into the current biennium in order for the board to manage project spending and efficiently deliver all projects in the respective program.

(8) With each department budget submittal, the department shall provide an update on the status of the repayment of the twenty million dollars of unobligated federal funds authority advanced by the department in September 2010 to the city of Tacoma for the Murray Morgan/11th Street bridge project.

(9) If funding is specifically designated in this act for main street projects, the department shall prepare a list of projects that is consistent with chapter 257, Laws of 2011, for approval in the 2013-2015 fiscal biennium.

(10) ~~((267,000))~~ \$50,000 of the motor vehicle account--state appropriation and ~~((2,859,000))~~ \$50,000 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park scenic view point (3LP187A). The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way.

(11) Up to ~~((3,702,000))~~ \$2,680,000 of the motor vehicle account--federal appropriation and ~~((75,000))~~ \$55,000 of the motor vehicle account--state appropriation are provided solely to reimburse the cities of Kirkland and Redmond for pavement and bridge deck rehabilitation on state route number 908 (1LP611A). These funds may not be expended unless the cities sign an agreement stating that the cities agree to take ownership of state route number 908 in its entirety and agree that the payment of these funds represents the entire state commitment to the cities for state route number 908 expenditures.

(12) \$225,000 of the multimodal transportation account--state appropriation is provided solely for the Shell Valley emergency road and bicycle/pedestrian path (L1000036).

(13) \$188,000 of the motor vehicle account--state appropriation is provided solely for flood reduction solutions on state route number 522 caused by the lower McAleer and Lyon creek basins (L1000041).

(14) ~~((896,000))~~ \$293,000 of the multimodal transportation account--state appropriation is provided solely for realignment of Parker Road and construction of secondary access off of state route number 20 (L2200040).

(15) ~~((An additional \$2,500,000))~~ of the motor vehicle account--federal appropriation is provided solely for the Strander Blvd/SW 27th St Connection project (1LP902F), which amount is reflected in the LEAP transportation document identified in subsection (6) of this section. These funds may only be committed if needed, may not be used to supplant any other committed project partnership funding, and must be the last funds expended.

(16) ~~\$500,000))~~ \$30,000 of the motor vehicle account--federal appropriation is provided solely for safety improvements at the intersection of South Wapato and McDonald Road (L1000052).

~~((47--\$2,000,000))~~ (16) \$850,000 of the multimodal transportation account--state appropriation is provided solely for the state route number 432 rail realignment and highway improvements project (L1000056).

~~((48))~~ (17) \$100,000 of the motor vehicle account--federal appropriation is provided solely for state route number 164 and Auburn Way South pedestrian improvements (L1000057).

~~((49))~~ (18) \$115,000 of the motor vehicle account--federal appropriation is provided solely for median street lighting on state route number 410 (L1000058).

~~((20))~~ (19) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a cross docking study for the port of Douglas county (L1000060).

~~((24))~~ (20) \$100,000 of the motor vehicle account--federal appropriation is provided solely for city of Auburn - 8th and R Street NE intersection improvements (L2200043).

~~((22))~~ (21) \$65,000 of the multimodal transportation account--state appropriation is provided solely for the Puget Sound regional council to further the implementation of multimodal concurrency practice through a transit service overlay zone implemented at the local level (L1000061). This approach will improve the linkage of land use and transportation investment decisions, improve the efficiency of transit service by encouraging transit-supportive development, provide incentives for developers, and support integrated regional growth, economic development, and transportation plans. In carrying out this work, the council shall involve representatives from cities and counties, developers, transit agencies, and other interested stakeholders, and shall consult with other regional transportation planning organizations across the state. The council shall report the results of their work and recommendations to the joint transportation committee by December 2011, with a final report to the transportation committees of the legislature by January 31, 2012.

~~((23--\$1,750,000))~~ (22) \$650,000 of the motor vehicle account--federal appropriation is provided solely for the SR 522 Improvements/61st Avenue NE and NE 181st Street project (L1000055).

~~((24))~~ (23) The department shall implement a call for projects eligible for the bicycle and pedestrian grant program similar to the call for projects conducted in 2010, although the department may adjust the criteria to include mobility and connectivity. The department shall include a list of prioritized bicycle and pedestrian grant projects for approval in the 2013-2015 biennial transportation budget.

~~((25))~~ (24) \$100,000 of the multimodal transportation account--state appropriation is provided solely for the design of a stand-alone ADA accessible bicycle/pedestrian bridge across the Sultan river in the city of Sultan (L1100044).

~~((26--\$445,000))~~ (25) \$30,000 of the motor vehicle account--federal appropriation is provided solely for pedestrian lighting on the main span of the Chehalis river bridge in Aberdeen (L1100046).

~~((27--\$500,000))~~ (26) \$80,000 of the motor vehicle account--federal appropriation is provided solely for resurfacing Alder Avenue in the city of Sultan (L1100047).

~~((28--\$800,000))~~ (27) \$550,000 of the motor vehicle account--federal appropriation is provided solely for rights-of-way acquisition on state route number 516 from Jenkins creek to 185th (L2000017).

~~((29))~~ \$1,100,000 of the motor vehicle account--federal appropriation is provided solely for traffic analysis, right-of-way, and design work on the 31st Avenue Southwest overpass on Puyallup's South Hill (L1100048).

~~(30) \$2,000,000))~~ (28) \$250,000 of the motor vehicle account--federal appropriation is provided solely for environmental documentation and preliminary engineering for the Scott Avenue Reconnection Project in the city of Woodland (L1100049).

~~((31))~~ \$350,000 of the motor vehicle account--federal appropriation is provided solely for preliminary engineering and rights-of-way on the Slater Road Bridge project (L2200089).

~~(32) \$380,000))~~ (29) \$40,000 of the motor vehicle account--federal appropriation is provided solely for rehabilitation work for 156th/160th Avenue in the city of Covington (L2200088).

~~((33))~~ (30) \$380,000 of the motor vehicle account--federal appropriation is provided solely for improvements to Penney Avenue in the town of Naches (L2200090).

~~((34))~~ (31) \$450,000 of the motor vehicle account--federal appropriation is provided solely for preliminary engineering on NW Friberg Street and Goodwin Road in the city of Camas (L2200091).

IMPLEMENTING PROVISIONS

Sec. 1001. 2011 c 367 s 601 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS

(1) The ~~((following agencies))~~ agency listed in subsection (2) of this section may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) ~~((State agencies))~~ The Washington state patrol may enter into agreements with the department of ~~((general administration))~~ enterprise services and the state treasurer's office to develop requests to the legislature for the acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered. The Washington state patrol may:

(a) (Department of transportation: Enter into a financing contract for up to \$10,824,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the acquisition and implementation of a time, leave, and labor distribution system that is integrated with the state's accounting and human resource management systems.

(b) Department of licensing: Enter into a financing contract for up to \$7,414,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of a prorated fuel tax system.

(c) Washington state patrol: (i)) Enter into a financing contract for up to \$8,241,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install mobile office platforms in state patrol and pursuit vehicles.

~~((ii))~~ (b) Enter into a financing contract for up to ~~((40,100,000))~~ \$39,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase equipment and engineering services to convert to a narrowband digital system.

TRANSFERS AND DISTRIBUTIONS

Sec. 1101. 2012 c 86 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Table with 2 columns: Account Name and Amount. Includes Highway Bond Retirement Account--State, Ferry Bond Retirement Account--State, and State Route Number 520 Corridor Account--State.

Table with 2 columns: Account Name and Amount. Includes Transportation Improvement Board Bond Retirement Account--State, Nondebt-Limit Reimbursable Account Appropriation, Transportation Partnership Account--State, Motor Vehicle Account--State Appropriation, Transportation 2003 Account (Nickel Account)--State, Multimodal Transportation Account--State, Toll Facility Bond Retirement Account--State, Toll Facility Bond Retirement Account--Federal, and TOTAL APPROPRIATION.

Sec. 1102. 2012 c 86 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Table with 2 columns: Account Name and Amount. Includes State Route Number 520 Corridor Account--State, Transportation Partnership Account--State, Motor Vehicle Account--State Appropriation, Transportation 2003 Account (Nickel Account)--State, Multimodal Transportation Account--State, and TOTAL APPROPRIATION.

Sec. 1103. 2012 c 86 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Table with 2 columns: Account Name and Amount. Includes Motor Vehicle Account--State Appropriation for motor vehicle fuel tax distributions to cities and counties.

Sec. 1104. 2012 c 86 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory

.....transfers((~~\$1,227,005,000~~))
\$1,213,253,000

Sec. 1105. 2012 c 86 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--TRANSFERS
 Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers.....((~~\$151,870,000~~))
\$147,557,000

Sec. 1106. 2012 c 86 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State\$45,500,000

(2) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State\$1,150,000

(3) License Plate Technology Account--State Appropriation: For transfer to the Highway Safety Account--State\$3,000,000

(4) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State.....\$42,000,000

(5) Highway Safety Account--State Appropriation: For transfer to the Motor Vehicle Account--State...\$23,000,000

(6) Advanced Right-of-Way Revolving Fund: For transfer to the Motor Vehicle Account--State\$5,000,000

(7) Rural Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State\$3,000,000

(8) Motor Vehicle Account--State Appropriation: For transfer to the State Patrol Highway Account--State\$16,000,000

(9) State Route Number 520 Corridor Account--State Appropriation: For transfer to the Motor Vehicle Account--State.....\$58,000

(10) Motor Vehicle Account--State Appropriation: For transfer to the Special Category C Account--State\$2,500,000

(11) Regional Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State.....\$1,000,000

(12) State Patrol Highway Account--State Appropriation: For transfer to the Vehicle Licensing Fraud Account--State.....\$100,000

(13) Capital Vessel Replacement Account--State Appropriation: For transfer to the Transportation 2003 Account (Nickel Account)--State.....((~~\$6,367,000~~))
\$6,221,000

(14) The transfers identified in this section are subject to the following conditions and limitations:

(a) The transfer in subsection (9) of this section represents the repayment of an amount equal to subprogram B5 expenditures that occurred in the motor vehicle account in the 2009-2011 fiscal biennium.

(b) The amount transferred in subsection (2) of this section shall not exceed the expenditures incurred from the motor vehicle account--state for the recreational vehicle sanitary disposal systems program.

CONDITIONALLY ADDITIVE APPROPRIATIONS

Sec. 1201. 2012 c 86 s 701 (uncodified) is amended to read as follows:

It is the intent of the legislature that the appropriations in (~~sections 702 through 713 of this act be~~) chapter 86, Laws of 2012 that were supported by the legislative changes in chapter 80, Laws of 2012 and chapter 74, Laws of 2012 were an initial commitment to the programs and activities funded and that the commitment continue through the 2013-2015 fiscal biennium. To that end, it is the intent of the legislature that the spending plan for the 2013-2015 fiscal biennium reflect the programmatic areas and amounts described in LEAP Transportation Document 2012-4, as developed March 8, 2012, except for the amounts for "WSDOT Preliminary Design/Rights-of-Way," which are superseded for the 2013-2015 fiscal biennium by the amounts provided in section 306(15) of this act for the projects identified in LEAP Transportation Document 2013-3 as developed April 23, 2013.

MISCELLANEOUS 2011-2013 FISCAL BIENNIUM

NEW SECTION. Sec. 1301. The appropriations to the department of transportation in chapter 86, Laws of 2012 and this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2013, unless specifically prohibited, the department may transfer state appropriations for the 2011-2013 fiscal biennium among operating programs after approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by program and appropriation, both before and after any allotment modifications or transfers.

NEW SECTION. Sec. 1302. The following acts or parts of acts are each repealed:

- (1) 2012 c 86 s 702 (uncodified);
- (2) 2012 c 86 s 703 (uncodified);
- (3) 2012 c 86 s 704 (uncodified);
- (4) 2012 c 86 s 705 (uncodified);
- (5) 2012 c 86 s 706 (uncodified);
- (6) 2012 c 86 s 707 (uncodified);
- (7) 2012 c 86 s 709 (uncodified);
- (8) 2012 c 86 s 710 (uncodified);
- (9) 2012 c 86 s 711 (uncodified);
- (10) 2012 c 86 s 712 (uncodified);
- (11) 2012 c 86 s 713 (uncodified);
- (12) 2012 c 86 s 714 (uncodified);
- (13) 2012 c 86 s 715 (uncodified); and
- (14) 2012 c 86 s 716 (uncodified).

MISCELLANEOUS

NEW SECTION. Sec. 1401. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1402. Except for sections 702 and 709 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 1403. Section 702 of this act is necessary for the immediate preservation of the public peace, health,

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013.

NEW SECTION. Sec. 1404. Section 709 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2013, unless chapter . . . (Substitute House Bill No. 1745), Laws of 2013 is enacted on or before June 30, 2013, in which case section 709 of this act does not take effect.

(End of Bill)

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Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5024.

Senators Eide, King and Benton spoke in favor of the motion.
Senator Ericksen spoke against the motion.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5024.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5024 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Ericksen

Excused: Senators Carrell and Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Smith moved that Robyn Todd, Gubernatorial Appointment No. 9189, be confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

Senator Smith spoke in favor of the motion.

APPOINTMENT OF ROBYN TODD

The President declared the question before the Senate to be the confirmation of Robyn Todd, Gubernatorial Appointment No. 9189, as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of Robyn Todd, Gubernatorial Appointment No. 9189, as a member of the Small Business Export Finance Assistance Center Board of

Directors and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Robyn Todd, Gubernatorial Appointment No. 9189, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Joe Tortorelli, Gubernatorial Appointment No. 9190, be confirmed as a member of the Transportation Commission.

Senator Padden spoke in favor of the motion.

APPOINTMENT OF JOE TORTORELLI

The President declared the question before the Senate to be the confirmation of Joe Tortorelli, Gubernatorial Appointment No. 9190, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Joe Tortorelli, Gubernatorial Appointment No. 9190, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Joe Tortorelli, Gubernatorial Appointment No. 9190, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dammeier moved that June Canty, Gubernatorial Appointment No. 9085, be confirmed as a member of the Professional Educator Standards Board.

Senator Dammeier spoke in favor of the motion.

MOTION

On motion of Senator Hatfield, Senators Billig, Fraser, Frockt, Hargrove, Harper, Murray and Nelson were excused.

APPOINTMENT OF JUNE CANTY

The President declared the question before the Senate to be the confirmation of June Canty, Gubernatorial Appointment No. 9085, as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of June Canty, Gubernatorial Appointment No. 9085, as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Billig, Carrell, Fraser, Frockt, Hargrove, Harper, Murray and Nelson

June Canty, Gubernatorial Appointment No. 9085, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1287, by Representatives Appleton, Dahlquist, Hurst, McCoy, Ryu, Santos and Pollet

Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe.

The measure was read the second time.

MOTION

Senator Hill moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.29A.010 and 2010 c 281 s 2 are each amended to read as follows:

(1)(a) The legislature hereby recognizes that properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that private lessees of such public properties receive substantial benefits from governmental services provided by units of government.

(b) The legislature further recognizes that a uniform method of taxation should apply to such leasehold interests in publicly owned property.

(c) The legislature finds that lessees of publicly owned property or community centers are entitled to those same governmental services and does hereby provide for a leasehold excise tax to fairly compensate governmental units for services rendered to such lessees of publicly owned property or community centers. For the purposes of this subsection, "community center" has the same meaning as provided in RCW 84.36.010.

(d) The legislature also finds that eliminating the property tax on property owned exclusively by federally recognized Indian tribes

within the state requires that the leasehold excise tax also be applied to leasehold interests on tribally owned property.

(2) The legislature further finds that experience gained by lessors, lessees, and the department of revenue since enactment of the leasehold excise tax under this chapter has shed light on areas in the leasehold excise statutes that need explanation and clarification. The purpose of chapter 220, Laws of 1999 is to make those changes.

Sec. 2. RCW 82.29A.020 and 2012 2nd sp.s. c 6 s 501 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context requires otherwise.

(1)(a) "Leasehold interest" means an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership. However, no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government may constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" includes the rights of use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites.

(b) The term "leasehold interest" does not include:

(i) Road or utility easements, rights of access, occupancy, or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner, or rights of access, occupancy, or use granted solely for the purpose of natural energy resource exploration(~~("Leasehold interest" does not include)); or~~

(ii) The preferential use of publicly owned cargo cranes and docks and associated areas used in the loading and discharging of cargo located at a port district marine facility. "Preferential use" means that publicly owned real or personal property is used by a private party under a written agreement with the public owner, but the public owner or any third party maintains a right to use the property when not being used by the private party.

(c) "Publicly owned real or personal property" includes real or personal property owned by a federally recognized Indian tribe in the state and exempt from tax under RCW 84.36.010.

(2)(a) "Taxable rent" means contract rent as defined in (c) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor. However, after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in (g) of this subsection. All other leasehold interests are subject to the determination of taxable rent under the terms of (g) of this subsection.

(b) For purposes of determining leasehold excise tax on any lands on the Hanford reservation subleased to a private or public entity by the department of ecology, taxable rent includes only the annual cash rental payment made by such entity to the department of ecology as specifically referred to as rent in the sublease agreement between the parties and does not include any other fees,

assessments, or charges imposed on or collected by such entity irrespective of whether the private or public entity pays or collects such other fees, assessments, or charges as specified in the sublease agreement.

(c) "Contract rent" means the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement, including any rents paid by a sublessee; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest is part of contract rent.

(d) "Contract rent" does not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee or expenditures for improvements and protection made pursuant to a lease or an agreement which requires that the use of the improved property be open to the general public and that no profit will inure to the lessee from the lease; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty including payments for insurance to provide reimbursement for losses or payments to a public or private entity for protection of such property from damage or loss or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements are taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

(e) Any prepaid contract rent is considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent must be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, must be prorated from the date of prepayment.

(f) With respect to a "product lease", the value is that value determined at the time of sale under terms of the lease.

(g) If it is determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration must be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration must be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any

restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter means a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" means a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

(6) "Products" includes natural resource products such as cut or picked evergreen foliage, Cascara bark, wild edible mushrooms, native ornamental trees and shrubs, ore and minerals, natural gas, geothermal water and steam, and forage removed through the grazing of livestock.

Sec. 3. RCW 84.36.010 and 2010 c 281 s 1 are each amended to read as follows:

(1) All property belonging exclusively to the United States, the state, or any county or municipal corporation; all property belonging exclusively to any federally recognized Indian tribe that has reservation or trust lands located in the state, if that property is used exclusively for essential government services; all property, and contiguous property, belonging to a federally recognized Indian tribe in which a portion is used by the tribe or by a lessee for the purposes of conducting for-profit horse racing meets; all deep water port property, and related-port property, belonging to a federally recognized Indian tribe used to service the maritime industry in a county with a population greater than seven hundred fifty thousand but less than one million five hundred thousand that contains a national park; all state route number 16 corridor transportation systems and facilities constructed under chapter 47.46 RCW; all property under a financing contract pursuant to chapter 39.94 RCW or recorded agreement granting immediate possession and use to the public bodies listed in this section or under an order of immediate possession and use pursuant to RCW 8.04.090; and, for a period of forty years from acquisition, all property of a community center; is exempt from taxation. All property belonging exclusively to a foreign national government is exempt from taxation if that property is used exclusively as an office or residence for a consul or other official representative of the foreign national government, and if the consul or other official representative is a citizen of that foreign nation.

(2) For the purposes of this section the following definitions apply unless the context clearly requires otherwise.

(a) "Community center" means property, including a building or buildings, determined to be surplus to the needs of a district by a local school board, and purchased or acquired by a nonprofit organization for the purposes of converting them into community facilities for the delivery of nonresidential coordinated services for community members. The community center may make space available to businesses, individuals, or other parties through the loan or rental of space in or on the property.

(b) "Essential government services" means services such as tribal administration, public facilities, fire, police, public health, education, sewer, water, environmental and land use, transportation, and utility services.

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Sec. 4. RCW 84.36.451 and 2001 c 26 s 2 are each amended to read as follows:

(1) The following property shall be exempt from taxation: Any and all rights to occupy or use any real or personal property owned in fee or held in trust by:

(a) The United States, the state of Washington, or any political subdivision or municipal corporation of the state of Washington, or a federally recognized Indian tribe for property exempt under RCW 84.36.010; or

(b) A public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites; and

(c) ~~(Including)~~ Any leasehold interest arising from the property identified in (a) and (b) of this subsection as defined in RCW 82.29A.020.

(2) The exemption under this section ~~(shall)~~ does not apply to:

(a) Any such leasehold interests which are a part of operating properties of public utilities subject to assessment under chapter 84.12 RCW; or

(b) Any such leasehold interest consisting of three thousand or more residential and recreational lots that are or may be subleased for residential and recreational purposes.

(3) The exemption under this section ~~(shall)~~ may not be construed to modify the provisions of RCW 84.40.230.

Sec. 5. RCW 84.40.230 and 1994 c 124 s 25 are each amended to read as follows:

When any real property is sold on contract by the United States of America, the state, ~~(or)~~ any county or municipality, or any federally recognized Indian tribe, and the contract expresses or implies that the vendee is entitled to the possession, use, benefits and profits thereof and therefrom so long as the vendee complies with the terms of the contract, it ~~(shall be)~~ is deemed that the vendor retains title merely as security for the fulfillment of the contract, and the property ~~(shall)~~ must be assessed and taxed in the same manner as other similar property in private ownership is taxed, and the tax roll ~~(shall)~~ must contain, opposite the description of the property so assessed the following notation: "Subject to title remaining in the vendor" or other notation of similar significance. No foreclosure for delinquent taxes nor any deed issued pursuant thereto ~~(shall)~~ may extinguish or otherwise affect the title of the vendor. In any case under former law where the contract and not the property was taxed no deed of the property described in such contract ~~(shall)~~ may ever be executed and delivered by the state or any county or municipality until all taxes assessed against such contract and local assessments assessed against the land described thereon are fully paid.

NEW SECTION. Sec. 6. A new section is added to chapter 52.30 RCW to read as follows:

(1) When exempt tribal property is located within the boundaries of a fire protection district or a regional fire protection service authority, the fire protection district or authority is authorized to contract with the tribe for compensation for providing fire protection services in an amount and under such terms as are mutually agreed upon by the fire protection district or authority and the tribe.

(2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise:

(a) "Exempt tribal property" means property that is owned exclusively by a federally recognized Indian tribe and that is exempt from taxation under RCW 84.36.010;

(b) "Regional fire protection service authority" or "authority" has the same meaning as provided in RCW 52.26.020.

NEW SECTION. Sec. 7. This act expires July 1, 2023."

MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen to the committee striking amendment be adopted:

On page 8, after line 18 of the amendment, insert the following: **"NEW SECTION. Sec. 7.** A new section is added to chapter 82.32 RCW to read as follows:

Beginning July 1, 2014, and each July 1st thereafter, any city, county, or local taxing district that would receive less tax dollars as a result of this act may apply to the department for reimbursement of the tax dollars they would have received if not for this act. The application must be filed with the department in a form and manner prescribed by the department by July 31st of each year. The department must provide any reimbursement authorized by this section by August 31st of each year."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 8, line 23 of the title amendment, after "52.30 RCW;" insert "adding a new section to chapter 82.32 RCW;"

Senator Ericksen spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Sheldon and Benton spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 8, after line 18 to the committee striking amendment to Engrossed House Bill No. 1287.

The motion by Senator Ericksen failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser to the committee striking amendment be adopted:

On page 8, after line 18 of the amendment, insert the following:

"NEW SECTION. Sec. 7. By December 1, 2016, and in compliance with RCW 43.01.036, the joint legislative audit and review committee must provide an economic impact report to the legislature evaluating the impacts of changes made in this act regarding the leasehold tax and property tax treatment of property owned by a federally recognized Indian tribe. The economic impact report must indicate: The number of parcels and uses of land involved; the economic impacts to tribal governments; state and local government revenue reductions, increases, and shifts from all tax sources affected; impacts on public infrastructure and public services; impacts on business investment and business competition; a description of the types of business activities affected; impacts on the number of jobs created or lost; and any other data the joint legislative audit and review committee deems necessary in determining the economic impacts of this act."

Renumber the remaining section consecutively and correct any internal references accordingly.

Senators Fraser and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Sheldon spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 8, after line 18 to the committee striking amendment to Engrossed House Bill No. 1287.

The motion by Senator Fraser carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed House Bill No. 1287.

The motion by Senator Hill carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 3 of the title, after "tribe;" strike the remainder of the title and insert "amending RCW 82.29A.010, 82.29A.020, 84.36.010, 84.36.451, and 84.40.230; adding a new section to chapter 52.30 RCW; and providing an expiration date."

On page 8, line 23 of the title amendment, after "52.30 RCW;" insert "creating a new section;"

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed House Bill No. 1287 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hobbs, Sheldon and Keiser spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

MOTION

On motion of Senator Ranker, Senator Fraser was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1287 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1287 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 15; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Hasegawa, Hill, Hobbs, Keiser, Litzow, McAuliffe, Mullet, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Brown, Ericksen, Frockt, Hargrove, Hatfield, Hewitt, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Padden, Parlette, Pearson and Smith

Excused: Senators Carrell, Fraser, Harper, Murray and Nelson

ENGROSSED HOUSE BILL NO. 1287 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Engrossed House Bill No. 1287 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Clarence Henderson, Gubernatorial Appointment No. 9111, be confirmed as a member of the Human Rights Commission.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF CLARENCE HENDERSON

The President declared the question before the Senate to be the confirmation of Clarence Henderson, Gubernatorial Appointment No. 9111, as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Clarence Henderson, Gubernatorial Appointment No. 9111, as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Harper and Murray

Clarence Henderson, Gubernatorial Appointment No. 9111, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that Nancy Holland, Gubernatorial Appointment No. 9115, be confirmed as a member of the Personnel Resources Board.

Senator Conway spoke in favor of the motion.

APPOINTMENT OF NANCY HOLLAND

The President declared the question before the Senate to be the confirmation of Nancy Holland, Gubernatorial Appointment No. 9115, as a member of the Personnel Resources Board.

The Secretary called the roll on the confirmation of Nancy Holland, Gubernatorial Appointment No. 9115, as a member of the Personnel Resources Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson,

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Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Nancy Holland, Gubernatorial Appointment No. 9115, having received the constitutional majority was declared confirmed as a member of the Personnel Resources Board.

MOTION

On motion of Senator Billig, Senator Frockt was excused.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Stephen Hunt, Gubernatorial Appointment No. 9119, be confirmed as a member of the Human Rights Commission.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF STEPHEN HUNT

The President declared the question before the Senate to be the confirmation of Stephen Hunt, Gubernatorial Appointment No. 9119, as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Stephen Hunt, Gubernatorial Appointment No. 9119, as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Stephen Hunt, Gubernatorial Appointment No. 9119, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1195, by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Wylie, Buys, Hunt, Van De Wege, Appleton, Orwall, Ryu and Jinkins)

Repealing provisions relating to filling unexpired terms. Revised for 2nd Substitute: Concerning primaries.

The measure was read the second time.

MOTION

Senator Hill moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.52.220 and 2005 c 153 s 10 are each amended to read as follows:

(1) No primary may be held for any single position in any (~~city, town, district, or district court, as required by RCW 29A.52.210,~~) nonpartisan office if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The county auditor shall ~~((s))~~ as soon as possible ~~((s))~~ notify all the candidates so affected that the office for which they filed will not appear on the primary ballot.

(2) ~~((No primary may be held for nonpartisan offices in any first-class city if the city:~~

(a) Is a qualifying city that has been certified to participate in the pilot project authorized by RCW 29A.53.020; and

(b) Is conducting an election using the instant runoff voting method for the pilot project authorized by RCW 29A.53.020.

(c) This subsection (2) expires July 1, 2013.

~~((3)))~~ No primary may be held for the office of commissioner of a park and recreation district or for the office of cemetery district commissioner.

~~((4)))~~ ~~((3))~~ Names of candidates for offices that do not appear on the primary ballot shall be printed upon the general election ballot in the manner specified by RCW 29A.36.131.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

(1) RCW 29A.52.010 (Elections to fill unexpired term--No primary, when) and 2005 c 2 s 13 & 2003 c 111 s 1301; and

(2) RCW 29A.52.011 (Elections to fill unexpired term--No primary, when) and 2006 c 344 s 14 & 2004 c 271 s 172.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Roach moved that the following amendment by Senator Roach to the committee striking amendment be adopted:

On page 1, beginning on line 3 of the amendment, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, line 8 of the title amendment, after "insert" strike "amending RCW 29A.52.220;"

Senator Roach spoke in favor of adoption of the amendment to the committee striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Roach, the amendment by Senator Roach on page 1, line 3 to the committee striking amendment to Second Substitute House Bill No. 1195 was withdrawn.

MOTION

Senator Hasegawa moved that the following amendment by Senators Hasegawa and Roach to the committee striking amendment be adopted:

On page 1, after line 24 of the amendment, insert the following: "Sec. 2. RCW 29A.04.420 and 2003 c 111 s 147 are each amended to read as follows:

(1) Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year under RCW ~~((29A.04.320))~~ 29A.04.321, the state of Washington shall

assume a prorated share of the costs of that state primary or general election.

(2) The state shall reimburse counties for the cost of return postage on mail and absentee ballots for primary, general, and special elections.

(3) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29A.28 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

~~((3))~~ (4) The county auditor shall apportion the state's share of these expenses when prorating election costs under RCW 29A.04.410 and shall file such expense claims with the secretary of state.

~~((4))~~ (5) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

Sec. 3. RCW 29A.40.091 and 2011 c 349 s 17, 2011 c 348 s 3, 2011 c 182 s 1, and 2011 c 10 s 39 are each reenacted and amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a return envelope on behalf of another voter. The voter must indicate the date on which the ballot was voted and sign the declaration. The ballot materials must also contain a space so that the voter may include a telephone number.

(3) For overseas and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for primary and general election ballots shall include prepaid postage. Service and overseas voters must be provided with instructions and a secrecy cover sheet for returning the ballot and signed declaration by fax or e-mail. A voted ballot and signed declaration returned by fax or e-mail must be received by 8:00 p.m. on the day of the election or primary."

Renumber the remaining sections consecutively.

On page 2, line 7 of the title amendment, after "after" strike the remainder of the title amendment and insert "to" strike the remainder of the title and insert "elections; amending RCW 29A.52.220 and 29A.04.420; reenacting and amending RCW 29A.40.091; repealing RCW 29A.52.010 and 29A.52.011; and declaring an emergency."

POINT OF ORDER

Senator Padden: "Mr. President, under Senate Rule 66 I'd ask for a ruling on scope and object this amendment to the underlying bill."

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa, the amendment by Senators Hasegawa and Roach on page 1, line 24 to the committee striking amendment to Second Substitute House Bill No. 1195 was withdrawn.

MOTION

Senator Hasegawa moved that the following amendment by Senators Hasegawa and Roach to the committee striking amendment be adopted:

On page 1, after line 24 of the amendment, insert the following:

"**Sec. 2.** RCW 29A.32.010 and 2003 c 111 s 801 are each amended to read as follows:

The secretary of state shall ~~((, whenever at least one statewide measure or office is scheduled to appear on the general election ballot,))~~ print and distribute a voters' pamphlet for the primary in each even-numbered year and for the general election every year.

The secretary of state shall distribute the voters' pamphlet to each household in the state, to public libraries, and to any other locations he or she deems appropriate. The secretary of state shall also produce taped or Braille transcripts of the voters' pamphlet, publicize their availability, and mail without charge a copy to any person who requests one.

The secretary of state may make the material required to be distributed by this chapter available to the public in electronic form. The secretary of state may provide the material in electronic form to computer bulletin boards, print and broadcast news media, community computer networks, and similar services at the cost of reproduction or transmission of the data."

Renumber the remaining sections consecutively.

On page 1, line 28 of the amendment, after "1301;" strike "and"

On page 2, line 2 of the amendment, after "172" insert ";" and

(3) RCW 29A.32.036 (Even year primary contents) and 2004 c 271 s 122"

On page 2, line 7 of the title amendment, after "after" strike the remainder of the title amendment and insert "to" strike the remainder of the title and insert "elections; amending RCW 29A.52.220 and 29A.32.010; repealing RCW 29A.52.010, 29A.52.011, and 29A.32.036; and declaring an emergency."

Senator Hasegawa spoke in favor of adoption of the amendment to the committee striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa, the amendment by Senators Hasegawa and Roach on page 1, line 24 to the committee striking amendment to Second Substitute House Bill No. 1195 was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1195.

The motion by Senator Hill carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

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On page 1, line 1 of the title, after "ballot;" strike the remainder of the title and insert "amending RCW 29A.52.220; repealing RCW 29A.52.010 and 29A.52.011; and declaring an emergency."

Adjourning SINE DIE.

MOTION

MOTION

On motion of Senator Hill, the rules were suspended, Second Substitute House Bill No. 1195 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Fain, under suspension of the rules Senate Concurrent Resolution No. 8404 and Senate Concurrent Resolution No. 8405 were placed on the second reading calendar.

Senator Hill spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1195 as amended by the Senate.

On motion of Senator Fain, the Senate advanced to the sixth order of business.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1195 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Tom and Murray

Returning bills to their house of origin.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frocht, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

The measure was read the second time.

MOTION

Voting nay: Senators Baumgartner, Kline and Padden

Excused: Senator Carrell

SECOND SUBSTITUTE HOUSE BILL NO. 1195 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8404.

SENATE CONCURRENT RESOLUTION NO. 8404 having received the constitutional majority was adopted by voice vote.

SIGNED BY THE PRESIDENT

SECOND READING

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE CONCURRENT RESOLUTION NO. 8405, by Senators Tom and Murray

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
 SUBSTITUTE SENATE BILL NO. 5072,
 ENGROSSED SENATE BILL NO. 5236,
 ENGROSSED SENATE BILL NO. 5607,
 SUBSTITUTE SENATE BILL NO. 5705,
 SECOND SUBSTITUTE SENATE BILL NO. 5732.

Adjourning SINE DIE.

The measure was read the second time.

MOTION

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Fain, Second Substitute House Bill No. 1195 was immediately transmitted to the House of Representatives.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8405.

MOTION

SENATE CONCURRENT RESOLUTION NO. 8405 having received the constitutional majority was adopted by voice vote.

On motion of Senator Fain, the Senate reverted to the fifth order of business.

SECOND SUPPLEMENTAL AND FIRST READING

MOTION

SCR 8404 by Senators Tom and Murray

On motion of Senator Fain, the Senate advanced to the eighth order of business.

Returning bills to their house of origin.

MOTION

SCR 8405 by Senators Tom and Murray

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8662

By Senators Tom and Murray

WHEREAS, The 2013 Regular Session of the Sixty-third Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2013 Regular Session of the Sixty-third Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations, subject to all applicable budget controls and limitations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, subject to all applicable budget controls and limitations, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor, subject to all applicable budget controls and limitations, as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he or she hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2013 Regular Session of the Sixty-third Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Fain and without objections, all measures on the second and third reading calendars were returned to the Committee on Rules.

MOTION

At 6:04 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:09 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1195 and passed the bill as amended by the Senate.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1818,

SUBSTITUTE HOUSE BILL NO. 1982,

HOUSE BILL NO. 2058,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 1818,

SUBSTITUTE HOUSE BILL NO. 1982, .

HOUSE BILL NO. 2058.

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2017,

and the same is herewith transmitted.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

BARBARA BAKER, Chief Clerk

MOTION

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
- SUBSTITUTE SENATE BILL NO. 5072,
- ENGROSSED SENATE BILL NO. 5236,
- ENGROSSED SENATE BILL NO. 5607,
- SUBSTITUTE SENATE BILL NO. 5705,
- SECOND SUBSTITUTE SENATE BILL NO. 5732,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The House has adopted:

- SENATE CONCURRENT RESOLUTION NO. 8404,
- SENATE CONCURRENT RESOLUTION NO. 8405,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SENATE CONCURRENT RESOLUTION NO. 8404,
- SENATE CONCURRENT RESOLUTION NO. 8405.

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

- SENATE CONCURRENT RESOLUTION NO. 8404,
- SENATE CONCURRENT RESOLUTION NO. 8405,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1195,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SECOND SUBSTITUTE HOUSE BILL NO. 1195.

On motion of Senator Fain, the reading of the Journal for the 105th day of the 2013 Regular Session of the 63rd Legislature was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8404, the following Senate bills are returned to the Senate:

- SUBSTITUTE SENATE BILL NO. 5045,
- SENATE BILL NO. 5408,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8404, the following Senate bills are returned to the Senate:

- SUBSTITUTE SENATE BILL NO. 5010,
- SENATE BILL NO. 5015,
- SUBSTITUTE SENATE BILL NO. 5031,
- ENGROSSED SENATE BILL NO. 5048,
- SUBSTITUTE SENATE BILL NO. 5054,
- SENATE BILL NO. 5059,
- SENATE BILL NO. 5069,
- SENATE BILL NO. 5081,
- SENATE BILL NO. 5083,
- SUBSTITUTE SENATE BILL NO. 5088,
- SENATE BILL NO. 5097,
- SENATE BILL NO. 5098,
- SUBSTITUTE SENATE BILL NO. 5100,
- SENATE BILL NO. 5106,
- SENATE BILL NO. 5107,
- SENATE BILL NO. 5112,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5118,
- SUBSTITUTE SENATE BILL NO. 5119,
- ENGROSSED SENATE BILL NO. 5121,
- SUBSTITUTE SENATE BILL NO. 5123,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5127,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5128,
- SENATE BILL NO. 5132,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5138,
- SENATE BILL NO. 5141,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5157,
- SENATE BILL NO. 5158,
- SUBSTITUTE SENATE BILL NO. 5160,
- SUBSTITUTE SENATE BILL NO. 5162,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5176,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
- ENGROSSED SENATE BILL NO. 5183,
- SUBSTITUTE SENATE BILL NO. 5187,
- SENATE BILL NO. 5198,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5200,
- SUBSTITUTE SENATE BILL NO. 5202,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5208,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5219,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237,
 SUBSTITUTE SENATE BILL NO. 5239,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5242,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5244,
 SENATE BILL NO. 5257,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5279,
 SUBSTITUTE SENATE BILL NO. 5289,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5296,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5312,
 SENATE BILL NO. 5318,
 SENATE BILL NO. 5323,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5328,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5330,
 SENATE BILL NO. 5335,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5338,
 SENATE BILL NO. 5349,
 SENATE BILL NO. 5377,
 ENGROSSED SENATE BILL NO. 5378,
 SUBSTITUTE SENATE BILL NO. 5381,
 SENATE BILL NO. 5407,
 SENATE BILL NO. 5425,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5438,
 SUBSTITUTE SENATE BILL NO. 5445,
 SENATE BILL NO. 5450,
 SUBSTITUTE SENATE BILL NO. 5452,
 SUBSTITUTE SENATE BILL NO. 5471,
 SUBSTITUTE SENATE BILL NO. 5494,
 ENGROSSED SENATE BILL NO. 5495,
 SENATE BILL NO. 5500,
 SENATE BILL NO. 5516,
 SUBSTITUTE SENATE BILL NO. 5523,
 SECOND SUBSTITUTE SENATE BILL NO. 5540,
 SENATE BILL NO. 5578,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5587,
 ENGROSSED SENATE BILL NO. 5596,
 SUBSTITUTE SENATE BILL NO. 5605,
 SENATE BILL NO. 5606,
 SENATE BILL NO. 5618,
 SENATE BILL NO. 5641,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5656,
 SENATE BILL NO. 5658,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5663,
 SUBSTITUTE SENATE BILL NO. 5679,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5680,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5684,
 SUBSTITUTE SENATE BILL NO. 5686,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688,
 SUBSTITUTE SENATE BILL NO. 5691,
 SUBSTITUTE SENATE BILL NO. 5697,
 SENATE BILL NO. 5716,
 SUBSTITUTE SENATE BILL NO. 5718,
 ENGROSSED SENATE BILL NO. 5726,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5735,
 SENATE BILL NO. 5747,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5753,

SUBSTITUTE SENATE BILL NO. 5754,
 SUBSTITUTE SENATE BILL NO. 5755,
 SUBSTITUTE SENATE BILL NO. 5760,
 SUBSTITUTE SENATE BILL NO. 5766,
 SENATE BILL NO. 5775,
 SENATE BILL NO. 5784,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,
 SENATE BILL NO. 5787,
 SECOND SUBSTITUTE SENATE BILL NO. 5794,
 SUBSTITUTE SENATE BILL NO. 5804,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,
 SENATE BILL NO. 5824,
 SUBSTITUTE SENATE BILL NO. 5834,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5851,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5857,
 ENGROSSED SENATE BILL NO. 5860,
 SUBSTITUTE SENATE BILL NO. 5891,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5895,
 SUBSTITUTE SENATE BILL NO. 5897,
 SUBSTITUTE SENATE BILL NO. 5898,
 ENGROSSED SENATE BILL NO. 5903,
 SENATE BILL NO. 5904,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5905,
 SENATE BILL NO. 5910,
 SUBSTITUTE SENATE BILL NO. 5913,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8007,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8404, the following House Bills were returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1000,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1007,
 ENGROSSED HOUSE BILL NO. 1013,
 SECOND SUBSTITUTE HOUSE BILL NO. 1017,
 SUBSTITUTE HOUSE BILL NO. 1027,
 HOUSE BILL NO. 1028,
 SUBSTITUTE HOUSE BILL NO. 1047,
 HOUSE BILL NO. 1059,
 SUBSTITUTE HOUSE BILL NO. 1098,
 SUBSTITUTE HOUSE BILL NO. 1103,
 SUBSTITUTE HOUSE BILL NO. 1140,
 HOUSE BILL NO. 1157,
 HOUSE BILL NO. 1159,
 HOUSE BILL NO. 1186,
 SECOND SUBSTITUTE HOUSE BILL NO. 1217,
 HOUSE BILL NO. 1225,
 HOUSE BILL NO. 1243,
 SUBSTITUTE HOUSE BILL NO. 1244,
 SUBSTITUTE HOUSE BILL NO. 1260,
 ENGROSSED HOUSE BILL NO. 1267,
 HOUSE BILL NO. 1268,
 ENGROSSED HOUSE BILL NO. 1276,
 ENGROSSED HOUSE BILL NO. 1279,
 SUBSTITUTE HOUSE BILL NO. 1283,
 HOUSE BILL NO. 1286,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1290,
 SUBSTITUTE HOUSE BILL NO. 1292,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1301,
 SUBSTITUTE HOUSE BILL NO. 1314,

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1324,
 HOUSE BILL NO. 1345,
 HOUSE BILL NO. 1359,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364,
 HOUSE BILL NO. 1369,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1374,
 SUBSTITUTE HOUSE BILL NO. 1379,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1399,
 SUBSTITUTE HOUSE BILL NO. 1413,
 SUBSTITUTE HOUSE BILL NO. 1423,
 HOUSE BILL NO. 1486,
 SUBSTITUTE HOUSE BILL NO. 1501,
 SUBSTITUTE HOUSE BILL NO. 1529,
 SUBSTITUTE HOUSE BILL NO. 1542,
 ENGROSSED HOUSE BILL NO. 1554,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1563,
 SUBSTITUTE HOUSE BILL NO. 1580,
 SUBSTITUTE HOUSE BILL NO. 1582,
 SUBSTITUTE HOUSE BILL NO. 1594,
 HOUSE BILL NO. 1608,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1648,
 SUBSTITUTE HOUSE BILL NO. 1654,
 SECOND SUBSTITUTE HOUSE BILL NO. 1671,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1675,
 SECOND SUBSTITUTE HOUSE BILL NO. 1680,
 HOUSE BILL NO. 1724,
 HOUSE BILL NO. 1797,
 SUBSTITUTE HOUSE BILL NO. 1814,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1819,
 HOUSE BILL NO. 1861.

SUBSTITUTE HOUSE BILL NO. 1298,
 SUBSTITUTE HOUSE BILL NO. 1323,
 HOUSE BILL NO. 1326,
 SUBSTITUTE HOUSE BILL NO. 1328,
 SUBSTITUTE HOUSE BILL NO. 1332,
 HOUSE BILL NO. 1339,
 HOUSE BILL NO. 1361,
 SUBSTITUTE HOUSE BILL NO. 1382,
 ENGROSSED HOUSE BILL NO. 1395,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
 HOUSE BILL NO. 1402,
 SUBSTITUTE HOUSE BILL NO. 1409,
 SUBSTITUTE HOUSE BILL NO. 1418,
 HOUSE BILL NO. 1419,
 HOUSE BILL NO. 1436,
 SUBSTITUTE HOUSE BILL NO. 1459,
 ENGROSSED HOUSE BILL NO. 1470,
 ENGROSSED HOUSE BILL NO. 1483,
 SUBSTITUTE HOUSE BILL NO. 1487,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
 SUBSTITUTE HOUSE BILL NO. 1527,
 HOUSE BILL NO. 1531,
 ENGROSSED HOUSE BILL NO. 1538,
 ENGROSSED HOUSE BILL NO. 1539,
 HOUSE BILL NO. 1544,
 HOUSE BILL NO. 1570,
 HOUSE BILL NO. 1587,
 HOUSE BILL NO. 1592,
 SUBSTITUTE HOUSE BILL NO. 1614,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620,
 SUBSTITUTE HOUSE BILL NO. 1635,
 SUBSTITUTE HOUSE BILL NO. 1638,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1651,
 SECOND SUBSTITUTE HOUSE BILL NO. 1663,
 SUBSTITUTE HOUSE BILL NO. 1669,
 HOUSE BILL NO. 1684,
 HOUSE BILL NO. 1715,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1727,
 ENGROSSED HOUSE BILL NO. 1733,
 SUBSTITUTE HOUSE BILL NO. 1740,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1773,
 SUBSTITUTE HOUSE BILL NO. 1840,
 SUBSTITUTE HOUSE BILL NO. 1841,
 HOUSE BILL NO. 1859,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870,
 HOUSE BILL NO. 1892,
 HOUSE BILL NO. 1896,
 SUBSTITUTE HOUSE BILL NO. 1946,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950,
 HOUSE BILL NO. 2017,
 HOUSE BILL NO. 2024.

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8404, the following House Bills were returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,
 SUBSTITUTE HOUSE BILL NO. 1010,
 HOUSE BILL NO. 1014,
 SUBSTITUTE HOUSE BILL NO. 1016,
 SUBSTITUTE HOUSE BILL NO. 1032,
 SUBSTITUTE HOUSE BILL NO. 1038,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1083,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1090,
 SUBSTITUTE HOUSE BILL NO. 1107,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117,
 HOUSE BILL NO. 1119,
 ENGROSSED HOUSE BILL NO. 1132,
 HOUSE BILL NO. 1145,
 SUBSTITUTE HOUSE BILL NO. 1155,
 SECOND SUBSTITUTE HOUSE BILL NO. 1158,
 SUBSTITUTE HOUSE BILL NO. 1172,
 HOUSE BILL NO. 1173,
 HOUSE BILL NO. 1179,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1199,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204,
 HOUSE BILL NO. 1227,
 HOUSE BILL NO. 1230,
 HOUSE BILL NO. 1251,
 HOUSE BILL NO. 1266,
 HOUSE BILL NO. 1269,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1274,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8404, the following House Bills were returned to the House of Representatives:

HOUSE BILL NO. 1008,
 HOUSE BILL NO. 1043,
 ENGROSSED HOUSE BILL NO. 1044,
 SUBSTITUTE HOUSE BILL NO. 1048,
 HOUSE BILL NO. 1101,
 SUBSTITUTE HOUSE BILL NO. 1170,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1252,
 SUBSTITUTE HOUSE BILL NO. 1285,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1302,
 SUBSTITUTE HOUSE BILL NO. 1309,
 SUBSTITUTE HOUSE BILL NO. 1331,
 HOUSE BILL NO. 1348,
 HOUSE BILL NO. 1362,
 SECOND SUBSTITUTE HOUSE BILL NO. 1424,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1437,
 HOUSE BILL NO. 1441,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1467,
 ENGROSSED HOUSE BILL NO. 1473,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1522,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1526,
 SUBSTITUTE HOUSE BILL NO. 1536,
 SUBSTITUTE HOUSE BILL NO. 1558,
 SUBSTITUTE HOUSE BILL NO. 1574,
 HOUSE BILL NO. 1593,
 SUBSTITUTE HOUSE BILL NO. 1601,
 SECOND SUBSTITUTE HOUSE BILL NO. 1627,
 HOUSE BILL NO. 1631,
 HOUSE BILL NO. 1634,
 HOUSE BILL NO. 1660,
 SUBSTITUTE HOUSE BILL NO. 1674,
 HOUSE BILL NO. 1710,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
 SECOND SUBSTITUTE HOUSE BILL NO. 1777,
 HOUSE BILL NO. 1795,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1828,
 SUBSTITUTE HOUSE BILL NO. 1843,
 SUBSTITUTE HOUSE BILL NO. 1858,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864,
 SUBSTITUTE HOUSE BILL NO. 1866,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1872,
 SUBSTITUTE HOUSE BILL NO. 1884,
 ENGROSSED HOUSE BILL NO. 1891,
 ENGROSSED HOUSE BILL NO. 1900,
 SECOND SUBSTITUTE HOUSE BILL NO. 1909,
 ENGROSSED HOUSE BILL NO. 1920,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,
 ENGROSSED HOUSE BILL NO. 1923,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1934,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947,
 SUBSTITUTE HOUSE BILL NO. 1957,
 SUBSTITUTE HOUSE BILL NO. 1960,
 SUBSTITUTE HOUSE BILL NO. 1961,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1971,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,
 SUBSTITUTE HOUSE BILL NO. 1986,
 HOUSE BILL NO. 1988,
 SUBSTITUTE HOUSE BILL NO. 2002,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,
 SUBSTITUTE HOUSE BILL NO. 2018,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038,
 HOUSE BILL NO. 2042,
 HOUSE BILL NO. 2044,
 HOUSE BILL NO. 2045,
 HOUSE JOINT MEMORIAL NO. 4001,

HOUSE CONCURRENT RESOLUTION NO. 4403.

MOTION

At 6:13 p.m., on motion of Senator Fain, the 2013 Regular Session of the Sixty-Third Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SENATE JOURNAL
SIXTY-THIRD LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2013 First Special Session Convened May 13, 2013
Adjourned Sine Die June 11, 2013

Official Record of All Senate Actions Compiled, Edited and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of
Washington, by Hunter Goodman, Secretary of the Senate



Linda Jansson,
Minute and Journal Clerk

Lieutenant Governor Brad Owen, *President of the Senate*
Senator Tim Sheldon, *President Pro Tempore*
Senator Paull Shin, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

2013

MAJORITY COALITION CAUCUS

Majority Coalition Leader.....Rodney Tom
Republican Leader.....Mark Schoesler
Majority Caucus Chair.....Linda Evans Parlette
Majority Floor Leader.....Joe Fain
Majority Whip.....Ann Rivers
Majority Caucus Deputy Leader.....Don Benton
Majority Caucus Vice Chair.....Bruce Dammeier
Majority Assistant Floor Leader.....Jim Honeyford
Majority Assistant Whip.....John Braun

DEMOCRATIC CAUCUS

Democratic Leader.....Ed Murray
Democratic Caucus Chair.....Karen Fraser
Democratic Floor Leader.....David Frockt
Democratic Whip.....Andy Billig
Democratic Deputy Leader.....Nick Harper
Democratic Assistant Floor Leader.....Annette Cleveland
Democratic Assistant Floor Leader.....Kevin Ranker
Democratic Assistant Whip.....Mark Mullet

=====

Secretary of the Senate Hunter Goodman
Deputy Secretary Brad Hendrickson
Minute and Journal Clerk Linda Jansson
Readers Kenneth Edmonds and Paul Campos

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 13, 2013

In accordance with Gubernatorial Proclamation issued pursuant to Article III, Section VII of the State Constitution and state law, the Senate of the 2013 First Special Session of the Sixty-Third Legislature assembled in the Senate Chamber at the State Capitol. The Senate was called to order at 9:00 o'clock a.m. by the President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

PROCLAMATION BY THE GOVERNOR
13-03

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2013 regular session on April 28, 2013, the 105th day of the session; and

WHEREAS, work remains to be done with respect to the 2013-2015 biennial operating and capital budgets and bills necessary to implement those budgets; and

WHEREAS, work remains to be done with respect to the 2013-2015 biennial transportation budget and bills necessary to implement that budget; and

WHEREAS, work remains to be done with respect to critical policy bills that need to be acted upon by the Legislature; and

WHEREAS, the Speaker of the House, House Minority Leader, Senator Majority Coalition Caucus Leader, Senate Democratic Leader, and Senate Republican Leader working together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Monday, May 13, 2013, at 9:00 a.m. for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 28th day of April, A. D. Two-thousand and Thirteen at Olympia, Washington.

Seal

JAY INSLEE,
Governor of Washington

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5931 by Senators Hargrove, Becker and Keiser

AN ACT Relating to carriers operating outside of the exchange but only relating to requiring that carriers offering health benefit plans that meet the definition of bronze level in the individual or small group market must also offer silver and gold level plans as specified in section 1302 of P.L. 111-148 of 2010 and that nongrandfathered individual and small group health plans must conform with the actuarial value tiers specified in section 1302 of P.L. 111-148 of 2010; and amending RCW 48.43.700 and 48.43.705.

Referred to Committee on Health Care.

SB 5932 by Senator Roach

AN ACT Relating to blood and breath alcohol content limits; amending RCW 38.38.760, 46.20.3101, 46.25.090, 46.61.502, 46.61.504, 46.61.506, 79A.60.040, 90.56.540, and 90.56.550; and reenacting and amending RCW 46.20.308 and 46.61.5055.

Referred to Committee on Law & Justice.

SB 5933 by Senators Nelson and Kohl-Welles

AN ACT Relating to flame retardants; amending RCW 70.240.020 and 70.240.010; and adding a new section to chapter 70.240 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:02 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:04 p.m. by President Owen.

The Sergeant at Arms Color Guard consisting of Senate Legislative Aides Nick Vedder and Robert Sellers, presented the Colors. Senator Dammeier offered the prayer.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

May 13, 2013

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4407,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING
OF HOUSE BILLS

HCR 4407 by Representatives Sullivan and Kretz

Specifying the status of bills, memorials, and resolutions for the 2013 first special session of the Sixty-third legislature.

MOTION

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4407 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Sullivan and Kretz

Specifying the status of bills, memorials, and resolutions for the 2013 first special session of the Sixty-third legislature.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4407.

HOUSE CONCURRENT RESOLUTION NO. 4407 having received a majority was adopted by voice vote.

MOTION

At 1:07 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Wednesday, May 15, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, May 15, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

May 14, 2013

SB 5912 Prime Sponsor, Senator Padden: Modifying provisions that address impaired driving. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5912 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Ways & Means.

May 14, 2013

SB 5915 Prime Sponsor, Senator Kline: Funding and requiring the use of distributions from the additional tax on beer and strong beer for improving impaired driving safety and enforcement. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Ways & Means.

May 14, 2013

SB 5917 Prime Sponsor, Senator Kline: Funding improved impaired driving safety and enforcement. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Chair; Darneille; Kline, Ranking Member; Kohl-Welles; Pearson and Roach.

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

May 14, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NANCY BIERY, appointed April 10, 2013, for the term ending July 15, 2015, as Member of the Salmon Recovery Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

May 14, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ALLYSON BROOKS, reappointed April 29, 2013, for the term ending at the governor's pleasure, as Director of the Dept. of Archaeology & Historic Preservation.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Governmental Operations.

May 14, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NANCY K. FITTA, appointed May 1, 2013, for the term ending July 1, 2015, as Member, Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

May 14, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PAT KOHLER, appointed June 1, 2013, for the term ending at the governor's pleasure, as Director of the Department of Licensing.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation.

May 14, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EVERETT L. MACOMBER DVM, appointed April 24, 2013, for the term ending January 17, 2017, as Member of the Horse Racing Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Commerce & Labor.

May 14, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RUSSELL E. OLSEN, appointed May 1, 2013, for the term ending at the governor's pleasure, as Director of the Pollution Liability Insurance Program.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications.

May 14, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROBERT K. ST. JOHN, appointed April 22, 2013, for the term ending at the governor's pleasure, as Director of the Consolidated Technology Services.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

May 14, 2013

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4407,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5934 by Senator Parlette

AN ACT Relating to the referral process in the pharmacy profession; adding a new section to chapter 18.64 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5935 by Senator Baumgartner

AN ACT Relating to protecting the right to work; adding new sections to chapter 49.36 RCW; creating a new section; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4407.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, May 17, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 17, 2013

The Senate was called to order at 10:00 a.m. by the acting President Pro Tempore Senator Schoesler presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

May 13, 2013

The Honorable Brad Owen
Lieutenant Governor of Washington
Legislative Building
Olympia, WA 98504

Dear Lieutenant Governor Owen:

We respectfully transmit for your consideration Substitute Senate Bill No. 5077 and Substitute Senate Bill No. 5518 which have been partially vetoed by the Governor, along with his objection to the bill, as required by Article III, Section 12, of the Washington State Constitution.

IN TESTIMONY WHEREOF, I have signed and affixed the seal of the state of Washington this 13th day of May, 2013.

Seal

KIM WYMAN
Secretary of State

MESSAGE FROM THE GOVERNOR

April 22, 2013

To the Honorable President and members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 371 and 622, Substitute Senate Bill No. 5077 entitled:

“AN ACT Relating to technical corrections to gender-based terms.”

Section 371 is identical to Section 370. Section 622 is identical to Section 621.

For these reasons, I have vetoed Sections 371 and 622 of Substitute Senate Bill No. 5077.

With the exception of Sections 371 and 622, Substitute Senate Bill No. 5077 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR

April 17, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 5, Substitute Senate Bill No. 5518 entitled:

“AN ACT Relating to making nonsubstantive changes to election laws.”

This bill was introduced by request of the Secretary of State to make technical changes to our election laws. The bill removed outdated language and statutory citations that are no longer relevant with the state’s adoption of the top-two primary system and amends state election laws to conform to changes in federal law. Section 5 of the bill contains a change to a definition that could adversely impact minor political parties and is not in keeping with the nonsubstantive purposes of this Act. The Secretary of State agrees that keeping the current definition is preferable.

For these reason, I have vetoed Section 5 of Substitute Senate Bill No. 5518.

With the exception of Section 5, Substitute Senate Bill No. 5518 is approved

Respectfully submitted,
Jay Inslee, Governor

MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5077 and Substitute Senate Bill No. 5518, together with their respective gubernatorial partial veto messages, were held at the desk.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5936 by Senators Baumgartner and Bailey

AN ACT Relating to a performance and enrollment-based methodology of distributing state appropriations to public institutions of higher education; amending RCW 28B.10.776 and 28B.77.090; creating new sections; repealing RCW 28B.10.778, 28B.10.780, 28B.10.782, 28B.10.784, and 28B.15.101; and providing an expiration date.

Referred to Committee on Higher Education.

SB 5937 by Senators Baumgartner and Bailey

AN ACT Relating to decreasing resident undergraduate tuition rates by three percent for the 2013-2015 fiscal biennium and limiting future growth of resident undergraduate tuition rates to inflation; and reenacting and amending RCW 28B.15.067 and 28B.15.068.

Referred to Committee on Higher Education.

SB 5938 by Senator Chase

AN ACT Relating to incorporating state tax expenditures into the state budget process; amending RCW 43.06.400 and 43.88.030; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 10:02 a.m., on motion of Senator Fain, the Senate adjourned until 11:00 a.m. Monday, May 20, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 20, 2013

The Senate was called to order at 11:00 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 11:01 a.m., on motion of Senator Fain, the Senate adjourned until 10:30 a.m. Wednesday, May 22, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, May 22, 2013

The Senate was called to order at 10:30 a.m. by the President Pro Tempore, Senator Tim Sheldon presiding. No roll was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 10:32 a.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, May 24, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWELFTH DAY, MAY 24, 2013

2013 1ST SPECIAL SESSION

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 24, 2013

The Senate was called to order at 10:00 a.m. by President Owen. No roll was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

**MESSAGE FROM GOVERNOR
GUBERNATORIAL APPOINTMENTS**

May 14, 2013

**TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON**

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAY T. KEHNE, appointed April 16, 2013, for the term ending December 31, 2018, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

MOTION

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

At 10:03 a.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Monday, May 27, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 27, 2013

The Senate was called to order at 10:00 a.m. by President Owen. No roll was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 10:02 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Wednesday, May 29, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SEVENTEENTH DAY, MAY 29, 2013

2013 1ST SPECIAL SESSION

SEVENTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, May 29, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

PERSONAL PRIVILEGE

Senator Fain: "I just want to let the members of the body know that we lost Senator Carrell today. I was hoping I could ask for a moment of silence from the chamber in his memory."

MOMENT OF SILENCE

The Senate rose and observed a moment of silence in remembrance of Senator Carrell, who passed away May 29, 2013.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 a.m. Thursday, May 30, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 30, 2013

The Senate was called to order at 11:00 a.m. by President Owen. No roll was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5939 by Senators Hill and Braun

AN ACT Relating to the estate tax; amending RCW 83.100.020, 83.100.040, 83.100.047, and 83.100.047; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5940 by Senator Braun

AN ACT Relating to adjusting the applicable exclusion and tax rates on estate tax; and amending RCW 83.100.020 and 83.100.040.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 11:02 a.m., on motion of Senator Fain, the Senate adjourned until 9:30 a.m. Friday, May 31, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 31, 2013

The Senate was called to order at 9:30 a.m. by the President Pro Tempore, Senator Tim Sheldon presiding. No roll was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

May 30, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2064,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5941 by Senators Baumgartner and Bailey

AN ACT Relating to decreasing resident undergraduate tuition rates by three percent for the 2013-2015 fiscal biennium and limiting future growth of resident undergraduate tuition rates to inflation; and reenacting and amending RCW 28B.15.067 and 28B.15.068.

Referred to Committee on Ways & Means.

SB 5942 by Senators Baumgartner and Bailey

AN ACT Relating to a performance and enrollment-based methodology of distributing state appropriations to public institutions of higher education; amending RCW 28B.10.776 and 28B.77.090; creating new sections; repealing RCW 28B.10.778, 28B.10.780, 28B.10.782, 28B.10.784, and 28B.15.101; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5943 by Senators Harper and Fain

AN ACT Relating to a license fee or tax on certain businesses annexed into a first-class city; and adding a new section to chapter 35.22 RCW.

Referred to Committee on Governmental Operations.

SB 5944 by Senator Baumgartner

AN ACT Relating to special permits and signage for certain overheight or overwidth vehicle loads; amending RCW 46.44.090; adding a new section to chapter 47.36 RCW; and declaring an emergency.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2064 by House Committee on Finance (originally sponsored by Representatives Ormsby, Reykdal and Roberts)

AN ACT Relating to preserving funding deposited into the education legacy trust account used to support common schools and access to higher education by restoring the application of the Washington estate and transfer tax to certain property transfers; amending RCW 83.100.020, 83.100.047, 83.100.047, and 83.100.120; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

PERSONAL PRIVILEGE

Senator Frockt: "Thank you Mr. President. In our discussions with the members of the Democratic Caucus I have been asked too and I wanted to express and note for the record the journal today the growing concern among our members. The fact the we have reached May 31st and by law a budget in normal circumstances is to be presented to the Governor by the first. Obviously that is not going to happen. There are still discussions and negotiations going on and so I rise simply to express the desire and the concern and to urge all parties and everybody in the Legislature and the Governor for us to redouble our efforts to continue to work to try to get this budget passed and get done in this first special session. There are consequences to not acting and to have something done by the first, excuse me, by the eleventh in terms of implications for state workers, universities, things of that nature. We don't want to push up against that deadline so we have been working. There are lots of negotiations, working behind the scenes, but we need to redouble our efforts to do everything we can to get done by June 11. So, with that Mr. President, I thank you for allowing me the opportunity for a point of personal privilege and I yield the floor."

MOTION

At 9:35 a.m., on motion of Senator Fain, the Senate adjourned until 10:30 a.m. Monday, June 3, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, June 3, 2013

The Senate was called to order at 10:30 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

May 31, 2013

SB 5912 Prime Sponsor, Senator Padden: Modifying provisions that address impaired driving. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5912 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Bailey; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Nelson, Assistant Ranking Member; Padden; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

May 31, 2013

SB 5939 Prime Sponsor, Senator Hill: Concerning the estate tax. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5939 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Bailey; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hewitt; Keiser; Nelson, Assistant Ranking Member; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hatfield.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 10:32 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:05 p.m. by President Owen.

REMARKS BY THE PRESIDENT

President Owen: "The President is going to exercise some privilege today of having Senator Hargrove doing prayer when, in fact, we normally do the prayer at the opening which was this morning but because of the unique situation and the ability to honor Senator Carrell, the President would invite Senator Hargrove to do an opening prayer for us."

Senator Hargrove offered the prayer.

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you Mr. President. In the twenty one years I have served this is one of the most difficult moments I will ever have. I guess maybe I was supremely over confident that Mike would beat this. The bone marrow match was his own brother, he benefited from the finest medical center in the world ,in our opinion, in this body, and he had more partners in prayer for his best wishes than anybody could ever ask for. In the end it was Mike's time. For not a difficult primary in 1992, Mike's career and mine would of tracked exactly together but he came back in 1994 and won his House seat. He beat a member and the irony of it is the member that he beat decided it was better to join them than fight them and now Stan Flemming's a Republican. Mike came to us with a passion for reform. Welfare reform of the 90s that we all took credit for, Mike was one of its spear carriers. Prisons and corrections reforms were a part of Mike when he came to the house. He had a passion for his beloved dogs, hot rods and just before Mike came, I had a call from a lady in our district. She was certain that the young woman murdered in a park in Spokane was her daughter. For her it wasn't. It was Becca Hedman. And that led to Mike's other passion, the Becca Bill about runaway kids, getting back with their families and keeping them in school and moving ahead in our society. I teased Mike a lot about, in fact, I had a nick name for him 'Mr. Science' and sometimes maybe it was a little sarcastic but you know Mike really knew geology, biology, physics and I realized as a farmer he understood agronomy. The basic fundamental building blocks of plants that I raise for a living. I think all of our children could have benefited from having Mike as their science teacher somewhere along the way. And I've said you know that Mike was a proud Republican but the thing that people noticed the most was the bi-partisan work that he had on mental health, corrections, they hear the story about the coin toss of who would sponsor a bill and because of that we in the Majority Coalition Caucus knew he could co-chair a committee with somebody from across the aisle if they were willing too. We knew that when that wasn't the case he could work with an evenly divided committee and he did. He shared that with us. He worked so hard for the taxpayers. The EBT card problem we saw a few years ago, as a taxpayer and as a compassionate person, Mike realized that compassion was great but protect the taxpayers so we can be compassionate with those who most need it. As we got to the cut off on the floor of the this body for house of origin bills many of us, tempers got a little short, we were a little disappointed on both sides of the aisle that maybe we didn't get something we really wanted, maybe the

TWENTY SECOND DAY, JUNE 3, 2013

2013 1ST SPECIAL SESSION

other side got too much and Mike walked up to me just on the edge of the floor and he said, 'Thank you, this was the greatest session of my career.' The nineteen years that Mike and I served identical tracks in the house and the senate, he said, 'This was the greatest session I had.' As his health took a turn for the worst, we were voting on a budget in this body trying to follow through on a lot of that cooperation and, not many people know this, Mike was failing, he wasn't doing very good. He wanted to come vote on the budget that day to be part of us Charlotte fortunately told him, 'Mike, you got to stay home and get better. It's important to your family and all of us that you get better.' So, with that, with the passing of Mike it leaves a very gaping hole, not just in this body but in my heart and the heart of the people of the Twenty-eighth District. Thank you."

PERSONAL PRIVILEGE

Senator Hargrove: "Well, I've known Mike for I don't even know how many years now. I remember he was a lobbyist for POPS which was Parents Against Punitive Support back in the eighties. When I was first a house member I think in 85 he was down here lobbying on some issues. Got to know him a little bit then, worked on some legislation with him then. And of course I came to the senate. In 1995 he was in the House and he was the lead on the Becca bill in the House and I was chairing, my first chair ever, was I don't even know what it was called. I think it was just called Human Service at that time. I think Senator Quigley had the health side of the committee that Talmadge left and I got the other side. We worked on the Becca bill together and of course it was the tragedy of Rebecca Hedman and her murder in Spokane and the fact that the state had had her in, well, not custody but actually had her in facilities a couple of times where she just walked out of them and then ended up getting back in trouble and her parents were running all over the state trying to catch up with her and so it was a very significant time. I still consider in my, this is my twenty ninth year, that that is the best thing that I've ever done and it was with Mike Carrell. So, that's kind of a fiber that ran between us for that entire time, was not only concerned about at-risk kids and about having to stay through things that are responsible to try to help at-risk kids and families. But then all sorts of different groups of individuals that are challenged in our state, we worked on together also. When he came to the senate I think that he initially had a little bit of a reputation of being difficult when he came to the senate. A lot of people thought he wasn't that easy, wasn't going to be that easy to work with but despite that reputation he came onto my committee at the time and he was very much not that way at all. We worked together on, I think there was mentioned, there was the welfare reform. We worked together and he worked with Senator Regala on offender re-entry. This was seemed like a little bit out of character for Senator Carrell to actually work on something that would help offenders get an opportunity to turn their life around when they got out by having housing and some programming which he and I both realized but also lowered the recidivism rates and make the public safer but he could see through to that and actually helped those people get their feet back under them.. In fact, several times he came into the budget and he was the one that insisted on the housing vouchers in the budget for the offenders that were getting out of prison because he knew that they would be much more like to offend if they weren't there. Also, he had a deep passion for protecting the workers at Western State and from the assaults that they had there. He was constantly working on that issue and working with them to try to make them safer as they served some people that are perhaps the most disadvantaged in our society. And this session, just this session,

what was his main deal this session? It was a task force to start to look at the entire mental health system, which seems a little dysfunctional and I took that a little personally, I thought I worked on that quite a bit myself, but I have to admit, it's still a little dysfunctional, our system so I was a little defensive at first but he really wanted to see that work well and he wanted to see it work well because there are people that are affected by that system that really don't have control of their actions and he wanted to make sure it worked well for them. And then also, the reference to 'Mr. Science' I think this is something that we would get on the floor every now and then, where he'd get up as a science teacher background he would be explaining some chemical reaction that we couldn't understand but I have to remember just this session in Natural Resources he came before the committee with a bill on some polluted lake in his district and he gave us this long presentation about how the chemicals and the oxygen and the whatever and we need to do this and it was classic Mike Carrell. Just classic Mike Carrell to explain all of the details of the chemical reactions and why these certain actions needed to be taken. So, I'm going to miss Mike Carrell a lot. I saw him as somebody that came here to be responsible and get things done. He was obviously a Republican. I'm not a Republican, I'm a Democrat. He was obviously conservative, I tend to be a little conservative on things but maybe more liberal on other things. But he was somebody that came here to get things done. I know, working with Senator Darneille, he was very accommodating to get things done not just a stick on a point but to get things done and we need more people like that in the legislature now and into the future because the citizens of our state depend on us to come down here and work together to get things done. I'm going to miss Mike a lot for that, I'm going to miss him as a friend. I loved talking to him about his Triumphs. I always told him that my old Alfa Romero could beat his Triumph. He wouldn't agree with me. So, we had a lot of time as friends, as colleagues but it's just a huge hole in this body and it's a huge hole in our life and this particular period of time in my life. I know it's probably been the most stressful, I don't know if I'd call it memorable, the most, it's going to be the kind of the spot in my life I'm never going to forget and Mike Carrell is going to be somebody that when all of the rest of your faces fade away Mike Carrell's going to be somebody in this situation, is going to be somebody that I'm going to remember and I'm going to appreciate it that God give me the strength to get me through all of this and Mike, I'm going to miss you, but I'm going to see you again someday."

PERSONAL PRIVILEGE

Senator Padden: "Back in 1994 I'd been in the House about fourteen years and we had a whole bunch of new members on our side after that election, about one of the only elections. We've been out in the desert ever since '82 when we raised the sales tax on food when the people promptly repealed it but anyway, one of those new members was Mike Carrell from the twenty eighth and Mike, Senator Hargrove, I had known him from lobbying on father's rights issues. He was very passionate. I think he always maintained that passion on issues and he came on the committee and we probably dealt with every hot button conservative issue that we hadn't dealt with in umpteen years. That session I ended up leaving in March of that year because I got an appointment as a judge but anyway, Mike was a hard working, very passionate as I said member of the committee and then I left so I didn't really know him too long at that time and then I came back as you know in November of 2011 and set right next to Mike on the floor on the other side and saw what a remarkable transformation. I mean, he still had that passion, he still had the drive but I could see, just

like what you said, that he's been able to work with people on both sides on the issues. We just had a wonderful session this time. We were both on Human Services & Corrections, which he chaired, and Law & Justice. He was the staunchest of allies. I mean just like before in the 90's and again this year we were out together on the steps for the March for Life. He agreed on a lot of the Second Amendment issues with us but we also worked a lot of bills. We got his pharmacy bill, robbery of pharmacy which had been languishing I think for five years, got it out. It was signed by the Governor. One on occasion where Senator Hargrove was next to me and we were talking and he was visiting with Senator Darneille, and Senator Hargrove said, 'See how well these working together?.' So, it was quite a session and then he was such a model Senator. I can't imagine anybody working as hard as he did to stay in touch with his constituents, I mean we would be on the floor and he would be on the phone calling his constituents, I think he returned just about every email that came to him he returned with a phone call and I understand he was that way in the district when he campaigned and to go from a swing district, slightly D, slightly R whatever it was to end up getting elected with fifty eight or fifty nine percent in his last election here was such a tremendous tribute to him. So, he was a kind, considerate man, very passionate, very hard working but just a great, great asset and certainly our condolences to Charlotte and the family. We will miss him very much."

PERSONAL PRIVILEGE

Senator Darneille: "Well, as a new person in this body I am honored to stand today and talk a little bit about my relationship with Mike Carrell which actually proceed my time in the legislature as activist in Pierce County. We were not often on the same side of issues and yet, I have one little funny story about that. My dad lived in his district and my dad had called me one day, he was very infirm and didn't get out and basically I took him out and he called me and said 'Did my good deed for the day.' I said, 'Oh, what was that?' and he said, 'Mike Carrell was door bell in my district and I kept him at the door for about twenty minutes talking to him about dogs.' You know talking twenty minutes to one old guy in his district didn't stop him. He was quite tenacious kind of campaigner and well known for his very flamboyant yard signs which were very prolific out in his district and they were every neon color you can think but you could not miss them. If you rounded a corner you would see a hill side of Mike Carrell signs. In the House, when I first came to the House in 2001 I found that I was thrown in with Mike on a couple of committees and that was not to my liking as we started out but he really proved himself. The first committee was the Juvenile Justice & Family Law Committee. Proved himself to be quite intent to make sure that everybody was on board with his point of view and could really understand the issue from his prospective. I learned an awful lot from him that year though, that was 2001 because what threw us together almost on a daily basis was a fact that this legislature in 2001 and our Governor did override the Pierce County delegation's desire to stop the special commitment center for sex offenders from being placed in the twenty eighth legislative district on McNeil Island. That was done opposing our County Council wishes, our County Executive wishes, and all the members of our delegation and there was no one that fought harder than Mike Carrell to make sure that we were all on board. It's really from that genesis on our delegation, meeting, talking, sharing realizing that we had more in common than we had as differences that really has continued to exist to this day where our Pierce County Delegation still does try to find those kind of common issues. So, I have been really pleased this year to have been the Ranking Member on Senators Carrell's Human Services

& Corrections Committee. He did an amazing job as Chair. He had such high goals for himself and for our Committee that nothing, even the face of this horrible health crisis that he was going through, would stop him from looking at every element of those bills, trying to make them better as they proceeded through our process. Today we have twenty five bills that came through our committee. He heard every single bill. There was no gamesmanship, He didn't hold back anything because it wasn't his idea or it wasn't his ideology. Instead, he said, 'Let's hear everything. Let's hear everything.' So we have this was as I mentioned, twenty five bills, some of them were actually mergers, we have the famous Carrell/Keiser/Carrell bill on mental health but we were so confident that he was going to come back that even in one of those bills we put off the start of a task force so that Mike could come back and Chair that task force. You know it is, it was really an honor for me to serve with him. Mental health services has long been one of the things that I have tried to champion as well and we found complete accord, complete agreement that we have a responsibility here in the State of Washington to provide treatment and services for people that are mentally ill and it does us good, as mentioned, the criminal justice side, it does us good from the education, it does us good from the commerce side. I think it will be all of our opportunity I think in the future to remember Mike's great legacy in this great area and to work hard together on these issues. Thank you very much."

PERSONAL PRIVILEGE

Senator Pearson: "Thank you Mr. President. I guess I don't know where to begin but in my many years serving in the House my position in the House was regarding, I dealt with public safety and a lot of times my position was somewhat adversarial to Senator Carrell and some of the bills he was trying to move through the House and so, we didn't always agree at that time and when I did get elected to the Senate and came over here Mike, the first day of session, Mike came in and sat down at my couch, he said, 'You know Kirk, I want you to be my Vice Chair and I believe you'll do a good job.' It just, someone I've always thought highly of even in the House and everything for what he has done and what a great guy. I'd be honored to Mike to serve with you. During the session I pride myself like Senator Hargrove, we're pretty strong guys. We're pretty tough guys. We can bench over three hundred and everything and something that really stuck with me was during cut-off week. You know, I can't believe, I know Mike wasn't feeling good but he was staying up and talking about every bill out of Human Services, even other people's bills Mike would get up and stand. Matter of fact, someone had a bill regarding was it global warming or something like that and Mike talked about Henry's Law. I wrote this down actually and put in my desk, Henry's Law and I asked Mike, 'What is Henry's Law?' and so he spent about twenty minutes while we were going through bills explaining to me as the great professor but the reason I really believed that Mike was going to kick this was because one night it was late and he was just looking towards me and he said, 'How you doing Kirk?' I said 'Oh, I'm just tired' and then I just felt, Oh, Kirk, how could say such a thing when you know what Mike is going through? He looked so carried and everything. It really haunted me that night and I went over to the next day. He wasn't here but I talked to his aide and I said, 'I got to get Mikes phone number, I got to call him, I feel really bad for being so insensitive.' She said, 'Kirk, that's just Mike, he truly cares for people. That's just his heart.' You know I've realized that even when he came back, even going through the rest of the session and calling him about certain bills, he was just like that school teacher being very encouraging for me

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because this is my first year dealing with Human Services and I just wish I had more time to work with him and serve with him but I'll never forget Mike. Such a strong man, a strong heart, but I sure know he cared for, just the way he was, he cared for every person here and I don't believe he had a single enemy in the entire Washington State Legislature. I never heard him say anything bad about anybody either but I just wish I had more time, Mr. President, to serve with this man because he taught me a lot. Thank you."

PERSONAL PRIVILEGE

Senator Conway: "It is a real honor to stand here and speak on and really feel a loss of Mike Carrell with you. I can't tell you the length of time that he and I have worked together on many, many Pierce County issues. His mother was actually a constituent in my district and I can remember the day that I door belled her house and talked with her. She was a teacher, and she said, 'You know who my son is?' I said, 'No, I really don't know.' 'Mike Carrell.' And she said, 'I warn you, he's not a Democrat'. She was a democrat and it's interesting, I know she is still with us and lord knows we all feel the pain of his early loss. I mean, yes, this is a person that in the peak of his career, and you're not supposed to leave us in your peak of career. I think that, you know, Mike and I go back to the days of working on Pierce County issues in the house because he and I served together on that issue dealing with the special commitment center in Pierce County and if anything Jeannie, your absolutely right, if anything brings people together, that issue did bring Pierce County together and it was then that I really began to see Mike's strength and maybe his weakness but Mike wanted everything in legislation dealing with that special commitment center and he wasn't going to be happy with any bill unless it spelled out completely how those prisoners or those special commitment folks would be managed in their trips to and from Pierce County. He stressed that. I can't, there were six or seven of us working on that issue in the House and Mike was just insistent upon everything detailed, being spelled out in legislation. I think that kind of characterized Mike Carrell in so many ways. Mike I think all of us know he wanted this Legislation to be as specific as possible and sometimes he would drive us crazy on that, right? because Mike wasn't content to leave issues to rule making. He wanted it spelled out in the bills and I think that most recently I saw that in the issues dealing with the smoke issue in Pierce County. Again, spell it out in the bill, don't trust the rule making. Mike and I worked together on the fair share ratio in its genesis was in the special commitment center bill and from there Mike went further with Senator Regala and others to develop more fully released facilities but was then that we really achieved significant victory for Pierce County in terms of fair share and to me that's why I consider Mike a really important champion of Pierce County. He also served, we had the great discussion here about Loraine Wojahn, unfortunately another person we lost this year and Mike was right there battling once again for critical Pierce County issue of having a trauma center for crying out loud in Pierce County. Something that somehow had got lost, having that critical trauma center in the city the size, or the county the size of Pierce County. You know Mike was, Senator Hargrove, a champion of Western State Hospital and it was came out of his basic belief and I believe that probably Mike felt he was here to represent his constituents and there wasn't a time we always had a Worker Memorial Day. Talk about values. Mike always came down to Worker Memorial Day at Western State and committed himself to all of us there to addressing the degree of assaults in that hospital. He was a champion against, often the actions of many of you sitting here, to

close down those wards at Western State. Western State Hospital to him was his constituents. His needs to insure that we can't release folks to community services that are not there and that he continued that championing of Western State in many, many bills. I think every time I came in to a legislative Session here on the Senate floor the last several years Mike always has a stack of about ten or twelve bills on the first day of the session. He didn't stop during legislation during the interim, he was working on bills all through the interim and when he arrived here he had a huge stack of bills for us. I think Mike Carrell probably introduced more bills than almost anyone here, right? Is there anyone else who can meet his productivity? I doubt it. Mike was an active legislator, very, very active. You know to me he was active about Pierce County and he was always there on Pierce County issues. Those of us here from Pierce County knows that and so, we're going to miss, the Pierce County Delegation, we're going to miss a person who was always on the front line on our issues, especially on criminal justice issues and many of us are going to have to step up to replace him but Mike we know you're listening in on this and asking us not to forget this basic commitment to our constituents."

PERSONAL PRIVILEGE

Senator Parlette: "Thank you. Well, I feel so lucky to have served with Senator Carrell also in the House and I think what Senator Hargrove said run true to me because and also Senator Pearson that gentleman grew so much over the years in a way that was so remarkable because he became a true statesman. I served with him for a total of seventeen years, four of those that were in the House but the difference was absolutely remarkable. If he were today here, he would tell us, 'Get this job done, it's time to go home.' I heard Senator Darneille talking about doorbelling about dogs. I remember last year asking him out twice to go some of us to dinner before we headed home. Nope, he couldn't do it. You know why? He was going home to carry his dog outside to go to the bathroom because this dog was very elderly and he had to go home and carry the dog out to do its duty more than once. You can believe that! Talk about a caring person. I talked to Senator Carrell at the beginning of the year about the mental health task force because I truly wanted to serve on that because I too have cared for years for a variety of reasons about this issue but then I looked at his bill and I thought, 'Oh no, that would be bad, it would be too many people,' it's better to have a have a smaller one and I know that having co-chaired one with Representative Cody in the past. I just said, 'No, I think your idea is best, leave it just the way it is.' We're all going to miss him, it is such a shock because the news about eight days ago was good news, this is why it is so hard to believe that things could turn so quickly. When we had our reorg in November I noticed that Senator Carrell's color was not very good. I didn't say anything but on the first day of session his color was still not very good and I did say something. I went and said 'Mike, When have you seen a doctor last,' 'Oh, it's been quite for some time,' I said, 'You need to see a doctor, something's not right, your colors not good.' 'Well, I have kind of been tired, my wife's kind of been bugging me.' 'Well, I know your kind of stubborn Mike but you should listen to your wife.' You know, he gave it his best shot and he would be very happy knowing that we have not forgotten him. Well, we'll never forget him but he would say to all of us, 'Come together and get the job done.' So, Mike, I hope we follow your instructions, we miss you and we're all honored that we could serve with you."

PERSONAL PRIVILEGE

Senator Fraser: “Thank you Mr. President. Well, I too would like to express appreciate for Senator Carrell and offer condolences to his family. I have always appreciated Senator Carrell’s enthusiasm and energy as a legislator. I think it’s been very well represented by many who have spoken today. I worked with Senator Carrell maybe in particular on issues related to the region of South Puget Sound and it was always a cordial friendly open, very commutative relationship so I always appreciated working with him. We have adjoining districts in Puget Sound and in particular we shared concern that Tolmie State Park remain open. It always seems to be on a target list. One of the few parks on water in the Puget Sound and we also worked on issues relating to the Heritage and respect for the people in the historic cemetery at Western State Hospital and then of course we worked together on planning the future on McNeil Island and so it’s was a real pleasure to work with him on those. I did sign his petition a few years ago which he very enthusiastically and earnestly carried around to rename an overpass over I-5 ‘Freedom Bridge’ and I noticed it’s in one of the pictures that we’re enjoying of his service here today and so every time I drive under that bridge, which is frequent, I always think of Senator Carrell and his dedication to the needs of people in the military and military retirees. Then one other special memory I have of Senator Carrell is he and his wife and my husband and I were married on exactly the same day, of the same year so that was a personal remembrance that he and I enjoyed. So, I continue, always respect and appreciate his service and I offer my great condolences to his family.”

PERSONAL PRIVILEGE

Senator Baumgartner: “Well, I just also want to make a few comments about Senator Carrell. A truly special person, after I won my election and kind of got to the moment of what do you do now we were at a re-org and Senator Carrell took me aside and actually said, ‘You know, you ought to think about being on the Ways & Means Committee, you’ll learn a lot, a lot of issues come through there’. So, I took him up on the advice, I’d be lying if I didn’t say that on more than one occasion I have regretted having done that on those long meetings. I always thought wouldn’t it be a neat experience to get to serve a committee with Senator Carrell and sort of a fluke I was added to a fourth committee this year and I got to do that for a brief moment and he truly was a person of great wisdom and it was an opportunity that I will always appreciate. You know, you can say a lot of things about this legislature but at its best is truly a very special place filled with special and talented people and I think Mike Carrell at his best did indeed represent the best of this legislature. There’s an essay I sometimes frequent when someone that I know passes away and your trying to search for meaning in that. It’s by Father Richard John Newhaus, an essay called ‘Born towards dying.’ It talks about Father Newhaus experience with death and trying to find meaning from that and it concludes with the phrase with that ‘All is ready.’ I’ve been reading that essay during these wonderful speeches by Mike’s treasured colleagues and watching these truly special photos and it’s been giving me an opportunity to reflect on why we’re all here and what Mike is doing now and may we all continue his work so that when’s it’s our turn, ‘All is ready.’ Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Dammeier: “So I had the privilege of growing up in the Twenty-Eighth District and then serving now in the adjacent district so I have seen Mike a lot for a lot of reasons over a lot of

years and one of the things that stands out the most to me is that certainly I and maybe we all have a lot to learn from his example. He respected this institution. He respected the office and he acted accordingly. It’s been brought up that he was a tremendous campaigner, absolute incredible door-beller. He liked getting out on the door step. He did that work even with all the years that he served he still was always out door-belling. He didn’t take the office for granted. He went out and earned it from his voters time and time again. When he served, as Senator Conway points out, I can remember talking with him at one point a couple months before the session he was talking about how many bills he’d already pre-filed. He worked so hard year round as a legislator and represented his constituents so well year round that I respect that. I think it’s a tremendous example for all of us. You know, there’s been a lot of sharing about how well he was at working across the aisle, going for the solution, wanting to resolve the issue, wanted to solve a problem and he did that very well. Tremendous example for all of us particularly at this particular point in this session. But he also wouldn’t back away from a little political dust up either. I appreciated that. He was willing to stand up when the time demanded and have a little fracas on the floor which I think is good and fun in all good sport. Yet, even after that, could then reach back across the aisle, let’s get back to work, let’s get the work done. So, he’s a tremendous example in those respects. The last thing I would like to share, this is the thing that’s probably the most powerful for me. There were times when he and I would go out and brief various Republican groups in South Pierce County and South Sound and he would often be there representing the Senate Republicans and I would be there representing the House Republicans and there were a couple of times, more than one occasion when I would say something giving the House perspective. That didn’t quite sit well with Senator Carrell and I would get the look and I would know, ouch I could just feel it. My wife could do the look but Mike Carrell could also do the look. Ouch, I just know that I probably went a little too far on that one. I’m going to hear about that later. Then when the issue came up this summer about this half way house in Puyallup that grew all these kind of legs and that was on the Department of Corrections voucher bill which Mike championed, believed in passionately over here and at one point we were talking about that and he said, ‘You know that’ and I opposed the bill in the House on final passage and he when we were talking about the prospect of legislation to kind of adjust it he said, ‘You know that’s good legislation don’t you?’ Yeah Mike I know. So it’s not, I was a little, I had some fear and trepidation knowing that that was a very important bill to my community and I had to go through Mike. In fact, I didn’t have to go through Mike. I laid out the issue. He knew how important that was to my community. He knew the policy inside and out. He worked harder on that bill, I’m convinced than any bill that he worked on this whole session put more hours into it and for the last several weeks, I would call Mike or send him a not or whatever, he would always ask me about that bill because he knew it was important to me and my community and all that stuff. I’ll tell you, that is the Mike Carrell that I want in emulate. So my commitment to you and to Mike is that I will pay that forward. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Shin: “As you perhaps know I didn’t have any personal contact in the Senate chamber but I had an incident that happened to me in 2007 when I was going to walking down a bridge. I often go to Korean War Memorial, Veterans Memorial in remembrance of my father who passed away and then I saw Mike walking around there too and I don’t know him personally very well. I asked him that you know Mike, the reason why

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you're here is this, I have a few of my best friends who died in the Korean War. So when time comes I come to think about it and offer my gratitude. I told him that I come here often because I was an orphan boy in Korea, one of the GI's, then Ray Paull, Captain adopted me and brought me to this country. For this reason I come here to remember my father and he hugged me so tight and says, 'Paull, I want you to know that I love you.' I still remember that. You know, personally, we have different personalities but that event I always remember, Mr. gentleman, kind man and fellow Christian. He is a lovable human being, who went through difficulties and he comforted me so much. He sits over there but often times passes by and say, 'Hi Mike, How you doing?' he says, 'Fine Paull' and we smile at each other, that was enough for me to show my express appreciation for the love he has for the Korean War veterans. Thank you Mr. President.

PERSONAL PRIVILEGE

Senator Brown: "As the most freshman member of this body I had many frantic moments when I first started and the picture of Mike and myself really says it all. Mike was always there for me and when he got moved to right beside me he was always caring and always educating and for that I will always be grateful."

PERSONAL PRIVILEGE

Senator Schlicher: "Well, as a member of the front row contingent where Mike served you know I wanted to say a few words. You know Mike was actually a character in the bill that I finally got passed in the Senate. I remember you know as a freshman I shared many of those trepidation moments as Senator Brown did and I remember getting here people was saying it's going to take a lot of work to get a bill out of committee and you're going to have to work the bill and it's a challenge. You may not get it out that easily so I did my little mental health bill and Mike said, 'We're going to hear it next Tuesday,' and then after that he said we're going to make some amendments to it, get the language, do you like the language. I said, 'Sure, it sounds good.' He goes, 'Great, we're going to pass it on Friday.' I said, 'Ok.' Passed it out of committee, I said, 'Wow, this is easy.' Man, I learned later that wasn't the case but that was Mike, you know, it was a good idea to him and he thought it was worth doing. I remember that speech on the floor, I thought it was Boyle's Law, Charles Law. I'm glad you wrote it down. I remember you know Mike flailing, giving his professorial speech and then setting down in his chair and leans over to me and goes, "Nathan, you're a scientist, you agree with me right?" I said, "Well, Mike my recollection of Charles Law is a little more sketchy than yours is at this moment. I said as we chatted for a while, I think Mr. President you gaveled us down in fact, more than once, for our side bar conversations in the front row here but you know in the end we both agreed and I think he ended up voting for the bill and it was just a great moment to kind of share a laugh on the floor to this. I went back to work in the ER in this interim and took care of two chronically schizophrenic homeless men on first shift back on the night shift and I remember our social worker coming to me and saying, 'You know, it just doesn't seem to be getting any better. It doesn't seem like anything changes. Just gets worse.' I said, 'Well, we got a couple of things done this year in the legislature and there is this cantankerous old guy that is fighting for it just as hard as I am and believes in it that much that he's putting together a Task Force and he's really working on it. I got faith that it will get fixed.' You know that brought amazing amount of peace to them and we found both these gentleman a

place to go. It was his service and his belief in always doing something better and that there were problems that we could fix together that inspired me to keep fighting for those patients because I know it was a passion of his as well. I will miss him dearly as the member of the front row contingent."

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Listening to everybody here and know the history of so many people and your longevity with Mike Carrell, I'm jealous. Mike was one of the neatest people. When I met him the first time he was such a smart aleck. He told me some things and I thought, 'Wow, is this what it's like in the Senate?' You know because I hadn't been here and I didn't know him. First of all, I thought he was a very striking looking man with his white hair and his black coat that he wore, his overcoat and then to hear him speak and I just wasn't quite sure of Mike Carrell when I first met him and then when I got elected and I came down here and he was one of the first people that I actually got to talk to a lot. He never stopped being a teacher. He sat down and he'd tell me things about what would happen and about things were going to go and started to be a real teacher to me. I'll never forget the time where I wrote him a note, a real quick note and it was something that was really critical to me and what did he do? He corrected my spelling error. I said, 'Mike, what about the context of my note.' He said, 'First things first.' So, anyway, I am not the best speller but he was definitely the one to let me know that and how much I appreciate it. He served on the Health Care Committee with us and it was really interesting, he really didn't say a lot, when he did I think we all heard his message loud and clear and his caring and his thoughtfulness on everything that we did was just amazing. Now, I had to make some note because if I didn't make notes I would probably talk forever and I wanted to highlight some of the things of Mike Carrell. He always used to say that Senator Becker and Senator Carrell represented the Base, Joint Base Lewis-McChord, and he said he represented the people and I represented the land and in the redistricting he got it all and I would have to tease him a little bit about that. Senator Darneille, when you were talking about his signs, he inherited part of my district and we talked about the district and I'd say, 'Mike, I don't see any of your signs out.' Well, within a couple of days the signs were out and, believe you me, you could not miss them, they were that bright. So I thought that was absolutely something that he was good at and I loved his telephone calls to the people of his district and how he felt so strongly about the people of his district. I think that Mike Carrell was a statesman and he was a person that I would like to be able to be half the person that he is or was and I am going to tell you, I'm going to miss him. I'd also like to recognize Michelle, his Legislative Aide, who this is not the first Senator she has lost, legislator she's lost and my heart goes out to her. My heart goes out to the entire family. I just feel very fortunate to have met and worked with Mike Carrell and I think we'll all be better people for it and my condolences again to his family and thank you Mike, I'm going to miss you."

PERSONAL PRIVILEGE

Senator Bailey: "Thank you Mr. President. I sat here for a while and think I wasn't going to say anything but there are a couple of things about Mike that I wanted to share with this body. When I first came to the legislator in 2002, I was elected in 2003 in the House. Mike sat, he was still in the House at that time, he sat about a row behind me, two seats over. Mike served on the Judiciary Committee at that time and he spoke so eloquently

every time he would get up to speak. As a freshman legislature I was absolutely kind of blown away with Mike because I thought this is the smartest guy I've ever met. He was, he could speak about technical things. He could speak about almost anything. He did such a great job. I'm embarrassed to say it took me nearly the entire session that he wasn't a lawyer which I kept accusing him of being a lawyer and he corrected me. He told me, 'No, I'm a teacher.' I thought, what a wonderful thing that he regarded himself as a teacher. He spoke many times even in this session about that. The other thing that I wanted to share was when I first got here Mike was one of the first people to congratulate me and how glad he was that I was here. Mike was sitting right there and he turned around repeatedly and would give me little tidbits as only Mike could do which was really terrific having him there and as some of you know I wasn't feeling well and Mike constantly asked me, 'How you doing?' and I knew that Mike was not well but Mike was not concerned about himself, he was concerned about me. When we moved him, or he moved on the floor because of his illness and needed to be away from anyone that might be ill. Mike was really upset and he came to me and apologized because he was being moved because I was sick. That's the kind of guy Mike is and was. He was always more interested in everyone else. If we can just all be like that what a terrific victory all of would have as we work together to complete our work here in the Legislature. Thank you Mr. President."

REMARKS BY SENATOR FAIN

Senator Fain: "I want to thank everyone for sharing their thoughts about Mike here today. We're a family here and this is our opportunity to talk and remember Mike but I'm very glad to announce that we'll have a larger opportunity to do that again with his family present this coming Monday so we'll look forward to that. Again, thank you for sharing your thoughts here today."

MOTION

At 2:05 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:38 p.m. by President Owen.

MOTION

At 3:39 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Tuesday, June 4, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, June 4, 2013

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 10:01 a.m., on motion of Senator Fain, the Senate adjourned until 11:00 a.m. Wednesday, June 5, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, June 5, 2013

The Senate was called to order at 11:00 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

PERSONAL PRIVILEGE

Senator Frockt: "First of all, I think Senator Fain should put on a tie. Mr. President, I rise to express the sentiments of the Democratic Caucus. First of all, we appreciate the fact that we are scheduled, the adjournment today will be to come back tomorrow and our view is that we should be in session every day till the eleventh till the session is, special session is over and we should be working towards June 11th adjournment, to have our work completed by then. Secondly Mr. President, I rise to express the sense of the Democratic Caucus that we should be prepared to work tomorrow and run bills, address the Bracken issue. Time is of the essence of that matter and we wanted to make sure the Journal noted that we are prepared to be here to vote. To take whatever action is necessary, if there is an agreement or any action that might be required to address that issue as we know that there are checks and things that may be sent out in the very short term. So, we're ready to be here. We're ready to vote. We will have our members available at a moment's notice and we would, just wanted to express that to the body and anybody who is looking at where we are today at the end of this special session. Thank you Mr. President."

Pierce County
Office of the County Council

**STATE OF WASHINGTON
COUNTY OF PIERCE**

I, Denise D. Johnson, Clerk of the Pierce County Council, do hereby certify that the attached is a full, true, and correct copy of the following document:

RESOLUTION NO R2013-58

The original of this document is currently located in the Office of the County Council, 930 Tacoma Avenue South, Room 1046, Tacoma, Washington 98402.

IN WITNESS WEHROF, I have hereunto set my hand and affixed the official seal of Pierce County, Washington, this 4th day of June, 2013.

**PIERCE COUNTY COUNCIL
PIERCE COUNTY WASHINGTON**

Denise D Johnson, CMC
Clerk of the Pierce County Council

RESOLUTION NO. R2013-58

An Emergency Resolution of the Pierce County Council Appointing Steve O'Ban to the position of Washington State Senator, representing the 28th District; and Declaring an Emergency.

Whereas, the passing of Senator Mike Carrell, a Republican, on May 29, 2013, created a vacancy in the Washington State Senate representing the 28th District; and

Whereas, as prescribed by Article II, Section 15 of the Washington State Constitution, the Pierce County Republican Central Committee has submitted a list of three names of nominees to represent the 28th District in the State Senate; and

Whereas, pursuant to the Washington State Constitution, Article II, Section 15, the County Council shall fill the aforementioned vacancy by appointment from a list of three names submitted by the County Central Committee; and

Whereas, under the Council's regular process, a resolution appointing an individual to fill the vacancy could not be heard until June 11, 2013; and

Whereas, June 11, 2013, is the last day of the Legislature's Special Session; and

Whereas, the 28th Legislative District is situated entirely within Pierce County; and

Whereas, without a prompt appointment to fill the Senate vacancy, the voters of the 28th Legislative District will have no representation in the Washington State Senate as the final votes take place on critical measures affecting not only the 28th Legislative District but Pierce County and the State as a whole; and

Whereas, the Council has met and interviewed the three nominees; Now Therefore,

BE IT RESOLVED by the Council of Pierce County:

Section 1. This Emergency Resolution is necessary for the immediate support of the County government and its existing institutions since an immediate appointment will give the voters of the 28th Legislative District representation in the Washington State Senate during the final week of this Legislative Special Session on critical measures affecting not only the 28th Legislative District but Pierce County and the State as a whole. The Council hereby declares an emergency exists because of the vacancy and the critical point in the Legislature's Special Session.

Section 2. Steve O'Ban is one of three individuals named on the list submitted by the Pierce County Republican Central Committee, and is qualified to fill the vacancy in the Washington State Senate, representing the 28th District.

Section 3. Steve O'Ban is hereby appointed to the position of Washington State Senator, representing the 28th District.

Adopted this 4th day of June, 2013

Attest:

Kate Kennedy
Joyce McDonalds

Pierce County Council
Pierce County, Washington

[Editor's Note: Prior to the Senate convening, Senator Steve O'Ban was sworn into office by Washington State Supreme Court Justice Jim Johnson at 10:00 a.m., Wednesday, June 5, 2013 at the rostrum of the Senate.]

MOTION

TWENTY FOURTH DAY, JUNE 5, 2013

2013 1ST SPECIAL SESSION

At 11:03 a.m., on motion of Senator Fain, the Senate adjourned until 11:00 a.m. Thursday, June 6, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, June 6, 2013

The Senate was called to order at 11:00 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 11:02 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:05 p.m. by the Acting President Pro Tempore, Senator Hill presiding.

MOTION

At 7:08 p.m., on motion of Senator Fain, the Senate adjourned until 4:00 p.m. Friday, June 7, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Friday, June 7, 2013

The Senate was called to order at 4:00 p.m. by President Owen. No roll was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

May 31, 2013

SB 5941 Prime Sponsor, Senator Baumgartner: Decreasing resident undergraduate tuition rates by three percent for the 2013-2015 fiscal biennium and limiting future growth of resident undergraduate tuition rates to inflation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hargrove, Ranking Member; Hatfield; Keiser; Nelson, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

May 31, 2013

SB 5942 Prime Sponsor, Senator Baumgartner: Providing for a performance and enrollment-based methodology of distributing state appropriations to public institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hargrove, Ranking Member; Hatfield; Keiser; Nelson, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Hasegawa.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

June 7, 2013

SGA 9123 DAVID JENNINGS, appointed on June 18, 2009, for the term ending December 31, 2014, as Member of the Fish and Wildlife Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pearson, Chair; Smith, Vice Chair; Hewitt; Parlette; Rolfes, Ranking Member.

Passed to Committee on Rules for second reading.

June 7, 2013

SGA 9232 JAY T KEHNE, appointed on April 16, 2013, for the term ending December 31, 2018, as Member of the Fish and Wildlife Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hewitt; Parlette; Rolfes, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Smith, Vice Chair.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

May 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHARLES ADAMS, appointed April 24, 2013, for the term ending December 26, 2016, as Member of the Board of Pilotage Commissioners.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation.

May 29, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JEFFREY CHARBONNEAU, appointed May 7, 2013, for the term ending June 30, 2016, as Member of the Washington State Student Achievement Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

May 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

FREDERICK GOLDBERG, appointed March 20, 2013, for the term ending September 30, 2014, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

May 29, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SHAUNTA HYDE, appointed April 24, 2013, for the term ending April 3, 2017, as Member of the State Board for Community and Technical Colleges.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

May 24, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHRIS LIU, appointed June 1, 2013, for the term ending at the governor's pleasure, as a Director of the Department of Enterprise Services.

JAY INSLEE O. GREGOIRE, Governor

Referred to Committee on Governmental Operations.

June 4, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EDMUND MARMOL, appointed April 24, 2013, for the term ending December 26, 2016, as Member of the Board of Pilotage Commissioners.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation.

May 29, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

RONALD K. SPERLING, reappointed May 15, 2013, for the term ending February 11, 2017, as Member of the Health Care Facilities Authority.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care.

May 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

REKAH T. STRONG, appointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 14 (Clark College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

June 6, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947,
SUBSTITUTE HOUSE BILL NO. 1961,
HOUSE BILL NO. 2042,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 6, 2013

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 6, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1971,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

TWENTY SIXTH DAY, JUNE 7, 2013

2013 1ST SPECIAL SESSION

MESSAGE FROM THE HOUSE

June 6, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2034,

ENGROSSED HOUSE BILL NO. 2036,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 6, 2013

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2068,

SUBSTITUTE HOUSE BILL NO. 2069,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5945 by Senators Litzow and Tom

AN ACT Relating to principal empowerment; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.59 RCW; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

PERSONAL PRIVILEGE

Senator Padden: “Thank you Mr. President, Ladies and Gentleman of the Senate, we are here with only a few days left in the special session. I just want to encourage a, strongly, an improvement in the communications between both sides. I think that’s fallen very flat, the last few days so that members who were told one thing, whether we would be having action on the floor, then only to have it change in the last minute, which maybe fine if you’re living here in the Twenty-Second or even close by but if you’re planning, for my district for example, to go home and back it’s about a six hour trip. So, twice in the last few days I had made plans to head home only to have that stopped and actually I had to turn around yesterday and come back because what I consider some parliamentary games that were played by the other side of the aisle. I think we’ve done pretty well this session overall and...”

POINT OF ORDER

Senator Murray: “He is impugning members when he refers to parliamentary games.”

REPLY BY THE PRESIDENT

President Owen: “That’s not impugning the members, the motives of the members, on any matters that the President knows of Senator Padden.”

PERSONAL PRIVILEGE

Senator Padden: “Thank you Mr. President. In any event, we were told you know a certain time and then that got changed and delayed and we are here today primarily what appears to be a Pro Forma session. I’m just saying that there had been, I thought, good communications between both sides up until the last few days. I’d encouraged that we revert back to those policies and I think it would make it a lot easier for all of the members. Thank you very much Mr. President.”

PERSONAL PRIVILEGE

Senator Murray: “Thank you Mr. President. Fascinating, we are the minority party. We do not control the floor. We do not determine when we come and when we do not come. Actually it has been our members who’ve been kept in the dark about when we’re going to come, when Pro Forma or when session will happen. The one thing that we’re interested in, the one reason we want to use parliamentary process is if this is late in the first special session and we have done nothing on this floor. It is time to act before we do serious damage to the people of this state and if it requires that we have to be here day after day, well, I think that’s what a special session is about. We should be here day after day to get the people’s business done before we do serious harm to this state, to the state’s economy and to the services of the people of this state that depend upon. No parliamentary games. We’re the minority. We are often into the dark about when we’re supposed to be here.”

PERSONAL PRIVILEGE

Senator Keiser: “Thank you Mr. President. Well, I was on a conference call yesterday. It was really an enlightening call with legislators from all the other states discussing what the states have been doing because their legislatures have adjourned and what they’ve been doing to implement health reform and I have to say I was chagrined to have to report that we’ve done nothing in terms of this year. We are in the twenty-sixth day of the special session after one hundred five days of the regular session and House Bill No. 1947 which was passed by the House, by the other body on March 11 remains undone. Our state health market place our health exchange opens for business October 1 and we have not done our business and our job and I was chagrined to report that to legislators from Minnesota, from Colorado, from so many other states where they’ve done their job.”

PERSONAL PRIVILEGE

Senator Nelson: “Mr. President, today is the twenty sixth day of the special session and yesterday Senator Tom said, ‘We have said all along we need to put our kids first.’ We have legislation that is come out of Ways & Means to correct a Supreme Court decision the Bracken decision. We have one hundred sixty million at risk that will fund education for our children if we do not take action by this coming Tuesday. Seventy checks averaging twenty million each will be mailed back to

some of the wealthiest estates in the state. We need to put our kids first. We need to pass a correction to the Supreme Court decision because it is not only that one hundred sixty million, it's a hundred million in the next biennium that we put at risk for our children's education and then another one hundred thirty million we put at risk if we want to educate our kids. We have to correct the estate tax."

PERSONAL PRIVILEGE

Senator Rolfes: "Thank you Mr. President. I personally was extremely excited to get the message late last night that we were going to be here at 4:00 today voting on something on the Senate floor since we haven't done that for the entire session, special session. I have spent most of this week speaking with constituent groups who are concerned about funding that they don't know if they are going to get and wanting to know what the next steps would be if we don't finish our work by the end of this special session. Wednesday afternoon I had the great opportunity and privilege to talk to at least fifteen kids in the North Kitsap High School Band because that school district has sent out their RIF notices and is planning to cut a lot of its music and arts programs because they don't know what their budgets going to be and their band director quit right before I got there because she has been teaching for years and is moving on to other opportunities because this legislature can't tell that school district what its budget will be for next year. What have we been doing for twenty six days? These are real people's lives. These are the kids that we report to be putting first and they need the budgets for the schools. They need to have them soon. People need to know if they're losing their jobs or not and we need to get on with hiring new educational professionals too. So, let's get the job done. Let's stay here until we have some things to vote on."

PERSONAL PRIVILEGE

Senator Ericksen: "Well thank you Mr. President. Each one of us that comes to the senate has their own burdens and their own issues to deal with. So, my wife is a public school teacher and I have a daughter age twelve and age ten and every day my wife is a single mother now since we're down here in special session. Gets up takes the first daughter to school, comes back to the house, gets the other daughter, takes her to school then goes into work at Whatcom High School. Right after school's done she goes and picks up the girls at school, gets them to soccer, gets them to 4H and all the different the events they go to. It's tough. My oldest daughter turns thirteen in June. I was supposed to finish the barn for her thirteenth birthday party so she could have all her friends over to have her birthday. So my wife and my daughter told me stay here get the job done. Fight for the people of your district. Stand up for why they sent you to Olympia and do the right thing. They understand how important it is that we do the right thing down here that we fight for the people who elected us to be here. We can get our job done. We can do it right and we can stand for those people that sent us to come down here to Olympia."

PERSONAL PRIVILEGE

Senator Darneille: "Well, we are here on the twenty sixth day and I'll tell you a little about my personality. Either you're a process person or you're a person who wants to pick up the shovel and dig the ditch. I appreciate all the process people we have who are deliberating day after day, but I'm Mr. President, a person who if you point out the job, I want to pick up the shovel. I want to get it done and no more than today, the twenty sixth day. I

want to basically reply to some issues that have been raised in the press about bureaucracy staying the same in our budget and in the House budget that is proposed to us and I want to say that in my community which relies on contracts from the state not only to perform bureaucratic activities but to keep our ecological programs going, to keep our economic development programs going, to keep our courts going, to keep our health systems going. I'm here on the twenty sixth day wanting to pick up the shovel because I'm not here about privilege. I'm here about helping people who are poor in my community. When we look today and we say it's ok to put these contracts at risk, to put these people at risk. We're talking about veterans, we're talking about children. We're talking about women who are relying on working families connection child care so they can keep their job. Mr. President, we cannot in good conscience fail to come here every day at 9:00 a.m. ready to do business. I'm ready to be here I don't think any one of us should go home and I think that it's about time that we got out our shovels, say thank you to the people who do the process and get the job done."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Well, the legal end of this special session is next Tuesday, June 11 and that marks twenty days before July 1 when we have got to have a budget in place. Why does this make a difference? And why have not we've been able to vote on anything, not one bill for twenty six days. The community that perhaps this means the most to and it is very, very urgent for is with regard to higher education. We have high school graduations taking place all over the state and all over our districts this month. Some have already happened and how many high school graduates are there who are still waiting to get that admissions letter to know which college or university they're going to attend? How many know what the financial aid is that will be offered to them, if it is? We are putting our institutions of higher education in a huge bind right now and I say this after hearing that from President Elson Floyd from Spokane two weeks ago. This is very urgent. We have hiring decisions that institutions need to make. They have to know what the tuition will be for the students that are coming in and for their other students. These are decisions that are major for higher education and we've got families, let alone students, all over the state in our districts who need to know what is going on and we've got our institutions on hold, on hold. They can't make the decisions they need to make, fully, formally and finally until they have an operating budget in place."

PERSONAL PRIVILEGE

Senator Benton: "Let me ask some clarification from you Mr. President. A lot of the comments we've heard here this afternoon here are not accurately or truly Points of Personal Privileges as I think I've seen you rule before but I haven't asked for a Point of Order on that but I do want to speak a little bit to or in response to my colleagues concerns because I have some of the same concerns but first I want to thank a few of my colleagues. I want to thank Senator Hargrove and I want to thank Senator Braun and I want to thank Senator Hill who have been here every day, or nearly every day and weekends, while most of us gone back to our districts and worked and of course Senator Nelson has been right in the middle of that too. I'm sorry Sharon, I want to thank you too. Well, when we talk, all these speeches you'd think nobodies been working. The fact of the matter is this body, my colleagues for twenty years came together and passed a budget with thirty votes. It was a bipartisan budget. It was our budget, the Senate's budget and we did a good job. Not everybody was

TWENTY SIXTH DAY, JUNE 7, 2013

2013 1ST SPECIAL SESSION

happy. I can assure you not on this side of the aisle, certainly not on the minority side but it was a budget that we, the Senate, passed and for the first time in history in the State of Washington we put a billion dollars in K-12 education. It is one of my proudest moments to participate in injecting a billion dollars into our education system. That has never been done before. I'm so proud of my colleagues for that and what's even better is we did it without any tax increases. None, didn't raise tax one to do it. We proved it could be done. A bipartisan budget with thirty votes that puts a billion dollars into education without raising taxes. Pinch me. I'm dreaming. Come on guys. When did that ever happen in this body, or in this place in the twenty years I've been here? So, we've got a lot to be thankful for. We've worked together. Yes, we didn't all get what we wanted but we stuck to our guns as a Senate and we said in this economy, this tough economy where people are suffering and I'm telling you what I got a neighbor that has been out of work for over a year and a half. This is not the time to raise taxes but we recognize that children should come first so the Senate put out a budget that put kids first. First, the first dollar spent are on our children and we've been wanting to go home with that budget but we have been unable to. We've been shackled by, of course it's a bipartisan legislature. If we were in Nebraska I guess we could just adjourn and go home. It's a unicameral legislature as you know. There's one body there, the Senate. But here in Washington state there's another body we have to work with and that's across the rotunda. We don't have unilateral authority in the State of Washington like they do in Nebraska so we have been waiting and negotiating and the four people I've just mentioned have been negotiating every single day and the rest of us on conference calls. I'm sure you guys have been conference calling in every few days to catch up on what's going on and guess what? Stone wall. Stone wall. Absolutely a stone wall for more taxes, even when they're not necessary. That's what so frustrating about this. So, I have a lot of compassion for your frustration because I'm frustrated too. We've been kept here for more taxes and we don't even have to have them.

That's what's frustrating about it. So, you bet, we're here to do business. You bet we're ready to adjourn on the last day of this session and I hope that we'll be able to adjourn with the Senate's budget intact that puts up a billion dollars into education without raising taxes. That's what this chamber said we wanted to do. That's what the citizens of this state said they wanted us to do when they passed 1185 overwhelming in forty-four out of forty-nine legislative districts and that's what we've done. And we should stick to our guns and hold out for our citizens and hold out for the senate budget. I hope all of you are prepared to do that because I certainly prepared to do that and if we have to go into another session to do it, I'm sorry for the people of the State of Washington that they'll have to pay for that. I don't want to do it. None of you want to do it but if that's what it takes to carry the message of our citizens that we want more money for our kids' education and we don't want to pay more taxes for it. We want you to reform other parts of government and take care of the education obligation first before anything else and that's what we're going to stick to our guns and do. Thank you Mr. President."

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, in response to your question about a Point of Personal Privilege. The rules states that a question of Privilege shall involve only subject matter which affects the particular Senator personally, in a matter unique and peculiar to the Senator. The President has always allowed

discretion in the Point of Personal Privilege to allow people to share on feelings they have about particular issues of which you have done quite in a long drawn out matter, just recently. However, after listening to your dissertation the President might need to put some parameters around that discretion. And speaking of that, Senator Hargrove."

PERSONAL PRIVILEGE

Senator Hargrove: "Thank you Mr. President. First of all thank you for the thanks, me and Senator Nelson and Senator Hill and Braun and I think a few others have been here almost every single day. I'm getting very tired of being here every single day but I just wanted to make a couple of points here to just kind of clarify how the budget left the senate because I did both of that budget. Be had seven members on this side vote for that budget and I think there were multiple reasons why people voted for it over here. Most of it was to move a budget along because we didn't want to get a spot where we were dragging into a long extra session. We wanted to get a vehicle out of the senate that could be negotiated with the House. I think we stated at the time that is was a very bipartisan process building that budget. You're in the majority and we were requesting and it was a bipartisan process. However, we also stated at the time there were some critical holes in that budget and that there would be some additional revenue to fill those critical holes. There just wasn't any more in the bucket to go find and those holes that we stated and I was very clear about then. I was very clear when we had a press conference here a few days ago in the House budget were the A. B. D. HEN Program and working Connections Childcare. And as I stated the press conference a couple days ago, this isn't just about people who make bad choices and somehow need a largess from the state but it's about people if we don't help there with those particular programs they're going to end up in much more expensive programs that the state tax payers pay for with tragic consequences along the way. That would be things like ending up in the emergency room because a mentally ill person doesn't have you know the where with all to keep themselves out of trouble and they get injured and they end up in emergency room. Some people end up in our criminal justice system. Those are other things that are funded by the state in case load that we all fund because we're not going to just start letting out people out of prison even after they committed a crime. We're not going to say, 'Oops.' You know we'll just cut those and start opening the doors. You know, I'm thinking that some of these programs add up to prevention and those are some things that we very clearly said that I'm not, you know, I'm not, I guess what I'm saying is that there was a lot of work on that senate budget together but we recognized there were a few holes in it and a few more things that needed to be worked on. We had that discussion long and hard, you know I think that the House made huge offer, they made, I'm sorry, I shouldn't say 'House,' the other body, the other world, I called it the other planet the other day but they made a big move. Now, we're not done. There's more to be done and we're working on it but the point is we're within four to five days of the end regular session here and Bracken will vaporize as of Tuesday and then there will be one hundred sixty million more problems if we can't get that done. So, that's the email that I got from the Department of Revenue that we have until the end of special session. Well, in some point in time it happens, ok? So, anyway, my point is that we need to get on with our business, that the votes on this side were about moving a budget along to be timely. We recognized some problems. I think I have been very up front about that. There's been no, you know, there's been no bait and switch here on that. We still think there's some problems, I think

that that budget from the other planet actually fixes some of those, has a moderate amount of revenue in it and hopefully we can get our business done. But I just wanted to correct a few things there and I look forward to continuing to work with people.”

PERSONAL PRIVILEGE

Senator Ranker: “Thank you Mr. President. So, did, I’m very pleased to hear comments on both sides of the aisle that we’re willing to work and we’re willing to be here. Last night there was a debate on this floor that almost no one saw. There was a debate where some members of the other party wanted to adjourn until Saturday, not today and I had to sit at my desk and object to that. We had a long period of time where we sat here and stared at each until we realized that yes, one person can actually have the objection, to overrule that, and we could not adjourn for two days. Why did I do that and why did our leadership decide that was important? Because we believe we need to be here every single day to get our work done. Just as the good Senator said earlier, every single day to getting our work done, adjourning until 4:00 pm today again, dismissing most of an entire day, doesn’t get our work done. There are critical decisions that need to be made and they need to be made quickly. We’ve heard about the impacts to health care. We’ve heard Bracken time and time again, Parks, the good Senator from the Thirty-ninth, on July 1, on July 1 we will close parks. 6.1 billion dollars in annual spending money directly supporting tens of thousands of jobs and most of those jobs are in rural areas that are experiencing higher unemployment. At a time when Europe is still in serious financial crisis and dragging the rest of the world down we are going to take actions that could seriously impact our bond ratings right here in Washington State. That is unrealistic and unacceptable for us to consider those sorts of drastic measures at a time where there is world crisis economically. I personally, Mr. President, am very concerned about this. I don’t believe we should be fooling around and take vacations for a day. What I do believe is we should get our work done. We should pass a bipartisan budget and I think a proposal from the House, from the other chamber that does that. Let’s move along and let’s get our work done. Let’s be here Saturday. Let’s be here Sunday. Let’s be Monday. Let’s be here Tuesday and let’s get it done.”

PARLIAMENTARY INQUIRY

Senator Baumgartner: “Just to clarify before I begin. Was the terminology used, was it peculiar and personal? Was that what it was?”

REPLY BY THE PRESIDENT

President Owen: “Depends on who we’re talking about. Question or privilege shall involve only subject matter which affects the particular Senator personally and the matter unique and peculiar to that Senator.”

PERSONAL PRIVILEGE

Senator Baumgartner: “So, I just want to tell a little story how I relate the budget. So, I remember when I was a kid, this on a personally, I remember when I was a kid, I used to watch professional wrestling and one of the things that I liked about watching professional wrestling is the guys get in the ring and really duke it all out. My dad came into me and he was watching me watch professional wrestling and he told me he too when he was a kid like watching professional wrestling. Then he told me a

story. My dad grew up on the outskirts of Detroit, the outskirts of Pontiac. His dad worked for General Motors and my grandmother was a school teacher. He said the one time he went to professional wrestling match and it was in a high school gym and the two guys he saw duking it out in the ring were. Then, later on, he had to go use the bathroom in the gym, a shower room, and the two guys that had been just duking it out in the ring were in back having a beer and a smoke and talking to each other and so, the point is, you know, I know there is a strong incentive to come here and sort of parade before the press about making these points of who cares more about the state government. Who’s going to work harder on this thing but it really a bit of analogous right now to sort of professional wrestling and that show that goes on. Because everybody here knows that we all care about this state and we all know that everybody in this room is committed in trying to get a budget down. We’re all trying to find a compromise of our position but not a compromise of our principles. It’s a bit disingenuous I think to sit here and talk about and pretend that we’re not working. It’s sort of a show for the press because it does something that is very dangerous for the state for this country because it continue to erode the trust in government. Now, I’m a limited government guy that has some concerns about the growth in government but please as we go forward in the next week I’m going ask my colleagues, please don’t demonize this legislature and pretend people aren’t here committed to work hard because we all are. We also know how this all ends. It all is going to end with a bipartisan compromise deal. That’s the only way it ends. We have to find a way that it might compromise our positions but not our principals and with respect to the good Senator Hargrove, I’m not sure the other side understands what a huge reach it was for the conservative members of our caucus to vote for Obama care in that first budget. That is a big, big deal. All the conservative members of our caucus voted to expand Medicaid but also voted for increase revenue and shifting cost to the federal government. I would, that was a very, very tough vote for me. Now I know very tough for you guys to cut some of this social spending but please don’t demonize this place. Let’s both respect the compromise that both people have already given. Let’s not erode the trust in government any further because that’s going out on the national level more than we need and I understand the professional wrestling aspects of this but I’ll look forward being in the back room, the locker room having a beer, not a smoke in my case, to try to bring this together to bring this thing to a close and I believe, God’s truth honest believe I believe we can do this by Tuesday. Thank you Mr. President. Hopefully unique and personal enough.”

PERSONAL PRIVILEGE

Senator Murray: “Thank you Mr. President. Well, I’m wondering if I should make a comment on wrestling and locker rooms but I will let it pass. I watched it to but anyway. On a more serious note, I do believe that the members of this caucus respect all the members and their efforts but I do believe that you are in the majority which means you have to govern and I wrote, along with Joe Zarelli, a bipartisan budget. Didn’t particularly like lots of it. My constituents particularly like lots of it. The same was true with Senator Zarelli because we shared stories. What they did like Mr. President was that Olympia was functioning. The other part of that functioning, the other responsibility of the governing party is you can’t say we wrote a budget, we want our budget. The system of government requires that we compromise with the other body. We don’t have a choice. That’s our constitutional responsibility to compromise with the other body. It can’t be the senate’s way or no way and that’s what really concerns this caucus that we’re coming up against a date, going to

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a place that's, very, very, very few states have ever gone. The numbers that you heard or the dates heard, the notices that are going out and will be going out. That's a reality in the lives of Washingtonians. So, I would hope before the 11th that we can once again show that we can govern, that we can once again show the citizens of this State that we compromise not just with ourselves but with the other body. Finally, members of this caucus voted for a budget that went out of here, five of them in particular, not because they agreed with the budget, they wanted to show good faith. They wanted to show good faith. They wanted to show good faith with the majority party that we would be willing to work with you, move a budget out of here. We thought in return that we would see the governing party willing to work with the House and compromise as well. That's governing. You're the majority party. Constitution requires, the system of government, requires that this tension between the balance of powers requires that we compromise with the House and I hope again we will do that by the 11th Mr. President and show that we are not the other DC, the other Washington. Thank you."

HUNTER GOODMAN, Secretary of the Senate

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you Mr. President. At the cut-off for bills from the body of origin, this body passed the largest number of bills in recent years. That was working together. Did it work out that way that we passed the most bills in recent history to the Governor but that's ok but this body also passed well over two dozen reforms. Reforms to create and retain jobs, improve our education system and work towards sustainable budgets. Every one of those bills was bipartisan. Some even were unanimous. The number that came back from the other body? – Zero, Zero. Now, if we're going to negotiate in good faith; over two dozen bipartisan to zero is not much of a compromise, not when it's issues with our schools, sustainable budgets, more jobs and job retention. That's part of the bodies job to look for those solutions as well and to simply have a take it or leave it budget that doesn't change one thing about jobs, education or budgets in this state would be a great loss not for this body, not for you and me but for the taxpayers of the State of Washington."

MOTION

At 4:38 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:54 p.m. by President Owen.

PERSONAL PRIVILEGE

Senator Fain: "Senator Frockt is a swell guy."

REMARKS BY THE PRESIDENT

President Owen: "That is personal and peculiar."

MOTION

At 5:55 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Saturday, June 8, 2013.

BRAD OWEN, President of the Senate

TWENTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, June 8, 2013

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Hobbs.

The Sergeant at Arms Color Guard consisting of Senate employees Judy Rogers-LaVinge and Colleen Rust presented the Colors. Reverend Jim Erlandson of Community of Christ Church of Olympia offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following appointments to the 2013 Standing Committees.

Senator O'Ban appointed to the Committees on Human Services & Corrections, Law & Justice and Transportation replacing Senator Carrell.

Senator Pearson appointed to the Committee on Rules replacing Senator Carrell.

MOTION

On motion of Senator Fain the appointments were confirmed.

MOTION

At 9:05 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:53 p.m. by the President Pro Tempore, Senator Tim Sheldon presiding.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5946 by Senators Dammeier and Frockt

AN ACT Relating to strengthening student educational outcomes; amending RCW 28A.165.005, 28A.165.015, 28A.165.035, 28A.165.055, 28A.165.065, 28A.600.015, 28A.600.020, 28A.600.410, 28A.600.460, 28A.300.046, 28A.300.042, and 28A.415.010; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.320 RCW; adding new sections to chapter 28A.415 RCW; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.165 RCW; adding new sections to chapter 28A.600 RCW; creating new sections; and

repealing RCW 28A.165.025, 28A.165.045, 28A.415.250, and 28A.415.260.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1057 by House Committee on Appropriations (originally sponsored by Representative Hunter)

AN ACT Relating to fiscal matters; amending RCW 2.28.170, 2.28.170, 13.40.466, 18.43.150, 19.28.351, 28A.500.020, 28B.15.067, 28B.20.476, 28B.92.010, 28C.04.535, 38.52.540, 39.26.210, 41.06.280, 41.06.280, 41.26.802, 43.08.190, 43.10.150, 43.19.791, 43.24.150, 43.71.030, 43.79.445, 43.79.480, 43.82.010, 43.101.200, 43.155.050, 43.160.080, 43.333.030, 46.66.080, 46.68.340, 70.42.090, 70.93.180, 70.96A.350, 74.13.621, 74.09.215, 74.09.215, 77.12.201, 77.12.203, 79.64.040, 79A.80.020, 79A.80.080, 82.14.310, and 86.26.007; reenacting and amending RCW 41.60.050, 41.80.010, 41.80.020, 70.105D.070, and 79.105.150; amending 2013 c 147 s 1 (uncodified); amending 2012 2nd sp.s. c 7 ss 111, 112, 114, 115, 118, 121, 127, 129, 131, 132, 136, 139, 142, 144, 149, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 218, 219, 220, 221, 222, 303, 307, 308, 402, 502, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 602, 613, 615, 616, 617, 701, 702, 707, 801, 802, 803, and 804 (uncodified); amending 2011 2nd sp.s. c 9 ss 221, 506, and 703 (uncodified); amending 2011 1st sp.s. c 50 s 804 (uncodified); amending 2011 1st sp.s. c 41 s 3 (uncodified); adding a new section to 2011 1st sp.s. c 50 (uncodified); creating new sections; making appropriations; providing effective dates; providing a contingent effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1947 by House Committee on Appropriations (originally sponsored by Representatives Cody, Hunter, Jinkins and Harris)

AN ACT Relating to ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by providing a financing mechanism sufficient to defray the exchange's operating expenses; amending RCW 43.71.010, 43.71.060, 48.14.0201, 48.14.020, and 48.41.090; adding a new section to chapter 43.71 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1961 by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Rodne, Hudgins, Hunter and Ryu)

AN ACT Relating to judicial stabilization trust account surcharges; amending RCW 3.62.060, 36.18.018, and 36.18.020; providing an effective date; and declaring an emergency.

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Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

2E2SHB 1971 by House Committee on Appropriations (originally sponsored by Representatives Carlyle and Nealey)

HB 2042 by Representatives Cody, Hunter and Sullivan

AN ACT Relating to communications services reform; amending RCW 82.14B.040, 82.14B.042, 82.14B.030, 82.14B.200, 80.36.430, 43.20A.725, 80.36.420, 80.36.450, 80.36.460, 80.36.470, and 80.36.610; reenacting and amending RCW 82.14B.020 and 82.08.0289; adding new sections to chapter 80.36 RCW; creating new sections; repealing RCW 82.72.010, 82.72.020, 82.72.030, 82.72.040, 82.72.050, 82.72.060, 82.72.070, 82.72.080, 82.72.090, and 80.36.600; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

AN ACT Relating to modifying the nursing facility medicaid payment system by delaying the rebase of certain rate components and extending certain rate add-ons; amending RCW 74.46.431 and 74.46.501; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

2ESHB 2016 by House Committee on Appropriations (originally sponsored by Representatives Jinkins, Hunter and Alexander)

EHB 2068 by Representative Takko

AN ACT Relating to a hospital safety net assessment; amending RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.050, 74.60.070, 74.60.080, 74.60.090, 74.60.100, 74.60.110, 74.60.120, 74.60.130, 74.60.140, 74.60.150, 74.60.900, and 74.60.901; adding a new section to chapter 74.60 RCW; adding a new section to chapter 74.09 RCW; providing an expiration date; and declaring an emergency.

AN ACT Relating to the annexation of unincorporated territory; amending RCW 35A.14.295, 35A.14.480, and 35.13.238; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

Referred to Committee on Governmental Operations.

ESHB 2034 by House Committee on Appropriations (originally sponsored by Representatives Ormsby and Reykdal)

SHB 2069 by House Committee on Appropriations (originally sponsored by Representatives Hunter and Sullivan)

AN ACT Relating to funding K-12 basic education and higher education by narrowing or eliminating tax preferences; amending RCW 82.04.260, 82.08.0293, 82.12.0293, 82.04.4452, 82.63.030, 82.12.0263, 28A.150.220, 28A.150.260, 28A.150.390, 28A.180.030, and 28A.180.040; amending 2013 1st sp.s. c ... (Engrossed Substitute House Bill 1057) ss 502, 507, 509, 511, 514, and 515 (uncodified); reenacting and amending RCW 82.04.260; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding new sections to 2013 1st sp.s. c ... (Engrossed Substitute House Bill 1057) (uncodified); adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 39.42 RCW; creating a new section; repealing RCW 82.04.272; providing effective dates; providing an expiration date; and declaring an emergency.

AN ACT Relating to continuation of safety net benefits for persons determined to have a physical or mental disability which makes them eligible for the aged, blind, and disabled program under RCW 74.62.030 or the essential needs and housing program under RCW 43.185C.220; amending RCW 74.62.030, 74.62.030, 43.185C.220, and 43.185C.230; reenacting and amending RCW 74.09.510, 74.09.035, and 74.09.010; adding a new section to chapter 74.04 RCW; and providing effective dates.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

EHB 2036 by Representatives Carlyle, Hunter, Ormsby, Tharinger, Reykdal and Pollet

AN ACT Relating to investing in the education legacy trust account for K-12 basic education and higher education by narrowing or eliminating tax preferences; amending RCW 82.08.0273, 82.14.050, and 82.14.060; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 39.42 RCW; providing an effective date; and declaring an emergency.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 1971 and Engrossed House Bill No. 2036 which were referred to the Committee on Ways & Means.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through June 8, 2013."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through June 8, 2013 by voice vote.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove).

Making 2013-2015 operating appropriations. Revised for 1st Substitute: Making omnibus operating appropriations.

The bill was read on Third Reading.

MOTION

On motion of Senator Fain, the rules were suspended and Engrossed Substitute Senate Bill No. 5034 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove)

Making 2013-2015 operating appropriations. Revised for 1st Substitute: Making omnibus operating appropriations.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senator Hargrove be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2014" or "FY 2014" means the fiscal year ending June 30, 2014.

(b) "Fiscal year 2015" or "FY 2015" means the fiscal year ending June 30, 2015.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART I
GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2014)	\$30,797,000
General Fund--State Appropriation (FY 2015)	\$31,192,000
Motor Vehicle Account--State Appropriation	\$1,765,000
TOTAL APPROPRIATION.....	\$63,754,000

The appropriations in this section are subject to the following conditions and limitations: \$8,000 of the general fund--state appropriation for fiscal year 2014 and \$7,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for member reimbursement, staff support, or other expenses associated with the work of the joint legislative executive committee on planning for aging and disability issues that is established in section 130 of this act.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund--State Appropriation (FY 2014)	\$21,158,000
General Fund--State Appropriation (FY 2015)	\$23,489,000
Motor Vehicle Account--State Appropriation	\$1,514,000
TOTAL APPROPRIATION.....	\$46,161,000

The appropriations in this section are subject to the following conditions and limitations: \$8,000 of the general fund--state appropriation for fiscal year 2014 and \$7,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for member reimbursement, staff support, or other expenses associated with the work of the joint legislative executive committee on planning for aging and disability issues that is established in section 130 of this act.

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2014)	\$62,000
General Fund--State Appropriation (FY 2015)	\$119,000
Performance Audits of Government Account--State	
Appropriation	\$5,641,000
Medical Aid Account--State Appropriation	\$332,000
Accident Account--State Appropriation	\$332,000
TOTAL APPROPRIATION.....	\$6,486,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2013-15 work plan as necessary to efficiently manage workload.

(2) The joint legislative audit and review committee shall conduct an audit of Washington's state research universities. The purpose of the audit is to identify cost and profit centers within, and in partnership with, the research universities. The audit must focus on public funds; student fees, in particular tuition; and auxiliary enterprises, which for the purposes of the audit at the University of Washington includes University of Washington medical center, the internal lending program, the W fund, and the center for commercialization. The audit at each university must achieve the following:

(a) Assess the university's policies and practices for tracking per-student expenditures for instruction and identify the average amount per student that the university has spent on instruction for undergraduate students in each of the past five fiscal years;

(b) Obtain the university's definition of auxiliary enterprises and determine the number of auxiliary enterprises, including the University of Washington medical center, the University of Washington internal lending program, the W fund, and the center for commercialization, that exist in the university system, the methods the university uses to track revenue and expenditures of auxiliary enterprises, and the policies and practices the university has in place to ensure that state funding is not used to supplement or guarantee projects or programs authorized by auxiliary enterprises;

(c) Identify how much money is being spent on undergraduate education and to what extent undergraduate education is subsidizing graduate education; and

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(d) Determine how tuition funds are being used and to what extent they are being used to fund the University of Washington medical center, the University of Washington internal lending program, the W fund, and the center for commercialization and to back bonds authorized by the university.

(3) \$332,000 of the medical aid account--state appropriation and \$332,000 of the accident account--state appropriation are provided for the purposes of chapter 37, Laws of 2011 (workers' compensation).

(4) \$323,000 of the performance audits of government account--state appropriation is provided for consultant and staff costs related to the economic analysis of tax preferences as directed by chapter 43.136 RCW.

(5) The committee shall analyze the incidence and level of taxation and business incentives available to the financial services industry in Washington State, and identify the relative differences in taxes and business incentives compared to California. A report shall be provided to the appropriate committees of the legislature by December 1, 2014.

(6) By June 30, 2014, the committee shall conduct a study of the electricity cost impacts for each qualifying utility to meet the 2016 and 2020 renewable resource and conservation targets under chapter 19.285 RCW. The study must also include an analysis of the impacts on each utility's commercial, industrial, and residential customers, including an additional analysis of the impacts on low-income residential customers.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2014)\$1,653,000
General Fund--State Appropriation (FY 2015)\$1,814,000
TOTAL APPROPRIATION.....\$3,467,000

NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2014)\$8,004,000
General Fund--State Appropriation (FY 2015)\$7,988,000
TOTAL APPROPRIATION.....\$15,992,000

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense
Account--State Appropriation.....\$3,534,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2014)\$3,895,000
General Fund--State Appropriation (FY 2015)\$4,116,000
TOTAL APPROPRIATION.....\$8,011,000

NEW SECTION. Sec. 108. FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund--State Appropriation (FY 2014)\$3,686,000
General Fund--State Appropriation (FY 2015)\$3,695,000
TOTAL APPROPRIATION.....\$7,381,000

NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, and office of legislative support services.

NEW SECTION. Sec. 110. FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2014)\$6,911,000
General Fund--State Appropriation (FY 2015)\$6,857,000

TOTAL APPROPRIATION.....\$13,768,000

NEW SECTION. Sec. 111. FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2014)\$1,481,000
General Fund--State Appropriation (FY 2015)\$1,471,000
TOTAL APPROPRIATION.....\$2,952,000

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2014)\$1,068,000
General Fund--State Appropriation (FY 2015)\$996,000
TOTAL APPROPRIATION.....\$2,064,000

NEW SECTION. Sec. 113. FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2014)\$15,795,000
General Fund--State Appropriation (FY 2015)\$15,732,000
TOTAL APPROPRIATION.....\$31,527,000

NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2014)\$52,770,000
General Fund--State Appropriation (FY 2015)\$52,562,000
General Fund--Federal Appropriation\$2,125,000
General Fund--Private/Local Appropriation.....\$658,000
Judicial Information Systems Account--State

Appropriation\$44,737,000

Judicial Stabilization Trust Account--State

Appropriation\$6,691,000

TOTAL APPROPRIATION.....\$159,543,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the judicial information systems account--state appropriation is provided solely for development and implementation of the information network hub project.

(2) \$2,138,000 of the judicial information systems account--state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades.

(3) The administrative office of the courts, in conjunction with the office of the chief information officer, shall analyze the feasibility and associated costs of moving the judicial branch servers and data center equipment to the state data center. Amounts provided in subsections (1) and (2) of this section may not be expended until the office of the chief information officer approves the expenditures.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$1,199,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

(6) \$108,000 of the general fund--state appropriation for fiscal year 2014 and \$108,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of House Bill No. 1159 (superior court judges Whatcom county). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse. The funds provided in this subsection shall be expended only if the fourth superior court judge position in Whatcom county is appointed and serving on the bench.

(7) \$108,000 of the general fund--state appropriation for fiscal year 2014 and \$108,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of House Bill No. 1175 (superior court judges Benton/Franklin counties). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse. The funds provided in this subsection shall be expended only if the seventh superior court

judge position in Benton and Franklin counties jointly is appointed and serving on the bench.

(8) \$11,300,000 of the judicial information systems account--state appropriation is provided solely for continued implementation of the superior court case management system project. The administrative office of the courts, in consultation with the judicial information systems committee, the superior court case management system project steering committee, and the office of the chief information officer shall develop a revised charter to implement the next phases of the superior court case management system. The revised charter shall insure that the superior court case management system project steering committee continues to provide contract oversight, in collaboration with the judicial information system committee, through the implementation period and various phases of the project. Oversight responsibilities throughout the various phases of the project must include, but are not limited to, vendor management, contract and deliverable management, and assuring satisfaction of the business and technical needs at the local level. The superior court case management system project steering committee may solicit input from user groups as deemed appropriate. The revised charter shall be approved by the judicial information systems committee.

(9) \$1,399,000 of the general fund--state appropriation for fiscal year 2014 and \$1,399,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(10)(a) \$7,313,000 of the general fund--state appropriation for fiscal year 2014 and \$7,313,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2013-2015 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(11) \$274,000 of the general fund--state appropriation for fiscal year 2014 and \$274,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of public guardianship to continue guardianship services for those low-income incapacitated persons who were receiving services on June 30, 2013.

NEW SECTION. Sec. 115. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2014)\$30,460,000

General Fund--State Appropriation (FY 2015)\$33,774,000
 Judicial Stabilization Trust Account--State
 Appropriation\$3,648,000
 General Fund--Federal Appropriation\$152,000
TOTAL APPROPRIATION.....\$68,034,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$3,378,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to expand the parents representation program into Asotin, Columbia, Garfield, King, Whatcom, and Whitman counties.

NEW SECTION. Sec. 116. FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2014)\$10,862,000
 General Fund--State Appropriation (FY 2015)\$10,870,000
 Judicial Stabilization Trust Account--State
 Appropriation\$1,454,000
TOTAL APPROPRIATION.....\$23,186,000

The appropriations in this section are subject to the following conditions and limitations: An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2014 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2015 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

NEW SECTION. Sec. 117. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2014)\$5,690,000
 General Fund--State Appropriation (FY 2015)\$5,232,000
 Economic Development Strategic Reserve Account--State
 Appropriation\$4,000,000
TOTAL APPROPRIATION.....\$14,922,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,000,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2) \$684,000 of the general fund--state appropriation for fiscal year 2014 and \$684,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the education ombudsman.

(3) \$239,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 118. FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2014)\$654,000
 General Fund--State Appropriation (FY 2015)\$660,000
 General Fund--Private/Local Appropriation.....\$90,000
TOTAL APPROPRIATION.....\$1,404,000

NEW SECTION. Sec. 119. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2014)\$2,082,000
 General Fund--State Appropriation (FY 2015)\$2,022,000
TOTAL APPROPRIATION.....\$4,104,000

NEW SECTION. Sec. 120. FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2014)\$10,585,000

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General Fund--State Appropriation (FY 2015)	\$8,804,000
General Fund--Federal Appropriation	\$7,425,000
Public Records Efficiency, Preservation, and Access	
Account--State Appropriation.....	\$7,369,000
Charitable Organization Education Account--State	
Appropriation	\$364,000
Local Government Archives Account--State	
Appropriation	\$8,475,000
Election Account--Federal Appropriation	\$12,018,000
Washington State Heritage Center Account--State	
Appropriation	\$8,860,000
TOTAL APPROPRIATION.....	\$63,900,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,301,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,847,000 of the general fund--state appropriation for fiscal year 2014 and \$1,926,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2013-2015 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

NEW SECTION. Sec. 121. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2014)	\$253,000
General Fund--State Appropriation (FY 2015)	\$249,000
TOTAL APPROPRIATION.....	\$502,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of

enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 122. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2014)	\$213,000
General Fund--State Appropriation (FY 2015)	\$208,000
TOTAL APPROPRIATION.....	\$421,000

NEW SECTION. Sec. 123. FOR THE STATE TREASURER

State Treasurer's Service Account--State	
Appropriation	\$15,702,000

The appropriation in this section is subject to the following conditions and limitations: \$150,000 of the state treasurer's service account--state appropriation is provided solely for legal fees related to additional legal assistance due to changes in federal financial regulations and an increase in complex and high profile litigation.

NEW SECTION. Sec. 124. FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2014)	\$728,000
General Fund--State Appropriation (FY 2015)	\$733,000
State Auditing Services Revolving Account--State	
Appropriation	\$9,589,000

Performance Audit of Government Account--State	
Appropriation	\$58,000
TOTAL APPROPRIATION.....	\$11,108,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$728,000 of the general fund--state appropriation for fiscal year 2014 and \$733,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) Within the amounts appropriated in this section, the state auditor shall continue to complete the annual audit of the state's comprehensive annual financial report and the annual federal single audit consistent with the auditing standards generally accepted in the United States and the standards applicable to financial audits contained in government auditing standards, issued by the comptroller general of the United States, and OMB circular A-133, audits of states, local governments, and nonprofit organizations.

NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2014)	\$141,000
General Fund--State Appropriation (FY 2015)	\$172,000
TOTAL APPROPRIATION.....	\$313,000

NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2014)	\$10,456,000
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General Fund--State Appropriation (FY 2015)	\$10,172,000
General Fund--Federal Appropriation	\$7,114,000
New Motor Vehicle Arbitration Account--State	
Appropriation	\$999,000
Legal Services Revolving Account--State	
Appropriation	\$191,670,000
Tobacco Prevention and Control Account--State	
Appropriation	\$271,000
Medicaid Fraud Penalty Account--State Appropriation ..	\$2,279,000
Public Services Revolving Account--State	
Appropriation	\$2,093,000
TOTAL APPROPRIATION.....	\$225,054,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.

(5) \$424,000 of the legal services revolving account--state appropriation is provided solely for replacement of a portion of the computers. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer and the provisions of section 945 of this act, personal computer acquisition and replacement.

(6) \$609,000 of the legal services revolving account--state appropriation is provided solely for upgrades to software programs. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(7) \$131,000 of the legal services revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5405 (extended foster

care). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Engrossed Substitute House Bill No. 1341 (wrongful imprisonment). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(9) \$189,000 of the legal services revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1420 (transportation improvement projects). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$2,093,000 of the public service revolving account--state appropriation is provided solely for the work of the public counsel section of the office of the attorney general.

(11) \$353,000 of the general fund--state appropriation for fiscal year 2014 and \$353,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

NEW SECTION. Sec. 127. FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2014)	\$1,260,000
General Fund--State Appropriation (FY 2015)	\$1,233,000
TOTAL APPROPRIATION.....	\$2,493,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMERCE

General Fund--State Appropriation (FY 2014)	\$66,831,000
General Fund--State Appropriation (FY 2015)	\$64,094,000
General Fund--Federal Appropriation	\$265,034,000
General Fund--Private/Local Appropriation.....	\$5,646,000
Public Works Assistance Account--State	
Appropriation	\$7,242,000
Drinking Water Assistance Administrative	
Account--State Appropriation.....	\$445,000
Lead Paint Account--State Appropriation	\$147,000
Building Code Council Account--State Appropriation	\$13,000
Home Security Fund Account--State Appropriation	\$30,456,000
Affordable Housing for All Account--State	
Appropriation	\$11,916,000
Financial Fraud and Identity Theft Crimes Investigation	
and Prosecution Account--State Appropriation	\$969,000
Low-Income Weatherization Assistance Account--State	
Appropriation	\$1,882,000
Community and Economic Development Fee Account--State	
Appropriation	\$5,303,000
Washington Housing Trust Account--State	
Appropriation	\$19,599,000
Prostitution Prevention and Intervention Account--	
State Appropriation	\$98,000
Public Facility Construction Loan Revolving	
Account--State Appropriation.....	\$985,000
Washington Community Technology Opportunity Account--	
Private/Local Appropriation.....	\$10,000
Liquor Revolving Account--State Appropriation	\$5,605,000
TOTAL APPROPRIATION.....	\$486,275,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall

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be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$306,000 of the general fund--state appropriation for fiscal year 2014 and \$306,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties.

(5) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(6) \$5,000,000 of the home security fund--state appropriation is for the operation, repair, and staffing of shelters in the homeless family shelter program.

(7) \$198,000 of the general fund--state appropriation for fiscal year 2014 and \$198,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington new Americans program.

(8) \$2,949,000 of the general fund--state appropriation for fiscal year 2014 and \$2,949,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for associate development organizations.

(9) \$234,000 of the general fund--state appropriation for fiscal year 2014 and \$233,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington asset building coalitions.

(10) \$32,027,000 of the general fund--state appropriation for fiscal year 2014 and \$32,027,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the essential needs and housing support program created in chapter 36, 2011 1st sp. sess. The department of commerce shall contract for these services with counties or community-based organizations involved in providing essential needs and housing supports to low-income persons who meet eligibility pursuant to chapter 36, 2011 1st sp. sess. The department shall limit the funding used for administration of the program to no more than five percent. Counties and community providers shall limit the funding used for administration of the program to no more than seven percent.

(a) Of the amounts provided in this subsection, \$5,000,000 is provided solely for essential needs to clients who meet the eligibility established in chapter 36, 2011 1st sp. sess. Counties and community-based organizations shall distribute basic essential products in a manner that prevents abuse. To the greatest extent possible, the counties or community-based organizations shall leverage local or private funds, and volunteer support to acquire and distribute the basic essential products.

(b) Of the amounts provided in this subsection, \$59,000,000 is provided solely for housing support services to individuals who are homeless or who may become homeless, and are eligible for services under this program pursuant to chapter 36, 2011 1st sp. sess.

(11) \$5,605,000 of the liquor revolving account--state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(12) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the purposes of purchasing

contracted services to expand and promote the tourism industry in the state of Washington.

(a) The department must contract with the Washington tourism alliance. Expenditure of state moneys is contingent upon the contractor providing a dollar for dollar cash or in-kind match. Funding must be provided for the following services:

(i) Serving as a central point of contact through developing and maintaining a web portal for Washington tourism, operating a call center, and mailing travel guides;

(ii) Promoting Washington as a tourism destination to national and international markets, with emphasis on markets in Europe and Asia;

(iii) Providing information to businesses and local communities on tourism opportunities that could expand local revenues; and

(iv) Conducting tourism-related research, including market research and measuring the return on investment of funded activities.

(b) The department may not use more than 4 percent of the funds to administer, monitor, and report the outcomes of the services. The department must electronically submit performance metrics by January 1, 2014, and report the outcomes of the services by January 1, 2015, to the economic development committees of the legislature.

(c) The department has the authority to designate one or more alternative contractors if necessary due to performance or other significant issues. Such change must only be made after consultation with the Washington tourism alliance, the governor's office, and the chairs and ranking members of the economic development committees of the legislature.

(13) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the purposes of expanding foreign trade offices and providing sector-based export assistance to businesses. The department must engage Oregon, Idaho, Montana, Alaska, Hawaii, British Columbia, Alberta, Saskatchewan, and Yukon as well as associate development organizations, the small business development centers export readiness centers, the export finance assistance center of Washington, chambers of commerce, international trade organizations, and ports to leverage the funds provided and maximize the investment in foreign outreach. For each dollar expended the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations. The department must develop performance metrics and measure at a minimum, business hand-offs between partners for the provision of additional services, the number of assisted businesses, the number of assisted businesses that export, and the amount of assisted export sales. The measurements must also include an analysis of the sectors served and results.

(14) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for facilitating technology transfer and commercialization activities, and supporting business growth in technology sectors.

(a) The department must contract with the innovate Washington foundation. Expenditure of state moneys must be provided for following services:

(i) Supporting businesses in securing federal and private funds to support product research and commercialization, developing and integrating technology in new or enhanced products and services, and launching those products and services in sustainable businesses in the state;

(ii) Establishing public-private partnerships and programmatic activities that increase the competitiveness of state industries;

(iii) Working with utilities, district energy providers, the utilities and transportation commission, and the state energy office to improve the alignment of investments in clean energy technologies with existing state policies;

(iv) Administering technology and innovation grant and loan programs including bridge funding programs for the state's technology sector;

(v) Working with impact Washington to ensure that customers have ready access to each other's services; and

(vi) Reaching out to firms operating in the state's innovation partnership zones.

(b) The department may not use more than 4 percent of the funds to administer, monitor, and report the outcomes of the services provided. The department must electronically submit performance metrics by January 1, 2014, and report the outcomes of the services by January 1, 2015, to the economic development committees of the legislature.

(15) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the northwest agriculture business center. Expenditure of state moneys is contingent upon the northwest agriculture business center providing a fifty percent cash match for each state dollar.

(16) \$72,000 of the prostitution prevention and intervention account is provided solely for implementation of Engrossed Substitute House Bill No. 1291 (sex trade victims). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(17) \$49,000 of the general fund--state appropriation for fiscal year 2014 and \$49,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1818 (business and government streamlining). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the department to conduct an economic cluster analysis of the policies impacting the financial services sector with the objective of building and strengthening the industry's presence in Washington. The department shall examine regulatory, workforce, tax and infrastructure issues and determine strategies to encourage the industry, including private equity, wealth management, and hedge firms and related entities from other states and internationally to locate in Washington. The department shall report to the legislature by December 1, 2013, with recommendations for legislative action.

(19) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to develop an economic cluster strategy to leverage the state's unique maritime assets, geography, history, and infrastructure. Goals include growing employment, targeted economic activity, environmental considerations, tax revenue to state and local governments, and quality of life associated with the maritime sector by working with the industry to understand workforce needs, parity considerations with Oregon and British Columbia, and tax structure and regulatory barriers. The department will report its findings to the appropriate committees of the legislature no later than December 1, 2014.

(20) \$2,000,000 of the Washington housing trust account--state appropriation is provided solely for the department of commerce for services to homeless families through the Washington families fund.

(21) \$5,000,000 of the home security account--state appropriation is provided solely for the department of commerce to provide emergency assistance to homeless families in the temporary assistance for needy families program.

(22) \$75,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the department to convene a

workgroup consisting of the former members of the Washington economic development commission. The workgroup shall meet a minimum of two times to provide advice and input to the director, governor, and legislature on the economic development strategy for the state. The workgroup may also recommend methods to provide future input on economic development strategies and initiatives for the state within available department resources.

(23) \$4,000,000 of the general fund--state appropriation for fiscal year 2014 and \$850,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for purposes of creating and operating a community health care and education and innovation center at the Pacific Medical Center in Seattle. Amounts provided in this subsection must be used for lease, maintenance, operations, and other required related expenses for Seattle community colleges allied health programs and other related uses identified by the department of commerce. The department is authorized to enter into a thirty-year lease for the Pacific Medical Center property.

(24) Within the appropriations in this section, the department shall, by December 1, 2013, develop a comprehensive start-up Washington strategy to facilitate the growth of start-ups and enhance the state's competitiveness in recruiting and retaining businesses that start up in Washington. This shall include but is not limited to: B&O tax relief, capital investment, regulatory burdens, workforce and infrastructure needs and support. Start-up businesses interactions with state government and other public entities as a customer shall also be considered.

NEW SECTION. Sec. 129. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2014)	\$764,000
General Fund--State Appropriation (FY 2015)	\$803,000
Lottery Administrative Account--State Appropriation	\$50,000
TOTAL APPROPRIATION.....	\$1,617,000

NEW SECTION. Sec. 130. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2014)	\$18,258,000
General Fund--State Appropriation (FY 2015)	\$17,749,000
General Fund--Federal Appropriation	\$31,341,000
General Fund--Private/Local Appropriation.....	\$370,000
Economic Development Strategic Reserve Account--State Appropriation	\$289,000
Personnel Service Fund--State Appropriation	\$8,670,000
Data Processing Revolving Account--State Appropriation	\$6,023,000
Higher Education Personnel Services Account--State Appropriation	\$1,497,000
Performance Audits of Government Account--State Appropriation	\$4,000,000
TOTAL APPROPRIATION.....	\$88,197,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall prepare a report outlining alternative methods of procuring health benefits for home care workers, including individual providers and agency providers. In preparing the report, the office of financial management shall consult with the department of social and health services, representatives of individual home care providers, and agency home care providers.

Along with a summary of the current method of providing benefits, the report must include an analysis of the policy and fiscal implications of accessing health benefits through the Washington health benefits exchange. The report must also provide an analysis of a medicaid section 1115 waiver with the federal centers for medicare and medicaid services that would provide additional medicaid matching funds for individual provider home care workers who are provided with health care benefits through a collective

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bargaining agreement negotiated with the state under chapter 74.39A RCW, but would otherwise be eligible for medicaid under the federal expanded eligibility provisions that take effect January 1, 2014.

The report must be submitted to the appropriate fiscal committees of the legislature by January 6, 2014.

(2) \$39,000 of the general fund--state appropriation for fiscal year 2014 and \$7,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for member reimbursement, staff support, or other expenses associated with the work of the joint legislative executive committee on planning for aging and disability issues that is established by this subsection.

(a) A joint legislative executive committee on aging and disability is established, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members. Four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee; and

(v) The director of the department of retirement systems or his or her designee.

(b) The committee must convene by September 1, 2013. At the first meeting, the committee will select cochairs from among its members who are legislators. All meetings of the committee are open to the public.

(c) The purpose of the committee is to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Establish a profile of Washington's current population of older people and people with disabilities and a projection of population growth through 2030;

(ii) Establish an inventory of services and supports currently available to older people and people with disabilities from the health care and long-term services and support systems and other community resources such as housing, transportation, income support, and protection for vulnerable adults;

(iii) Identify state budget and policy options to more effectively use state, federal and private resources to, over time, reduce the growth rate in state expenditures that would otherwise occur by continuing current policy in light of significant population growth;

(iv) Identify strategies to better serve the health care needs of an aging population and people with disabilities, and promote healthy living;

(v) Identify policy options to create financing mechanisms for long-term services and supports that will promote additional private responsibility for individuals and families to meet their needs for service;

(vi) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans; and

(vii) Identify policy options to help communities adapt to the aging demographic in planning for housing, land use and transportation.

(d) The committee shall consult with the office of the insurance commissioner, the caseload forecast council, and other appropriate entities with specialized knowledge of the needs and growth trends of the aging population and people with disabilities.

(e) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services. The committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate.

(f) The committee shall issue an interim report to the legislature by December 10, 2013, and issue final recommendations to the governor and relevant standing committees of the legislature by December 10, 2014.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(4) \$536,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for a study of the state's medical and public assistance eligibility systems and infrastructure with the goal of simplifying procedures, improving customer service, and reducing state expenditures. The study must also examine which state entities play various roles in the eligibility and data verification processes in order to determine if eligibility processes can be further streamlined in light of changes related to the federal affordable care act. The study must identify how costs will be allocated between state and federal funding sources and options for maximizing federal participation. The office of financial management shall provide a report on its findings and recommendations to the relevant policy and fiscal committees of the legislature by January 1, 2014.

(5)(a) The legislature finds that the state's nationally recognized student achievement initiative has led to significant improvements at two-year institutions of higher education. With the goal of creating such efficiencies within the four-year institutions of higher education, the office of financial management shall convene, in coordination with the joint committee on higher education and the student achievement council, a technical incentive funding model task force to propose an incentive funding model for the four-year institutions of higher education. The model will provide new incentive funding to four-year institutions of higher education that demonstrate improvement on existing performance measures and control resident undergraduate tuition growth. Participation in the program is voluntary; however, funding appropriated for this program shall only be available to those institutions that have chosen to participate in the program.

(b) The task force must include the following members:

(i) One representative from the student achievement council;

(ii) One representative from the education data center created in RCW 43.41.400; and

(iii) One representative from each of the four-year institutions of higher education.

(c) The program shall include, but shall not be limited to:

(i) A system for allocating new incentive funding to participating institutions based on an institution's:

(A) Performance in specific metrics;

(B) Control and reduction where possible of resident undergraduate and graduate tuition; and

(C) Efficient utilization of classrooms laboratories, online and other high technology instructional methods.

(ii) A methodology for allocating funding for performance as specified in (c)(i)(A) of this subsection that is based on performance metrics reported in the accountability monitoring and reporting system established in RCW 28B.77.090 and that recognizes each institution's unique mission by measuring each institution's performance in these metrics against their past performance.

(iii) A methodology for investing any unallocated incentive funds to the state need grant program created in chapter 28B.92

RCW to expand access to low-income and underserved student populations; and

(iv) A methodology for establishing a baseline level of state funding that:

(A) Fully supports the state's need for an increasing portion of its citizens to gain post-secondary education and qualifications;

(B) Recognizes the acute need of the state's high-technology economy for a sufficient number of graduates in high employer demand programs of study;

(C) Achieves a more equitable share of support between the state and students and their families; and

(D) Provides for funding enhancements based on demonstrated improvements in institutional performance within the educational achievement and tuition reduction incentive program.

(d) The workgroup shall submit a final report containing an incentive funding model to the governor and higher education and fiscal committees of the legislature by December 31, 2013.

NEW SECTION. Sec. 131. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State

Appropriation	\$37,826,000
TOTAL APPROPRIATION.....	\$37,826,000

The appropriations in this section are subject to the following conditions and limitations: \$151,000 of the administrative hearings revolving account--state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State

Appropriation	\$25,745,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$596,000 of the lottery administrative account--state appropriation is provided solely for the replacement of the lottery's gaming systems vendor contract.

(2) No portion of this appropriation may be used for acquisition of gaming system capabilities that violates state law.

NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2014)	\$238,000
General Fund--State Appropriation (FY 2015)	\$236,000
TOTAL APPROPRIATION.....	\$474,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2014)	\$233,000
General Fund--State Appropriation (FY 2015)	\$225,000
TOTAL APPROPRIATION.....	\$458,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense

Account--State Appropriation.....	\$50,877,000
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The appropriation in this section is subject to the following conditions and limitations: \$72,000 of the department of retirement systems expense account--state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 2018 (regarding additional contribution rates for employers of the Washington state retirement systems). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2014)	\$108,228,000
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General Fund--State Appropriation (FY 2015)	\$112,688,000
Timber Tax Distribution Account--State Appropriation	\$6,111,000
Waste Reduction/Recycling/Litter Control--State	

Appropriation	\$132,000
State Toxics Control Account--State Appropriation.....	\$93,000
Master License Fund--State Appropriation	\$17,145,000
TOTAL APPROPRIATION.....	\$244,397,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of revenue is authorized to increase the master application fee to nineteen dollars and the renewal fee to eleven dollars consistent with RCW 19.02.075.

(2) \$604,000 of the general fund--state appropriation for fiscal year 2014, \$6,147,000 of the general fund--state appropriation for fiscal year 2015, and \$4,853,000 of the master license fund--state appropriation are provided solely for the replacement of the department's legacy business systems. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) Within the amounts appropriated within this section, the department shall ensure agents of sellers collect and remit the taxes imposed on retail sales under Title 82 RCW, regardless of whether or not the agent has actual or constructive possession or control of the property, product, or services sold.

NEW SECTION. Sec. 137. FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2014)	\$1,217,000
General Fund--State Appropriation (FY 2015)	\$1,182,000
TOTAL APPROPRIATION.....	\$2,399,000

NEW SECTION. Sec. 138. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation	\$4,083,000
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The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the minority and women's business enterprises account--state appropriation is provided for implementation of a certification program for small business enterprises. The agency will collaborate with the department of transportation to certify small businesses as small business enterprises. Funding for this work is provided through interagency agreement with the state department of transportation.

NEW SECTION. Sec. 139. FOR THE INSURANCE COMMISSIONER

General Fund--State Appropriation (FY 2014)	\$150,000
General Fund--State Appropriation (FY 2015)	\$150,000
General Fund--Federal Appropriation	\$4,497,000
Health Benefit Exchange Account--State Appropriation ...	\$676,000
Insurance Commissioners Regulatory Account--State	

Appropriation	\$49,631,000
TOTAL APPROPRIATION.....	\$55,104,000

The appropriations in this section are subject to the following conditions and limitations: \$676,000 of the health benefit exchange account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1947 (Washington health benefit exchange). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 140. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State

Appropriation	\$36,063,000
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NEW SECTION. Sec. 141. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Account--State Appropriation	\$66,269,000
General Fund--Federal Appropriation	\$945,000
General Fund--Private/Local Appropriation.....	\$25,000
TOTAL APPROPRIATION.....	\$67,239,000

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,494,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to implement Initiative Measure No. 502.

(2) Within the amounts appropriated in this section from the liquor revolving account--state appropriation, the liquor control board must work with the department of revenue, the department of health, and affected stakeholders to develop proposed legislation regarding the integration of a regulated medical marijuana market with the recreational marijuana market.

At minimum, the proposed legislation should address the following:

(a) Agency requirements to regulate medical marijuana and health care providers and administer and collect taxes;

(b) Licensing and regulation provisions for medical marijuana producers, processors, and retailers;

(c) Regulations regarding the oversight of health care professionals that authorize the use of medical marijuana for their patients;

(d) Rules regarding collective gardens, possession amounts, and age limits; and

(e) Implementation of a tax structure for the medical marijuana market.

The board shall submit the proposed legislation to the legislature by December 15, 2013.

NEW SECTION. Sec. 142. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--Federal Appropriation\$150,000

General Fund--Private/Local Appropriation.....\$11,231,000

Public Service Revolving Account--State

Appropriation\$28,080,000

Pipeline Safety Account--State Appropriation\$4,413,000

Pipeline Safety Account--Federal Appropriation.....\$1,940,000

TOTAL APPROPRIATION.....\$45,814,000

The appropriations in this section are subject to the following conditions and limitations: The commission shall work with the Idaho public utilities commission and the public utility commission of Oregon to identify common regulatory functions that can be performed jointly, with the goal of formalizing an agreement that protects essential services while increasing regulatory effectiveness and efficiencies through economies of scale. The commission is authorized to enter into an agreement with such other state public utility commissions to work jointly in administering specified respective regulatory functions.

NEW SECTION. Sec. 143. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2014)\$1,880,000

General Fund--State Appropriation (FY 2015)\$1,887,000

General Fund--Federal Appropriation\$140,187,000

Enhanced 911 Account--State Appropriation.....\$59,518,000

Disaster Response Account--State Appropriation\$14,539,000

Disaster Response Account--Federal Appropriation\$53,253,000

Military Department Rent and Lease Account--State

Appropriation\$615,000

Worker and Community Right-to-Know Account--State

Appropriation\$2,995,000

TOTAL APPROPRIATION.....\$274,874,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,539,000 of the disaster response account--state appropriation and \$53,253,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a

report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2014-2015 biennium based on current revenue and expenditure patterns.

(2) \$75,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

(3) \$200,000 of worker and community right-to-know--state appropriation is provided solely to establish one FTE to initiate and coordinate a statewide continuity of operations program for state government.

NEW SECTION. Sec. 144. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2014)\$1,977,000

General Fund--State Appropriation (FY 2015)\$2,042,000

Higher Education Personnel Services Account--State

Appropriation\$521,000

Department of Personnel Service Account--State

Appropriation\$3,305,000

TOTAL APPROPRIATION.....\$7,845,000

NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State

Appropriation\$2,702,000

NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation.....\$498,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State

Appropriation\$3,558,000

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 43.135.055, the commission is authorized to increase licensing fees by up to five percent in fiscal year 2014 and up to five percent in fiscal year 2015; and background check fees by up to one dollar in fiscal year 2014, and up to one dollar in fiscal year 2015.

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund--State Appropriation (FY 2014)\$3,654,000

General Fund--State Appropriation (FY 2015)\$3,635,000

Building Code Council Account--State Appropriation ...\$1,576,000
 TOTAL APPROPRIATION.....\$8,865,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,287,000 of the general fund--state appropriation for fiscal year 2014 and \$3,286,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2014 and 2015 as necessary to meet the actual costs of conducting business.

(3)(a) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action.

(b) Pursuant to Substitute House Bill No. 1618 (concerning the building code council account) there is imposed a fee of five dollars and fifty cents on each building permit issued by a county or a city, plus an additional surcharge of two dollars for each residential unit, but not including the first unit, on each building containing more than one residential unit, and a fee of eight dollars for each nonresidential permit issued. \$348,000 of the building code council account--state appropriation is provided solely for the increase in fees, pursuant to House Bill No. 1618. If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(4) The department of enterprise services shall purchase flags needed for ceremonial occasions on the capitol campus in order to fully represent the countries that have an international consulate in Washington state.

(5) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services.

(6) The department shall adjust billings for self-insurance premiums to transportation agencies to reflect rate reductions assumed in this act.

(7) \$2,400,000 of the data processing revolving account appropriation is provided solely for the implementation of a pilot program to implement a strategy and action plan to modernize the state's enterprise financial and administrative systems. The department, the office of financial management, and the office of the chief information officer, will lead the planning effort and establish advisory committees composed of key stakeholders. The plan will include an assessment of the readiness of state government to conduct a business transformation and system replacement project of this scale. The plan shall incorporate the objectives of

lean management and should include recommendations on: Project scope, phasing and timeline, expected outcomes and measures of success, product strategy, budget and financing strategy options, risk mitigation, staffing and organization, and strategies to close readiness gaps. The department shall submit the implementation plan to the fiscal committees of the legislature by December 15, 2013.

The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(8) \$8,013,000 of the data processing revolving account appropriation is provided solely for the implementation of a pilot program to implement a time, leave, and attendance enterprise system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(9) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments of \$2,058,000 in fiscal year 2014 and \$2,025,000 in fiscal year 2015.

(10) The legislature intends to review for purchase and to conduct a boundary survey and appraisal of parcel number one and surrounding property on McNeil Island related to maintaining the secure sex offender facility, real estate transactional work for the deeds between the state and federal government involving McNeil Island, and transition planning to move toward decision-making to realign conveyances for state ownership of McNeil Island. The department of enterprise services is authorized to bill appropriate state agencies for this parcel review and appraisal and the department shall provide an estimate to the legislative fiscal committees by October 1, 2013.

NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'
 Administrative Account--State Appropriation.....\$1,045,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2014)\$1,343,000
 General Fund--State Appropriation (FY 2015)\$1,246,000
 General Fund--Federal Appropriation\$1,951,000
 General Fund--Private/Local Appropriation.....\$14,000
 TOTAL APPROPRIATION.....\$4,554,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to study the role of cultural resources assessment as part of the state and local governmental environmental review, planning, and permitting process. The agency will create a public outreach process with affected governmental entities, businesses, and stakeholders. The agency will review state laws from around the country on cultural resources. The agency will deliver its report with legislative recommendations to the legislature by November 30, 2013.

(End of part)

**PART II
 HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as

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required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under the Washington medicaid integration partnership (WMIP) and the medicare integrated care project (MICP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan for the WMIP and the MICP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2013-2015 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP and the MICP, the health care authority and the department may: (i) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (ii) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs.

(b) If Washington has been selected to participate in phase two of the federal demonstration project for persons dually-eligible for both medicare and medicaid, the department and the authority may initiate the MICP. Participation in the project shall be limited to persons who are eligible for both medicare and medicaid and to counties in which the county legislative authority has agreed to the terms and conditions under which it will operate. The purpose of the project shall be to demonstrate and evaluate ways to improve care while reducing state expenditures for persons enrolled both in medicare and medicaid. To that end, prior to initiating the project, the department and the authority shall assure that state expenditures shall be no greater on either a per person or total basis than the state would otherwise incur. Individuals who are solely eligible for medicaid may also participate if their participation is agreed to by the health care authority, the department, and the county legislative authority.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently

and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(5) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(6) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for the medicaid expansion but are enrolled in coverage that will be eliminated in the transition to the medicaid expansion.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)	\$297,361,000
General Fund--State Appropriation (FY 2015)	\$297,530,000
General Fund--Federal Appropriation	\$489,867,000
General Fund--Private/Local Appropriation.....	\$1,354,000
Home Security Fund Account--State Appropriation	\$10,741,000
Domestic Violence Prevention Account--State	
Appropriation	\$1,240,000
Child and Family Reinvestment Account--State	
Appropriation	\$7,672,000
TOTAL APPROPRIATION.....	\$1,105,765,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) \$668,000 of the general fund--state appropriation for fiscal year 2014 and \$668,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(3) \$538,500 of the general fund--state appropriation for fiscal year 2014, \$539,500 of the general fund--state appropriation for fiscal year 2015, \$656,000 of the general fund--private/local appropriation, and \$253,000 of the general fund--federal

appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(4) \$10,741,000 of the home security fund--state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi-secure crisis residential centers and not a reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2014 and \$125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a community-based organization that has innovated, developed, and replicated a foster care delivery model that includes a licensed hub home. The community-based organization will provide training and technical assistance to the children's administration to develop five hub home models in region 2 that will improve child outcomes, support foster parents, and encourage the least restrictive community placements for children.

(6) \$73,000 of the general fund--state appropriation for fiscal year 2014, \$20,000 of the general fund--state appropriation for fiscal year 2015, and \$31,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1566 (youth in out-of-home care). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(7) \$88,000 of the general fund--state appropriation for fiscal year 2014, \$2,000 of the general fund--state appropriation for fiscal year 2015, and \$28,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1774 (child welfare system). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(8) \$1,698,000 of the general fund--state appropriation for fiscal year 2014, \$2,788,000 of the general fund--state appropriation for fiscal year 2015, and \$1,894,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5405 (extended foster care). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(9) \$579,000 of the general fund--state appropriation for fiscal year 2014, \$579,000 of the general fund--state appropriation for fiscal year 2015, and \$109,000 of the general fund--federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(10)(a) \$446,000 of the general fund--state appropriation for fiscal year 2014 and \$446,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a contract with a nongovernmental entity or entities to establish one demonstration site in a school district or group of school districts in western Washington.

(b) The children's administration and the nongovernmental entity or entities shall collaboratively select the demonstration site. The demonstration site should be a school district or group of school districts with a significant number of students who are dependent pursuant to chapter 13.34 RCW.

(c) The demonstration site established under this subsection must be selected by September 1, 2013.

(d) The purpose of the demonstration site is to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW by providing individualized education services and monitoring and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs.

(e) The demonstration site established under this subsection must facilitate the educational progress and graduation of dependent youth. The contract must be performance-based with a stated goal of improving the graduation rates of foster youth by two percent per year over five school year periods, starting with the 2014-15 school year and ending with the 2019-20 school year. The demonstration site must develop and provide services aimed at improving the educational outcomes of foster youth. These services must include:

(i) Direct advocacy for foster youth to eliminate barriers to educational access and success;

(ii) Consultation with department of social and health services case workers to develop educational plans for and with participating youth;

(iii) Monitoring education progress of participating youth;

(iv) Providing participating youth with school and local resources that may assist in educational access and success; and

(v) Coaching youth, caregivers, and social workers to advocate for dependent youth in the educational system.

(f) The contracted nongovernmental entity or entities must report demonstration site outcomes to the department of social and health services and the office of public instruction by June 30, 2014, for the 2013-14 school year, and by June 30, 2015, for the 2014-15 school year.

(g) The children's administration must proactively refer all students fifteen years or older, within the demonstration site area, to the selected nongovernmental entity for educational services.

(h) The children's administration must report quarterly to the legislature on the number of eligible youth and number of youth referred for services beginning at the close of the second quarter of fiscal year 2014 and through the final quarter of fiscal year 2015.

(i) The contracted nongovernmental entity or entities shall report to the legislature by June 30, 2015, on the effectiveness of the demonstration site in increasing graduation rates for dependent youth.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2014, and \$50,000 of the general fund--state appropriation for fiscal year 2015, and \$256,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5315 (Powell fatality team). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(12) \$670,000 of the general fund--state appropriation for fiscal year 2014 and \$670,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for services provided through children's advocacy centers.

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NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2014)	\$89,791,000
General Fund--State Appropriation (FY 2015)	\$90,462,000
General Fund--Federal Appropriation	\$3,464,000
General Fund--Private/Local Appropriation	\$1,982,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$196,000
Reinvesting in Youth--State Appropriation	\$383,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	\$2,801,000
TOTAL APPROPRIATION.....	\$189,079,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund--state appropriation for fiscal year 2014 and \$331,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund--state appropriation for fiscal year 2014 and \$2,716,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund--state appropriation for fiscal year 2014 and \$3,482,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2014 and \$1,130,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund--state appropriation for fiscal year 2014 and \$3,123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the

courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund--state appropriation for fiscal year 2014 and \$1,537,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director.

The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(c) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. Consistent with chapter 13.50 RCW, all confidentiality agreements necessary to implement this information-sharing shall be approved within 30 days of the effective date of this section. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(9) \$445,000 of the general fund--state appropriation for fiscal year 2014 and \$445,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for funding of the teamchild project.

(10) \$178,000 of the general fund--state appropriation for fiscal year 2014 and \$178,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the juvenile detention alternatives initiative.

(11) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant program focused on criminal street gang prevention and intervention. The Washington state partnership council on juvenile justice may award grants under this subsection. The council shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and

administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2014)	\$327,678,000
General Fund--State Appropriation (FY 2015)	\$312,256,000
General Fund--Federal Appropriation	\$558,901,000
General Fund--Private/Local Appropriation	\$17,864,000
TOTAL APPROPRIATION.....	\$1,216,699,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$105,265,000 of the general fund--state appropriation for fiscal year 2014 and \$85,895,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. This is a reduction in flexible nonmedicaid funding of \$4,077,000 for fiscal year 2014 and \$23,446,000 for fiscal year 2015. This reduction reflects offsets in state funding related to services that will now be funded with federal dollars through the affordable care act medicaid expansion. This reduction shall be distributed as follows:

(i) The \$4,077,000 reduction in fiscal year 2014 and \$11,723,000 of the reduction in fiscal year 2015 must be distributed among regional support networks based on a formula that equally weights each regional support networks proportion of individuals who become newly eligible and enroll in medicaid under the expansion provisions of the affordable care act in fiscal year 2014 and each regional support network's spending of flexible nonmedicaid funding on services that would be reimbursable for federal medicaid matching funds if provided to medicaid enrollees in the 2011-2013 fiscal biennium.

(ii) The remaining \$11,723,000 reduction in fiscal year 2015 must be distributed among regional support networks based on each regional support network's proportion of individuals who become newly eligible and enroll in medicaid under the expansion provisions of the affordable care act through fiscal year 2015.

(b) \$6,590,000 of the general fund--state appropriation for fiscal year 2014, \$6,590,000 of the general fund--state appropriation for fiscal year 2015, and \$7,620,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high- intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) \$5,850,000 of the general fund--state appropriation for fiscal year 2014, \$5,850,000 of the general fund--state appropriation for fiscal year 2015, and \$1,300,000 of the general fund--federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital

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campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(f) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(g) \$750,000 of the general fund--state appropriation for fiscal year 2014 and \$750,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(h) \$1,125,000 of the general fund--state appropriation for fiscal year 2014 and \$1,125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(i) \$1,529,000 of the general fund--state appropriation for fiscal year 2014 and \$1,529,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(j) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(k) \$3,436,000 of the general fund--state appropriation for fiscal year 2014 and \$2,291,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for mental health services

for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(l) \$523,000 of the general fund--state appropriation for fiscal year 2014, \$775,000 of the general fund--state appropriation for fiscal year 2015, and \$854,000 of the general fund--federal appropriation are provided solely for implementation of sections 3 through 5 of chapter 289, Laws of 2013 (E2SHB 1114). Regional support networks must use this funding for the development of intensive community programs that allow individuals to be diverted or transitioned from the state hospitals in accordance with plans approved by the department. If chapter 289, Laws of 2013 (E2SHB 1114) is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(m) \$5,986,000 of the general fund--state appropriation for fiscal year 2014, \$11,592,000 of the general fund--state appropriation for fiscal year 2015, and \$10,160,000 of the general fund--federal appropriation are provided solely for implementation of chapter 335, Laws of 2013 (ESSB 5480). Regional support networks must use this funding for the development of intensive community programs that allow individuals to be diverted or transitioned from the state hospitals in accordance with plans approved by the department.

(n) Due to recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

(o) \$250,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to maintain financial viability for the Chelan-Douglas regional support network. In order to qualify for this funding, the Chelan-Douglas regional support network must submit by August 1, 2013, for approval by the department, either proof of a formal agreement to merge with another regional support network or a plan that demonstrates how the Chelan-Douglas regional support network will maintain financial viability and stability.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)	\$133,592,000
General Fund--State Appropriation (FY 2015)	\$131,116,000
General Fund--Federal Appropriation	\$149,867,000
General Fund--Private/Local Appropriation.....	\$63,097,000
TOTAL APPROPRIATION.....	\$477,672,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2014 and \$231,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2014 and \$45,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$20,000,000 of the general fund--state appropriation for fiscal year 2014 and \$20,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain staffed capacity to serve an average daily census in forensic wards at western state hospital of 270 patients per day.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2014)	\$1,163,000
General Fund--State Appropriation (FY 2015)	\$1,164,000
General Fund--Federal Appropriation	\$6,108,000
TOTAL APPROPRIATION.....	\$8,435,000

The appropriations in this subsection are subject to the following conditions and limitations: \$1,161,000 of the general fund--state appropriation for fiscal year 2014 and \$1,161,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for children's evidence-based mental health services.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2014)	\$5,287,000
General Fund--State Appropriation (FY 2015)	\$4,791,000
General Fund--Federal Appropriation	\$7,719,000
General Fund--Private/Local Appropriation.....	\$502,000
TOTAL APPROPRIATION.....	\$18,299,000

(a) The appropriations in this subsection are subject to the following conditions and limitations: In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2014 and 2015 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) \$74,000 of the general fund--state appropriation for fiscal year 2014, \$74,000 of the general fund--state appropriation for fiscal year 2015, and \$78,000 of the general fund--federal appropriation are provided solely for implementation of chapter 335, Laws of 2013 (ESSB 5480).

(c) \$160,000 of the general fund--state appropriation for fiscal year 2014 and \$80,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 284, Laws of 2013 (ESSB 5551).

(d) In developing the new medicaid managed care rates under which the public mental health managed care system will operate, the department must seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. The department must report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new mental health managed care rate-setting approach by August 1, 2013, and again at least sixty days prior to implementation of new capitation rates.

(e) \$349,000 of the general fund--state appropriation for fiscal year 2014, \$212,000 of the general fund--state appropriation for fiscal year 2015, and \$302,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

(f) The department shall work cooperatively with the health care authority to explore the feasibility of incentivizing small, rural hospitals to convert, in part or fully, some of their beds to psychiatric treatment beds. No later than December 31, 2014, the department

shall report to the appropriate fiscal committees of the legislature on the feasibility of such conversion. The report shall consider rate enhancements and the ability to claim federal medicaid matching funds on converted beds.

(g) \$75,000 of the general fund--state appropriation for fiscal year 2014 and \$21,000 of the general fund--federal appropriation are provided for implementation of section 9, chapter 197, Laws of 2013 (ESHB 1336). The department must utilize these funds for mental health first aid training targeted at teachers and educational staff in accordance with the training model developed by the department of psychology in Melbourne, Australia.

(h) Within the amounts appropriated in this section, funding is provided for the department to continue to develop the child adolescent needs and strengths assessment tool and build workforce capacity to provide evidence based wraparound services for children, consistent with the anticipated settlement agreement in *T.R. v. Dreyfus and Porter*.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL AND DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2014)	\$442,565,000
General Fund--State Appropriation (FY 2015)	\$461,713,000
General Fund--Federal Appropriation	\$826,039,000
General Fund--Private/Local Appropriation.....	\$81,000
TOTAL APPROPRIATION.....	\$1,730,398,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be increased to \$241 per bed beginning in fiscal year 2014 and \$242 per bed beginning in fiscal year 2015. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(ii) The current annual renewal license fee for assisted living facilities shall be increased to \$113 per bed beginning in fiscal year 2014 and \$114 per bed beginning in fiscal year 2015.

(iii) The current annual renewal license fee for nursing facilities shall be increased to \$389 per bed beginning in fiscal year 2014 and \$403 per bed beginning in fiscal year 2015.

(c) \$13,301,000 of the general fund--state appropriation for fiscal year 2014, \$20,607,000 of the general fund--state appropriation for fiscal year 2015, and \$33,910,000 of the general fund federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapters 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium.

(d) \$6,500,000 of the general fund--state appropriation for fiscal year 2014 and \$6,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the individual and family services program. In order to maximize the number of clients served by the program, the department must utilize past experience

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about award utilization to guide the number of authorized awards, and must change the maximum annual dollar amount awarded to each service priority level. Changes to the award levels must be designed to limit the average annual award for clients in the program during the 2013-2015 fiscal biennium to 60 percent of the average annual cost for clients in the 2011-2013 fiscal biennium. Clients who are not receiving paid services from the department, who are on the wait list for individual and family services, and who are ineligible for medicaid personal care may be added to the individual and family services program during the 2013-2015 fiscal biennium, provided the projected expenditures for the ensuing biennium do not exceed \$13,000,000 of general fund--state. The department must ensure that award levels are consistent for clients in the individual and family services program and clients receiving a state supplementary payment in lieu of individual and family services. The department shall adopt rules to implement the terms of this subsection. The department must electronically report to the appropriate committees of the legislature within 45 days following each fiscal year quarter, the number of persons served by the program, the average cost of persons served by the program, the services received by persons in the program, and the number of clients who had not previously received paid services who have been added to the program.

(e) No later than December 31, 2013, the department shall report to the appropriate fiscal committees of the legislature with a strategy to reduce the rate disparity between urban and suburban residential service providers. The report shall include a proposal for a rate component that recognizes differences in costs as they relate to the geographical location of the provider; however, the proposed component shall use a geographical variable that is more granular than the provider's county.

(f) \$1,547,000 of the general fund--state appropriation for fiscal year 2015, and \$4,790,000 of the general fund--federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(g) \$1,707,000 of the general fund--state appropriation for fiscal year 2014, \$2,670,000 of the general fund--state appropriation for fiscal year 2015, and \$4,376,000 of the general fund--federal appropriation are provided solely for the homecare agency parity impacts of the service employees international union healthcare 775nw arbitration award.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)	\$85,347,000
General Fund--State Appropriation (FY 2015)	\$85,390,000
General Fund--Federal Appropriation	\$160,629,000
General Fund--Private/Local Appropriation.....	\$23,041,000
TOTAL APPROPRIATION.....	\$354,407,000

The appropriations in this subsection are subject to the following conditions and limitations: Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2014)	\$1,943,000
General Fund--State Appropriation (FY 2015)	\$1,999,000
General Fund--Federal Appropriation	\$1,960,000
TOTAL APPROPRIATION.....	\$5,902,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2014)	\$1,400,000
General Fund--State Appropriation (FY 2015)	\$1,400,000

General Fund--Federal Appropriation	\$1,200,000
TOTAL APPROPRIATION.....	\$4,000,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)	\$875,867,000
General Fund--State Appropriation (FY 2015)	\$932,091,000
General Fund--Federal Appropriation	\$1,948,189,000
General Fund--Private/Local Appropriation.....	\$32,308,000
Traumatic Brain Injury Account--State Appropriation....	\$3,393,000
Skilled Nursing Facility Safety Net Trust Account--State Appropriation	\$88,000,000
TOTAL APPROPRIATION.....	\$3,879,848,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$171.35 for fiscal year 2014 and shall not exceed \$171.58 for fiscal year 2015, including the rate add-ons described in (a) and (b) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, the weighted average nursing facility payment rate shall not exceed \$162.43 for fiscal year 2014 and shall not exceed \$163.58 for fiscal year 2015. There will be no adjustments for economic trends and conditions in fiscal years 2014 and 2015. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility- based payment rates calculated on July 1, 2013, using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the comparative add-on, acuity add-on, and safety net reimbursement, to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, 2013, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, if it is found that the direct care rate for any facility calculated using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the comparative add-on, acuity add-on, and safety net reimbursement, is greater than the direct care rate in effect on June

30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) The rate add-on provided in (c) of this subsection is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(f) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, (b), (c), and (d) of this subsection do not apply.

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2014 and no new certificates of capital authorization for fiscal year 2015 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2014 and 2015.

(3) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be increased to \$241 per bed beginning in fiscal year 2014 and \$242 per bed beginning in fiscal year 2015. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(b) The current annual renewal license fee for assisted living facilities shall be increased to \$113 per bed beginning in fiscal year 2014 and \$114 per bed beginning in fiscal year 2015.

(c) The current annual renewal license fee for nursing facilities shall be increased to \$389 per bed beginning in fiscal year 2014 and \$403 per bed beginning in fiscal year 2015.

(4) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(5) \$30,640,000 of the general fund--state appropriation for fiscal year 2014, \$48,633,000 of the general fund--state appropriation for fiscal year 2015, and \$79,273,000 of the general fund--federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapters 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2014 and \$1,877,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(7) \$4,894,000 of the general fund--state appropriation for fiscal year 2015, and \$15,150,000 of the general fund--federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management

oversight standards and policies established by the office of the chief information officer.

(8) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

(9) Within the amounts appropriated in this section, in a report to the appropriate fiscal committees of the legislature that must be submitted by December 1, 2013, the department of social and health services must describe the process for establishing medicaid rates for assisted living and adult family homes. The report must include information about licensing and physical plant standards, contracting provisions, and per capita and biennial expenditures for assisted living and adult family homes.

(10) \$10,800,000 of the general fund--state appropriation for fiscal year 2014, \$17,768,000 of the general fund--state appropriation for fiscal year 2015, and \$28,567,000 of the general fund--federal appropriation are provided solely for the homecare agency parity impacts of the service employees international union healthcare 775nw arbitration award.

(11) \$36,000 of the general fund--state appropriation for fiscal year 2014, \$17,000 of the general fund--state appropriation for fiscal year 2015, and \$45,000 of the general fund--federal appropriation are provided solely for member reimbursement, staff support, or other expenses associated with the work of the joint legislative executive committee on planning for aging and disability issues that is established in section 130 of this act.

(12) \$240,000 of the general fund--state appropriation for fiscal year 2014, \$1,342,000 of the general fund--state appropriation for fiscal year 2015, and \$1,468,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)	\$413,184,000
General Fund--State Appropriation (FY 2015)	\$418,321,000
General Fund--Federal Appropriation	\$1,208,882,000
General Fund--Private/Local Appropriation.....	\$30,594,000
TOTAL APPROPRIATION.....	\$2,070,981,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$196,090,000 of the general fund--state appropriation for fiscal year 2014, \$193,441,000 of the general fund--state appropriation for fiscal year 2015, and \$730,098,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting the new structure. The secretary of the department of social and health services, working with WorkFirst partner agencies and in collaboration with the WorkFirst oversight task force, shall develop a plan for maximizing the following outcomes and shall report back to the legislature by November 1, 2013. The outcomes to be measured are: (i) Increased employment; (ii) completion of education or post-secondary training; (iii) completion of barrier

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removal activity including drug and alcohol or mental health treatment; (iv) housing stability; (v) child care or education stability for the children of temporary assistance for needy families recipients; (vi) reduced rate of return after exit from the WorkFirst program; and (vii) work participation requirements.

(b) \$442,888,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(c) \$173,019,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures.

(d) \$362,111,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135.

(e) The amounts in (b) through (d) of this subsection shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between (b) through (d) of this subsection, but only if the funding is available or necessary to transfer solely due to utilization, caseload changes, or underperformance in terms of client outcomes. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(2) \$1,657,000 of the general fund--state appropriation for fiscal year 2014 and \$1,657,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On December 1, 2011, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be fifty percent of the federal supplemental nutrition assistance program benefit amount.

(6) \$18,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of section 1, chapter 337, Laws of 2013 (2SSB 5595).

(7) \$4,729,000 of the general fund--state appropriation for fiscal year 2014 and \$4,729,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of

Substitute House Bill No. 1971 (communication services). Of these funds, \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operational support of the Washington information network 211 organization. If Substitute House Bill No. 1971 (communication services) is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(8) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(9) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2014)	\$72,591,000
General Fund--State Appropriation (FY 2015)	\$62,360,000
General Fund--Federal Appropriation	\$277,410,000
General Fund--Private/Local Appropriation.....	\$13,559,000
Criminal Justice Treatment Account--State	

Appropriation	\$14,568,000
Problem Gambling Account--State Appropriation.....	\$1,450,000
TOTAL APPROPRIATION.....	\$441,938,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the department by request; (b) program modifications needed to maximize access to federal medicaid matching funds will be phased in over the course of the 2013- 2015 fiscal biennium; and (c) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to adopt fees for the review and approval of treatment programs in fiscal years 2014 and 2015 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(4) \$3,500,000 of the general fund--federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) \$2,600,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the department to transition 128 beds from settings that are considered institutions for mental diseases to facilities with no more than 16 beds that are able to claim federal match for services provided to medicaid clients or individuals covered under the department's section 1115 medicaid waiver. The department may conduct a request for proposal process to fulfill this requirement and adopt rates that are comparable to the pilot projects implemented in the 2011-13 fiscal biennium. The department may use these funds to assist with the costs of providers in setting up or converting to 16- bed facilities. This funding may also be used for providers that are developing new capacity for clients who will become eligible for services under the affordable care act medicaid expansion. The number of beds available for pregnant and parenting women must not be reduced.

(6) \$283,000 of the criminal justice treatment account appropriation is provided solely for transitional funding for the family drug court in Pierce county.

(7) Within the amounts appropriated in this section, the department shall contract with the Washington state institute for public policy for a long-term efficacy study of the chemical dependency treatment programs funded by the division of alcohol and substance abuse. The study shall focus on how many program participants successfully complete dependency programs and how long they abstain from use of drugs and alcohol.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2014)	\$16,478,000
General Fund--State Appropriation (FY 2015)	\$16,568,000
General Fund--Federal Appropriation	\$99,413,000
TOTAL APPROPRIATION.....	\$132,459,000

The appropriations in this section are subject to the following conditions and limitations: \$5,006,000 of the general fund--state appropriation for fiscal year 2014 and \$5,094,000 of the general fund-- state appropriation for fiscal year 2015 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2014)	\$36,706,000
General Fund--State Appropriation (FY 2015)	\$36,140,000
TOTAL APPROPRIATION.....	\$72,846,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall transfer the stewardship of McNeil Island to the department of corrections industries program. The transferred responsibilities shall include marine operations, waste water treatment, water treatment, road maintenance, and any other general island maintenance that is not site specific to the operations of the special commitment center or the Pierce county secure community transition facility. Facility maintenance within the perimeter of the special commitment center shall remain the responsibility of the department of social and health services.

(2) \$3,120,000 of the general fund--state appropriation for fiscal year 2014 and \$3,120,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operational costs specific to island operations of the special commitment center and the Pierce county secure community transition facility. The department shall establish an accounting structure that enables it to track and report on costs specific to island operations.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)	\$30,127,000
General Fund--State Appropriation (FY 2015)	\$29,521,000
General Fund--Federal Appropriation	\$37,176,000
General Fund--Private/Local Appropriation.....	\$654,000
TOTAL APPROPRIATION.....	\$97,478,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$395,000 of the general fund--state appropriation for fiscal year 2014, \$228,000 of the general fund--state appropriation for fiscal year 2015, and \$335,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1519 (service coordination organizations) or Second Substitute Senate Bill No. 5732 (adult behavioral health). If neither of the bills is enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(3) \$82,000 of the general fund--state appropriation for fiscal year 2014, \$44,000 of the general fund--state appropriation for fiscal year 2015, and \$28,000 of the general fund--federal appropriation are provided solely to develop a report on state efforts to prevent and control diabetes. The department, the health care authority, and the department of health shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

(a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the

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impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (5).

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2014)	\$60,470,000
General Fund--State Appropriation (FY 2015)	\$60,511,000
General Fund--Federal Appropriation	\$55,264,000
TOTAL APPROPRIATION.....	\$176,245,000

NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2014)	\$2,137,710,000
General Fund--State Appropriation (FY 2015)	\$2,135,241,000
General Fund--Federal Appropriation	\$7,213,604,000
General Fund--Private/Local Appropriation.....	\$57,808,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation.....	\$15,082,000
Hospital Safety Net Assessment Fund--State	
Appropriation	\$668,967,000
Health Benefit Exchange Account--State Appropriation	\$110,668,000
State Health Care Authority Administration Account--	
State Appropriation	\$34,846,000
Medical Aid Account--State Appropriation	\$528,000
Medicaid Fraud Penalty Account--State Appropriation	
.....	\$21,206,000
TOTAL APPROPRIATION.....	\$12,395,660,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the authority shall implement the medicaid expansion defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(2) The requirements of this subsection apply to the basic health plan. This subsection is null and void and has no further effect upon implementation of the medicaid expansion under subsection (1) of this section.

(a) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(b) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(c) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check

employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(d) Enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

(3) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(5) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(6) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(7) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(8) \$4,261,000 of the general fund--state appropriation for fiscal year 2014, \$4,261,000 of the general fund--state appropriation for fiscal year 2015, and \$8,522,000 of the general fund--federal appropriation are provided solely for low-income disproportionate share hospital payments.

(9) \$400,000 of the general fund--state appropriation for fiscal year 2014, \$400,000 of the general fund--state appropriation for fiscal year 2015, and \$800,000 of the general fund--federal appropriation are provided solely for disproportionate share hospital payments to rural hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011 that do not participate in the certified public expenditures program.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to rural hospitals in Clallam county that were certified by the centers for medicare and

medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011.

(11) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(12) \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(13) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2013-2015 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2013, and by November 1, 2014, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2014 and fiscal year 2015, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2013-2015 biennial operating appropriations act and in effect on July 1, 2013, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital

programs exist in the 2013-2015 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$5,319,000 of the general fund--state appropriation for fiscal year 2014, of which \$6,570,000 is appropriated in section 204(1) of this act, and \$1,141,000 of the general fund--state appropriation for fiscal year 2015, of which \$6,570,000 is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals.

(14) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(15) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(16) \$170,000 of the general fund--state appropriation for fiscal year 2014, \$121,000 of the general fund--state appropriation for fiscal year 2015, and \$292,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1519 (service coordination organizations) and Second Substitute Senate Bill No. 5732 (behavioral health services). If neither of the bills is enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(17) \$57,000 of the general fund--state appropriation for fiscal year 2014, \$40,000 of the general fund--state appropriation for fiscal year 2015, and \$55,000 of the general fund--federal appropriation are provided solely to develop a report on state efforts to prevent and control diabetes. The authority, the department of social and health services, and the department of health shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

(a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational

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diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (15).

(18) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--federal appropriation are provided solely for the development of recommendations for funding integrated school nursing and outreach services. The authority shall collaborate with the office of the superintendent of public instruction to develop recommendations for increasing federal financial participation for providing nursing services in schools with the goals of integrating nursing and outreach services and supporting one nurse for every four hundred fifty students in elementary schools and one nurse for every seven hundred fifty students in secondary schools. In developing these recommendations, the authority shall inquire with the federal centers for medicare and medicaid services about state plan amendment or waiver options for receiving additional federal matching funds for school nursing services provided to children enrolled in apple health for kids. The recommendations shall include proposals for funding training and reimbursement for nurses that provide outreach services to help eligible students enroll in apple health for kids and other social services programs. The authority and the office of the superintendent of public instruction shall provide these recommendations to the governor and the legislature by December 1, 2013.

(19) \$430,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--federal appropriation are provided solely to complete grant requirements for the health information exchange.

(20) \$143,000 of the general fund--state appropriation for fiscal year 2014 and \$423,000 of the general fund--federal appropriation are provided solely for the rebasing of outpatient and inpatient payment methods.

(21) \$822,000 of the general fund--state appropriation for fiscal year 2014, \$341,000 of the general fund--state appropriation for fiscal year 2015, and \$9,710,000 of the general fund--federal appropriation are provided solely to implement the conversion to the

tenth version of the world health organization's international classification of diseases.

(22) \$111,000 of the general fund--state appropriation for fiscal year 2014, \$35,000 of the general fund--state appropriation for fiscal year 2015, and \$359,000 of the general fund--federal appropriation are provided solely to update the medicaid information technology architecture state self-assessment and to develop the five year road map for the medicaid information technology architecture architect.

(23) \$62,000 of the general fund--state appropriation for fiscal year 2014, \$62,000 of the general fund--state appropriation for fiscal year 2015, and \$126,000 of the general fund--federal appropriation are provided solely to support the Robert Bree collaborative's efforts to disseminate evidence-based best practices for preventing and treating health problems.

(24) Within the amounts appropriated in this section, the authority shall increase reimbursement rates for primary care services provided by independent nurse practitioners to medicare levels for the period from July 1, 2013, to December 31, 2014.

(25) The authority shall seek a medicaid state plan amendment to create a professional services supplemental payment managed care program for professional services delivered to managed care recipients by University of Washington medicine and other public professional providers. This program shall be effective as soon as administratively possible and shall operate concurrently with the existing professional services supplemental payment program. The authority shall apply federal rules for identifying the difference between average commercial rates and fee-for-service medicaid payments. This difference will be multiplied by the number of managed care encounters and incorporated into the managed care plan capitation rates by a certified actuary. The managed care plans will pay the providers the difference attributable to the increased capitation rate. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating providers. Participating providers shall retain the full amount of supplemental payments provided under this program, net of any costs related to the program that are disallowed due to audits or litigation against the state.

(26) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit beginning January 1, 2014.

(27) To the extent allowed under federal law, the authority shall require an adult client to enroll in full medicaid coverage instead of family planning-only coverage unless the client is at risk of domestic violence.

(28) The authority shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the authority and its contractors. Prior to open enrollment, the authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for the medicaid expansion but are enrolled in coverage that will be eliminated in the transition to the medicaid expansion.

(29) \$90,000 of the general fund--state appropriation for fiscal year 2014, \$90,000 of the general fund--state appropriation for fiscal year 2015, and \$180,000 of the general fund--federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(30) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided

through fee-for-service to medical care provided through managed care.

(31) \$150,000 of the general fund--state appropriation for fiscal year 2014, \$436,000 of the general fund--state appropriation for fiscal year 2015, and \$170,561,000 of the general fund--federal appropriation are provided solely for the provider incentive program and other initiatives related to the health information technology medicaid plan.

(32) The authority shall purchase a brand name drug when it determines that the cost of the brand name drug after rebates is less than the cost of generic alternatives and that purchase of the brand rather than generic version can save at least \$250,000. The authority may purchase generic alternatives when changes in market prices make the price of the brand name drug after rebates more expensive than the generic alternatives.

(33) The authority shall not subject antiretroviral drugs used to treat HIV/AIDS, anticancer medications used to kill or slow the growth of cancerous cells, antihemophilic drugs, or transplant drugs to any medicaid preferred drug list or formulary for the fee-for-service population.

(34) \$1,531,000 of the general fund--state appropriation for fiscal year 2014, \$280,000 of the general fund--state appropriation for fiscal year 2015, and \$10,803,000 of the general fund--federal appropriation are provided solely to implement phase two of the project to create a single provider payment system that consolidates medicaid medical and social services payments and replaces the social service payment system. The amounts provided in this subsection are conditioned on the authority satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(35) Within the amounts appropriated in this section, the health care authority and the department of social and health services shall implement the state option to provide health homes for enrollees with chronic conditions under section 2703 of the federal affordable care act. The total state match for enrollees who are dually-eligible for both medicare and medicaid and not enrolled in managed care shall be no more than the net savings to the state from the enhanced match rate for its medicaid-only managed care enrollees under section 2703.

(36) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(37) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(38) Within amounts appropriated, the health care authority shall conduct a review of its management and staffing structure to identify efficiencies and opportunities to reduce full time equivalent employees and other administrative costs. A report summarizing the review and the authority's recommendations to reduce costs and full time equivalent employees must be submitted to the governor and legislature by November 1, 2013.

(39) \$19,250,000 of the health benefit exchange account--state appropriation and \$2,750,000 of the general fund--federal appropriation are provided solely to support the operations of the Washington health benefit exchange from January 1, 2015, to June 30, 2015.

(40) \$1,540,000 of the general fund--state appropriation for fiscal year 2014, \$946,000 of the general fund--state appropriation for fiscal year 2015, \$930,000 of the health benefit exchange account--state appropriation, and \$10,743,000 of the general fund--federal appropriation are provided solely for the medicaid and children's health insurance program shares of costs allocated from the health benefit exchange. The amounts provided in this subsection shall lapse if Engrossed Substitute House Bill No. 1947 (Washington health benefit exchange) is not enacted by June 30, 2013, and the office of financial management determines by January 1, 2013, that the charges to enrollees and the state under the health benefit exchange's self-sustaining methodology exceed 3.4 percent of premiums paid.

(41) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that cannot qualify for medicaid or the federal children's health insurance program.

(42) Upon implementation of the medicaid expansion under subsection (1) of this section, the breast and cervical cancer treatment program is eliminated. To maintain continuity of coverage, the authority shall offer the option to stay in a fee-for-service program to clients that are already enrolled in the breast and cervical cancer treatment program and will be transitioned into the new adult group upon implementation of the medicaid expansion. The authority will continue to provide coverage to clients that are already enrolled in the breast and cervical cancer treatment program at the time of program elimination until their courses of treatment are completed.

(43) \$40,000 of the general fund--state appropriation for fiscal year 2014 and \$40,000 of the general fund--federal appropriation are provided solely for the authority to create a new position to provide adequate oversight and assistance to managed care organizations, rural health clinics, and federally qualified health centers under a new administratively streamlined payment methodology. Effective July 1, 2013, or upon obtaining any necessary federal approval, but in no case during the first quarter of a calendar year, the authority shall implement an administratively streamlined payment methodology for federally qualified health centers and rural health clinics. State payments to managed care organizations shall include the full encounter payments for federally qualified health centers and rural health clinics as defined in the medicaid state plan and in accordance with section 1902(bb) of the social security act (42 U.S.C. 1396a(bb)). For any services eligible for encounter payments, as defined in the medicaid state plan, managed care organizations shall be required to pay at least the full published encounter rates directly to each clinic or center. The authority will require participating managed care organizations to reimburse federally qualified health centers and rural health clinics for clean claims in strict adherence to the timeliness of payment standards established under contract and specified for the medicaid fee-for-service program in section 1902(a)(37) of the social security act (42 U.S.C. 1396a(a)(37)), 42 C.F.R. Sec. 447.46, and specified for health carriers in WAC 284-43-321. The authority shall exercise all necessary options under its existing sanctions policy to enforce timely payment of claims. The authority shall ensure necessary staff and resources are identified to actively monitor and enforce the timeliness and accuracy of payments to federally qualified health centers and rural health clinics. By January 1, 2014, and after collaboration with federally qualified health centers, rural health clinics, managed care plans, and the centers for medicare and medicaid services, the authority will produce a report

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that provides options for a new payment methodology that rewards innovation and outcomes over volume of services delivered, and which maintains the integrity of the rural health clinic program as outlined under federal law. The report will detail necessary federal authority for implementation and provide the benefits and drawbacks of each option.

(44) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the current medicaid benefit plan beginning January 1, 2014. The authority shall monitor the costs of the habilitative benefit as part of the forecasting process but shall not provide this benefit in the current medicaid benefit plan without a direct appropriation in the omnibus appropriations act.

(45) The appropriations in this section reflect savings and efficiencies achieved by modifying dispensing methods of contraceptive drugs. The authority must make arrangements for all medicaid programs offered through managed care plans or fee-for-service programs to require dispensing of contraceptive drugs with a one-year supply provided at one time unless a patient requests a smaller supply or the prescribing physician instructs that the patient must receive a smaller supply. Contracts with managed care plans must allow on-site dispensing of the prescribed contraceptive drugs at family planning clinics. Dispensing practices must follow clinical guidelines for appropriate prescribing and dispensing to ensure the health of the patient while maximizing access to effective contraceptive drugs.

NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2014)	\$2,077,000
General Fund--State Appropriation (FY 2015)	\$2,002,000
General Fund--Federal Appropriation	\$2,190,000
TOTAL APPROPRIATION.....	\$6,269,000

The appropriations in this section are subject to the following conditions and limitations: \$218,000 of the general fund--federal appropriation is provided for additional financial resources from the U.S. department of housing and urban development for the investigation of discrimination cases involving service animals.

NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State	
Appropriation	\$10,000
Accident Account--State Appropriation	\$19,790,000
Medical Aid Account--State Appropriation.....	\$19,790,000
TOTAL APPROPRIATION.....	\$39,590,000

NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2014)	\$14,360,000
General Fund--State Appropriation (FY 2015)	\$14,274,000
General Fund--Private/Local Appropriation.....	\$3,059,000
Death Investigations Account--State Appropriation.....	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$8,597,000
TOTAL APPROPRIATION.....	\$40,898,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000,000 of the general fund--state appropriation for fiscal year 2015, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$340,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund--state appropriation for fiscal year 2014 and \$96,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$123,000 of the general fund--state appropriation for fiscal year 2014 and \$123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(7) \$165,000 of the general fund--state appropriation for fiscal year 2014 and \$165,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for crisis intervention training for peace officers. The commission shall incorporate eight hours of crisis intervention curriculum into its basic law enforcement academy and shall offer an eight-hour in-service crisis intervention training course.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2014)	\$17,054,000
General Fund--State Appropriation (FY 2015)	\$17,668,000
General Fund--Federal Appropriation	\$11,876,000
Asbestos Account--State Appropriation	\$367,000
Electrical License Account--State Appropriation	\$37,177,000
Farm Labor Contractor Account--State Appropriation	\$28,000
Worker and Community Right-to-Know Account--	
State Appropriation	\$904,000
Public Works Administration Account--State	
Appropriation	\$6,261,000
Manufactured Home Installation Training Account--	
State Appropriation	\$354,000
Accident Account--State Appropriation	\$260,561,000
Accident Account--Federal Appropriation	\$13,626,000
Medical Aid Account--State Appropriation	\$279,402,000
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	\$1,735,000
Pressure Systems Safety Account--State	
Appropriation	\$4,200,000

TOTAL APPROPRIATION.....\$654,399,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase elevator fees by up to 13.1 percent during the 2013-2015 fiscal biennium. This increase is necessary to support expenditures authorized in this section, consistent with chapter 70.87 RCW.

(2) \$1,336,000 of the medical aid account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5362 (workers' compensation/vocational rehabilitation). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$279,000 of the public works administration account--state appropriation, \$4,000 of the medical aid account--state appropriation, and \$4,000 of the accident account--state appropriation are provided solely for implementation of Substitute House Bill No. 1420 (transportation improvement projects). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(4) \$465,000 of the accident account--state appropriation and \$355,000 of the medical aid account--state appropriation are provided solely for the logging safety initiative effort and the goal of reducing the frequency and severity of injuries in manual or nonmechanized logging. \$200,000 of the medical aid account--state appropriation provided in this subsection may come from unspent safety and health investment program grants and is not subject to the process established in RCW 49.17.243. The department of labor and industries shall use \$620,000 of the amounts provided in this subsection in the calculation of workers' compensation premiums for the forest products industry and any other appropriate risk classes in future biennia. The department shall submit a report to the legislature by December 31, 2014, on the approach of using a third-party safety certification vendor, and on the accomplishments, work to date, and future plans of the logging safety task force. The report must identify options for future funding of the program and provide a permanent funding recommendation.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2014)\$1,996,000
General Fund--State Appropriation (FY 2015)\$1,906,000
Charitable, Educational, Penal, and Reformatory
Institutions Account--State Appropriation.....\$10,000
TOTAL APPROPRIATION.....\$3,912,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2014)\$5,340,000
General Fund--State Appropriation (FY 2015)\$5,321,000
General Fund--Federal Appropriation\$3,460,000
General Fund--Private/Local Appropriation.....\$4,425,000
Veteran Estate Management Account--Private/Local
Appropriation.....\$1,105,000
TOTAL APPROPRIATION.....\$19,651,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund-- state appropriation for fiscal year 2015 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)\$102,000
General Fund--State Appropriation (FY 2015)\$20,000
General Fund--Federal Appropriation\$69,102,000
General Fund--Private/Local Appropriation.....\$39,209,000
TOTAL APPROPRIATION.....\$108,433,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2014)\$61,405,000
General Fund--State Appropriation (FY 2015)\$59,467,000
General Fund--Federal Appropriation\$536,270,000
General Fund--Private/Local Appropriation.....\$139,534,000
Hospital Data Collection Account--State Appropriation....\$222,000
Health Professions Account--State Appropriation\$104,223,000
Aquatic Lands Enhancement Account--State Appropriation
.....\$604,000
Emergency Medical Services and Trauma Care Systems
Trust Account--State Appropriation.....\$12,320,000
Safe Drinking Water Account--State Appropriation\$5,273,000
Drinking Water Assistance Account--Federal
Appropriation\$14,820,000
Waterworks Operator Certification--State
Appropriation\$1,561,000
Drinking Water Assistance Administrative Account--
State Appropriation\$340,000
Site Closure Account--State Appropriation.....\$159,000
Biotoxin Account--State Appropriation.....\$1,323,000
State Toxics Control Account--State Appropriation.....\$3,805,000
Medical Test Site Licensure Account--State
Appropriation\$3,389,000
Youth Tobacco Prevention Account--State Appropriation
.....\$1,512,000
Public Health Supplemental Account--Private/Local
Appropriation\$3,236,000
Accident Account--State Appropriation\$304,000
Medical Aid Account--State Appropriation\$50,000
Medicaid Fraud Penalty Account--State
Appropriation\$973,000
TOTAL APPROPRIATION.....\$950,790,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) The joint administrative rules review committee shall review the new or amended rules pertaining to primary and secondary school facilities under (a) of this subsection. The review committee shall determine whether (i) the rules are within the intent of the legislature as expressed by the statute that the rule implements, (ii) the rule has been adopted in accordance with all applicable provisions of law, or (iii) that the agency is using a policy or interpretive statement in place of a rule. The rules review committee shall report to the appropriate policy and fiscal

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committees of the legislature the results of committee's review and any recommendations that the committee deems advisable.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2014 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for newborn screening, and fees associated with the following professions: Agency affiliated counselors; certified counselors; and certified advisors.

(3)(a) \$50,000 of the medicaid fraud penalty account--state appropriation is provided solely for the department to integrate the prescription monitoring program into the coordinated care electronic tracking program developed in response to section 213, chapter 7, Laws of 2012, 2nd sp. sess., commonly referred to as the seven best practices in emergency medicine.

(b) The integration must provide prescription monitoring program data to emergency department personnel when the patient registers in the emergency department. Such exchange may be a private or public joint venture, including the use of the state health information exchange.

(c) As part of the integration, the department shall request insurers and third-party administrators that provide coverage to residents of Washington state to provide the following to the coordinated care electronic tracking program:

(i) Any available information regarding the assigned primary care provider, and the primary care provider's telephone and fax numbers. This information is to be used for real-time communication to an emergency department provider when caring for a patient; and

(ii) Information regarding any available care plans or treatment plans for patients with higher utilization of services on a regular basis. This information is to be provided to the treating provider.

(4) \$270,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Washington autism alliance to assist autistic individuals and families with autistic children during the transition to federal health reform.

(5) \$6,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to convene a work group to study and recommend language for standardized clinical affiliation agreements for clinical placements associated with the education and training of physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, and nurses licensed under chapter 18.79 RCW. The work group shall develop one recommended standardized clinical affiliation agreement for each profession or one recommended standardized clinical affiliation agreement for all three professions.

(a) When choosing members of the work group, the department shall consult with the health care personnel shortage task force and shall attempt to ensure that the membership of the work group is geographically diverse. The work group must, at a minimum, include representatives of the following:

- (i) Two-year institutions of higher education;
- (ii) Four-year institutions of higher education;
- (iii) The University of Washington medical school;
- (iv) The college of osteopathic medicine at the Pacific Northwest University of Health Sciences;
- (v) The health care personnel shortage task force;
- (vi) Statewide organizations representing hospitals and other facilities that accept clinical placements;
- (vii) A statewide organization representing physicians;
- (viii) A statewide organization representing osteopathic physicians and surgeons;
- (ix) A statewide organization representing nurses;

(x) A labor organization representing nurses; and

(xi) Any other groups deemed appropriate by the department in consultation with the health care personnel shortage task force.

(b) The work group shall report its findings to the governor and the appropriate standing committees of the legislature no later than November 15, 2014.

(6) \$65,000 of the general fund--state appropriation for fiscal year 2014 and \$65,000 of the general fund--state appropriation for fiscal year 2015 are for the midwifery licensure and regulatory program to supplement revenue from fees. Current annual fees for new or renewed licenses for the midwifery program, except for online access to HEAL-WA, may increase by no more than the rate of inflation as measured by the consumer price index. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(7) During the 2013-2015 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(8) \$35,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1003 (health professions licensees). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(9) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1270 (board of denturists). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1271 (denturism). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(11) \$11,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1330 (dental hygienists, assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(12) \$1,008,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1343 (nurses surcharge). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(13) \$34,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1376 (suicide assessment training). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(14) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1515 (medical assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(15) \$2,185,000 of the health professions account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1518 (disciplinary authorities). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(16) \$141,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 1525 (birth certificates and information). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(17) \$220,000 of the health professions account--state appropriation is provided solely for the implementation of House

Bill No. 1534 (impaired dentist program). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(18) \$51,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1609 (board of pharmacy). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(19) \$12,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1629 (home care continuing education). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(20) \$18,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1737 (physician assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(21) \$77,000 of the general fund--state appropriation for fiscal year 2014 and \$38,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to develop a report on state efforts to prevent and control diabetes. The department, the health care authority, and the department of social and health services shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

(a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (24).

(22) Within the general fund--state amounts appropriated in this section, the department of health will develop and administer the certified home care aide examination translated into at least seven languages in addition to the languages in which the examination is available on the effective date of this act. The purpose of offering the examination in additional languages is to encourage an adequate supply of certified home care aides to meet diverse long-term care client needs.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2014)	\$57,085,000
General Fund--State Appropriation (FY 2015)	\$55,585,000
TOTAL APPROPRIATION.....	\$112,670,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund--state appropriation for fiscal year 2014 and \$35,000 of the general fund-- state appropriation for fiscal year 2015 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$75,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to contract with a consultant who can facilitate and provide project expertise on the implementation of community and prison based offender programming that follows the risk-needs-responsivity model.

(i) By September 1, 2013, the department shall provide to the consultant an inventory of all existing programming both in prisons and in community operations. The department shall consult with the Washington state institute for public policy (WSIPP) to determine whether programs are evidence-based or research-based using definitions provided by WSIPP and shall include this information on the inventory.

(ii) By October 1, 2013, the consultant shall report to the department, the office of financial management, and legislative fiscal committees on the department's current plans and processes for managing offender programming including processes for phasing-out ineffective programs and implementing evidence-based or research-based programs. All department programs should be considered by the consultant regardless of whether they are included on the most recent list of WSIPP approved identifiable evidence-based practices in (b)(i) of this subsection.

(iii) The WSIPP, in consultation with the department, shall systematically review selected programs to determine the effectiveness of these programs at reducing recidivism or other outcomes. The WSIPP shall conduct a benefit-cost analysis of these programs when feasible and shall report to the legislature by December 1, 2013.

(iv) Based on the report provided by the consultant and the WSIPP review of programs, the department shall work collaboratively with the consultant to develop and complete a written comprehensive implementation plan by January 15, 2014. The implementation plan must clearly identify the types of programs to be included, the recommended locations where the programs will be sited, an implementation timeline, and a phasing of the projected number of participants needed to meet the threshold of available program funds.

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(v) Using the written implementation plan as a guide, the department must have programs in place and fully phased-in no later than June 30, 2015.

(vi) The department shall hold the consultant on retainer to assist the department as needed throughout the implementation process. The consultant shall review quarterly the actual implementation compared to the written implementation plan and shall provide a report to the secretary of the department. The department shall provide reports to the office of financial management and legislative fiscal committees as follows:

(A) The written comprehensive implementation plan shall be provided by January 15, 2014; and

(B) Written progress updates shall be provided by July 1, 2014, and by December 1, 2014.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2014)	\$606,143,000
General Fund--State Appropriation (FY 2015)	\$607,085,000
General Fund--Federal Appropriation	\$3,322,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$7,586,000
State Toxics Control--State Appropriation	\$105,000
TOTAL APPROPRIATION.....	\$1,224,241,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2013-2015 fiscal biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) By December 1, 2013, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's inmate intake processes and expenditures and makes recommendations for improvements. The evaluation must include an analysis of lean management processes that, if adopted, could improve the efficiency and cost effectiveness of inmate intake.

(c) By December 1, 2013, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's use of partial confinement and work release programs and makes recommendations for improving public safety and decreasing recidivism through increasing participation in partial confinement re-entry and work release programs. In making its recommendations, the department shall identify:

(i) Options for increasing the capacity of work release beds to meet the number of eligible offenders;

(ii) Potential cost savings to the state through contracting for or building new work release capacity;

(iii) Options for expanding eligibility for partial confinement, including creation of a structured re-entry program that includes stable housing, mandatory participation in evidence-based programs, and intensive supervision; and

(iv) Potential cost savings to the state from creation of a structured re-entry program.

(d) By December 1, 2013, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's community parenting alternative program, and makes recommendations for increasing participation

in the program with the goals of increasing public safety and decreasing recidivism. The evaluation shall include recommendations for increasing the placement of eligible offenders into the program and increasing eligibility to other populations. In making its recommendations, the department shall identify the percent of the eligible population currently entering the program, outcomes to-date for program participants, and potential cost savings from increasing placement of offenders into the program.

(e) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(f) The department of corrections shall issue a competitive solicitation by August 1, 2013, to contract with local jurisdictions for the use of inmate bed capacity in lieu of prison beds operated by the state. The department may contract for up to 300 beds statewide to the extent that it is at no net cost to the department. The contracts shall be for beds in western Washington and eastern Washington. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$65 per day for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$65 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders who the department of corrections defines as medium security offenders. Local jurisdictions must provide health care to offenders that meet standards set by the department. The department will report to legislative fiscal committees and the office of financial management by November 1, 2013, to provide a status update on implementation.

(g) The department shall convene a work group to develop health care cost containment strategies at local jail facilities. The work group shall identify cost containment strategies in place at the department and at local jail facilities, identify the costs and benefits of implementing strategies in jail health-care facilities, and make recommendations on implementing beneficial strategies. The work group shall submit a report on its findings and recommendations to the fiscal committees of the legislature by October 1, 2013. The work group shall include jail administrators, representatives from health care facilities at the local jail level and the state prisons level, and other representatives as deemed necessary.

(h) \$1,026,000 of the general fund--state appropriation for fiscal year 2014 and \$781,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to expand the piloted risk-needs-responsivity model to include the use of cognitive behavioral therapy with evidence-based programming at two minimum security prison facilities and at the Monroe correctional complex.

(i) \$24,563,000 of the general fund--state appropriation for fiscal year 2014 and \$25,606,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for offender programming. Pursuant to section 220(1) of this act, the department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to

discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(j) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$36,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Senate Bill No. 5484 (assault in the third-degree). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(k) \$244,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the costs incurred by Snohomish county for *State v. Scherf*.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2014)	\$129,472,000
General Fund--State Appropriation (FY 2015)	\$131,102,000
County Criminal Justice Assistance Account--State	\$1,906,000
Ignition Interlock Device Revolving Account--State	\$2,200,000
TOTAL APPROPRIATION.....	\$264,680,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,906,000 of the county criminal justice assistance account-- state appropriation and \$2,200,000 of the ignition interlock device revolving account--state appropriation are provided solely for the department to contract for additional residential drug offender sentencing alternative treatment slots. By December 1, 2013, the department shall provide a report to the appropriate fiscal committees of the house of representatives and the senate on the use of the additional treatment slots.

(b) \$4,186,000 of the general fund--state appropriation for fiscal year 2014 and \$6,362,000 of the general fund--state appropriation for fiscal year 2015 must be expended on evidence-based programs that follow the risk-needs-responsivity model. The department is authorized to use up to ten percent of these funds as necessary to secure physical space as needed to maximize program delivery of evidence-based treatment to all high-risk, high-need offenders in community supervision. Funding may be prioritized by the department to any program recognized as evidence-based for adult offenders by the Washington state institute for public policy.

(c) \$16,513,000 of the general fund--state appropriation for fiscal year 2014 and \$16,527,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for offender programming. Pursuant to section 220 (1) of this act, the department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2014)	\$6,472,000
General Fund--State Appropriation (FY 2015)	\$7,060,000
TOTAL APPROPRIATION.....	\$13,532,000

The appropriations in this subsection are subject to the following conditions and limitations: \$2,985,000 of the general fund--state appropriation for fiscal year 2014 and \$3,583,000 of the general fund-- state appropriation for fiscal year 2015 are provided solely for the stewardship of McNeil island. The department shall assume responsibility of all island maintenance excluding site specific maintenance operations for the special commitment center and the Pierce county secure transitional facility. The department shall as part of its industries program provide job skills to offenders while providing the minimum maintenance and preservation necessary for the state to remain in compliance with the federal deed for McNeil island. The department shall report on efficiencies and potential cost reductions to the office of financial management and legislative fiscal committees by December 15, 2013.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2014)	\$35,345,000
General Fund--State Appropriation (FY 2015)	\$32,115,000
TOTAL APPROPRIATION.....	\$67,460,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2014)	\$2,242,000
General Fund--State Appropriation (FY 2015)	\$2,202,000
General Fund--Federal Appropriation	\$21,080,000
General Fund--Private/Local Appropriation.....	\$60,000
TOTAL APPROPRIATION.....	\$25,584,000

NEW SECTION. Sec. 222. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation	\$270,061,000
General Fund--Private/Local Appropriation.....	\$34,229,000
Unemployment Compensation Administration Account-- Federal Appropriation	\$320,596,000
Administrative Contingency Account--State Appropriation	\$22,771,000
Employment Service Administrative Account--State Appropriation	\$35,851,000
TOTAL APPROPRIATION.....	\$683,508,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$12,386,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(2) \$3,735,000 of the unemployment compensation account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of call center technology to improve the integration of the telephone and computing systems to increase efficiency and improve customer service.

(3) \$182,000 of the employment services administrative account-- state appropriation is provided for costs associated with the second stage of the review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). This second stage shall be developed and conducted by the joint legislative audit and review committee and shall consist of further work on the process study and net-impact/cost-benefit analysis components of the evaluation.

(4) \$240,000 of the administrative contingency account--state appropriation is provided solely for the employment security department to contract with a center for workers in King county. The amount appropriated in this subsection shall be used by the contracted center for workers to support initiatives that generate high-skill, high-wage jobs; improve workforce and training systems; improve service delivery for dislocated workers; and build alliances with community and environmental organizations.

(5) The department is prohibited from expending amounts appropriated in this section for implementation of chapter 49.86 RCW.

(End of part)

PART III
NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2014), General Fund--State Appropriation (FY 2015), General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, and TOTAL APPROPRIATION.

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2014), General Fund--State Appropriation (FY 2015), General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, Reclamation Account--State Appropriation, Flood Control Assistance Account--State Appropriation, State Emergency Water Projects Revolving Account--State Appropriation, Waste Reduction/Recycling/Litter Control--State Appropriation, State Drought Preparedness Account--State Appropriation, State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation, Aquatic Algae Control Account--State Appropriation, Water Rights Tracking System Account--State Appropriation, Site Closure Account--State Appropriation, Wood Stove Education and Enforcement Account--State Appropriation, Worker and Community Right-to-Know Account--State Appropriation, Water Rights Processing Account--State Appropriation, State Toxics Control Account--State Appropriation, State Toxics Control Account--Private/Local Appropriation, Local Toxics Control Account--State Appropriation, Water Quality Permit Account--State Appropriation, Underground Storage Tank Account--State Appropriation, Biosolids Permit Account--State Appropriation, Hazardous Waste Assistance Account--State Appropriation, Air Pollution Control Account--State Appropriation, Oil Spill Prevention Account--State Appropriation, Air Operating Permit Account--State Appropriation, Freshwater Aquatic Weeds Account--State Appropriation, Oil Spill Response Account--State Appropriation, Water Pollution Control Revolving Account--State Appropriation, Water Pollution Control Revolving Account--Federal Appropriation, Water Pollution Control Revolving Administration Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program

targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 4.55 percent in fiscal year 2014 and 4.63 percent in fiscal year 2015; and reasonably available control technology fee.

(3) \$1,981,000 of the state toxics control account--state appropriation is for the department to provide training regarding the benefits of low-impact development including, but not limited to, when the use of low-impact development is appropriate and feasible, and the design, installation, maintenance, and best practices of low-impact development. The department will consult with Washington State University extension low-impact development technical center and others in the development of the low-impact technical training. As appropriate, the department may contract with the Washington State University extension low-impact development technical center, private sector vendors, associations, and others to deliver the technical training. The training must be provided free of cost to phase I and phase II permittees and the private development community including builders, engineers, and other industry professionals. The training must be sequenced geographically and provided in time for local jurisdictions to comply with RCW 90.48.260 and 36.70A.130(5). By August 1, 2013, the department of ecology shall provide the governor and appropriate legislative committees a plan for how low-impact development training funds will be spent during fiscal years 2014 through 2017.

(4) \$440,000 of the state toxics control account--state appropriation is provided solely for administering the water pollution control facilities financial assistance program authorized in chapter 90.50A RCW.

(5) \$350,000 of the state toxics control account--state appropriation is provided solely for the Spokane river regional toxics task force to support their efforts to address elevated levels of polychlorinated biphenyls in the Spokane river. Funding will be used to determine the extent of the cleanup required, implement cleanup actions to meet applicable water quality standards, and prevent recontamination.

(6) \$516,000 of the state toxics control account--state appropriation is provided solely for the department to support an ultrafine particulate study to determine how, if at all, the biomass cogeneration facilities in Port Townsend and Port Angeles may impact air quality and the health of citizens in the region.

(7) \$65,000 of the water quality permit account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1245 (derelict and abandoned vessels). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2014), General Fund--State Appropriation (FY 2015), General Fund--Federal Appropriation, Winter Recreation Program Account--State Appropriation, ORV and Nonhighway Vehicle Account--State Appropriation, Snowmobile Account--State Appropriation, Aquatic Lands Enhancement Account--State Appropriation, Parks Renewal and Stewardship Account--State Appropriation, and Parks Renewal and Stewardship Account--Private/Local.

Appropriation.....	\$300,000
TOTAL APPROPRIATION.....	\$130,976,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,000 of the general fund--state appropriation for fiscal year 2014 and \$79,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.

(3) The commission shall prepare a report on its efforts to increase revenue from all sources, including the discover pass. The report shall also include a status update on the fiscal health of the state parks system, and shall be submitted to the office of financial management and the appropriate committees of the legislature by October 28, 2013.

NEW SECTION. Sec. 304. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund--State Appropriation (FY 2014)	\$823,000
General Fund--State Appropriation (FY 2015)	\$816,000
General Fund--Federal Appropriation	\$3,430,000
General Fund--Private/Local Appropriation.....	\$24,000
Aquatic Lands Enhancement Account--State Appropriation	\$480,000
Firearms Range Account--State Appropriation	\$37,000
Recreation Resources Account--State Appropriation	\$3,089,000
NOVA Program Account--State Appropriation	\$965,000
TOTAL APPROPRIATION.....	\$9,664,000

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund--State Appropriation (FY 2014)	\$2,227,000
General Fund--State Appropriation (FY 2015)	\$2,153,000
TOTAL APPROPRIATION.....	\$4,380,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2014)	\$6,841,000
General Fund--State Appropriation (FY 2015)	\$6,746,000
General Fund--Federal Appropriation	\$2,301,000
TOTAL APPROPRIATION.....	\$15,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the conservation commission, in consultation with conservation districts, must submit to the office of financial management and legislative fiscal committees by December 10, 2013, a report containing proposals for the consolidation of conservation districts within counties in which there is more than one district. The report must include details on the anticipated future savings that would be expected from consolidating districts starting on July 1, 2014.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$246,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement the voluntary stewardship program in Thurston and Chelan counties. These amounts may not be used to fund agency indirect and administrative expenses.

(3) \$1,000,000 of the general fund--federal appropriation is provided solely to implement the voluntary stewardship program statewide. The commission shall place the appropriation in this subsection in unallotted status, and may not allot any of these funds until the federal government has provided funding to the commission for the purpose of implementing the voluntary stewardship program.

(4) The conservation commission must evaluate the current system for the election of conservation district board supervisors and recommend improvements to ensure the highest degree of public involvement in these elections. The commission must engage with stakeholder groups and conservation districts to gather a set of options for improvement to district elections, which must include an option aligning district elections with state and local general elections. The commission must submit a report detailing the options to the office of financial management and appropriate committees of the legislature by December 10, 2013.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2014)	\$30,521,000
General Fund--State Appropriation (FY 2015)	\$29,299,000
General Fund--Federal Appropriation	\$107,753,000
General Fund--Private/Local Appropriation.....	\$58,890,000
ORV and Nonhighway Vehicle Account--State Appropriation	\$399,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$15,928,000
Recreational Fisheries Enhancement--State Appropriation	\$2,595,000
Warm Water Game Fish Account--State Appropriation	\$2,513,000
Eastern Washington Pheasant Enhancement Account--State	
Appropriation	\$849,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation	\$209,000
Aquatic Invasive Species Prevention Account--State	
Appropriation	\$738,000
State Wildlife Account--State Appropriation	\$103,510,000
Special Wildlife Account--State Appropriation.....	\$2,406,000
Special Wildlife Account--Federal Appropriation.....	\$500,000
Special Wildlife Account--Private/Local Appropriation	\$3,447,000
Wildlife Rehabilitation Account--State Appropriation.....	\$259,000
State Toxics Control Account--State Appropriation.....	\$1,224,000
Hydraulic Project Approval Account--State Appropriation	\$674,000
Regional Fisheries Enhancement Salmonid Recovery	
Account--Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account--State Appropriation.....	\$918,000
Oyster Reserve Land Account--State Appropriation.....	\$774,000
TOTAL APPROPRIATION.....	\$368,407,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the general fund--state appropriation for fiscal year 2014 and \$130,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) Prior to submitting its 2015-2017 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(3) \$400,000 of the general fund--state appropriation for fiscal year 2014 and \$400,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

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(4) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(5) During the 2013-2015 fiscal biennium, the department must retain ownership and continue to occupy the downtown Olympia office building at 600 Capitol Way.

(6) \$1,000,000 of the state wildlife account--state appropriation is provided solely to the department for resources that serve to promote and engage nonlethal deterrence methods relating to wolf and livestock interaction with a priority given to funding cooperative agreements with livestock producers, and for providing compensation for injury or loss of livestock caused by wolves as prescribed in chapter 77.36 RCW.

(7) \$180,000 of the state wildlife account--state appropriation is provided solely for the department to contract with a community-based organization to disseminate information about apex predators in the North Cascades.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the transfer of trout from the Clark's Creek hatchery to the Lakewood hatchery.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2014 and \$200,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the department for the production of Steelhead, Coho, and Chinook at the Clark's Creek hatchery.

(10) \$200,000 of the state wildlife account--state appropriation, \$50,000 of the general fund--state appropriation for fiscal year 2014, and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to increase production of juvenile fall Chinook on the Cowlitz river. The funds provided may be used to match or leverage funds from private or public sources for the same purpose.

(11) \$596,000 of the general fund--state appropriation for fiscal year 2014 and \$596,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for weed assessments and for payments in lieu of real property taxes to counties that elect to receive the payments for department owned game lands within the county.

(12) Within the amounts appropriated in this section, the department must deploy additional wildlife conflict specialists to provide landowner assistance and address wildlife conflicts, with at least one additional specialist primarily assigned to each of the following areas: Administrative region six of the department; Okanogan and Chelan counties in administrative region two of the department; and Whatcom and Skagit counties in administrative region four of the department.

(13) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1112 (science and public policy). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(14) Within the amounts appropriated in this section the department shall work with the regional fisheries enhancement groups to identify a revenue source or sources capable of providing long-term funding to support the community-based salmon restoration work of regional fisheries enhancement groups. The department shall work with the regional fisheries enhancement group coalition to submit a report to the office of financial management and the appropriate legislative committees by December 1, 2013, with the outcomes and recommendations.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2014)	\$41,933,000
General Fund--State Appropriation (FY 2015)	\$44,616,000
General Fund--Federal Appropriation	\$26,970,000
General Fund--Private/Local Appropriation.....	\$2,372,000
Forest Development Account--State Appropriation	\$49,132,000
ORV and Nonhighway Vehicle Account--State Appropriation	\$4,501,000
Surveys and Maps Account--State Appropriation	\$2,173,000
Aquatic Lands Enhancement Account--State Appropriation	\$584,000
Resources Management Cost Account--State Appropriation	\$114,279,000
Surface Mining Reclamation Account--State Appropriation	\$3,978,000
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation	\$11,760,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation.....	\$843,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation.....	\$34,000
Marine Resources Stewardship Trust Account--State Appropriation	\$3,700,000
State Toxics Control Account--State Appropriation.....	\$4,028,000
Forest Practices Application Account--State Appropriation	\$1,697,000
Air Pollution Control Account--State Appropriation	\$786,000
NOVA Program Account--State Appropriation	\$651,000
Derelict Vessel Removal Account--State Appropriation.....	\$1,771,000
Agricultural College Trust Management Account--State Appropriation	\$2,716,000
TOTAL APPROPRIATION.....	\$323,524,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,389,000 of the general fund--state appropriation for fiscal year 2014 and \$1,327,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$19,099,000 of the general fund--state appropriation for fiscal year 2014, \$19,099,000 of the general fund--state appropriation for fiscal year 2015, and \$5,000,000 of the disaster response account-- state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$660,000 of the forest and fish support account--state appropriation is provided solely for outcome-based performance

contracts with nongovernmental organizations to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect cost set at or below a rate of eighteen percent.

(5) \$717,000 of the forest and fish support account--state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$440,000 of the state general fund--state appropriation for fiscal year 2014 and \$440,000 of the state general fund--state appropriation for fiscal year 2015 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(7) \$2,382,000 of the resource management cost account--state appropriation is for addressing the growing backlog of expired aquatic leases and new aquatic lease applications. The department shall implement a Lean process to improve the lease review process and further reduce the backlog, and submit a report on its progress in addressing the backlog and implementation of the Lean process to the governor and the appropriate committees of the legislature by October 1, 2013.

(8) \$1,948,000 of the state toxics control account--state appropriation is provided solely for the department to pay a portion of the costs to complete remedial investigation work at Whitmarsh landfill and Mill site A and perform final-year maintenance of the Olympic view triangle site in Commencement Bay.

(9) \$265,000 of the resources management cost account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 1764 (geoduck diver licenses). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$425,000 of the derelict vessel removal account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1245 (derelict and abandoned vessels). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(11) \$3,700,000 of the marine resources stewardship trust account-- state appropriation is provided solely for implementation of priority marine management planning efforts including mapping activities, ecological assessment, data tools, stakeholder engagement, and all other work identified in Engrossed Senate Bill No. 5603 (marine advisory councils) during the 2013-2015 fiscal biennium.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2014)	\$15,300,000
General Fund--State Appropriation (FY 2015)	\$15,324,000
General Fund--Federal Appropriation.....	\$23,119,000
General Fund--Private/Local Appropriation.....	\$192,000
Aquatic Lands Enhancement Account--State Appropriation	\$2,840,000
State Toxics Control Account--State Appropriation.....	\$5,208,000
Water Quality Permit Account--State Appropriation	\$70,000
TOTAL APPROPRIATION.....	\$62,053,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,308,445 of the general fund--state appropriation for fiscal year 2014 and \$5,302,905 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Pursuant to RCW 43.135.055 and 16.57.220, the department is authorized to institute livestock inspection fees in the 2013-2015 fiscal biennium for calves less than thirty days old.

(3) Pursuant to RCW 43.135.055 and 16.36.150, the department is authorized to establish a fee for the sole purpose of purchasing and operating a database and any other technology or software

needed to administer animal disease traceability activities for cattle sold or slaughtered in the state or transported out of the state.

(4) Within the amounts appropriated in this section, the department of agriculture must convene and facilitate a work group with appropriate stakeholders to review fees supporting programs within the department that are also supported with state general fund. In developing strategies to make the program work more self-supporting, the workgroup will consider, at minimum, the length of time since the last fee increase, similar fees that exist in neighboring states, and fee increases that will ensure reasonable competitiveness in the respective industries. The workgroup must submit a report containing recommendations that will make each of the fee supported programs within the department less reliant on state general fund to the office of financial management and legislative fiscal committees by December 1, 2013.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Program Trust

Account--State Appropriation.....	\$988,000
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NEW SECTION. Sec. 311. FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2014)	\$2,416,000
General Fund--State Appropriation (FY 2015)	\$2,324,000
General Fund--Federal Appropriation	\$11,577,000
Aquatic Lands Enhancement Account--State Appropriation	\$1,920,000
State Toxics Control Account--State Appropriation.....	\$677,000
TOTAL APPROPRIATION.....	\$18,914,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$788,000 of the aquatic lands enhancement account--state appropriation is provided solely for coordinating a study of Puget Sound juvenile steelhead marine survival conducted by the department of fish and wildlife and based on a study plan developed in cooperation with federal, tribal, and nongovernmental entities.

(2) By October 1, 2014, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2015-2017 capital and operating budget requests related to Puget Sound restoration.

(End of part)

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2014)	\$1,103,000
General Fund--State Appropriation (FY 2015)	\$1,345,000
Architects' License Account--State Appropriation	\$903,000
Professional Engineers' Account--State Appropriation	\$3,563,000
Real Estate Commission Account--State Appropriation	\$9,946,000
Uniform Commercial Code Account--State Appropriation	\$3,157,000
Real Estate Education Account--State Appropriation	\$276,000
Real Estate Appraiser Commission Account--State Appropriation	\$1,705,000
Business and Professions Account--State Appropriation	\$17,483,000
Funeral and Cemetery Account--State Appropriation	\$5,000
Landscape Architects Account--State Appropriation	\$4,000
Appraisal Management Company Account--State Appropriation	\$4,000
Real Estate Research Account--State Appropriation	\$415,000
Wildlife Account--State Appropriation	\$32,000

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Geologists' Account--State Appropriation.....	\$52,000
Derelict Vessel Removal Account--State Appropriation.....	\$31,000
TOTAL APPROPRIATION.....	\$40,024,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$566,000 of the business and professions account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1552 (scrap metal theft reduction). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(2) \$166,000 of the business and professions account--state appropriation in fiscal year 2014 only is provided solely for the implementation of Substitute House Bill No. 1779 (esthetics). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$592,000 of the business and professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1822 (debt collection practices). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 2014)	\$34,653,000
General Fund--State Appropriation (FY 2015)	\$32,592,000
General Fund--Federal Appropriation	\$16,195,000
General Fund--Private/Local Appropriation.....	\$3,020,000
Death Investigations Account--State Appropriation.....	\$9,965,000
County Criminal Justice Assistance Account--State	

Appropriation

Municipal Criminal Justice Assistance Account--State

Appropriation

Fire Service Trust Account--State Appropriation.....

Disaster Response Account--State Appropriation

Fire Service Training Account--State Appropriation

Aquatic Invasive Species Enforcement Account--State

Appropriation

State Toxics Control Account--State Appropriation.....

Fingerprint Identification Account--State

Appropriation

Vehicle License Fraud Account--State Appropriation

TOTAL APPROPRIATION.....

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$1,000,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$3,480,000 of the fingerprint identification account--state appropriation is provided solely for upgrades to the Washington state identification system and the Washington crime information center. Amounts provided in this subsection may not be expended

until the office of the chief information officer approves a plan to move the Washington state patrol's servers and data center equipment into the state data center in the 1500 Jefferson building, and the office of the chief information officer certifies that the Washington state patrol has begun the move. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(5) \$154,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Substitute House Bill No. 1612 (firearms offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(6) In accordance with RCW 43.135.055 and 43.43.742, the state patrol is authorized to increase the following fees in fiscal year 2014 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Electronic and paper-based fingerprint and name and date of birth background checks.

(End of part)

**PART V
EDUCATION**

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2014)	\$27,336,000
General Fund--State Appropriation (FY 2015)	\$26,450,000
General Fund--Federal Appropriation	\$63,862,000
General Fund--Private/Local Appropriation.....	\$4,005,000
TOTAL APPROPRIATION.....	\$121,653,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$17,429,000 of the general fund--state appropriation for fiscal year 2014 and \$16,878,000 of the general fund--state appropriation for fiscal year 2015 is for state agency operations.

(a) \$9,102,000 of the general fund--state appropriation for fiscal year 2014 and \$8,944,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection (1)(a), the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By September of each year, the office of the superintendent of public instruction shall produce an annual status report of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of staff, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, and proviso outcomes and achievements.

(iv) The superintendent of public instruction shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(b) \$1,017,000 of the general fund--state appropriation for fiscal year 2014 and \$1,017,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c)(i) \$851,000 of the general fund--state appropriation for fiscal year 2014 and \$851,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(ii) \$234,000 of the general fund--state appropriation for fiscal year 2014 and \$234,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the state board of education for implementation of Initiative Measure No. 1240 (charter schools).

(d) \$1,494,000 of the general fund--state appropriation for fiscal year 2014 and \$1,494,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the professional educator standards board for the following:

(i) \$1,050,000 in fiscal year 2014 and \$1,050,000 in fiscal year 2015 are for the operation and expenses of the Washington professional educator standards board;

(ii) \$419,000 of the general fund--state appropriation for fiscal year 2014 and \$419,000 of the general fund--state appropriation for fiscal year 2015 are for mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling to teach conditional loan programs. Funding within this subsection (1)(d)(ii) is also provided for the recruiting Washington teachers program; and

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use.

(e) \$133,000 of the general fund--state appropriation for fiscal year 2014 and \$133,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(g) \$45,000 of the general fund--state appropriation for fiscal year 2014 and \$45,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$131,000 of the general fund--state appropriation for fiscal year 2014 and \$131,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Initiative Measure No. 1240 (charter schools).

(i) \$1,826,000 of the general fund--state appropriation for fiscal year 2014 and \$1,802,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(k) \$1,500,000 of the general fund--state appropriation for fiscal year 2014 and \$1,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 per year in funding for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(l) \$123,000 of the general fund--state appropriation for fiscal year 2014 and \$123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(m) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(n) \$93,000 of the general fund--state appropriation for fiscal year 2014 and \$93,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for chapter 185, Laws of 2011 (bullying prevention, which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities).

(o) \$138,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of House Bill No. 1336 (troubled youth in school). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(p) \$118,000 of the general fund--state appropriation for fiscal year 2014 and \$14,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1134 (state-tribal education compacts). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(q) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the superintendent of public instruction to develop and implement an outreach and education program to inform school districts and employee representative organizations of the health insurance plans, premium tax credits, and out-of-pocket cost subsidies available to individuals who purchase health plans offered through the Washington health benefit exchange. The outreach and education program shall be developed in collaboration with school districts, health care authority, employee representative organizations, the Washington health benefit exchange, and other appropriate entities.

(r) \$62,000 of the general fund--state appropriation for fiscal year 2014 and \$62,000 of the general fund--state appropriation for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction

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must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(s) \$27,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of House Bill No. 1556 (cardiac arrest education). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(t) \$50,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the development of recommendations for funding integrated school nursing and outreach services. The office of the superintendent of public instruction shall collaborate with the health care authority to develop recommendations for increasing federal financial participation for providing nursing services in schools with the goals of integrating nursing and outreach services and supporting one nurse for every four-hundred fifty students in elementary schools and one nurse for every seven-hundred fifty students in secondary schools. The recommendations shall include proposals for funding training and reimbursement for nurses that provide outreach services to help eligible students enroll in apple health for kids and other social services programs. The authority and the office of the superintendent of public instruction shall provide these recommendations to the governor and the legislature by December 1, 2013.

(u) \$50,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the office of the superintendent of public instruction to contract with an organization to develop a model plan for evaluating the outcomes of state funded pilot education programs, including guidelines for standard data that must be gathered throughout any education pilot program, as well as guidance for data and evaluation methods depending on the design of the program and the target population. The contract must also include a provision to provide guidance for the evaluation of existing pilot programs.

(v) \$10,000 of the general fund--state appropriation for fiscal year 2014 and \$10,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools-- recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(2) \$9,957,000 of the general fund--state appropriation for fiscal year 2014 and \$9,584,000 of the general fund--state appropriation for fiscal year 2015 are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2014 and \$2,541,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$135,000 of the general fund--state appropriation for fiscal year 2014 and \$135,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

\$1,221,000 of the general fund--state appropriation for fiscal year 2014 and \$1,221,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$2,175,000 of the general fund--state appropriation for fiscal year 2014 and \$2,175,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(iii) \$337,000 of the general fund--state appropriation for fiscal year 2014 and \$337,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of the building bridges statewide program for comprehensive dropout prevention, intervention, and reengagement strategies.

(iv) \$135,000 of the general fund--state appropriation for fiscal year 2014 and \$135,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for dropout prevention programs at the office of the superintendent of public instruction, including the jobs for America's graduates (JAG) program.

(v) \$2,020,000 of the general fund--state appropriation for fiscal year 2014 and \$1,647,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 340, Laws of 2011 and chapter 51, Laws of 2012. This includes the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS).

(vi) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to subsidize advanced placement exam fees and international baccalaureate class fees and exam fees for low-income students. To be eligible for the subsidy, a student must be either enrolled or eligible to participate in the federal free or reduced price lunch program, and the student must have maximized the allowable federal contribution. The office of the superintendent of public instruction shall set the subsidy in an amount so that the advanced placement exam fee does not exceed \$15.00 and the combined class and exam fee for the international baccalaureate does not exceed \$14.50.

(vii) \$293,000 of the general fund--state appropriation for fiscal year 2014 and \$293,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the superintendent of public instruction to support the dissemination of the navigation 101 curriculum to all districts.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2014)\$5,445,282,000
 General Fund--State Appropriation (FY 2015)\$5,735,636,000
 Education Legacy Trust Account--State Appropriation \$25,283,000
 TOTAL APPROPRIATION.....\$11,206,201,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2013-14 and 2014-15 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2013 to August 31, 2013, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 50, Laws of 2011 1st sp. sess., as amended through sections 502 and 503 of the 2013 omnibus supplemental operating appropriations act.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2013-14 and 2014-15 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2013-14 School Year	2014-15 School Year
Grades K-3	23.50	23.50
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

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The superintendent shall base allocations for career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty school:	2013-14 School Year	2014-15 School Year
Grades K-3	21.76	21.76
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Laboratory science, advanced placement, and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 students:

Career and Technical Education students.....	2.02 per 1000 student FTE's
Skill Center students	2.36 per 1000 student FTE's

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2013-14 and 2014-15 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students 1.025 Skill Center students 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2013-14 and 2014-15 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2013-14 and 2014-15 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and

career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 1.97 percent in the 2013-14 school year and 1.97 percent in the 2014-15 school year for career and technical education students, and 21.92 percent in the 2013-14 school year and 21.92 percent in the 2014-15 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 18.68 percent in the 2013-14 school year and 18.68 percent in the 2014-15 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 20.95 percent in the 2013-14 school year and 20.95 percent in the 2014-15 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2013-14 SCHOOL YEAR	2014-15 SCHOOL YEAR
Technology	\$82.43	\$83.83
Utilities and Insurance	\$223.98	\$227.78
Curriculum and Textbooks	\$88.50	\$90.01
Other Supplies and Library Materials	\$187.89	\$191.08
Instructional Professional Development for Certificated and Classified Staff	\$13.69	\$13.92

Facilities Maintenance	\$110.96	\$112.84
Security and Central Office	\$76.86	\$78.18
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$784.31	\$797.64

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,249.17 for the 2013-14 school year and \$1,270.41 for the 2014-15 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation of \$1,249.17 for the 2013-14 school year and \$1,270.41 for the 2014-15 school year.

(d) Students in laboratory science courses generate per student FTE MSOC allocations which equal the per student FTE rate for general education students established in (a) of this subsection.

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2013-14 and 2014-15 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2013, to August 31, 2013, are adjusted to reflect provisions of chapter 34, Laws of 2011 1st sp. sess. (allocation of funding for funding for students enrolled in alternative learning experiences).

(b) Amounts provided in this section beginning September 1, 2013, are adjusted to reflect 2013 legislation that modifies alternative learning experience courses.

(c) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) VOLUNTARY FULL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary full day kindergarten programs in qualifying high poverty schools, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary full-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides full-day kindergarten programs for 48.0 percent of kindergarten enrollment in the 2013-14 school year and 48.0 percent in the 2014-15 school year.

(12) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction

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and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (12) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(13) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(14) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2014 and 2015 as follows:

(a) \$607,000 of the general fund--state appropriation for fiscal year 2014 and \$617,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund--state appropriation for fiscal year 2014 and \$436,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(15) \$214,000 of the general fund--state appropriation for fiscal year 2014 and \$218,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment. In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the higher education coordinating board, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(18) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the

number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(19)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed ten percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.280 and under section 502 of this act:

(a) Salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on June 1, 2013 at 08:06 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 1, 2013 at 01:29 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 18.04 percent for school year 2013-14 and 18.04 percent for school year 2014-15 for certificated instructional and certificated administrative staff and 17.45 percent for school year 2013-14 and 17.45 percent for the 2014-15 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2013-14

*** Education Experience ***

Years

MA+90

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of									
Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45,860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46,332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46,802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47,276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47,765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48,256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48,723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49,713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51,228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52,788
10			43,635	45,247	48,524	50,913	48,724	52,003	54,390
11				46,772	50,121	52,557	50,249	53,599	56,034
12				48,249	51,761	54,269	51,835	55,238	57,748
13					53,440	56,024	53,476	56,918	59,501
14					55,128	57,844	55,165	58,716	61,322
15					56,563	59,349	56,599	60,242	62,917
16 or more					57,693	60,535	57,731	61,447	64,174

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2014-15

*** Education Experience ***

Years									
of									
Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45,860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46,332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46,802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47,276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47,765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48,256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48,723

7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49,713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51,228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52,788
10			43,635	45,247	48,524	50,913	48,724	52,003	54,390
11				46,772	50,121	52,557	50,249	53,599	56,034
12				48,249	51,761	54,269	51,835	55,238	57,748
13					53,440	56,024	53,476	56,918	59,501
14					55,128	57,844	55,165	58,716	61,322
15					56,563	59,349	56,599	60,242	62,917
16 or more					57,693	60,535	57,731	61,447	64,174

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in- service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at 18.04 percent for the 2013-14 school year and 18.04 percent for the 2014-15 school year for certificated instructional and certificated administrative staff and 17.45 percent for the 2013-14 school year and 17.45 percent for the 2014-15 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) The maintenance rate for insurance benefit allocations is \$768.00 per month for the 2013-14 and 2014-15 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$768.00 per month for the 2013-14 school year and \$768.00 per month for the 2014-15 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2014)	\$325,402,000
General Fund--State Appropriation (FY 2015)	\$417,877,000
TOTAL APPROPRIATION.....	\$743,279,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

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(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for the transportation of students as provided in RCW 28A.160.192.

(b) From July 1, 2013 to August 31, 2013, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 50, Laws of 2011 1st sp. sess., as amended through section 505 of the 2013 omnibus supplemental operating appropriations act.

(3) A maximum of \$892,000 of this fiscal year 2014 appropriation and a maximum of \$892,000 of the fiscal year 2015 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(4) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(5) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(6) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(7) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2014)	\$7,111,000
General Fund--State Appropriation (FY 2015)	\$7,111,000
General Fund--Federal Appropriation	\$473,326,000
TOTAL APPROPRIATION.....	\$487,548,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund--state appropriation for fiscal year 2014 and \$7,111,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in (a), (b), and (c) of this subsection.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2014)	\$727,748,000
General Fund--State Appropriation (FY 2015)	\$764,041,000
General Fund--Federal Appropriation	\$462,020,000
Education Legacy Trust Account--State Appropriation	\$756,000
TOTAL APPROPRIATION.....	\$1,954,565,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390.

(b) From July 1, 2013 to August 31, 2013, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 50, Laws of 2011 1st sp. sess., as amended through section 507 of the 2013 omnibus supplemental operating appropriations act.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$34,227,000 of the general fund--state appropriation for fiscal year 2014, \$35,592,000 of the general fund--state appropriation for fiscal year 2015, and \$29,574,000 of the general fund--federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion

of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2013-14 and 2014-15 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$252,000 of the general fund--state appropriation for fiscal year 2014 and \$252,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2014, \$50,000 of the general fund--state appropriation for fiscal year 2015, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2014)	\$8,142,000
General Fund--State Appropriation (FY 2015)	\$8,150,000
TOTAL APPROPRIATION.....	\$16,292,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of

education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2014)	\$309,436,000
General Fund--State Appropriation (FY 2015)	\$334,289,000
TOTAL APPROPRIATION.....	\$643,725,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.0 percent from the 2012- 13 school year to the 2013-14 school year and 5.0 percent from the 2013-14 school year to the 2014-15 school year.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2014)	\$14,982,000
General Fund--State Appropriation (FY 2015)	\$15,496,000
TOTAL APPROPRIATION.....	\$30,478,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$1,070,000 of the general fund--state appropriation for fiscal year 2014 and \$1,070,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 511. FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2014)	\$9,377,000
General Fund--State Appropriation (FY 2015)	\$9,696,000
TOTAL APPROPRIATION.....	\$19,073,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the

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following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 50, Laws of 2011 1st sp. sess., as amended through section 511 of the 2013 omnibus supplemental operating appropriations act.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2014 and \$85,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the centrum program at Fort Worden state park.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS--NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation\$4,052,000

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2014)\$124,954,000

General Fund--State Appropriation (FY 2015)\$115,126,000

General Fund--Federal Appropriation\$206,242,000

General Fund--Private/Local Appropriation.....\$4,002,000

Education Legacy Trust Account--State Appropriation..\$1,599,000

TOTAL APPROPRIATION.....\$451,923,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$45,484,000 of the general fund--state appropriation for fiscal year 2014, \$30,098,000 of the general fund--state appropriation for fiscal year 2015, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund-- federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (a) Development and implementation of retake assessments for high school students who are not successful in one or more content areas and (b) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State funding to districts shall be limited to one collection of evidence payment per student, per content-area assessment.

(b) The superintendent of public instruction shall modify the statewide student assessment system and implement assessments developed with a multistate consortium beginning in the 2014-15 school year to assess student proficiency on the standards adopted under RCW 28A.655.071.

(2) \$356,000 of the general fund--state appropriation for fiscal year 2014 and \$356,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$980,000 of the general fund--state appropriation for fiscal year 2014 and \$980,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for improving technology

infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(4) \$5,851,000 of the general fund--state appropriation for fiscal year 2014 and \$3,935,000 of the general fund--state appropriation for fiscal year 2014 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(5)(a) \$45,263,000 of the general fund--state appropriation for fiscal year 2014 and \$49,673,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,090 per teacher in the 2013-14 and 2014-15 school years;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner. All bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(i) and (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2013-14 and 2014-15 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(6) \$477,000 of the general fund--state appropriation for fiscal year 2014 and \$477,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(7) \$950,000 of the general fund--state appropriation for fiscal year 2014 and \$950,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(8) \$810,000 of the general fund--state appropriation for fiscal year 2014 and \$810,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(9) \$3,234,000 of the general fund--state appropriation for fiscal year 2014 and \$3,234,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible.

(10) \$1,500,000 of the general fund--state appropriation for fiscal year 2014 and \$1,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 288, Laws of 2011 (actual student success program), including allocations to the opportunity internship program, the jobs for America's graduates program, the building bridges program, services provided by a college scholarship organization. Funding shall not be used in the 2013-15 fiscal biennium to provide awards for schools and school districts.

(11) \$2,000,000 of the general fund--state appropriation for fiscal year 2014 and \$2,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(12) \$1,277,000 of the general fund--state appropriation for fiscal year 2014 and \$1,277,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$300,000 of the 2014 appropriation and \$300,000 of the 2015 appropriation shall be used to support FIRST robotics programs. Of the amounts in this subsection, \$100,000 of the fiscal year 2014 appropriation and \$100,000 of the fiscal year 2015 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(13) \$125,000 of the general fund--state appropriation for fiscal year 2014 and \$125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school

teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(14) \$135,000 of the general fund--state appropriation for fiscal year 2014 and \$135,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(15) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

(16) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2014, a high school must have offered a foundational project lead the way course during the 2012-13 school year. The 2014 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2013-14 school year. To be eligible for funding in 2015, a high school must have offered a foundational project lead the way course during the 2013-14 school year. The 2015 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2014-15 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(17) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for annual start-up grants for aerospace and manufacturing technical programs housed at four skill centers. The grants are provided for start-up equipment and curriculum purchases. To be eligible for funding, the skill center must agree to provide regional high schools with access to a technology laboratory, expand manufacturing certificate and course offerings at the skill center, and provide a laboratory space for local high school teachers to engage in professional development in the instruction of courses leading to student employment certification in the aerospace and manufacturing industries. Once a skill center receives a start-up grant, it is ineligible for additional start-up funding in the following school year. The office of the superintendent of public instruction shall administer the grants in consultation with the center for excellence for aerospace and advanced materials manufacturing.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$150,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for annual start-up grants to six high schools to implement the aerospace assembler program. Participating high schools must agree to offer the aerospace assembler training program to students by spring semester of school year 2013-14. Once a high school receives a start-up grant, it is ineligible for additional start-up funding in the following school year. The office of the superintendent of public instruction and the education research and data center at the office of financial

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management shall track student participation and long-term outcome data.

(19) \$10,000,000 of the general fund--state appropriation for fiscal year 2014 and \$10,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the provision of training for teachers in the performance-based teacher principal evaluation program. Of the amounts appropriated in this subsection, \$5,000,000 for fiscal year 2014 and \$5,000,000 for fiscal year 2015 are one-time appropriations.

(20) \$3,600,000 of the general fund--state appropriation for fiscal year 2014 and \$6,681,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5329 (persistently failing schools). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(22) \$109,000 of the general fund--state appropriation for fiscal year 2014 and \$99,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the superintendent of public instruction to implement a youth dropout prevention program that incorporates partnerships between community- based organizations, schools, food banks and farms or gardens. The office of the superintendent of public instruction shall select one school district that must partner with an organization that is operating an existing similar program and that also has the ability to serve at least 40 students. Of the amount appropriated in this subsection, up to \$10,000 may be used by the office of the superintendent of public instruction for administration of the program.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2014)	\$89,123,000
General Fund--State Appropriation (FY 2015)	\$95,248,000
General Fund--Federal Appropriation	\$71,016,000
TOTAL APPROPRIATION.....	\$255,387,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs as provided in RCW 28A.150.260(10)(b). In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six in school years 2013-14 and 2014-15; (ii) additional instruction of 4.7780 hours per week in school year 2013-14 and 4.7780 hours per week in school year 2014-15 per transitional bilingual program student in grades seven through eight; (iii) additional instruction of 4.7780 hours per week in school year 2013-14 and 4.7780 hours per week in school year 2014-15 per transitional bilingual program student in grades nine through twelve; (iv) fifteen transitional bilingual program students per teacher; (v) 36 instructional weeks per year; (vi) 900 instructional hours per teacher; and (vii) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts for transitional bilingual

instruction programs as provided in section 514, chapter 50, Laws of 2011 1st sp. sess., as amended through section 512 of the 2013 omnibus supplemental operating appropriations act.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.86 percent for school year 2013-14 and 1.79 percent for school year 2014-15.

(4) The general fund--federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund--state appropriation for fiscal year 2014 and \$35,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to track current and former transitional bilingual program students.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2014)	\$158,963,000
General Fund--State Appropriation (FY 2015).....	\$175,003,000
General Fund--Federal Appropriation	\$448,434,000
TOTAL APPROPRIATION.....	\$782,400,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 1.9200 hours per week per funded learning assistance program student for the 2013-14 school year and the 2014-15 school year; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 50, Laws of 2011 1st sp. sess., as amended through section 513 of the 2013 omnibus supplemental operating appropriations act.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR

GENERAL APPORTIONMENT--ALTERNATIVE LEARNING EXPERIENCE

General Fund--State Appropriation (FY 2014)	\$13,283,000
General Fund--State Appropriation (FY 2015)	\$3,321,000
TOTAL APPROPRIATION.....	\$16,604,000

The appropriations in this section are subject to the following conditions and limitations: The entire appropriation in this section is provided solely to fund the full basic education allocation for full-time equivalent students enrolled in alternative learning experience programs.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(End of part)

PART VI HIGHER EDUCATION

NEW SECTION. Sec. 601. The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4) The institutions of higher education receiving state appropriations under sections 605 through 611 of this act shall allot anticipated state and tuition expenditures by budget program and fiscal year.

(5)(a) For institutions receiving appropriations in section 605 of this act, the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention, except as provided in section 604(4) of this act. In fiscal year 2014 and fiscal year 2015, the state board for community and technical colleges may use salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention; and

(ii) Institutions may provide salary increases from other sources to instructional and research faculty at the universities and The Evergreen State College, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. Any salary increase granted under the authority of this subsection (4)(c)(ii) shall not be included in an

institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (4)(c)(ii).

NEW SECTION. Sec. 602. (1) Within the amounts appropriated in this act, each institution of higher education is expected to enroll and educate at least the following numbers of full-time equivalent state-supported students per academic year:

	2013-14 Annual Average	2014-15 Annual Average
University of Washington	37,162	37,162
Washington State University	22,228	22,228
Central Washington University	8,808	8,808
Eastern Washington University	8,734	8,734
The Evergreen State College	4,213	4,213
Western Washington University	11,762	11,762
State Board for Community & Technical Colleges		
Adult Students	139,237	139,237
Running Start Students	11,558	11,558

(2) In achieving or exceeding these enrollment targets, each institution shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at branch campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs

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that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(3) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments budgeted for each of their campuses.

NEW SECTION. Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS

(1) In order to operate within the state funds appropriated in this act, the governing boards of the state research universities, the state regional universities, and The Evergreen State College are authorized to adopt and adjust tuition and fees for the 2013-14 and 2014-15 academic years as provided in this section.

(2) For the purposes of chapter 28B.15 RCW, the omnibus appropriations act assumes increases of tuition levels for resident undergraduate students over the amounts charged to resident undergraduate students for the prior year, as follows:

University of Washington	3%
Washington State University	3%
Central Washington University	3%
Eastern Washington University	3%
The Evergreen State College	3%
Western Washington University	3%

(3) The governing boards of the state research universities, the state regional universities, and The Evergreen State College may exceed the tuition levels assumed in subsection (2) of this section. However, to the extent that tuition levels exceed the tuition levels assumed in subsection (2) of this section, the institution shall be subject to the conditions and limitations provided in chapter 28B.15 RCW as amended by chapter 10, Laws of 2011 sp. sess. (higher education opportunity act). In order to facilitate the full implementation of chapter 10, Laws of 2011 sp. sess., the institutions of higher education are authorized to adopt tuition levels that are less than, equal to, or greater than the tuition levels assumed in subsection (2) of this section.

(4) Each governing board is authorized to increase tuition charges to graduate and professional students, and to nonresident undergraduate students, by amounts judged reasonable and necessary by the governing board.

(5) Each governing board is authorized to increase summer quarter or semester tuition fees for resident and nonresident undergraduate, graduate, and professional students pursuant to RCW 28B.15.067.

(6) Each governing board is authorized to adopt or increase charges for fee-based, self-sustaining degree programs, credit courses, noncredit workshops and courses, and special contract courses by amounts judged reasonable and necessary by the governing board.

(7) Each governing board is authorized to adopt or increase services and activities fees for all categories of students as provided in RCW 28B.15.069.

(8) Each governing board is authorized to adopt or increase technology fees as provided in RCW 28B.15.069.

(9) Each governing board is authorized to adopt or increase special course and lab fees, and health and counseling fees, to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(10) Each governing board is authorized to adopt or increase administrative fees such as, but not limited to, those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the governing board.

(11) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by running start students if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

(1) In order to operate within the state funds appropriated in this act, the state board is authorized to adopt and adjust tuition and fees for the 2013-14 and 2014-15 academic years as provided in this section.

(2) The state board may increase the tuition fees charged to resident undergraduate students by no more than three percent over the amounts charged to resident undergraduates during the prior academic year. The board may increase tuition fees under this subsection differentially based on student credit hour load, provided that the overall increase in average tuition revenue per student does not exceed three percent.

(3) For the 2013-14 and 2014-15 academic years, the state board may increase tuition fees charged to resident undergraduates enrolled in upper division applied baccalaureate programs by no more than three percent over the amounts charged during the prior academic year.

(4) Appropriations in section 605 include the restoration of the three percent reduction in compensation costs taken in the 2011-2013 fiscal biennium. This funding is sufficient to implement 2013-2015 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW. The colleges may also use the restored funds for any other purpose including restoring prior compensation reductions, increasing compensation, and implementing other collective bargaining agreements.

(5) The state board may increase the tuition fees charged to nonresident students by amounts judged reasonable and necessary by the board.

(6) The trustees of the technical colleges are authorized to either (a) increase operating fees for resident undergraduates by no more than three percent over the amounts charged to resident undergraduates during the prior academic year; or (b) fully adopt the tuition fee charge schedule adopted by the state board for community colleges.

(7) For academic years 2013-14 and 2014-15, the trustees of the technical colleges are authorized to increase building fees by an amount judged reasonable in order to progress toward parity with the building fees charged students attending the community colleges.

(8) The state board is authorized to increase the maximum allowable services and activities fees as provided in RCW 28B.15.069. The trustees of the community and technical colleges are authorized to increase services and activities fees up to the maximum level authorized by the state board.

(9) The trustees of the community and technical colleges are authorized to adopt or increase charges for fee-based, self-sustaining programs such as summer session, international student contracts,

and special contract courses by amounts judged reasonable and necessary by the trustees.

(10) The trustees of the community and technical colleges are authorized to adopt or increase special course and lab fees to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(11) The trustees of the community and technical colleges are authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the trustees.

NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2014)	\$546,347,000
General Fund--State Appropriation (FY 2015)	\$548,382,000
Community/Technical College Capital Projects	
Account--State Appropriation.....	\$17,548,000
Education Legacy Trust Account--State	
Appropriation.....	\$107,922,000
TOTAL APPROPRIATION.....	\$1,220,199,000

The appropriations in this section are subject to the following conditions and limitations:

(1) When implementing the appropriations in this section, the state board and the trustees of the individual community and technical colleges shall minimize impact on academic programs, maximize reductions in administration, and shall at least maintain, and endeavor to increase, enrollment opportunities and degree and certificate production in high employer-demand fields of study at their academic year 2008-09 levels.

(2) \$33,261,000 of the general fund--state appropriation for fiscal year 2014 and \$33,261,000 of the general fund--state appropriation for fiscal year 2015 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 6,200 full-time equivalent students in fiscal year 2014 and at least 6,200 full-time equivalent students in fiscal year 2015.

(3) \$5,450,000 of the education legacy trust account--state appropriation is provided solely for administration and customized training contracts through the job skills program.

(4) \$3,928,000 of the education legacy trust account appropriation is provided solely for the expansion of enrollment in aerospace and STEM (science, technology, engineering and math) programs. The state board will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the state board shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, any process changes or best-practices implemented by the colleges, and how many students are enrolled in aerospace and STEM programs above the 2012-2013 academic year baseline.

(5) \$200,000 of the education legacy trust account appropriation is provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(6) \$362,000 of the education legacy trust account appropriation is provided solely for the opportunity center for employment and education internet technology integration project at north Seattle community college.

(7) \$510,000 of the education legacy trust account appropriation is provided solely for implementation of a maritime industries training program at south Seattle community college.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2014 and \$200,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the labor center at the Georgetown south Seattle community college campus. \$50,000 of the amount provided in this subsection for fiscal year 2014 and \$50,000 of the amounts for 2015 are provided solely for the labor center archive project.

(9) \$7,500,000 of the education legacy trust account appropriation is provided solely for the student achievement initiative.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Substitute Senate Bill No. 5624 (STEM or career and tech ed). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(11) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(12) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2014)	\$223,938,000
General Fund--State Appropriation (FY 2015)	\$224,619,000
Geoduck Aquaculture Research Account--State	
Appropriation.....	\$300,000
Education Legacy Trust Account--State Appropriation.....	
.....	\$20,769,000
Economic Development Strategic Reserve Account--	
State Appropriation	\$3,000,000
Biotoxin Account--State Appropriation.....	\$390,000
Accident Account--State Appropriation	\$6,754,000
Medical Aid Account--State Appropriation	\$6,556,000
Aquatic Land Enhancement Account--State Appropriation	
.....	\$700,000
State Toxics Control Account--State Appropriation.....	\$1,120,000
TOTAL APPROPRIATION.....	\$488,146,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$300,000 of the geoduck aquaculture research account--state appropriation is provided solely for the University of Washington sea grant program to commission scientific research studies that examine possible negative and positive effects, including the cumulative effects and the economic contribution, of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. The research conducted for the studies is not intended to be a basis for an increase in the number of shellfish harvesting permits available and should be coordinated with any research efforts related to ocean acidification. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the appropriate legislative committees by December 1st of each year.

(3) \$52,000 of the general fund--state appropriation for fiscal year 2014 and \$52,000 of the general fund--state appropriation for

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fiscal year 2015 are provided solely for the center for international trade in forest products in the college of forest resources.

(4) \$2,000,000 of the education legacy trust account appropriation is provided solely for the college of engineering to support an increase in the number of engineering graduates by 425 students. By September 1, 2013, and each September 1st thereafter, the university shall provide an updated report that provides the specific detail on how these amounts were spent in the preceding fiscal year, any process changes or best-practices implemented by the college, and how many students are enrolled in engineering programs above the baseline.

(5) \$14,491,000 of the education legacy trust account appropriation is provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2012-2013 academic year baseline.

(6) \$4,500,000 of the general fund--state appropriation for fiscal year 2014 and \$4,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for creation of a clean energy institute. The institute shall integrate physical sciences and engineering with a research focus on energy storage and solar energy.

(7) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(8) Within existing resources, the University of Washington shall establish a forestry program.

(9) \$700,000 of the aquatic lands enhancement account--state appropriation and \$1,120,000 of the state toxics control account--state appropriation are provided solely for the center on ocean acidification and related work necessary to implement the recommendations of the governor's blue ribbon task force on ocean acidification. The university shall provide staffing for this purpose.

(10) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$145,725,000
General Fund--State Appropriation (FY 2015)	\$147,810,000
State Wildlife Account--State Appropriation	\$400,000
Education Legacy Trust Account--State Appropriation.....	
.....	\$39,377,000
TOTAL APPROPRIATION.....	\$333,312,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$2,000,000 of the education legacy trust account appropriation is provided solely for the college of engineering to support an increase in the number of engineering graduates by 425 students. By September 1, 2013, and each September 1st thereafter, the university shall provide an updated report that provides the specific detail on how these amounts were spent in the preceding fiscal year, any process changes or best-practices

implemented by the college, and how many students are enrolled in engineering programs above the baseline.

(3) \$8,389,000 of the education legacy trust account appropriation is provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2012-2013 academic year baseline.

(4) \$25,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Ruckelshaus center to collaborate with local governments, the media, and representatives of the public regarding public record requests made to local government. The center shall facilitate meetings and discussions and report to the appropriate committees of the legislature. The report shall include information on:

- (a) Recommendations related to balancing open public records with concerns of local governments related to interfering with the work of the local government;
- (b) Resources necessary to accommodate requests;
- (c) Potential harassment of government employees;
- (d) Potential safety concerns of people named in the record;
- (e) Potentially assisting criminal activity; and
- (f) Other issues brought forward by the participants.

The center shall report to the appropriate committees of the legislature by December 15, 2013.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington State University agricultural research center to conduct public outreach and education related to nonlethal methods of mitigating conflicts between livestock and large wild carnivores. An additional \$400,000 of the state wildlife account--state appropriation is provided solely to the center to conduct a detailed analysis of such methods. The amounts appropriated in this subsection may not be subject to an administrative fee or charge, and must be used for costs directly associated with the research and analysis.

(6) \$2,065,000 of the general fund--state appropriation for fiscal year 2014 and \$3,035,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expansion of medical education and biomedical research in Spokane.

(7) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$28,593,000
General Fund--State Appropriation (FY 2015)	\$28,702,000
Education Legacy Trust Account--State Appropriation	
.....	\$16,401,000
TOTAL APPROPRIATION.....	\$73,696,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$2,082,000 of the education legacy trust account appropriation is provided solely for improvements in student

completion and retention rates in order to increase the university's four year graduation rate. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific details on how these amounts were spent in the preceding fiscal year, any process changes or best-practices implemented by the university, and any changes in completion and retention rates.

(3) At least \$200,000 of the general fund--state appropriation for fiscal year 2014 and at least \$200,000 of the general fund--state appropriation for fiscal year 2015 shall be expended on the Northwest autism center.

(4) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$25,851,000
General Fund--State Appropriation (FY 2015)	\$25,962,000
Education Legacy Trust Account--State Appropriation	\$19,819,000
TOTAL APPROPRIATION.....	\$71,632,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$2,761,000 of the education legacy trust account appropriation is provided solely for improvements in student completion and retention rates in order to increase the university's four year graduation rate. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific details on how these amounts were spent in the preceding fiscal year, any process changes or best-practices implemented by the university, and any changes in completion and retention rates.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the college of education to conduct a study identifying the duties encompassed in a state-funded teacher's typical work day. The study must include an estimate of the percent of a teacher's typical day that is spent on teaching related duties and the percentage of the teacher's day that is spent on duties that are not directly related to teaching. The university shall submit a report to the appropriate committees of the legislature by December 1, 2013.

(4) Amounts appropriated in this section are sufficient for the university to develop a plan to create an online degree granting entity that awards degrees based on an alternative credit model. The university shall submit a final plan by December 1, 2013, to the higher education committees of the legislature.

(5) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2014)	\$16,769,000
General Fund--State Appropriation (FY 2015)	\$16,548,000
Education Legacy Trust Account--State Appropriation	\$5,855,000
TOTAL APPROPRIATION.....	\$39,172,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$1,157,000 of the education legacy trust account appropriation is provided solely for instructional support. By September 1, 2014, and each September 1st thereafter, the college shall provide a report that provides the specific details on how these amounts were spent in the preceding fiscal year and any process changes or best-practices implemented by the college.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Washington state institution for public policy to conduct a comprehensive study of the financial incentives promoting distributed generation in Washington. Distributed generation is electric generation, often from renewable resources, connected to a utility's distribution grid and located at or near where the electricity will be used.

(a) Specifically, the institute's study shall:

(i) Include a review of the costs and benefits of net metering, the renewable energy investment cost recovery program, other tax credits, reductions, and exemptions, and the provisions of double renewable energy credits for renewable resource generation projects under five megawatts as allowed under the energy independence act;

(ii) Determine whether the incentives available to distributed generation are consistent with one another and work together in meeting the state's goals for the electric distribution system and promoting cost-effective distributed generation;

(iii) Evaluate whether the current incentive structure encourages long-term, sustainable energy and environmental benefits to the ratepayers and the citizens of Washington;

(iv) Recommend, as needed, changes to the current incentive structure or new policies based on its findings;

(v) Contain both a region specific life-cycle assessment and economic analysis of distributed generation; and

(vi) Establish a system to properly assign incentives to distributed generation on a per-technology basis, based on the costs and benefits associated with each technology type.

(b) The institute shall provide a final report to the legislature by February 1, 2014.

(4) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Washington state institute for public policy to provide primary staff support for a K-12 funding task force established in this subsection.

(a) The task force shall be composed of the following members:

(i) Two members from each of the largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(ii) Two members from each of the largest caucuses of the senate, appointed by the president of the senate;

(iii) The superintendent of public instruction or designee; and

(iv) Three members appointed by the governor.

(b) The task force shall be chaired or cochaired by legislative members selected by members of the task force.

(c) The purpose of the task force is to examine options and make recommendations to the legislature on the following topics:

(i) Revised salary allocation methodologies and models for administrative, classified, and certificated instructional staff in public schools. The salary allocation model for certificated instructional staff must address regional salary differentials;

(ii) Policies and funding to support career and technical education, including:

(A) A revised funding allocation methodology for career and technical education for middle schools, comprehensive high schools, and skill centers through the prototypical school funding formula;

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(B) Recommended capital facilities policies related to the siting of skill center campuses, including skill centers colocated on comprehensive high school and higher education campuses; and

(C) The feasibility of establishing technical high schools as an alternative delivery model for integrated secondary career and academic education; and

(iii) The appropriate use of state and local property taxes to support the financing of public schools, modifications to property tax growth limitations, and strategies for improving the stability and transparency of such use.

(d) The task force shall submit an interim report to the education and fiscal committees of the legislature by December 1, 2013, and a final report by December 1, 2014.

(e) Additional staff support for the task force shall be provided as needed by the house office of program research, the senate committee services, and the office of financial management.

(6) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2013-2015 work plan as necessary to efficiently manage workload.

(7) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$37,815,000
General Fund--State Appropriation (FY 2015)	\$37,962,000
Education Legacy Trust Account--State	
Appropriation	\$14,037,000
TOTAL APPROPRIATION.....	\$89,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$5,958,000 of the education legacy trust account appropriation is provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2012-2013 academic year baseline.

(3) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 612. FOR THE STUDENT ACHIEVEMENT COUNCIL-- POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2014)	\$5,307,000
General Fund--State Appropriation (FY 2015)	\$5,331,000
General Fund--Federal Appropriation	\$4,818,000
TOTAL APPROPRIATION.....	\$15,456,000

The appropriations in this section are subject to the following conditions and limitations: The student achievement council is authorized to increase or establish fees for initial degree authorization, degree authorization renewal, degree authorization reapplication, new program applications, and new site applications pursuant to RCW 28B.85.060.

NEW SECTION. Sec. 613. FOR THE STUDENT ACHIEVEMENT COUNCIL-- OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund--State Appropriation (FY 2014)	\$234,928,000
General Fund--State Appropriation (FY 2015)	\$236,917,000
General Fund--Federal Appropriation.....	\$11,653,000
General Fund--Private/Local Appropriation.....	\$34,000
Education Legacy Trust Account--State Appropriation	
.....	\$66,577,000
Washington Opportunity Pathways Account--State	
Appropriation	\$170,000,000
TOTAL APPROPRIATION.....	\$720,109,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$224,750,000 of the general fund--state appropriation for fiscal year 2014, \$227,290,000 of the general fund--state appropriation, \$47,900,000 of the education legacy trust account--state appropriation, and \$150,000,000 of the opportunity pathways account-- state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs including up to four percent administrative allowance for the state work study program.

(2) Changes made to the state need grant program in the 2011-2013 fiscal biennium are continued in the 2013-2015 fiscal biennium including aligning increases in awards given to private institutions with the annual tuition increases for public research institutions or the private institution's average annual tuition increase experience of 3.5 percent per year, whichever is less, and reducing the awards for students who first enrolled as a new student in for-profit institutions as of the 2011-2012 academic year or thereafter by fifty percent.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2013-2015 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off- campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. The student achievement council shall report to the legislature by December 1, 2014, regarding the number of students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits, and their academic progress including degree completion. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program if the students have applied by the institution's priority financial aid deadline and have completed their financial aid file in a timely manner. These eligible college bound students whose family incomes are in the 0-65 median family income ranges shall be

awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students.

(6) \$18,677,000 of the education legacy trust account--state appropriation, and \$20,000,000 of the Washington opportunity pathways account--state appropriation are provided solely for the college bound scholarship program. This amount assumes that college bound scholarship recipients will receive priority for state need grant awards in fiscal year 2014 and fiscal year 2015. If this policy of prioritization is not fully achieved, it is the intent of this legislation to provide supplemental appropriations in the 2014 supplemental operating budget.

(7) Students who meet the qualifications pursuant to section 955 of this act are eligible to receive state need grant awards.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the council to develop an alternative financial aid application for students without a nine digit federal identification number.

(9) \$2,236,000 of the general fund--state appropriation for fiscal year 2014 and \$2,236,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2014 and 2015 for this purpose.

(10) In developing the skilled and educated workforce report pursuant to RCW 28B.77.080(3), the council shall use the bureau of labor statistics analysis of the education and training requirements of occupations, in addition to any other method the council may choose to use, to assess the number and type of higher education and training credentials required to match employer demand for a skilled and educated workforce.

NEW SECTION. Sec. 614. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2014)	\$1,582,000
General Fund--State Appropriation (FY 2015)	\$1,484,000
General Fund--Federal Appropriation	\$54,264,000
TOTAL APPROPRIATION.....	\$57,330,000

The appropriations in this section are subject to the following conditions and limitations: For the 2013-2015 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

NEW SECTION. Sec. 615. FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2014)	\$36,781,000
General Fund--State Appropriation (FY 2015)	\$52,769,000
General Fund--Federal Appropriation	\$293,727,000
Opportunity Pathways Account--State Appropriation...	\$80,000,000
Home Visiting Services Account--State Appropriation ..	\$2,868,000
Home Visiting Services Account--Federal Appropriation .....	.....
.....	\$22,757,000
Children's Trust Account--State Appropriation.....	\$180,000
TOTAL APPROPRIATION.....	\$489,082,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,197,000 of the general fund--state appropriation for fiscal year 2014, \$40,538,000 of the general fund--state appropriation for fiscal year 2015, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education assistance program services. Of these amounts, \$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) \$638,000 of the general fund--state appropriation for fiscal year 2014, and \$638,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for child care resource and referral network services.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2014 and \$200,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(4) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(5) \$1,434,000 of the general fund--state appropriation for fiscal year 2014, \$1,434,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds.

(6)(a) \$153,717,000 of the general fund--federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

(7) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(8) \$1,025,000 of the general fund--state appropriation for fiscal year 2014, \$1,025,000 of the general fund--state appropriation for fiscal year 2015, and \$13,424,000 of the general fund--federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(9) \$4,122,000 of the general fund--state appropriation for fiscal year 2014, \$2,522,000 of the general fund--state appropriation for fiscal year 2015, and \$4,304,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program.

(a) Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

(b) Of the amounts provided in this subsection, \$1,600,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to continue providing services in the event of losing federal

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funding for the MTCC program. To the extent that the moneys provided in this subsection (9)(b) are not necessary for this purpose, the amounts provided shall lapse.

(10) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$150,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$721,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the department to complete development work of the electronic benefits transfer system.

(12) \$793,000 of the general fund--state appropriation for fiscal year 2014 and \$796,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of an electronic benefits transfer system. To the maximum extent possible, the department shall work to integrate this system with the department of social and health services payment system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer and the provisions of section 943 of this act, information systems projects.

(13) \$32,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Substitute Senate Bill No. 5595 (child care reform). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) The ECEAP early learning professionals must enter qualifications into the department's professional development registry during the 2013-14 school year. By October 2015, the department must provide ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide a report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2013 for the school year ending in 2012 and again in March 2014 for the school year ending in 2013.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

NEW SECTION. Sec. 616. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2014)	\$6,032,000
General Fund--State Appropriation (FY 2015)	\$5,832,000
General Fund--Private/Local Appropriation.....	\$17,000
TOTAL APPROPRIATION.....	\$11,881,000

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund--State Appropriation (FY 2014)	\$8,615,000
General Fund--State Appropriation (FY 2015)	\$8,628,000
TOTAL APPROPRIATION.....	\$17,243,000

NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2014)	\$1,125,000
General Fund--State Appropriation (FY 2015)	\$1,104,000
General Fund--Federal Appropriation	\$2,075,000
General Fund--Private/Local Appropriation.....	\$12,000
TOTAL APPROPRIATION.....	\$4,316,000

NEW SECTION. Sec. 619. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2014)	\$2,123,000
General Fund--State Appropriation (FY 2015)	\$2,158,000
TOTAL APPROPRIATION.....	\$4,281,000

NEW SECTION. Sec. 620. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2014)	\$1,600,000
General Fund--State Appropriation (FY 2015)	\$1,537,000
TOTAL APPROPRIATION.....	\$3,137,000

(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2014)	\$973,839,000
General Fund--State Appropriation (FY 2015)	\$1,051,513,000
State Building Construction Account--State Appropriation.....	\$4,297,000
Columbia River Basin Water Supply Development Account--State Appropriation.....	\$269,000
State Taxable Building Construction Account--State Appropriation.....	\$211,000
Debt-Limit Reimbursable Bond Retire Account--State Appropriation	\$2,320,000
TOTAL APPROPRIATION.....	\$2,032,449,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2014 shall be expended into the debt-limit general fund bond retirement account by June 30, 2014.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

Accident Account--State Appropriation	\$4,138,000
Medical Aid Account--State Appropriation	\$4,138,000
TOTAL APPROPRIATION.....	\$8,276,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2014)	\$25,636,000
General Fund--State Appropriation (FY 2015)	\$16,102,000

Nondebt-Limit Reimbursable Bond Retirement Account--State
 Appropriation\$140,215,000
TOTAL APPROPRIATION.....\$181,953,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2014 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2014.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2014)\$1,726,000
 General Fund--State Appropriation (FY 2015)\$1,726,000
 State Building Construction Account--State Appropriation.....
\$867,000
 Columbia River Basin Water Supply Development
 Account--State Appropriation.....\$57,000
 State Taxable Building Construction Account--State
 Appropriation\$45,000
TOTAL APPROPRIATION.....\$4,421,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY

General Fund--State Appropriation (FY 2014)\$4,000,000
 General Fund--State Appropriation (FY 2015)\$4,000,000
TOTAL APPROPRIATION.....\$8,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account to be used for any Washington state fire service resource mobilization costs incurred by the Washington state patrol in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- DISASTER RESPONSE ACCOUNT

General Fund--State Appropriation (FY 2014)\$5,100,000
 General Fund--State Appropriation (FY 2015)\$2,500,000
TOTAL APPROPRIATION.....\$7,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for emergency fire suppression by the department of natural resources and to complete projects necessary to recover from previously declared disasters.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EMERGENCY FUND

General Fund--State Appropriation (FY 2014)\$850,000
 General Fund--State Appropriation (FY 2015)\$850,000
TOTAL APPROPRIATION.....\$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2014)\$8,000,000
 General Fund--State Appropriation (FY 2015)\$8,000,000
TOTAL APPROPRIATION.....\$16,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational

network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- O'BRIEN BUILDING IMPROVEMENT

General Fund--State Appropriation (FY 2014)\$2,948,000
 General Fund--State Appropriation (FY 2015)\$2,942,000
TOTAL APPROPRIATION.....\$5,890,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the general administration services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

NEW SECTION. Sec. 710. FOR THE STATE TREASURER--COUNTY PUBLIC HEALTH ASSISTANCE

General Fund--State Appropriation (FY 2014)\$36,386,000
 General Fund--State Appropriation (FY 2015)\$36,386,000
TOTAL APPROPRIATION.....\$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

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Health District	FY 2014	FY 2015	2013-15 Biennium
Adams County Health District	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
Clark County Health District	\$1,767,341	\$1,767,341	\$3,534,682
Skamania County Health Department	\$111,327	\$111,327	\$222,654
Columbia County Health District	\$119,991	\$119,991	\$239,982
Cowlitz County Health Department	\$477,981	\$477,981	\$955,962
Garfield County Health District	\$93,154	\$93,154	\$186,308
Grant County Health District	\$297,761	\$297,762	\$595,523
Grays Harbor Health Department	\$335,666	\$335,666	\$671,332
Island County Health Department	\$255,224	\$225,224	\$510,448
Jefferson County Health and Human Services	\$184,080	\$184,080	\$368,160
Seattle-King County Department of Public Health	\$10,558,598	\$10,558,598	\$21,117,196
Bremerton-Kitsap County Health District	\$997,476	\$997,476	\$1,994,952
Kittitas County Health Department	\$198,979	\$198,979	\$397,958
Klickitat County Health Department	\$153,784	\$153,784	\$307,568
Lewis County Health Department	\$263,134	\$263,134	\$526,268
Lincoln County Health Department	\$113,917	\$113,917	\$227,834
Mason County Department of Health Services	\$227,448	\$227,448	\$454,896
Okanogan County Health District	\$169,882	\$169,882	\$339,764
Pacific County Health Department	\$169,075	\$169,075	\$338,150
Tacoma-Pierce County Health Department	\$4,143,169	\$4,143,169	\$8,286,338
San Juan County Health and Community Services	\$2,253,493	\$2,253,493	\$4,506,986
Skagit County Health Department	\$449,745	\$449,745	\$899,490
Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582
Spokane County Health District	\$2,877,318	\$2,877,318	\$5,574,636
Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606
Thurston County Health Department	\$1,046,897	\$1,046,897	\$2,093,794
Wahkiakum County Health Department	\$93,181	\$9,180	\$186,361
Walla Walla County-City Health Department	\$302,173	\$302,173	\$604,346

Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
Whitman County Health Department	\$189,355	\$189,355	\$378,710
Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
TOTAL APPROPRIATIONS	\$36,386,001	\$36,386,001	\$72,772,002

NEW SECTION. Sec. 711. BELATED CLAIMS

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund--State Appropriation (FY 2014)	\$58,700,000
General Fund--State Appropriation (FY 2015)	\$61,600,000
TOTAL APPROPRIATION.....	\$120,300,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2014)	\$10,600,000
General Fund--State Appropriation (FY 2015)	\$10,600,000
TOTAL APPROPRIATION.....	\$21,200,000

NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- STATE EFFICIENCY AND RESTRUCTURING REPAYMENT

General Fund--State Appropriation (FY 2014)	\$4,981,000
General Fund--State Appropriation (FY 2015)	\$4,981,000
TOTAL APPROPRIATION.....	\$9,962,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the cleanup settlement account on July 1, 2013, and July 1, 2014, as repayment of moneys that were transferred to the state efficiency and restructuring account.

NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- LEAN MANAGEMENT STRATEGIES EFFICIENCY SAVINGS

General Fund--State Appropriation (FY 2015)	(\$20,000,000)
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The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature is committed to promoting a state government culture that makes sustained improvement a habitual behavior from front-line staff to agency leadership.

(2) The office of financial management must develop a strategic lean management action plan to drive efficiencies in state spending and to increase productivity of state employees while improving and increasing state services for taxpayers. The action plan must determine the specific agencies and programs that would benefit most from application of the action plan, and the plan must target resources accordingly.

(3) The office of financial management must integrate lean principles into all performance management efforts.

(4) The office of financial management and the office of the chief information officer must integrate lean principles into all major information technology initiatives.

(5) The office of financial management must develop and implement a lean practitioner fellowship program to train state agency staff. Agency staff participating in the fellowship will be assigned to work on statewide efforts that streamline and improve processes across agencies.

(6) Agencies must report to the office of financial management at least twice per fiscal year process improvements and efficiencies gained through tools such as the lean strategy. The office of financial management must compile and transmit these reports to the appropriate fiscal committees of the legislature at least every six months, beginning January 1, 2014.

(7) The office of financial management must report to the legislature by December 2014 on the viability of the lean/performance management program becoming a self-funding program.

(8) The office of financial management must reduce allotments for affected state agencies by \$20,000,000 from the state general fund for fiscal year 2015 in this act to reflect fiscal year 2015 savings resulting from application of the lean management and performance management strategies required by this section.

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- INFORMATION TECHNOLOGY EXPENDITURES

General Fund--State Appropriation (FY 2014)	(\$2,500,000)
General Fund--State Appropriation (FY 2015)	(\$2,500,000)
TOTAL APPROPRIATION.....	(\$5,000,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of the chief information officer and the office of financial management shall work to drive efficiency in state procurement, maintenance, and operations of information technology.

(2) Agencies must report to the office of the chief information officer and the office of financial management at least annually on efficiencies gained through these efforts. The office of financial management must compile and transmit these reports to the appropriate fiscal committees of the legislature at least every year, beginning January 1, 2014.

(3) The office of financial management shall reduce allotments for all affected state agencies by \$2,500,000 from fiscal year 2014 general fund--state appropriations and \$2,500,000 from fiscal year 2015 general fund--state appropriations in this act to reflect savings resulting from efficiencies in information technology expenditures statewide.

NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- ELECTRONIC MEDICAL RECORD STUDY

General Fund--State Appropriation (FY 2014)	\$2,068,000
General Fund--State Appropriation (FY 2015)	\$2,066,000
General Fund--Federal Appropriation	\$240,000
TOTAL APPROPRIATION.....	\$4,374,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are

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provided solely for the state psychiatric hospitals to plan, procure, and implement the core elements of an electronic medical record system that is compliant with the international classification of diseases (ICD-10) by October 1, 2014. These funds must only be used for an electronic medical record system that meets federal criteria for electronic sharing of patient information and clinical care summaries with doctors' offices, hospitals, and health systems which use federally certified electronic health record systems. The procurement and implementation shall be conducted to allow for these services to be expanded to the department of corrections. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

NEW SECTION. Sec. 717. FOR THE OFFICE OF THE INSURANCE COMMISSIONER--HEALTH BENEFIT EXCHANGE ACCOUNT

General Fund--State Appropriation (FY 2014)\$676,000

The appropriations in this section are subject to the following conditions and limitations: The amounts in this section are provided solely for expenditure into the health benefit exchange account--state and are provided as a loan to be repaid with amounts from the health benefit exchange account--state by July 30, 2015.

NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- COMMUNICATION SERVICES REFORM

General Fund--State Appropriation (FY 2014)\$47,000

General Fund--State Appropriation (FY 2015)\$4,953,000

TOTAL APPROPRIATION.....\$5,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the universal communications services fund to implement Substitute House Bill No. 1971 (communications services). If the bill is not enacted by June 30, 2013, the appropriations provided in this section shall lapse.

NEW SECTION. Sec. 719. LEGISLATIVE TASK FORCE ON CAREER EDUCATION OPPORTUNITIES

(1) The legislature finds that for too long, there has been a perception that career readiness and college readiness represent two separate and unequal tracks. The importance of providing high quality opportunities for applied learning, cross-disciplinary curriculum, and career and technical equivalence often appears subsumed by an emphasis on theoretical academics. The legislature intends to create a vision for the integration of career education alongside academic education.

(2)(a) A legislative task force on career education opportunities is established with the following members:

(i) Two members from each of the largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(ii) Two members from each of the largest caucuses of the senate, appointed by the president of the senate;

(iii) The superintendent of public instruction or a designee;

(iv) One representative each from the workforce training and education coordinating board, state board of education, the student achievement council, and the Washington association of career and technical education; and

(v) One member appointed by the governor.

(b) The task force shall be cochaired by one house and one senate member, selected by the members of the task force.

(3) The purpose of the task force is to identify strategies to improve the integration of career education into secondary education opportunities for all students. The strategies to be considered by the task force include state laws and policies, graduation requirements, and state funding for instructional

programs. The task force must examine the barriers, incentives and disincentives, costs, and cost-effectiveness of current policies and practices.

(4) The office of the superintendent of public instruction shall identify a recommended list of course equivalencies for career and technical education courses and submit the list to the task force under this section by September 1, 2013.

(5) A report from the task force is due December 15, 2013, to include at least the following:

(a) An analysis of the career and college ready graduation requirements proposed by the state board of education and any recommendations regarding graduation requirements;

(b) Recommended policies that both support and provide appropriate state oversight and strategic planning for career and technical education offered in middle schools, comprehensive high schools, and skill centers;

(c) Recommendations for how to maximize statewide use of the list of career and technical education course equivalencies identified by the office of the superintendent of public instruction; and

(d) Analysis of the feasibility of establishing technical high schools as an alternative delivery model for integrated secondary career and academic education.

(6) Staff support for the task force must be provided by senate committee services and the house of representatives office of program research, with assistance from the office of the superintendent of public instruction, the student achievement council, and the workforce training and education coordinating board as necessary.

(7) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee.

(8) The task force expires December 31, 2013.

(End of part)

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	\$8,248,000
General Fund Appropriation for public utility district excise tax distributions	\$50,894,000
General Fund Appropriation for prosecuting attorney distributions.....	\$6,068,000
General Fund Appropriation for boating safety and education distributions.....	\$4,000,000
General Fund Appropriation for other tax distributions	\$65,000
General Fund Appropriation for habitat conservation program distributions	\$3,000,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$3,158,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution.....	\$146,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$72,120,000
County Criminal Justice Assistance Appropriation.....	\$78,983,000
Municipal Criminal Justice Assistance Appropriation.....	\$30,550,000
City-County Assistance Account Appropriation for local	

government financial assistance distribution	\$17,134,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....	\$49,487,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes.....	\$50,488,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation.....	\$7,760,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	\$5,025,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$98,876,000
TOTAL APPROPRIATION.....	\$459,002,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation	\$2,469,000
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2013-2015 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation	\$1,646,000
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2013-2015 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal flood control funds distribution.....	\$66,000
General Fund Appropriation for federal grazing fees	

distribution	\$1,706,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution.....	\$5,636,000
TOTAL APPROPRIATION.....	\$7,408,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

State Treasurer's Service Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2014 and \$10,000,000 for fiscal year 2015	\$20,000,000
Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$5,850,000 for fiscal year 2014 and \$5,850,000 for fiscal year 2015.....	\$11,700,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account ...	\$32,000,000
General Fund: For transfer to the streamlined sales and use tax account, \$25,284,000 for fiscal year 2014 and \$25,204,000 for fiscal year 2015	\$50,488,000
Public Facility Construction Loan Revolving Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2014 and \$8,000,000 for fiscal year 2015	\$16,000,000
Public Works Assistance Account: For transfer to the state general fund, \$197,000,000 for fiscal year 2014 and \$197,000,000 for fiscal year 2015.....	\$394,000,000
Local Toxics Control Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2014 and \$11,000,000 for fiscal year 2015.....	\$21,000,000
State Taxable Building Construction Account: For transfer to the Columbia River basin taxable bond water supply development account, an amount not to exceed.....	\$32,000,000
General Fund: For transfer to the child and family reinvestment account, \$3,928,421 for fiscal year 2014 and \$3,743,404 for fiscal year 2015	\$7,671,825
Flood Control Assistance Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 and \$1,000,000 for fiscal year 2015	\$2,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account.....	\$157,221,000
Tobacco Settlement Account: For transfer to the state general fund from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2014	\$14,000,000
Tobacco Settlement Account: For transfer to the state general fund from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2015	\$14,000,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2014.....	\$12,515,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2015.....	\$12,515,000

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The transfer to the life sciences discovery fund is subject to the condition that \$250,000 of the appropriation in fiscal year 2014 and \$250,000 of the appropriation in fiscal year 2015 are provided solely to promote the development and delivery of global health technologies and products.

(a) The life sciences discovery fund authority must either administer a grant application, review, and reward process, or contract with a qualified nonprofit organization for these services. State moneys must be provided for grants to entities for the development, production, promotion, and delivery of global health technologies and products. Grant award criteria must include:

(i) The quality of the proposed research or the proposed technical assistance in product development or production process design. Any grant funds awarded for research activities must be awarded for nonbasic research that will assist in the commercialization or manufacture of global health technologies;

(ii) The potential for the grant recipient to improve global health outcomes;

(iii) The potential for the grant to leverage additional funding for the development of global health technologies and products;

(iv) The potential for the grant to stimulate, or promote technical skills training for, employment in the development of global health technologies in the state; and

(v) The willingness of the grant recipient, when appropriate, to enter into royalty or licensing income agreements with the authority.

(b) The authority, or the contractor of the authority, must report information including the types of products and research funded, the funding leveraged by the grants, and the number and types of jobs created as a result of the grants, to the economic development committees of the legislature by December 1, 2014.

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account, \$150,000 for fiscal year 2014 and \$150,000 for fiscal year 2015\$300,000

Health Benefit Exchange Account: For transfer to the state general fund for fiscal year 2015\$676,000

Criminal Justice Treatment Account: For transfer to the state general fund, \$437,000 for fiscal year 2014 and \$2,746,000 for fiscal year 2015\$3,183,000

Aquatic Lands Enhancement Account: For transfer to the marine resources stewardship trust account, \$1,850,000 for fiscal year 2014 and \$1,850,000 for fiscal year 2015\$3,700,000

Legal Services Revolving Account: For transfer to the state general fund, \$976,000 for fiscal year 2014 and \$1,477,000 for fiscal year 2015\$2,453,000

Personnel Service Account: For transfer to the state general fund, \$733,000 for fiscal year 2014 and \$733,000 for fiscal year 2015\$1,466,000

Data Processing Revolving Account: For transfer to the state general fund, \$8,069,000 for fiscal year 2014 and \$8,070,000 for fiscal year 2015\$16,139,000

Home Security Fund Account: For transfer to the transitional housing operating and rent account.....\$7,500,000

Professional Engineers' Account: For transfer to the state general fund, \$957,000 for fiscal year 2014 and \$956,000 for fiscal year 2015\$1,913,000

Electrical License Account: For transfer to the state general fund, \$1,700,000 for fiscal year 2014 and \$1,700,000 for fiscal year 2015\$3,400,000

Business and Professions Account: For transfer to the state general fund, \$1,838,000 for fiscal year 2014 and \$1,800,000 for fiscal year 2015\$3,638,000

(End of part)

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2011-2013 fiscal biennium.

NEW SECTION. Sec. 902. EMERGENCY FUND ALLOCATIONS

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

NEW SECTION. Sec. 903. STATUTORY APPROPRIATIONS

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 904. BOND EXPENSES

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 905. VOLUNTARY RETIREMENT, SEPARATION, AND DOWNSHIFTING INCENTIVES

As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement a voluntary retirement and/or separation, program that is cost neutral or results in cost savings (including costs to the state pension systems) over a two-year period following the commencement of the program, provided that such a program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management, in consultation with the office of the state human resources director and the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have a contractual right to a financial incentive offered under this section. Offers shall be reviewed and monitored jointly by the office of the state human resources director and the department of retirement systems. Agencies are required to submit a report by July 30, 2015, to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program including the incentive payment amount for each participant, the total cost to the

state, and the projected or actual net dollar savings over the two year period.

The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

NEW SECTION. Sec. 906. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. Sec. 907. COLLECTIVE BARGAINING AGREEMENTS

The following sections represent the results of the 2013-2015 collective bargaining process required under the provisions of chapters 41.80, 41.56 and 74.39A RCW. Provisions of the collective bargaining agreements contained in sections 908 through 935 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements or the continuation of terms and conditions of the 2011-2013 agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 908. COLLECTIVE BARGAINING AGREEMENT--WFSE

An agreement has been reached between the governor and the Washington federation of state employees general government under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and for backfill costs for a personal leave day. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 909. COLLECTIVE BARGAINING AGREEMENT--WPEA

An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 910. COLLECTIVE BARGAINING AGREEMENT-- COALITION OF UNIONS

An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 911. COLLECTIVE BARGAINING AGREEMENT--WAFP

An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The

agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 912. COLLECTIVE BARGAINING AGREEMENT--PTE LOCAL 17

An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 913. COLLECTIVE BARGAINING AGREEMENT--SEIU 1199NW

An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and for backfill costs for a personal leave day. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 914. COLLECTIVE BARGAINING AGREEMENT-- TEAMSTERS LOCAL 117

An agreement has been reached between the governor and the international brotherhood of teamsters local 117 under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 915. COLLECTIVE BARGAINING AGREEMENT--WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION

An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 916. COLLECTIVE BARGAINING AGREEMENT--WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION

An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 917. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--LANGUAGE ACCESS PROVIDERS WFSE

An agreement has been reached between the governor and the Washington federation of state employees for the language access

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providers under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for a rate increase of 50 cents per hour effective July 1, 2013, and rate increase of 50 cents per hour effective July 1, 2014. Funding is also provided to accommodate a change to the no-show payment rules.

NEW SECTION. Sec. 918. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--SEIU HEALTHCARE 775NW HOMECARE WORKERS

An agreement has been reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapter 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for increases to wages and pay differentials, mileage allowance, and healthcare contributions. Funding is also provided for a paid holiday and payment of certification and testing fees.

NEW SECTION. Sec. 919. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--SEIU LOCAL 925 CHILDCARE WORKERS

An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for increases to health care, scholarship funding and non-standard hours bonus.

NEW SECTION. Sec. 920. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--WSRCC ADULT FAMILY HOMES

An agreement has been reached between the governor and the Washington state residential care council under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for a specialty adult family home contract for community placement of clients currently in western state hospital and an increase in the daily bed hold rate (days eight through twenty).

NEW SECTION. Sec. 921. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol troopers association through an interest arbitration decision under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members effective July 1, 2013, and a one percent increase to longevity pay for years five through nine effective July 1, 2014.

NEW SECTION. Sec. 922. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol lieutenants association through an interest arbitration decision under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members effective July 1, 2014, and for parking of department issued vehicles for employees assigned vehicles at the general administration building or capital campus.

NEW SECTION. Sec. 923. COLLECTIVE BARGAINING AGREEMENT--YAKIMA VALLEY COMMUNITY COLLEGE--WPEA

An agreement has been reached between Yakima Valley Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes that economic terms and conditions replicate those specified in the agreement executed by and between the Washington state higher education coalition and

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the Washington public employees association under RCW 41.80.010 for the term July 1, 2013, to June 30, 2015.

NEW SECTION. Sec. 924. COLLECTIVE BARGAINING AGREEMENT--THE EVERGREEN STATE COLLEGE--WFSE

An agreement has been reached between The Evergreen State College and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and a personal leave day. Funding is also provided for a one percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 925. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between the Western Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes compensation equal to any compensation increase approved, implemented, and funded by the state for general government classified represented staff through the general service salary schedule.

NEW SECTION. Sec. 926. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE

An agreement has been reached between the Western Washington University and the public schools employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes compensation equal to any compensation increase approved, implemented, and funded by the state for general government classified represented staff through the general service salary schedule.

NEW SECTION. Sec. 927. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. Funding is also provided for a one percent salary increase for all bargaining unit members beginning July 1, 2013, and a one percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 928. COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and for a one percent salary increase for all bargaining unit members beginning July 1, 2014. The agreement also includes additional one-time payments each November of each fiscal year for members continually employed during the preceding twelve months in an amount up to three percent of member's gross wages contingent on the university's achievement of the goals contained in its student success incentive program.

NEW SECTION. Sec. 929. COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY--PSE

An agreement has been reached between Central Washington University and the public schools employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement includes a one

percent salary increase for all bargaining unit members beginning July 1, 2014, and in the event classified employees bargaining at the general government's higher education tables receive a general wage increase greater than one percent, salary ranges will increase by the higher amount. The agreement also includes additional one-time payments each November each fiscal year for members continually employed during the preceding twelve months in an amount up to three percent of member's gross wages contingent on the university's achievement of the goals contained in its student success incentive program.

NEW SECTION. Sec. 930. COLLECTIVE BARGAINING AGREEMENT-- UNIVERSITY OF WASHINGTON--WFSE

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided for additional premium pay, preceptor pay, and professional development increases. Funding is also provided for a two percent wage increase for all bargaining unit members beginning July 1, 2013, a two percent wage increase for all bargaining unit members beginning July 1, 2014. The agreement also provides that if the university agrees to across-the-board salary increases for any SEIU 925 bargaining unit that are more favorable than those negotiated with WFSE, the university will grant the same salary increase to WFSE-represented employees.

NEW SECTION. Sec. 931. COLLECTIVE BARGAINING AGREEMENT-- UNIVERSITY OF WASHINGTON--SEIU 925

An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided for additional step increases, a two percent salary increase for all bargaining unit members beginning July 1, 2013, and a two percent salary increase for all bargaining unit members beginning July 1, 2014. The agreement also provides that if the university agrees to across-the-board salary increases or general increases for a SEIU 1199 or Washington state nurse association bargaining unit that are more favorable than those negotiated with SEIU 925, the university will grant the same salary increase to SEIU 925-represented employees.

NEW SECTION. Sec. 932. COLLECTIVE BARGAINING AGREEMENT-- UNIVERSITY OF WASHINGTON--TEAMSTERS 117 (UW POLICE OFFICERS)

An agreement has been reached between the University of Washington and the teamsters 117 under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided for a two percent salary increase for all bargaining unit members beginning July 1, 2013, and a two percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 933. COLLECTIVE BARGAINING AGREEMENT-- WASHINGTON STATE UNIVERSITY--WFSE

An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. The agreement provides that if a general salary increase, implementation of a salary survey, or a longevity step (Step M) is approved and funded by the state for university nonbargaining unit covered classified staff, WFSE bargaining unit members will receive the same.

NEW SECTION. Sec. 934. COLLECTIVE BARGAINING AGREEMENT-- WASHINGTON STATE UNIVERSITY--PSE

An agreement has been reached between the Washington State University and the public school employees of Washington under

the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. The agreement provides that the bargaining unit members have a "me-too" agreement regarding cost of living increases with university classified staff utilizing the general service higher education salary schedule should the university request and receive funding to provide an across-the-board salary increase for classified staff.

NEW SECTION. Sec. 935. COLLECTIVE BARGAINING AGREEMENT-- WASHINGTON STATE UNIVERSITY--WSU POLICE GUILD

An agreement has been reached between the Washington State University and the Washington State University Police Guild under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step.

NEW SECTION. Sec. 936. COMPENSATION--REPRESENTED EMPLOYEES-- SUPER COALITION--INSURANCE BENEFITS

No agreement was reached between the governor and the health care super coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Appropriations in this act for state agencies, including institutions of higher education are sufficient to continue the provisions of the 2011-2013 collective bargaining agreement, and are subject to the following conditions and limitations: (1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed \$791 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy shall be up to \$150.00 per month.

NEW SECTION. Sec. 937. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed \$791 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on

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prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy shall be up to \$150.00 per month.

NEW SECTION. Sec. 938. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed \$791 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy shall be up to \$150.00 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.40 per month beginning September 1, 2013, and \$70.39 beginning September 1, 2014; and

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$64.40 each month beginning September 1, 2013, and \$70.39 beginning September 1, 2014, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection (3) shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 939. COMPENSATION--REVISE PENSION CONTRIBUTION RATES

The appropriations for school districts and state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension

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contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. Sec. 940. NONREPRESENTED EMPLOYEE LONGEVITY STEP

For classified state employees, except those within the Washington management service and except those represented by a bargaining unit under chapters 41.80, 41.56, or 47.64 RCW, funding is provided within agency appropriations for implementation of a longevity step, in accordance with rules adopted under RCW 41.06.133.

NEW SECTION. Sec. 941. COLLECTIVE BARGAINING AGREEMENTS

For collective bargaining agreements negotiated with the state for the 2013-2015 fiscal biennium under chapter 41.80 RCW, the governor may request funds to implement the terms and conditions of any agreement negotiated by an institution of higher education and submitted to the office of financial management after October 1, 2012, but before December 20, 2012, if that agreement is determined to be financially feasible to the state by the director of financial management.

NEW SECTION. Sec. 942. COMPENSATION - CONTINGENT INCREASE IN SALARIES AND WAGES

(1) If the director of the office of financial management determines that the February 2014 economic and revenue forecast council forecast for general fund--state revenues for fiscal year 2015 is \$200,000,000 or more than the September 2012 economic and revenue forecast council forecast for general fund--state revenues for fiscal year 2015 as a result of increased economic activity, effective July 1, 2014, appropriations to state agencies will increase in the amounts specified in LEAP Document 2013-H01 to fund a one percent salary increase effective July 1, 2014, through June 30, 2015, for the following state employees:

(a) All classified employees;

(b) Employees in the Washington management service;

(c) Except as provided in subsection (2) of this section, employees exempt from merit system rules in the legislative, executive, and judicial branches;

(d) Employees of the marine division of the department of transportation represented by the office and professional employees international union local eight and service employees international union local six.

(2) The salary increase in this section is not provided to the following state employees:

(a) Commissioned officers of the Washington state patrol represented by the Washington state patrol troopers association and the Washington state patrol lieutenants association;

(b) Employees of the marine division of the department of transportation represented by:

(i) The ferry agents, supervisors, project administrators association;

(ii) The Pacific northwest regional council of carpenters;

(iii) The Puget Sound metal trades council;

(iv) The marine engineers' beneficial association unlicensed engine room employees;

(v) The marine engineers' beneficial association licensed engineer officers;

(vi) The masters, mates and pilots - mates;

(vii) The masters, mates and pilots - masters;

(viii) The masters, mates and pilots - watch supervisors; and

(ix) The inlandboatmen's union of the pacific.

(c) Employees whose maximum salaries are set by the commission on salaries for elected officials; and

(d) Faculty employees and employees exempt from merit system rules at institutions of higher education.

(3) For purposes of this section, "increased economic activity" means additional revenue derived from taxable business and consumer activity and does not include revenue changes from changes in state or federal law or revenue changes characterized by the economic and revenue forecast council as a noneconomic change.

NEW SECTION. Sec. 943. ACQUISITION OF INFORMATION TECHNOLOGY PROJECTS THROUGH FINANCIAL CONTRACTS

(1) Financial contracts for the acquisition of the information technology projects authorized in this section must be approved jointly by the office of the financial management and the office of the chief information officer. Information technology projects funded under this section shall meet the following requirements:

(a) The project reduces costs and achieves economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies;

(b) The project begins or continues replacement of legacy information technology systems and replacing these systems with modern and more efficient information technology systems;

(c) The project improves the ability of an agency to recover from major disaster;

(d) The project provides future savings and efficiencies for an agency through reduced operating costs, improved customer service, or increased revenue collections; and

(e) Preference for project approval must be given to an agency that has prior approval from the office of the chief information officer, an approved business plan, and where the primary hurdle to project funding is the lack of funding capacity.

(2) The following state agencies may enter into financial contracts to finance expenditures for the acquisition and implementation of the following information technology projects for up to the respective amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

(a) Subject to subsection (4) of this section, \$10,000,000 for the department of enterprise services time, leave, and attendance pilot project;

(b) \$3,867,000 for the Washington state patrol for continuation of the mobile office platform;

(c) \$8,500,000 for the department of social and health services conversion to the tenth version of the world health organization's international classification of diseases;

(d) \$5,558,343 for the department of early learning system implementation of electronic benefit transfers;

(e) \$9,404,000 for the employment security department to modernize the unemployment insurance benefit system; and

(f) \$4,323,000 for the department of corrections for radio infrastructure upgrades.

(3) The office of financial management with assistance from the office of the chief information officer will report to the governor and fiscal committees of the legislature by November 1st of each year on the status of distributions and expenditures on information technology projects and improved statewide or agency performance results achieved by project funding.

(4) If the Washington state department of transportation enters into financial contracts pursuant to chapter 39.94 RCW for the acquisition and implementation of a time, leave, and labor distribution system, the authorization provided to the department of enterprise services in subsection (2)(a) of this section expires.

NEW SECTION. Sec. 944. INFORMATION TECHNOLOGY PROJECTS

(1) The office of the chief information officer, in coordination with the technology services board, must evaluate existing state technology policies on technology investment planning and project implementation to determine whether these policies reflect current

industry leading practices. Where necessary, the office of the chief information officer shall develop revisions to these policies designed to incorporate leading practices, and to incorporate appropriate reporting mechanisms designed to improve the transparency of agency compliance with these policies. All revisions must be submitted to the technology services board for approval no later than September 30, 2013. The technology services board may create a subcommittee responsible for the ongoing review and oversight of state technology policy development.

(2) The office of the chief information officer shall improve the transparency of agency technology planning and development activities by implementing a publicly facing web-based reporting tool for centralized reporting and posting of these documents. The office of the chief information officer shall develop and implement a policy requiring that all critical planning documents, including but not limited to feasibility studies, project management plans, and quality assurance plans for all major projects, and all quality assurance status reports. The reporting tool should be in place no later than September 30, 2013.

NEW SECTION. Sec. 945. PERSONAL COMPUTER ACQUISITION AND REPLACEMENT

(1) The legislature finds that the state must achieve reduced costs in the acquisition and deployment of new and replacement personal computers. The office of the chief information officer of the state must develop a policy on the procurement of personal computers with the goal of reducing the total life cycle cost of ownership. The policy must be effective no later than September 1, 2013.

(2) At a minimum, the policy must address frequency of replacement, identify a preferred financing method, and identify one or more preferred equipment configurations. Financing methods examined in developing the policy must include leasing, lease purchasing, purchasing using certificates of participation and cash purchase. In determining total life cycle costs, the office of the chief information officer must consider the cost of acquisition, deployment, financing, maintenance, and decommissioning of personal computers including any residual software licensing costs. The office of the chief information officer may include any other criteria deemed appropriate in developing the policy.

(3) The office of the attorney general shall participate in a pilot acquisition program. Key elements of the pilot will include a regular replacement cycle that ensures reliable equipment and is acquired by lease. Deployment of the replacement computer and decommissioning of the old computer must also be part of the acquisition contract. The office of the attorney general must work with the office of the chief information officer to determine the costs and benefits of this approach relative to cash procurement and agency deployment and decommissioning. The office of the chief information officer shall report on the findings of the pilot not later than January 1, 2015.

(4) While judicial, legislative, and higher education agencies are exempt from this policy, they are encouraged to adhere to the policy to the maximum extent practicable in meeting the goal of lowering the total life cycle cost of ownership for personal computers.

NEW SECTION. Sec. 946. INFORMATION TECHNOLOGY SECURITY PROGRAMS AND TRAINING

(1) The office of the chief information officer has developed information technology security policies to assist state agencies in implementing an information technology security program. Before any agency may expend amounts appropriated in this act on information technology equipment, the agency must adopt the information technology security guidelines or the state chief information officer must approve an agency's information technology security program.

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(2) Every agency shall submit to the office of the chief information officer a schedule for employee information technology security training, in accordance with technology security policies, no later than September 1, 2013. In the event an agency has not complied with this requirement, the chief information officer may request the office of financial management to embargo all or part of the amounts appropriated to the agency in this act for information technology equipment purchases until the agency training schedule is received.

Sec. 947. RCW 2.28.170 and 2009 c 445 s 2 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services. However, from July 26, 2009, until June 30, (~~2013~~) 2015, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a drug court pursuant to RCW 70.96A.350.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 948. RCW 2.28.170 and 2013 c 257 s 5 are each amended to read as follows:

(1) Jurisdictions may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources.

Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services. However, from July 26, 2009, until June 30, (~~2013~~) 2015, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a drug court pursuant to RCW 70.96A.350.

(b) Any jurisdiction that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 949. RCW 13.40.466 and 2006 c 304 s 4 are each amended to read as follows:

(1) The reinvesting in youth account is created in the state treasury. Moneys in the account shall be spent only after appropriation. Expenditures from the account may be used to reimburse local governments for the implementation of the reinvesting in youth program established in RCW 13.40.462 and 13.40.464. During the 2013-2015 fiscal biennium, the legislature may appropriate moneys from the reinvesting in youth account for juvenile rehabilitation purposes.

(2) Revenues to the reinvesting in youth account consist of revenues appropriated to or deposited in the account.

(3) The department of social and health services juvenile rehabilitation administration shall review and monitor the expenditures made by any county or group of counties that is funded, in whole or in part, with funds provided through the reinvesting in youth account. Counties shall repay any funds that are not spent in accordance with RCW 13.40.462 and 13.40.464.

Sec. 950. RCW 18.43.150 and 1991 c 277 s 2 are each amended to read as follows:

All fees collected under the provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, and 18.43.130 and fines collected under RCW 18.43.110 shall be paid into the professional engineers' account, which account is hereby established in the state treasury to be used to carry out the purposes and provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, 18.43.110, 18.43.120, 18.43.130, 18.43.140 and all other duties required for operation and enforcement of this chapter. During the 2013-2015 fiscal biennium, the legislature may transfer from the professional engineers' account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 951. RCW 19.28.351 and 2003 1st sp.s. c 25 s 910 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, the fund, and of all disbursements therefrom.

During the ~~((2003-2005))~~ 2013-2015 biennium, the legislature may transfer moneys from the electrical license fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 952. RCW 28A.500.020 and 2010 c 237 s 5 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "Statewide average fourteen percent levy rate" means fourteen percent of the total levy bases as defined in RCW 84.52.0531 (3) through (5) for calendar years 2014 and 2015, and as defined in RCW 84.52.0531 (3) and (4) in calendar years 2016 and thereafter, summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's fourteen percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under RCW 84.52.0531(~~((5))~~) (6) multiplied by fourteen percent.

(d) The "district's fourteen percent levy rate" means the district's fourteen percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a fourteen percent levy rate that exceeds the statewide average fourteen percent levy rate.

(2) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter.

Sec. 953. RCW 28B.15.067 and 2012 2nd sp.s. c 7 s 914 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning in the 2011-12 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges. The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the ~~((2011-2013))~~ 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(3)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students; however, during the ~~((2011-2013))~~ 2013-2015 fiscal biennium, reductions or increases in tuition must be uniform among resident undergraduate students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with

existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Each governing board shall make public its proposal for tuition and fee increases twenty-one days before the governing board of the institution considers adoption and allow opportunity for public comment. However, the requirement to make public a proposal for tuition and fee increases twenty-one days before the governing board considers adoption shall not apply if the omnibus appropriations act has not passed the legislature by May 15th. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(4) Beginning with the 2015-16 academic year through the 2018-19 academic year, the governing boards of the state universities, regional universities, and The Evergreen State College may set tuition for resident undergraduates as follows:

(a) If state funding for a college or university falls below the state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection, reduce enrollments, or both;

(b) If state funding for a college or university is at least at the level of state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection and shall continue to at least maintain the actual enrollment levels for fiscal year 2011 or increase enrollments as required in the omnibus appropriations act;

(c) If state funding is increased so that combined with resident undergraduate tuition the sixtieth percentile of the total per-student funding at similar public institutions of higher education in the global challenge states under RCW 28B.15.068 is exceeded, the governing board shall decrease tuition by the amount needed for the total per-student funding to be at the sixtieth percentile under RCW 28B.15.068; and

(d) The amount of tuition set by the governing board for an institution under this subsection (4) may not exceed the sixtieth percentile of the resident undergraduate tuition of similar public institutions of higher education in the global challenge states.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(8) Beginning in the 2019-20 academic year, reductions or increases in full-time tuition fees for resident undergraduates at four-year institutions of higher education shall be as provided in the omnibus appropriations act.

(9) The legislative advisory committee to the committee on advanced tuition payment established in RCW 28B.95.170 shall:

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(a) Review the impact of differential tuition rates on the funded status and future unit price of the Washington advanced college tuition payment program; and

(b) No later than January 14, 2013, make a recommendation to the appropriate policy and fiscal committees of the legislature regarding how differential tuition should be addressed in order to maintain the ongoing solvency of the Washington advanced college tuition payment program.

Sec. 954. RCW 28B.20.476 and 2007 c 216 s 2 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2013-2015 fiscal biennium, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems.

Sec. 955. RCW 28B.92.010 and 2004 c 275 s 34 are each amended to read as follows:

The purposes of this chapter are to establish the principles upon which the state financial aid programs will be based and to establish the state of Washington state need grant program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education. State need grants under this chapter are available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through ~~((d))~~ (e) or any person who has completed the full senior year of high school and obtained a high school diploma, either at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington state for at least three years immediately before receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an eligible institution of higher education and has been granted deferred action for childhood arrival status pursuant to the rules and regulations adopted by the United States citizenship and immigration services.

Sec. 956. RCW 28C.04.535 and 2011 1st sp.s. c 50 s 930 are each amended to read as follows:

Except for the ~~((2011-12 and 2012-13))~~ 2013-14 and 2014-15 school years, the Washington award for vocational excellence shall be granted annually. The workforce training and education coordinating board shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The workforce training and education coordinating board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the workforce training and education coordinating board in cooperation with the office of the governor.

Sec. 957. RCW 38.52.540 and 2012 2nd sp.s. c 7 s 915 are each amended to read as follows:

(1) The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise taxes imposed by RCW 82.14B.030 must be deposited into the account. Moneys in the account must be used only to support the statewide coordination and management of the enhanced 911 system, for the implementation of wireless enhanced 911 statewide, for the modernization of enhanced 911 emergency communications systems statewide, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies. For the 2011-2013 fiscal biennium, the account may be used for modernizing narrowband radio capability in the department of corrections. For the 2013-2015 fiscal biennium, the account may be used for activities and programs in the military department. A county must show just cause, including but not limited to a true and accurate accounting of the funds expended, for any inability to provide reimbursement to radio communications service companies of costs incurred in providing enhanced 911 service.

(2) Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(5) may not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(1). Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(6) may not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(2).

(3) The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

Sec. 958. RCW 39.26.210 and 2012 c 224 s 23 are each amended to read as follows:

(1) Agencies during the 2013-2015 biennia, must ~~((annually))~~ submit to the department a list of all contracts that the agency has entered into or renewed within ten days of entering into the contract. "Contracts," for the purposes of this section, does not include purchase orders. The department must maintain a publicly available list of all contracts entered into by agencies ~~((during each fiscal year))~~, except that contracts for the employment of expert witnesses for the purposes of litigation shall not be made publicly available to the extent that information is exempt from disclosure under state law. Except as otherwise exempt, the data must identify the contracting agency, the contractor, the purpose of the contract, effective dates and periods of performance, the cost of the contract and funding source, any substantive modifications to the contract, and whether the contract was competitively procured or awarded on a sole source basis.

(2) The department may conduct audits of its master contracts and convenience contracts to ensure that the contractor is in compliance with the contract terms and conditions, including but not limited to providing only the goods and services specified in the contract at the contract price.

Sec. 959. RCW 41.06.280 and 2011 1st sp.s. c 43 s 419 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management and the department of enterprise services as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter

41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management and the department of enterprise services with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.50041.06.530.

The director shall fix the terms and charges for services rendered by the department of enterprise services and the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management and the department of enterprise services.

During the 2013-2015 fiscal biennium, the legislature may transfer from the personnel service fund to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 960. RCW 41.06.280 and 2013 c 251 s 1 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.50041.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

During the 2013-2015 fiscal biennium, the legislature may transfer from the personnel service fund to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 961. RCW 41.26.802 and 2008 c 99 s 4 are each amended to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) ((By September 30, 2013, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer ten million dollars to the local public safety enhancement account.

(3))) By September 30, 2015, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer twenty million dollars to the local public safety enhancement account.

(4) By September 30, 2017, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

Sec. 962. RCW 41.60.050 and 2011 1st sp.s. c 50 s 937 and 2011 1st sp.s. c 43 s 473 are each reenacted and amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. However, during the 2011-2013 and 2013-2015 fiscal ((biennium)) biennia, the operations of the productivity board shall be suspended.

Sec. 963. RCW 41.80.010 and 2011 1st sp.s. c 50 s 938 and 2011 c 344 s 1 are each reenacted and amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents. For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This section does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection (2) does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's

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designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) There is hereby created a joint committee on employment relations, which consists of two members with leadership positions in the house of representatives, representing each of the two largest caucuses; the chair and ranking minority member of the house appropriations committee, or its successor, representing each of the two largest caucuses; two members with leadership positions in the senate, representing each of the two largest caucuses; and the chair and ranking minority member of the senate ways and means committee, or its successor, representing each of the two largest caucuses. The governor shall periodically consult with the committee regarding appropriations necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreements, and upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement the agreements.

(6) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(7) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(8) For the ~~((2011-2013))~~ 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care

benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee shall be a separate agreement for which the governor may request funds necessary to implement the agreement. ~~((If such an agreement is negotiated and funded by the legislature, this agreement will supersede any terms and conditions of an expired 2009-2011 biennial master collective bargaining agreement under this chapter regarding health care benefits.))~~ The legislature may act upon a 2013-2015 collective bargaining agreement related to employee health care benefits if an agreement is reached and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating appropriations act by the sitting legislature.

Sec. 964. RCW 41.80.020 and 2011 1st sp.s. c 50 s 939 and 2011 1st sp.s. c 43 s 445 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

(a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;

(b) Any retirement system or retirement benefit; or

(c) Rules of the human resources director, the director of enterprise services, or the Washington personnel resources board adopted under RCW 41.06.157.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter. The exclusive bargaining representatives for employees that are subject to chapter 47.64 RCW shall bargain the dollar amount expended on behalf of each employee for health care benefits with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4). For agreements covering the ~~((2011-2013))~~ 2013-2015 fiscal biennium, any agreement between the employer and the coalition regarding the dollar amount expended on behalf of each employee for health care benefits is a separate agreement and shall not be included in the master collective bargaining agreements negotiated by the parties.

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail.

A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

(7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.

Sec. 965. RCW 43.08.190 and 2011 1st sp.s. c 50 s 941 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040(4)(c). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate for all funds and accounts; except that the state treasurer may negotiate a different allocation rate with any state agency that has independent authority over funds not statutorily required to be held in the state treasury or in the custody of the state treasurer. In no event shall the rate be less than the actual costs incurred by the state treasurer's office. If no rate is separately negotiated, the default rate for any funds held shall be the rate set for funds held pursuant to statute.

During the 2009-2011 fiscal biennium and the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 966. RCW 43.10.150 and 1974 ex.s. c 146 s 1 are each amended to read as follows:

A legal services revolving fund is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the legal services provided to agencies of the state government by the attorney general. During the 2013-2015 fiscal biennium, the legislature may transfer from the legal services revolving account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 967. RCW 43.19.791 and 2011 2nd sp.s. c 9 s 906 are each amended to read as follows:

There is created a revolving fund to be known as the data processing revolving fund in the custody of the state treasurer. The revolving fund shall be used for the acquisition of equipment, software, supplies, and services and the payment of salaries, wages, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies and equipment, including the payment of principal and interest on bonds issued for capital projects, by the department, Washington State University's computer services center, the department of enterprise services' personnel information systems group and financial systems management group, and other users as determined by the office of financial management. The revolving fund is subject to the allotment procedure provided under chapter 43.88 RCW. The chief information officer or the chief information officer's designee, with the approval of the technology services board, is authorized to expend up to one million dollars per fiscal biennium for the technology services board to conduct independent technical and financial analysis of proposed information technology projects, and such an expenditure does not require an appropriation. Disbursements from the revolving fund for the services component of the department are not subject to appropriation. Disbursements for the strategic planning and policy component of the department are subject to appropriation. All disbursements from the fund are subject to the allotment procedures provided under chapter 43.88

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RCW. The department shall establish and implement a billing structure to assure all agencies pay an equitable share of the costs.

During the 2011-2013 and the 2013-2015 fiscal (biennium) biennia, the legislature may transfer from the data processing revolving account to the state general fund such amounts as reflect the excess fund balance.

As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.200.

Sec. 968. RCW 43.24.150 and 2013 c 322 s 30 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.145 RCW, court reporters;
- (d) Chapter 18.165 RCW, private investigators;
- (e) Chapter 18.170 RCW, security guards;
- (f) Chapter 18.185 RCW, bail bond agents;
- (g) Chapter 18.280 RCW, home inspectors;
- (h) Chapter 19.16 RCW, collection agencies;
- (i) Chapter 19.31 RCW, employment agencies;
- (j) Chapter 19.105 RCW, camping resorts;
- (k) Chapter 19.138 RCW, sellers of travel;
- (l) Chapter 42.44 RCW, notaries public;
- (m) Chapter 64.36 RCW, timeshares;
- (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- (p) Chapter 79A.60 RCW, whitewater river outfitters;
- (q) Chapter 19.158 RCW, commercial telephone solicitation; and
- (r) Chapter 19.290 RCW, scrap metal businesses.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium. During the 2013-2015 fiscal biennium, the legislature may transfer from the business and professions account to the state general fund such amounts as reflect the excess fund balance of the account.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

Sec. 969. RCW 43.71.030 and 2012 c 87 s 4 are each amended to read as follows:

(1) The exchange may, consistent with the purposes of this chapter: (a) Sue and be sued in its own name; (b) make and execute agreements, contracts, and other instruments, with any public or private person or entity; (c) employ, contract with, or engage personnel; (d) pay administrative costs; (e) accept grants, donations, loans of funds, and contributions in money, services, materials or otherwise, from the United States or any of its agencies, from the state of Washington and its agencies or from any other source, and use or expend those moneys, services, materials, or other contributions; (f) aggregate or delegate the aggregation of funds that comprise the premium for a health plan; and (g) complete other

duties necessary to begin open enrollment in qualified health plans through the exchange beginning October 1, 2013.

(2) The board shall develop a methodology to ensure the exchange is self-sustaining after December 31, 2014. The board shall seek input from health carriers to develop funding mechanisms that fairly and equitably apportion among carriers the reasonable administrative costs and expenses incurred to implement the provisions of this chapter. The board shall submit its recommendations to the legislature by December 1, 2012. If the legislature does not enact legislation during the 2013 regular session to modify or reject the board's recommendations, the board may proceed with implementation of the recommendations. During the 2013-2015 fiscal biennium, revenues to the exchange from charges to enrollees and to the state, as appropriated in section 213 of this act, shall not exceed 3.4 percent of premiums paid.

(3) The board shall establish policies that permit city and county governments, Indian tribes, tribal organizations, urban Indian organizations, private foundations, and other entities to pay premiums on behalf of qualified individuals.

(4) The employees of the exchange may participate in the public employees' retirement system under chapter 41.40 RCW and the public employees' benefits board under chapter 41.05 RCW.

(5) Qualified employers may access coverage for their employees through the exchange for small groups under section 1311 of P.L. 111- 148 of 2010, as amended. The exchange shall enable any qualified employer to specify a level of coverage so that any of its employees may enroll in any qualified health plan offered through the small group exchange at the specified level of coverage.

(6) The exchange shall report its activities and status to the governor and the legislature as requested, and no less often than annually.

NEW SECTION. **Sec. 970.** Section 969 of this act takes effect July 1, 2013, only if Engrossed Substitute House Bill No. 1947 (Washington health benefit exchange) is not enacted by June 30, 2013.

Sec. 971. RCW 43.79.445 and 2005 c 166 s 3 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. ~~(Funds from the death investigations account may be appropriated during the 1997-99 biennium for the purposes of statewide child mortality reviews administered by the department of health.)~~ Funds from the death investigations account may be appropriated during the 2013-2015 fiscal biennium for the activities of the state crime laboratory within the Washington state patrol.

Sec. 972. RCW 43.79.480 and 2011 1st sp.s. c 50 s 947 are each amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the state general fund, and to the tobacco prevention and control account for purposes set forth in this section. The legislature shall transfer amounts received as strategic contribution payments as defined in RCW 43.350.010 to the life sciences discovery fund created in RCW 43.350.070. During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer less than the entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the basic health plan stabilization account. During the 2013-2015 fiscal biennium, the legislature may transfer less than the entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the state general fund.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the tobacco prevention and control account to the state general fund such amounts as represent the excess fund balance of the account.

Sec. 973. RCW 43.82.010 and 2007 c 506 s 8 are each amended to read as follows:

(1) The director of ~~((general administration))~~ enterprise services, on behalf of the agency involved and after consultation with the office of financial management, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of ~~((general administration))~~ enterprise services.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of ~~((general administration))~~ enterprise services. The director of ~~((general administration))~~ enterprise services shall report to the office of financial management and the appropriate committees of the legislature annually on any exemptions granted pursuant to this subsection.

(3) The director of ~~((general administration))~~ enterprise services may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of ~~((general administration))~~ enterprise services may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of ~~((general administration))~~ enterprise services may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less

than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility.

(4) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of ~~((general administration))~~ enterprise services shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(5) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(6) The director of ~~((general administration))~~ enterprise services shall provide coordinated long-range planning services to identify and evaluate opportunities for colocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of ~~((general administration))~~ enterprise services shall determine whether an opportunity exists for colocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of ~~((general administration))~~ enterprise services shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of ~~((general administration))~~ enterprise services, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(7) The director of ~~((general administration))~~ enterprise services is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of ~~((general administration))~~ enterprise services shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(8) If the director of ~~((general administration))~~ enterprise services determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (7) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for

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such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(9) In order to obtain maximum utilization of space, the director of (~~general administration~~) enterprise services shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(10) The director of (~~general administration~~) enterprise services may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of (~~general administration~~) enterprise services shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(11) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of (~~general administration~~) enterprise services or the director's designee, and recorded with the county auditor of the county in which the property is located.

(12) The director of (~~general administration~~) enterprise services may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable. By January 1st of each year, beginning January 1, 2008, the department shall submit an annual report to the office of financial management and the appropriate committees of the legislature on all delegated leases.

(13) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control board for liquor stores and warehouses; (~~and~~)

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes; and

(d) The department of commerce for community college health career training programs, offices for the department of commerce or other appropriate state agencies, and other nonprofit community uses, including community meeting and training facilities, where the real estate is acquired during the 2013-2015 fiscal biennium.

(14) Notwithstanding any provision in this chapter to the contrary, the department of (~~general administration~~) enterprise services may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

(15) The department of (~~general administration~~) enterprise services shall report annually to the office of financial management and the appropriate fiscal committees of the legislature on facility leases executed for all state agencies for the preceding year, lease terms, and annual lease costs. The report must include leases executed under RCW 43.82.045 and subsection (12) of this section.

Sec. 974. RCW 43.101.200 and 2011 1st sp.s. c 50 s 949 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as otherwise provided in this chapter, the commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the (~~2011-2013~~) 2013-2015 fiscal biennium when the employing, county, city(~~(s))~~), or state law enforcement agency shall reimburse the commission for twenty- five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Sec. 975. RCW 43.155.050 and 2012 2nd sp.s. c 2 s 6004 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2011-2013 and 2013-2015 fiscal (~~biennium~~) biennia, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account, and the drinking water assistance account such amounts as reflect the excess fund balance of the account. During the 2011-2013 fiscal biennium, the legislature may appropriate moneys from the account for economic development, innovation, and export grants, including brownfields; main street improvement grants; and the loan program consolidation board. During the 2013-2015 fiscal biennium, the legislature may appropriate moneys from the account for grants to local governments for growth management planning and implementation.

Sec. 976. RCW 43.160.080 and 2010 1st sp.s. c 36 s 6011 are each amended to read as follows:

There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of

all moneys collected under this chapter and any moneys appropriated to it by law. Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects to chapter 43.88 RCW. During the 2009-2011 biennium, sums in the public facilities construction loan revolving account may be used for community economic revitalization board export assistance grants and loans in section 1018, chapter 36, Laws of 2010 1st sp. sess. and for matching funds for the federal energy regional innovation cluster in section 1017, chapter 36, Laws of 2010 1st sp. sess. During the 2013- 2015 fiscal biennium, the legislature may transfer from the public facilities construction loan revolving account to the state general fund such amounts as represent the excess fund balance of the account.

Sec. 977. RCW 43.333.030 and 2011 1st sp.s. c 14 s 4 are each amended to read as follows:

The investing in innovation account is created in the custody of the state treasurer to receive state and federal funds, grants, private gifts, or contributions to further the purpose of innovate Washington. Expenditures from the account may be used only for the purposes of the investing in innovation programs established in chapter 70.210 RCW and any other purpose consistent with this chapter. Only the ((~~executive~~)) director of ((~~innovate Washington~~)) the department of commerce or the ((~~executive~~)) director's designee may authorize expenditures from the account during the 2013-2015 biennium. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 978. RCW 46.66.080 and 2011 1st sp.s. c 50 s 958 are each amended to read as follows:

(1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and confinement. During the ((~~2009-2011 and~~)) 2011-2013 and 2013-2015 fiscal biennia, the legislature may appropriate moneys from the Washington auto theft prevention authority account for criminal justice purposes and community building ((~~and may transfer funds to the state general fund such amounts as reflect the excess fund balance of the account~~)).

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ten percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft

enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities, which include, but are not limited to: (a) State, municipal, and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover state, municipal, and county offender and juvenile confinement costs.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

Sec. 979. RCW 46.68.340 and 2008 c 282 s 3 are each amended to read as follows:

The ignition interlock device revolving account is created in the state treasury. All receipts from the fee assessed under RCW 46.20.385(6) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for administering and operating the ignition interlock device revolving account program and during the 2013-2015 fiscal biennium, the legislature may appropriate moneys from the ignition interlock device revolving account for substance abuse programs for offenders.

Sec. 980. RCW 70.42.090 and 1989 c 386 s 10 are each amended to read as follows:

(1) The department shall establish a schedule of fees for license applications, renewals, amendments, and waivers. In fixing said fees, the department shall set the fees at a sufficient level to defray the cost of administering the licensure program. All such fees shall be fixed by rule adopted in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW. In determining the fee schedule, the department shall consider the following: (a) Complexity of the license required; (b) number and type of tests performed at the test site; (c) degree of supervision required from the department staff; (d) whether the license is granted under RCW 70.42.040; and (e) general administrative costs of the test site licensing program established under this chapter. For each category of license, fees charged shall be related to program costs.

(2) The medical test site licensure account is created in the state treasury. The state treasurer shall transfer into the medical test site licensure account all revenue received from medical test site license fees. Funds for this account may only be appropriated for the support of the activities defined under this chapter. For the 2013-2015 fiscal biennium, moneys in the account may be spent for laboratory services in the department of health.

(3) The department may establish separate fees for repeat inspections and repeat audits it performs under RCW 70.42.170.

Sec. 981. RCW 70.93.180 and 2011 1st sp.s. c 50 s 963 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local

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government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) (During the 2009-2011 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2009-2011 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.

(5) During the 2011-2013 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2011-2013 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.) During the 2013-2015 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2013-2015 fiscal biennium, subsection (1)(a),(b), and (c) of this section is suspended.

Sec. 982. RCW 70.96A.350 and 2011 2nd sp.s. c 9 s 910 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program; (c) the administrative and overhead costs associated with the operation of a drug court; and (d) during the 2011-2013 biennium, the legislature may appropriate up to three million dollars from the account in order to offset reductions in the state general fund for treatment services provided by counties. This amount is not subject to the requirements of subsections (5) through (9) of this section. During the 2013-2015 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the

medicaid expansion of the federal affordable care act. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal biennium beginning July 1, 2003, the state treasurer shall transfer eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)(b) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state

association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090, treatment support services, and for the administrative and overhead costs associated with the operation of a drug court.

(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the administrative and overhead costs associated with the operation of a drug court.

(b) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

(10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, ~~((2013))~~ 2015.

Sec. 983. RCW 70.105D.070 and 2012 2nd sp.s. c 7 s 920 and 2012 2nd sp.s. c 2 s 6005 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship;

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(xiii) During the ~~((2009-2011 and 2011-2013))~~ 2013-2015 fiscal biennia, shoreline update technical assistance;

~~((xiv))~~ During the 2009-2011 fiscal biennium, multijurisdictional permitting teams;

(xv) During the 2011-2013 fiscal biennium, actions for reducing public exposure to toxic air pollution, and actions taken through the family forest fish passage program to correct barriers to fish passage on privately owned small forest lands; and

(xvi) During the 2011-2013 fiscal biennium, the department of ecology's water quality, shorelands and environmental assessment, hazardous waste, waste to resources, nuclear waste, and air quality programs)

(xiv) During the 2013-2015 fiscal biennium, the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

(xv) During the 2013-2015 fiscal biennium, solid and hazardous waste compliance at the department of corrections;

(xvi) During the 2013-2015 fiscal biennium, activities at the department of fish and wildlife concerning water quality monitoring, hatchery water quality regulatory compliance, and technical assistance to local governments on growth management and shoreline management; and

(xvii) During the 2013-2015 fiscal biennium, forest practices regulation at the department of natural resources.

(xviii) During the 2013-2015 fiscal biennium, actions at the University of Washington for reducing ocean acidification.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the

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initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. ~~((During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.))~~

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

~~((d) To facilitate and expedite cleanups using funds from the local toxics control account, during the 2009-2011 fiscal biennium the director may establish grant-funded accounts to hold and disperse local toxics control account funds and funds from local governments to be used for remedial actions.))~~

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

~~(5) ((Except during the 2011-2013 fiscal biennium,))~~ One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1,

2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2011-2013 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as reflect excess fund balance in the account.

(9) ~~((During the 2011-2013 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants and actions for reducing public exposure to toxic air pollution; funding to local governments for flood levee improvements; and grants to local governments for brownfield redevelopment.))~~ During the 2013- 2015 fiscal biennium, the local toxics control account may also be used for local government storm water planning and implementation activities.

(10) During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants.

(11) During the 2013-2015 fiscal biennium, the legislature may transfer from the local toxics control account to the state general fund such amounts as reflect excess fund balance in the account.

Sec. 984. RCW 74.13.621 and 2009 c 564 s 954 are each amended to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood, marriage, or adoption, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian child welfare act, and a set of principles. If the committee concludes that one or more programs or services would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor and provide consultation on the implementation of recommendations contained in the 2002 kinship care report, including but not limited to the recommendations relating to legal and respite care services and resources;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The department shall consult with the oversight committee on its efforts to better collaborate and coordinate services to benefit kinship care families.

(3) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth

parents, foster parents, and others who have an interest in these issues may also be included.

(4) To the extent funding is available, the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(5) The kinship care oversight committee shall update the legislature and governor annually on committee activities, with the first update due by January 1, 2006.

(6) This section expires June 30, ~~((2011))~~ 2015.

Sec. 985. RCW 74.09.215 and 2012 c 241 s 103 are each amended to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, and all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.66 RCW must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities. For the 2013-2015 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing and conversion to the tenth version of the international classification of diseases.

Sec. 986. RCW 74.09.215 and 2013 c 36 s 3 are each amended to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, and all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.66 RCW, must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, for other medicaid fraud enforcement activities, and the prescription monitoring program established in chapter 70.225 RCW. For the 2013- 2015 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing and conversion to the tenth version of the international classification of diseases.

Sec. 987. RCW 77.12.201 and 2012 2nd sp.s. c 7 s 923 are each amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules adopted pursuant to this title, with the exception of the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the state general fund. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 988. RCW 77.12.203 and 2012 2nd sp.s. c 7 s 924 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW

or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.

(3) This section shall not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and shall be distributed as follows:

County	
Adams	1,909
Asotin	36,123
Chelan	24,757
Columbia.....	7,795
Ferry	6,781
Garfield	4,840
Grant.....	37,443
Kittitas.....	143,974
Klickitat.....	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille.....	3,309
Yakima.....	126,225

These amounts shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

Sec. 989. RCW 79.64.040 and 2012 2nd sp.s. c 7 s 927 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from

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all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands, community forest trust lands, and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsections (4) and (6) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) Deductions authorized under this section for transactions pertaining to community forest trust lands must be established at a level sufficient to defray over time the management costs for activities prescribed in a parcel's management plan adopted pursuant to RCW 79.155.080, and, if deemed appropriate by the board consistent with RCW 79.155.090, to reimburse the state and any local entities' eligible financial contributions for acquisition of the parcel.

(5) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(6) During the ~~((2011-2013))~~ 2013-2015 fiscal biennium, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board.

Sec. 990. RCW 79.105.150 and 2012 2nd sp.s. c 7 s 929 and 2012 2nd sp.s. c 2 s 6008 are each reenacted and amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. ~~((During the 2011-2013 fiscal biennium, the aquatic lands enhancement account may also be used for scientific research as part of the adaptive management process and for developing a planning report for McNeil Island. During the 2011-2013 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account.))~~ During the ~~((2011-2013))~~ 2013-2015 fiscal biennium, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, ~~((parks,))~~ hatcheries, ~~((and))~~ the Puget Sound toxic sampling program at the department of fish and wildlife, the knotweed program at the department of agriculture, ~~((and))~~ the Puget Sound Corps program ~~((During the 2011-2013 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the marine resources stewardship trust account funds for the purposes of RCW 43.372.070)), and actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification. During the 2013-2015 fiscal biennium, the legislature may transfer~~

from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture and the marine resources stewardship trust account for the purposes of chapter 43.372 RCW.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 991. RCW 79A.80.020 and 2012 c 261 s 2 are each amended to read as follows:

(1) Except as otherwise provided in ~~((RCW 79A.80.050, 79A.80.060, and 79A.80.070))~~ this chapter, a discover pass or day-use permit is required for any motor vehicle to park or operate on any recreation site or lands, except for short-term parking as may be authorized under RCW 79A.80.070.

(2) The cost of a discover pass is thirty dollars. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.

(3) A discover pass is valid for one year beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.

(4) Sales of discover passes must be consistent with RCW 79A.80.100.

(5) The discover pass must contain space for two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.

(6) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency-sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.

Sec. 992. RCW 79A.80.080 and 2012 c 261 s 7 are each amended to read as follows:

(1) A discover pass, vehicle access pass, or day-use permit must be visibly displayed in the front windshield of any motor vehicle or otherwise in a prominent location for vehicles without a windshield:

- (a) Operating on a recreation site or lands; or
- (b) Parking at a recreation site or lands.

(2) The discover pass, the vehicle access pass, or the day-use permit is not required;

~~(a) On private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted~~

~~(3) The discover pass, the vehicle access pass, or the day-use permit is not required for:~~

~~(a));~~

(b) For persons who use, possess, or enter lands owned or managed by the agencies for nonrecreational purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements; ~~(or~~

~~(b)) (c) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW 79A.80.040; or~~

(d) During the 2013-2015 biennium, when operating on a road managed by the department of natural resources or the department of fish and wildlife, including a forest or land management road, that is not blocked by a gate.

~~((4)) (3)(a)~~ An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

~~((5)) (4)~~ Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.

~~((6)) (5)~~ The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty must be reduced to fifty-nine dollars if an individual provides proof of purchase of a discover pass to the court within fifteen days after the issuance of the notice of violation.

Sec. 993. RCW 82.14.310 and 2011 1st sp.s. c 50 s 970 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer must transfer into the county criminal justice assistance account from the general fund the sum of twenty-three million two hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsection (4) of this section, must be distributed at such times as distributions are made

under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city is as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court must be determined by the most recent annual report of the courts of Washington, as published by the administrative office of the courts;

(iv) Distributions and eligibility for distributions in the 1989-1991 biennium must be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions must be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section must be expended exclusively for criminal justice purposes and may not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil or juvenile justice system occurs, and which includes (a) domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile dispositional hearings relating to petitions for at-risk youth, truancy, and children in need of services. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) Not more than five percent of the funds deposited to the county criminal justice assistance account may be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements may not supplant existing funds from the state general fund.

(5) During the 2011-2013 fiscal biennium, the amount that would otherwise be transferred into the county criminal justice assistance account from the general fund under subsection (1) of this section must be reduced by 3.4 percent.

(6) During the 2013-2015 fiscal biennium, for the purposes of substance abuse and other programs for offenders, the legislature may appropriate from the county criminal justice assistance account such amounts as are in excess of the amounts necessary to fully meet the state's obligations to the counties and to the Washington state patrol. Excess amounts in this account are not the result of subsection (5) of this section.

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Sec. 994. RCW 86.26.007 and 2012 2nd sp.s. c 7 s 932 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account. ~~(, except that during the 2011-2013 fiscal biennium, the state treasurer shall transfer one million dollars from the general fund to the flood control assistance account).~~ Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. During the 2013-2015 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.

(End of part)

SUPPLEMENTAL
PART XI
GENERAL GOVERNMENT

Sec. 1101. 2012 2nd sp.s. c 7 s 111 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), and TOTAL APPROPRIATION.

Sec. 1102. 2012 2nd sp.s. c 7 s 112 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), Judicial Information System Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the judicial information system account--state appropriation is provided solely to evaluate the state law library and assess its operational structure to determine the most effective delivery model for providing library services.

Sec. 1103. 2012 2nd sp.s. c 7 s 114 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), and TOTAL APPROPRIATION.

Sec. 1104. 2012 2nd sp.s. c 7 s 115 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

Table with 2 columns: Description and Amount. Rows include General Fund--State Appropriation (FY 2012), General Fund--State Appropriation (FY 2013), General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, Judicial Information Systems Account--State Appropriation, and Judicial Stabilization Trust Account--State Appropriation.

Table with 2 columns: Description and Amount. Rows include \$5,425,000 and TOTAL APPROPRIATION ((150,392,000)).

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund--state appropriation for fiscal year 2012 and \$1,399,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund--state appropriation for fiscal year 2012 and \$7,313,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2011-2013 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate ways and means committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$265,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the office of public guardianship to provide guardianship services for low-income incapacitated persons.

(5) \$1,178,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

(6) No later than September 30, 2011, the judicial information systems committee shall provide a report to the legislature on the recommendations of the case management feasibility study, including plans for a replacement of the superior court management information system (SCOMIS) and plans for completing the data exchange core system component consistent with a complete data exchange standard. No later than December 31, 2011, the judicial information systems committee shall provide a report to the legislature on the status of the data exchange, the procurement process for a SCOMIS replacement, and a case management system that is designed to meet the requirements approved by the superior courts and county clerks of all thirty-nine counties. The legislature

shall solicit input on both reports from judicial, legislative, and executive stakeholders.

(7) In order to gather better data on juveniles in the criminal justice system, the administrative office of the courts shall modify the judgment and sentence form for juvenile and adult sentences to include one or more check boxes indicating whether (a) the adult superior court had original jurisdiction for a defendant who was younger than eighteen years of age at the time the case was filed; (b) the case was originally filed in juvenile court but transferred to adult superior court jurisdiction; or (c) the case was originally filed in adult superior court or transferred to adult superior court but then returned to the juvenile court.

(8) \$540,000 of the judicial stabilization trust account--state appropriation is provided solely for the office of public guardianship to continue guardianship services for those low-income incapacitated persons who were receiving services on June 30, 2012.

(9) The Washington association of juvenile court administrators and the juvenile rehabilitation administration, in consultation with the community juvenile accountability act advisory committee and the Washington state institute for public policy, shall analyze and review data elements available from the administrative office of the courts for possible integration into the evidence-based program quality assurance plans and processes. The administrative office of the courts, the Washington association of juvenile court administrators, and the juvenile rehabilitation administration shall provide information necessary to complete the review and analysis. The Washington association of juvenile court administrators and the juvenile rehabilitation administration shall report the findings of their review and analysis, as well as any recommendations, to the legislature by December 1, 2012.

Sec. 1105. 2012 2nd sp.s. c 7 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2012)	\$5,102,000
General Fund--State Appropriation (FY 2013)	(\$5,247,000)
.....	\$5,286,000
Economic Development Strategic Reserve Account--State	
Appropriation	\$1,500,000
TOTAL APPROPRIATION	(\$11,849,000)
.....	\$11,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2) \$540,000 of the general fund--state appropriation for fiscal year 2012 and \$526,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the office of the education ombudsman.

(3) \$39,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1106. 2012 2nd sp.s. c 7 s 121 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2012)	\$16,047,000
General Fund--State Appropriation (FY 2013)	(\$8,612,000)
.....	\$9,972,000
General Fund--Federal Appropriation	\$7,326,000
Public Records Efficiency, Preservation, and Access	
Account--State Appropriation	(\$7,074,000)

.....	\$7,185,000
Charitable Organization Education Account--State	
Appropriation	\$362,000
Local Government Archives Account--State	
Appropriation	\$8,516,000
Election Account--Federal Appropriation	\$17,284,000
Washington State Heritage Center Account--State	
Appropriation	\$5,028,000
TOTAL APPROPRIATION	(\$70,249,000)
.....	\$71,720,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,898,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,847,000 of the general fund--state appropriation for fiscal year 2012 and \$1,926,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2011-2013 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

Sec. 1107. 2012 2nd sp.s. c 7 s 127 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2012)	\$4,758,000
General Fund--State Appropriation (FY 2013)	(\$7,690,000)
.....	\$7,890,000
General Fund--Federal Appropriation	\$10,015,000
New Motor Vehicle Arbitration Account--State	
Appropriation	\$968,000
Legal Services Revolving Account--State	

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Appropriation.....	(((\$197,375,000))
.....	\$197,412,000
Tobacco Prevention and Control Account--State	
Appropriation.....	\$270,000
Medicaid Fraud Penalty Account--State Appropriation..	\$1,129,000
TOTAL APPROPRIATION.....	(((\$222,205,000))
.....	\$222,442,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) The attorney general shall enter into an interagency agreement with the department of social and health services for expenditure of the state's proceeds from the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for the purposes set forth in sections 204 and 213 of this act.

(5) \$62,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 1770 (state purchasing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$5,924,000 of the legal services revolving account--state appropriation is provided solely to implement House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) The office of the attorney general is authorized to expend \$2,100,000 from the *Zyprexa* and other *cy pres* awards towards consumer protection costs in accordance with uses authorized in the court orders.

(8) \$96,000 of the legal services revolving fund--state appropriation is provided solely to implement Senate Bill No. 5076 (financial institutions). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(9) \$99,000 of the legal services revolving fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5769 (coal-fired generation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$416,000 of the legal services revolving fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$31,000 of the legal services revolving fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5021 (election campaign disclosure). If the bill is

not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.

(13) \$11,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 2301 (boxing, martial arts, wrestling). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(14) \$56,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 2319 (affordable care act). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(15) \$5,743,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the legal costs associated with the evaluation, filing, prosecution, response to petitions for release, and appeal of sexually violent predator civil commitment cases, as provided in chapter 71.09 RCW. Within the amount provided in this subsection, the attorney general may enter into an interagency agreement with a county prosecutor to perform prosecution services pursuant to chapter 71.09 RCW.

(16) \$94,000 of the legal services revolving fund--state appropriation is provided solely to implement Senate Bill No. 6103 (reflexology and massage therapy). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(17) \$57,000 of the legal services revolving fund--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6237 (medical assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(18) If Engrossed Substitute Senate Bill No. 5978 (medicaid fraud) is not enacted by June 30, 2012, the amounts appropriated in this section from the medicaid fraud penalty account--state appropriation shall lapse and an additional \$730,000 shall be appropriated from the general fund--state for fiscal year 2013 for fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities.

(19) \$56,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 2592 (extended foster care). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(20) \$65,000 of the legal services revolving fund--state appropriation is provided solely for implementation of Second Engrossed Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(21) \$200,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for settlement payment of the Backpage.com litigation.

Sec. 1108. 2012 2nd sp.s. c 7 s 129 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund--State Appropriation (FY 2012)	\$51,799,000
General Fund--State Appropriation (FY 2013)	(((\$72,839,000))
.....	\$60,889,000
General Fund--Federal Appropriation	\$340,184,000

General Fund--Private/Local Appropriation.....	\$5,036,000
Public Works Assistance Account--State	
Appropriation	\$2,733,000
Drinking Water Assistance Administrative.....	
Account--State Appropriation.....	\$437,000
Lead Paint Account--State Appropriation	(\$65,000)
.....	\$100,000
Building Code Council Account--State Appropriation	\$13,000
Home Security Fund Account--State Appropriation	\$21,007,000
Affordable Housing for All Account--State	
Appropriation	\$11,899,000
County Research Services Account--State	
Appropriation	\$540,000
Financial Fraud and Identity Theft Crimes Investigation	
and Prosecution Account--State Appropriation	(\$1,166,000)
.....	\$969,000
Low-Income Weatherization Assistance Account--State.....	
Appropriation	(\$2,427,000)
.....	\$1,186,000
City and Town Research Services Account--State	
Appropriation	\$2,577,000
Community and Economic Development Fee Account--State	
Appropriation	\$6,781,000
Washington Housing Trust Account--State	
Appropriation	\$17,444,000
Prostitution Prevention and Intervention Account--	
State Appropriation	\$86,000
Public Facility Construction Loan Revolving	
Account--State Appropriation.....	\$748,000
Washington Community Technology Opportunity Account--	
State Appropriation	\$713,000
Liquor Revolving Account--State Appropriation	(\$2,802,000)
.....	\$3,032,000
TOTAL APPROPRIATION.....	(\$541,296,000)
.....	\$528,173,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.
- (2) \$500,000 of the general fund--state appropriation for fiscal year 2012 and \$500,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.
- (3) \$306,000 of the general fund--state appropriation for fiscal year 2012 and \$306,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant to the retired senior volunteer program.
- (4) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties.
- (5) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.
- (6) \$5,000,000 of the home security fund--state appropriation is for the operation, repair, and staffing of shelters in the homeless family shelter program.

(7) \$198,000 of the general fund--state appropriation for fiscal year 2012 and \$198,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington new Americans program.

(8) \$2,949,000 of the general fund--state appropriation for fiscal year 2012 and \$2,949,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for associate development organizations.

(9) \$127,000 of the general fund--federal appropriation is provided solely for implementation of Substitute House Bill No. 1886 (Ruckelshaus center process). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) Up to \$200,000 of the general fund--private/local appropriation is for a grant to the Washington tourism alliance for the maintenance of the Washington state tourism web site www.experiencewa.com and its related sub-sites. The department may transfer ownership of the web site and other tourism promotion assets and assign obligations to the Washington tourism alliance for purposes of tourism promotion throughout the state. The alliance may use the assets only in a manner consistent with the purposes for which they were created. Any revenue generated from these assets must be used by the alliance for the sole purposes of statewide Washington tourism promotion. The legislature finds that the Washington tourism alliance, a not-for-profit, 501.c.6 organization established, funded, and governed by Washington tourism industry stakeholders to sustain destination tourism marketing across Washington, is an appropriate body to receive funding and assets from and assume obligations of the department for the purposes described in this section.

(11) Within the appropriations in this section, specific funding is provided to implement Substitute Senate Bill No. 5741 (economic development commission).

(12) \$2,000,000 of the community and economic development fee account appropriation is provided solely for the department of commerce for services to homeless families through the Washington families fund.

(13) \$234,000 of the general fund--state appropriation for fiscal year 2012 and \$233,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington asset building coalitions.

(14) \$1,859,000 of the general fund--state appropriation for fiscal year 2012 and \$1,859,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for innovative research teams, also known as entrepreneurial STARS, at higher education research institutions, and for entrepreneurs-in-residence programs at higher education research institutions and entrepreneurial assistance organizations. Of these amounts no more than \$50,000 in fiscal year 2012 and no more than \$50,000 in fiscal year 2013 may be provided for the operation of entrepreneurs-in-residence programs at entrepreneurial assistance organizations external to higher education research institutions.

(15) Up to \$700,000 of the general fund--private/local appropriation is for pass-through grants to cities in central Puget Sound to plan for transfer of development rights receiving areas under the central Puget Sound regional transfer of development rights program.

(16) \$16,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to implement section 503 of Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The long-term care ombudsman shall convene an adult family home quality assurance panel to review problems concerning the quality of care for residents in adult family homes. If Substitute House Bill No. 1277 (licensed settings for vulnerable adults) is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(17) \$19,605,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$39,527,000)~~ \$27,527,000 of the general

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fund-- state appropriation for fiscal year 2013 are provided solely for establishment of the essential needs and housing support program created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program). The department of commerce shall contract for these services with counties or community-based organizations involved in providing essential needs and housing supports to low-income persons who meet eligibility pursuant to Engrossed Substitute House Bill No. 2082. The department shall limit the funding used for administration of the program to no more than five percent. Counties and community providers shall limit the funding used for administration of the program to no more than seven percent.

(a) Of the amounts provided in this subsection, \$4,000,000 is provided solely for essential needs to clients who meet the eligibility established in Engrossed Substitute House Bill No. 2082. Counties and community-based organizations shall distribute basic essential products in a manner that prevents abuse. To the greatest extent possible, the counties or community-based organizations shall leverage local or private funds, and volunteer support to acquire and distribute the basic essential products.

(b) Of the amounts provided in this subsection, ~~(\$55,000,000)~~ \$43,000,000 is provided solely for housing support services to individuals who are homeless or who may become homeless, and are eligible for services under this program pursuant to Engrossed Substitute House Bill No. 2082.

(18) \$4,380,000 of the home security fund--state appropriation is provided solely for the department to provide homeless housing services in accordance with Engrossed Substitute House Bill No. 2048 (housing assistance surcharges). If Engrossed Substitute House Bill No. 2048 (housing assistance surcharges) is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(19) \$85,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the developmental disabilities council to contract for a family-to-family mentor program to provide information and support to families and guardians of persons who are transitioning out of residential habilitation centers. To the maximum extent allowable under federal law, these funds shall be matched under medicaid through the department of social and health services and federal funds shall be transferred to the department for the purposes stated in this subsection.

(20) ~~(\$2,802,000)~~ \$3,032,000 of the liquor revolving account-- state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(21) \$1,000,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for deposit in the shelter to housing project account, hereby created in the custody of the state treasurer as a nonappropriated account. The department may expend funds from the account solely for a two-year pilot project to enable young adults to move from temporary emergency shelter housing to transitional and permanent housing throughout King county. The pilot project will be administered under contract with the YMCA of greater Seattle in collaboration with the rising out of the shadows young adult shelter. Funding may be used for case management, housing subsidy, transportation, shelter services, training and evaluation. The pilot project and the shelter to housing project account expire December 31, 2014.

(22) \$12,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Engrossed Second Substitute Senate Bill No. 5292 (irrigation and port districts). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(23) \$100,000 of the general fund--private/local appropriation is provided solely for the department to provide analysis and an

advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets in accordance with Substitute Senate Bill No. 6414 (review process/utilities). The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion. If Substitute Senate Bill No. 6414 (review process/utilities) is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1109. 2012 2nd sp.s. c 7 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2012)	\$18,369,000
General Fund--State Appropriation (FY 2013)	(\$18,584,000)
.....	\$18,728,000
General Fund--Federal Appropriation	\$31,530,000
General Fund--Private/Local Appropriation.....	\$1,370,000
Performance Audits of Government Account--State	
Appropriation	\$198,000
Economic Development Strategic Reserve Account--State	
Appropriation	\$280,000
Department of Personnel Services--State	
Appropriation	\$8,551,000
Data Processing Revolving Account--State	
Appropriation	\$5,910,000
Higher Education Personnel Services Account--State	
Appropriation	\$1,537,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$100,000
TOTAL APPROPRIATION.....	(\$86,429,000)
.....	\$86,573,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,210,000 of the general fund--state appropriation for fiscal year 2012 and \$1,210,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of House Bill No. 1178 (regulatory assistance office). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the office of financial management to contract with an independent consultant to evaluate and recommend the most cost-effective provision of services required to support the department of social and health services special commitment center on McNeil Island. The evaluation shall include island operation services that include, but are not limited to: (a) Marine transport of passengers and goods; (b) wastewater treatment; (c) fire protection and suppression; (d) electrical supply; (e) water supply; and (f) road maintenance.

The office of financial management shall solicit the input of Pierce county, the department of corrections, and the department of social and health services in developing the request for proposal, evaluating applications, and directing the evaluation. The consultant shall report to the governor and legislature by November 15, 2011.

(3) \$100,000 of the aquatic lands enhancement account--state appropriation is provided solely for the office of financial management to prepare a report to be used to initiate a comprehensive, long-range planning process for the future of McNeil Island during the 2013-2015 fiscal biennium.

(a) The report on the initiation of the process must document:

(i) Ownership issues, including consultation with the federal government about its current legal requirements associated with the island;

(ii) Federal and state decision-making processes to change use or ownership;

- (iii) Tribal treaty interests;
- (iv) Fish and wildlife species and their habitats;
- (v) Land use and public safety needs;
- (vi) Recreational opportunities for the general public;
- (vii) Historic and archaeological resources; and
- (viii) Revenue from and necessary to support potential future uses of the island.

(b) The report shall develop and recommend a comprehensive, long-range planning process for the future of the island and associated aquatic resources, addressing the items in (a) of this subsection.

(c) The office of financial management may use its own staff and other public agency and tribal staff or contract for services, and may create a work group of knowledgeable agencies, organizations, and individuals to assist in preparing the report.

(d) The office of financial management shall engage in broad consultation with interested parties, including, but not limited to:

- (i) Federal agencies with relevant responsibilities;
- (ii) Tribal governments;
- (iii) State agencies;
- (iv) Local governments and communities in the area, including the Anderson Island community, Steilacoom, and Pierce county; and
- (v) Interested private organizations and individuals.

(e) The report must be submitted to the governor and appropriate committees of the legislature by October 1, 2012.

(4) The appropriations in this section include funding for activities transferred from the sentencing guidelines commission to the office of financial management pursuant to Engrossed Substitute Senate Bill No. 5891 (criminal justice cost savings). Prior to the effective date of Engrossed Substitute Senate Bill No. 5891, the appropriations in this section may be expended for the continued operations and expenses of the sentencing guidelines commission pursuant to the expenditure authority schedule produced by the office of financial management in accordance with chapter 43.88 RCW.

~~((6))~~ (5) \$115,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of Engrossed Substitute House Bill No. 2483 (higher education coordination). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

~~((7))~~ (6)(a) The office of financial management shall determine if cost savings can be achieved by the state through contracting for interpreter services more effectively. The office of financial management must work with all state agencies that use interpreter services to determine:

- (i) How agencies currently procure interpreter services;
- (ii) To what degree brokers or foreign language agencies are used in the acquisition of interpreter services; and
- (iii) The cost of interpreter services as currently provided.

(b) The office of financial management, in consultation with the department of enterprise services, must also examine approaches to procuring interpreter services, including using the department of enterprise services' master contract, limiting overhead costs associated with interpreter contracts, and direct scheduling of interpreters. The report must include recommendations for the state to procure services in a more consistent and cost-effective manner.

(c) The office of financial management, in consultation with the department of labor and industries, must determine the impact that any alternative approach to procuring interpreter services will have on medical providers.

- (d) The report must include:
- (i) Analysis of the current process for procuring interpreter services;

(ii) Recommendations regarding options to make obtaining interpreter services more consistent and cost-effective; and

(iii) Estimates for potential cost savings.

(e) The office of financial management must report to the fiscal committees of the legislature by December 1, 2012.

~~((8))~~ (7) \$25,000 of the general fund--state appropriation for fiscal year 2012 and \$225,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of House Bill No. 2824 (education funding). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1110. 2012 2nd sp.s. c 7 s 132 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State

Appropriation~~((35,713,000))~~
\$36,413,000

The appropriation in this section is subject to the following conditions and limitations: ~~((769,000))~~ \$700,000 of the administrative hearings revolving account--state appropriation is provided solely to ~~((implement Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse))~~ accommodate the number of fair hearings associated with medical assistance programs on behalf of the health care authority.

Sec. 1111. 2012 2nd sp.s. c 7 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense

Account--State Appropriation~~((46,511,000))~~
\$46,591,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$146,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 2070 (state and local government employees). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(2) \$65,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1625 (plan 3 default investment option). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(3) \$133,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Engrossed House Bill No. 1981 as amended (post-retirement employment). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) \$15,000 of the department of retirement systems expense account--state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 2021 (plan 1 annual increase amounts). If the bill is not enacted by June 30, 2011, the amount provided in this section shall lapse.

(5) \$32,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Senate Bill No. 5159 (state patrol retirement system service credit). If the bill is not

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enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1112. 2012 2nd sp.s. c 7 s 139 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation .((~~\$3,654,000~~)) \$3,754,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the minority and women's business enterprises account--state appropriation is provided for implementation of a certification program for small business enterprises. The agency will collaborate with the department of transportation to certify small businesses as small business enterprises.

Sec. 1113. 2012 2nd sp.s. c 7 s 142 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Liquor Control Board Construction and Maintenance

Account--State Appropriation.....\$3,063,000
Liquor Revolving Account--State Appropriation.....\$171,838,000
General Fund--Federal Appropriation.....\$945,000
General Fund--Private/Local Appropriation.....\$25,000
TOTAL APPROPRIATION.....\$175,871,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature intends to facilitate the orderly transition of liquor services as required by Initiative Measure No. 1183. For liquor control board employees that remain through June 15, 2012, a temporary opportunity to cash out sick leave is provided to assist the unique challenges to the liquor control board and its employees posed by this transition.

(2) Within the amounts appropriated in this section from the liquor revolving account--state appropriation, liquor control board employees who: (a) Occupy positions in the job classifications provided in subsection (3)(c) of this section that will be eliminated after the liquor control board ceases to distribute liquor; and (b) remain as liquor control board employees through June 15, 2012, and who separate from service due to lay off by October 1, 2012, may elect to receive remuneration for their entire sick leave balance at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave.

(3) The following conditions apply to sick leave cash out under this subsection:

(a) The rate of monetary compensation for the purposes of this subsection shall not be reduced by any temporary salary reduction;

(b) Remuneration or benefits received under this subsection shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state;

(c) The following job classifications are eligible:

- (i) Liquor store clerk;
(ii) Retail assistant store manager 1;
(iii) Retail assistant store manager 2;
(iv) Retail store manager 3;
(v) Retail store manager 4;
(vi) Retail district manager;
(vii) Retail operations manager;
(viii) Director of retail services;
(ix) Director of distribution center;
(x) Director of purchasing;
(xi) Director of business enterprise;
(xii) Warehouse operator 1;
(xiii) Warehouse operator 2;
(xiv) Warehouse operator 3; and
(xv) Warehouse operator 4; and

(d) Should the legislature revoke any remuneration or benefits granted under this section, an affected employee shall not be entitled thereafter to receive such benefits as a matter of contractual right.

(4) Within the amounts appropriated in this section from the liquor revolving account--state appropriation, up to \$946,000 may be used by the liquor control board to implement Initiative Measure No. 502.

Sec. 1114. 2012 2nd sp.s. c 7 s 144 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2012)\$7,116,000
General Fund--State Appropriation (FY 2013)((~~\$6,872,000~~))
.....\$6,938,000
General Fund--Federal Appropriation((~~\$159,075,000~~))
.....\$159,114,000
Enhanced 911 Account--State Appropriation.....\$48,620,000
Disaster Response Account--State Appropriation\$23,119,000
Disaster Response Account--Federal Appropriation\$91,368,000
Military Department Rent and Lease Account--State
Appropriation\$615,000
Worker and Community Right-to-Know Account--State
Appropriation\$2,163,000
TOTAL APPROPRIATION.....((~~\$338,948,000~~))
.....\$339,053,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,018,000 of the disaster response account--state appropriation and \$66,266,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2011-2013 biennium based on current revenue and expenditure patterns.

(2) \$75,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

(3) \$15,000 of the general fund--state appropriation in fiscal year 2013 is provided solely to maintain the three generator systems that allow the emergency operations center and emergency management division to operate during unexpected power outages.

Sec. 1115. 2012 2nd sp.s. c 7 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund--State Appropriation (FY 2012)\$3,401,000
General Fund--State Appropriation (FY 2013)\$3,309,000
((General Fund--Federal Appropriation.....\$177,000
General Fund--Private/Local Appropriation.....\$368,000))
Building Code Council Account--State Appropriation ...\$1,186,000
Department of Personnel Service Account--State
Appropriation\$11,117,000
Enterprise Services Account--State Appropriation.....\$26,336,000

TOTAL APPROPRIATION.....((~~\$45,894,000~~))
\$45,349,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for the operations and expenses of the department of enterprise services as established by Engrossed Substitute Senate Bill No. 5931 (central service functions of state government), effective October 1, 2011. Prior to October 1, 2011, the appropriations in this section may be expended for the continued operations and expenses of the office of financial management, the department of general administration, the department of information services, and the department of personnel, pursuant to the expenditure authority schedules produced by the office of financial management, in accordance with chapter 43.88 RCW.

(2) \$3,028,000 of the general fund--state appropriation for fiscal year 2012 and \$2,967,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(3) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2012 and 2013 as necessary to meet the actual costs of conducting business.

(4) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action.

(5) Specific funding is provided for the purposes of section 3 of House Bill No. 1770 (state purchasing).

(6) The amounts appropriated in this section are for implementation of Senate Bill No. 5931 (streamlining central service functions).

(7) The department of enterprise services shall purchase flags needed for ceremonial occasions on the capitol campus in order to fully represent the countries that have an international consulate in Washington state.

(8) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services.

(9) The department shall adjust billings for self-insurance premiums to transportation agencies to reflect rate reductions assumed in this act.

(End of part)

**PART XII
 HUMAN SERVICES**

Sec. 1201. 2012 2nd sp.s. c 7 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under the Washington medicaid integration partnership (WMIP) and the medicare integrated care project (MICP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan for the WMIP and the MICP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2011-2013 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP and the MICP, the health care authority and the department may: (i) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (ii) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The health care authority and the department shall conduct an evaluation of the WMIP by October 15, 2012, and of the MICP measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(b) Effective January 1, 2013, if Washington has been selected to participate in phase two of the federal demonstration project for persons dually-eligible for both medicare and medicaid, the department and the authority may initiate the MICP. Participation in the project shall be limited to persons who are eligible for both medicare and medicaid and to counties in which the county

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legislative authority has agreed to the terms and conditions under which it will operate. The purpose of the project shall be to demonstrate and evaluate ways to improve care while reducing state expenditures for persons enrolled both in medicare and medicaid. To that end, prior to initiating the project, the department and the authority shall assure that state expenditures shall be no greater on either a per person or total basis than the state would otherwise incur. Individuals who are solely eligible for medicaid may also participate if their participation is agreed to by the health care authority, the department, and the county legislative authority.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(5) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(6)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~(2012)~~ 2013, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~(2012)~~ 2013 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~(2012)~~ 2013 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medicaid personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 1202. 2012 2nd sp.s. c 7 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$287,014,000
General Fund--State Appropriation (FY 2013)	(\$285,018,000)
.....	\$277,169,000

General Fund--Federal Appropriation	(\$479,315,000)
.....	\$476,739,000
General Fund--Private/Local Appropriation.....	(\$1,354,000)
.....	\$1,804,000
Home Security Fund Account--State Appropriation	\$10,741,000
Domestic Violence Prevention Account--State	
Appropriation	\$1,240,000
Education Legacy Trust Account--State Appropriation	\$725,000
TOTAL APPROPRIATION.....	(\$1,065,407,000)
.....	\$1,055,432,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) \$668,000 of the general fund--state appropriation for fiscal year 2012 and \$668,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. The department shall collaborate with the pediatric interim care center to determine if and how the center could be appropriately incorporated into the performance-based contract model and report its findings to the legislature by December 1, 2012.

(3)(a) \$80,887,000 of the general fund--state appropriation for fiscal year 2012, ~~(\$81,067,000)~~ \$76,567,000 of the general fund--state appropriation for fiscal year 2013, and ~~(\$74,800,000)~~ \$71,598,034 of the general fund--federal appropriation are provided solely for services for children and families. The amounts provided in this section shall be allotted on a monthly basis and expenditures shall not exceed allotments based on a three month rolling average without approval of the office of financial management following notification to the legislative fiscal committees.

(b) The department shall use these services to safely reduce the number of children in out-of-home care, safely reduce the time spent in out-of-home care prior to achieving permanency, and safely reduce the number of children returning to out-of-home care following permanency. The department shall provide an initial report to the legislature and the governor by January 15, 2012, regarding the start-up costs associated with performance-based contracts under RCW 74.13.360 .

(c) Of the amounts provided in (a) of this subsection, \$579,000 of the general fund--state appropriation for fiscal year 2013 and \$109,000 of the general fund--federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$176,000 of the general fund--state appropriation for fiscal year 2012, \$177,000 of the general fund--state appropriation for fiscal year 2013, \$656,000 of the general fund--private/local appropriation, \$253,000 of the general fund--federal appropriation, and \$725,000 of the education legacy trust account--state appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection

are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(5) \$670,000 of the general fund--state appropriation for fiscal year 2012 and \$670,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for services provided through children's advocacy centers.

(6) To ensure expenditures remain within available funds appropriated in this section as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection does not apply to adoption assistance agreements in existence on the effective date of this section.

(7) \$10,741,000 of the home security fund--state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi-secure crisis residential centers and not a reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(8) \$47,000 of the general fund--state appropriation for fiscal year 2012, \$14,000 of the general fund--state appropriation for fiscal year 2013, and \$40,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1697 (dependency system). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(9) \$564,000 of the general fund--federal appropriation is provided solely to implement Second Substitute House Bill No. 1128 (extended foster care). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$799,000 of the general fund--state appropriation for fiscal year 2013 and \$799,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2264 (child welfare/contracting). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(11) \$178,000 of the general fund--federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2592 (extended foster care). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(12) \$616,000 of the general fund--state appropriation for fiscal year 2013 and \$616,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6555 (child protective services). If the bill is not

enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

Sec. 1203. 2012 2nd sp.s. c 7 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2012)	\$85,723,000
General Fund--State Appropriation (FY 2013)	(\$85,258,000)
.....	\$85,477,000
General Fund--Federal Appropriation	(\$3,809,000)
.....	\$3,808,000
General Fund--Private/Local Appropriation.....	(\$1,903,000)
.....	\$1,904,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$196,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	\$2,801,000
TOTAL APPROPRIATION.....	(\$179,690,000)
.....	\$179,909,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund--state appropriation for fiscal year 2012 and \$331,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund--state appropriation for fiscal year 2012 and \$2,716,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund--state appropriation for fiscal year 2012 and \$3,482,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2012 and \$1,130,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund--state appropriation for fiscal year 2012 and \$3,123,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or

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other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund--state appropriation for fiscal year 2012 and \$1,537,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration shall phase the implementation of the formula provided in subsection (1) of this section by including a stop-loss formula of five percent in fiscal year 2012 and five percent in fiscal year 2013.

(c) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive

board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. Consistent with chapter 13.50 RCW, all confidentiality agreements necessary to implement this information-sharing shall be approved within 30 days of the effective date of this section. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(9) The Washington association of juvenile court administrators and the juvenile rehabilitation administration, in consultation with the community juvenile accountability act advisory committee and the Washington state institute for public policy, shall analyze and review data elements available from the administrative office of the courts for possible integration into the evidence-based program quality assurance plans and processes. The administrative office of the courts, the Washington association of juvenile court administrators, and the juvenile rehabilitation administration shall provide information necessary to complete the review and analysis.

The Washington association of juvenile court administrators and the juvenile rehabilitation administration shall report the findings of their review and analysis, as well as any recommendations, to the legislature by December 1, 2012.

Sec. 1204. 2012 2nd sp.s. c 7 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2012)	\$317,734,000
General Fund--State Appropriation (FY 2013)..... (\$324,319,000)	
.....	\$321,609,000
General Fund--Federal Appropriation	(\$449,593,000)
.....	\$446,619,000
General Fund--Private/Local Appropriation.....	\$17,864,000
Hospital Safety Net Assessment Fund--State	
Appropriation	\$5,251,000
TOTAL APPROPRIATION.....	(\$1,114,761,000)
.....	\$1,109,077,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$109,342,000 of the general fund--state appropriation for fiscal year 2012 and \$109,341,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for persons and services not covered by the medicaid program. This is a reduction of \$4,348,000 each fiscal year from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2011 prior to supplemental budget reductions. This \$4,348,000 reduction shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$6,590,000 of the general fund--state appropriation for fiscal year 2012, \$6,590,000 of the general fund--state appropriation for fiscal year 2013, and \$7,620,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) \$5,850,000 of the general fund--state appropriation for fiscal year 2012, \$5,850,000 of the general fund--state appropriation for fiscal year 2013, and \$1,300,000 of the general fund--federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per

day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

~~((e))~~ (f) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

~~((h))~~ (g) \$750,000 of the general fund--state appropriation for fiscal year 2012 and \$750,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

~~((i))~~ (h) \$1,125,000 of the general fund--state appropriation for fiscal year 2012 and \$1,125,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((j))~~ (i) \$1,529,000 of the general fund--state appropriation for fiscal year 2012 and \$1,529,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

~~((k))~~ (j) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

~~((l))~~ (k) Given the recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

~~((m))~~ (l) \$750,000 of the general fund--state appropriation for fiscal year 2012, \$750,000 of the general fund--state appropriation

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for fiscal year 2013, and \$1,500,000 of the general fund--federal appropriation are provided solely to adjust regional support network capitation rates to account for the per diem rates actually paid for psychiatric care provided at hospitals participating in the certified public expenditure program operated pursuant to section 213 of this act.

((#)) (m) The appropriations in this section reflect efficiencies to be achieved through voluntary consolidation of regional support networks in accordance with Substitute House Bill No. 2139 (regional support networks). Voluntary consolidation of regional support networks is expected to result in administrative efficiencies and maximize dollars available for direct services to individuals with mental illnesses without corresponding increases in state appropriations.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012)	\$115,017,000
General Fund--State Appropriation (FY 2013)	(\$112,603,000)
.....	\$118,883,000
General Fund--Federal Appropriation	(\$153,618,000)
.....	\$152,917,000
General Fund--Private/Local Appropriation.....	(\$67,325,000)
.....	\$64,555,000
TOTAL APPROPRIATION.....	(\$448,563,000)
.....	\$451,372,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2012 and \$231,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2012 and \$45,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$20,000,000 of the general fund--state appropriation for fiscal year 2012 and \$20,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to maintain staffed capacity to serve an average daily census in forensic wards at western state hospital of 270 patients per day.

(e) The appropriations in this section reflect efficiencies to be achieved through enactment of Substitute Senate Bill No. 6492 (competency to stand trial). These efficiencies are expected to enable the hospitals to substantially increase the timeliness with which evaluations of defendant competency to stand trial are completed, and treatment to restore competency is initiated, without corresponding increases in state appropriations.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2012)	\$1,148,000
General Fund--State Appropriation (FY 2013)	\$1,276,000
General Fund--Federal Appropriation	(\$4,198,000)
.....	\$5,198,000
General Fund--Private/Local Appropriation.....	\$700,000
TOTAL APPROPRIATION.....	(\$7,322,000)
.....	\$8,322,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,161,000 of the general fund--state appropriation for fiscal year 2012 and \$1,161,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for children's evidence-based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.

(b) \$700,000 of the general fund--private/local appropriation is provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices for serving children and youth with mental health disorders. The department shall enter into an interagency agreement with the office of the attorney general for expenditure of \$700,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for this purpose.

(c) \$135,000 of the general fund--state appropriation for fiscal year 2013 and \$89,000 of the general fund--federal appropriation are provided solely for the department to contract with the University of Washington's evidence-based practice institute and the Washington state institute for public policy to consult with the department and the health care authority on the implementation of Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The department's programs responsible for administration of mental health, child welfare, and juvenile justice programs will coordinate with the health care authority on the development of contract terms which facilitate efforts to meet requirements of the bill. If Engrossed Second Substitute House Bill No. 2536 (children services/delivery) is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2012)	\$4,482,000
General Fund--State Appropriation (FY 2013)	(\$4,247,000)
.....	\$4,161,000
General Fund--Federal Appropriation	(\$7,210,000)
.....	\$7,128,000
General Fund--Private/Local Appropriation.....	\$446,000
TOTAL APPROPRIATION.....	(\$16,385,000)
.....	\$16,217,000

(a) The appropriations in this subsection are subject to the following conditions and limitations: In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to increase license and certification fees in fiscal years 2012 and 2013 to support the costs of the regulatory program. The fee schedule increases must be developed so that the maximum amount of additional fees paid by providers statewide in the 2011-2013 fiscal biennium is \$446,000. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) \$19,000 of the general fund--state appropriation for fiscal year 2012, \$17,000 of the general fund--state appropriation for fiscal year 2013, and \$34,000 of the general fund--federal appropriation are provided solely to support a partnership among the department of social and health services, the department of health, and agencies that deliver medical care and behavioral health services in Cowlitz county. The partnership shall identify and

recommend strategies for resolving regulatory, licensing, data management, reporting, and funding barriers to more effective integration of primary medical and behavioral health care services in the county.

Sec. 1205. 2012 2nd sp.s. c 7 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2012)	\$405,412,000
General Fund--State Appropriation (FY 2013)	(\$420,327,000)
.....	\$411,082,000
General Fund--Federal Appropriation	(\$752,059,000)
.....	\$745,033,000
General Fund--Private/Local Appropriation.....	\$184,000
TOTAL APPROPRIATION.....	(\$1,577,982,000)
.....	\$1,561,711,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) Amounts appropriated in this subsection reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(c) Amounts appropriated in this subsection are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services by July 1, 2012. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

(d) \$944,000 of the general fund--state appropriation for fiscal year 2012, \$944,000 of the general fund--state appropriation for fiscal year 2013, and \$1,888,000 of the general fund--federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund \$2.21 per paid hour worked by individual providers.

(e) \$1,329,000 of the general fund--state appropriation for fiscal year 2012, \$1,622,000 of the general fund--state appropriation for fiscal year 2013, and \$2,947,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. Contributions are funded at \$0.22 per benefit-eligible paid hour worked by all home care workers. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection. However, if the governor and the service employees international union healthcare 775nw can reach agreement on repurposing funding that is currently provided in the individual provider collective bargaining agreement for new individual provider wages paid during training or other training related items, then expenditures for training trust contributions for individual providers may include the amounts provided in this subsection and the agreed upon repurposed funding. Funding in

this section for purposes other than the individual provider collective bargaining agreement cannot be used for the purposes of this subsection (1)(e). It is the intent of the legislature that the funding provided in this subsection, including any repurposed funding, is sufficient to cover the costs of individual provider training and therefore tuition or other entrance fees are not necessary.

(f) ~~(\$104,669,000)~~ \$107,538,000 of the general fund--state appropriation for fiscal year 2013 and ~~(\$104,669,000)~~ \$107,535,000 of the general fund--federal appropriation are provided solely for the department to provide personal care services to waiver and nonwaiver in-home clients. The department shall provide the legislature with a report by December 5, 2012, on the feasibility of converting the medicaid personal care program for in-home adults to a medicaid program as found in section 1915(i) of the federal social security act that utilizes the option for self-direction of individualized budgets. The department shall operate the personal care program within the amounts specifically provided.

(g)(i) Within the amounts appropriated in this subsection, the department shall revise the current working age adult policy to allow clients to choose between employment and community access activities. Clients age 21 and older who are receiving services through a home- and community-based medicaid waiver shall be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. The department shall inform clients and their legal representatives of all available options for employment and day services. Information provided to the client and the client's legal representative shall include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(ii) The department shall work with counties and stakeholders to strengthen and expand the existing community access program. The program must emphasize support for the client so they are able to participate in activities that integrate them into their community and support independent living and skills.

(iii) The appropriation in this subsection includes funding to provide employment or community access services to 168 medicaid eligible young adults with developmental disabilities living with their families who need employment opportunities and assistance after high school graduation.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2012 and \$75,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the restoration of direct support to local organizations that utilize parent-to-parent networks and communication to promote access and quality of care for individuals with developmental disabilities and their families.

(i) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), adult family home license fees are increased in fiscal years 2012 and 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(i) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and \$175 per bed beginning in fiscal year 2013. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013, or the amount necessary to fully fund the license fee increase for publicly funded beds, pursuant to the most recent bed estimates maintained by the department.

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(ii) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(j) Clients with developmental disabilities have demonstrated a need and a desire for a day services program as verified by over 900 clients currently accessing day programs through a long-term care service model. In addition, every individual, to include those with a developmental disability, should have the opportunity for meaningful employment which allows them to contribute to their communities and to become as self-sufficient as possible. Providing choice empowers recipients of publicly funded services and their families by expanding their degree of control over the services and supports they need.

The department shall work with legislators and stakeholders to develop a new approach to employment and day services. The objective of this plan is to ensure that adults with developmental disabilities have optimum choices, and that employment and day offerings are comprehensive enough to meet the needs of all clients currently served on a home and community based waiver. The proposal shall be submitted to the 2012 legislature for consideration and shall be constructed such that a client ultimately receives employment, community access, or the community day option but not more than one service at a time. The proposal shall include options for program efficiencies within the current employment and day structure and shall provide details on the plan to implement a consistent, statewide outcome-based vendor contract for employment and day services as specified in (c) of this subsection.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012)	\$75,436,000
General Fund--State Appropriation (FY 2013)	(\$80,356,000)
.....	\$78,154,000
General Fund--Federal Appropriation	(\$153,570,000)
.....	\$152,963,000
General Fund--Private/Local Appropriation.....	\$22,043,000
TOTAL APPROPRIATION.....	(\$331,405,000)
.....	\$328,596,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund--state appropriation for fiscal year 2012 and \$721,000 of the general fund--state appropriation for fiscal year 2013 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2012)	\$1,382,000
General Fund--State Appropriation (FY 2013)	(\$1,366,000)
.....	\$1,759,000
General Fund--Federal Appropriation	(\$1,319,000)
.....	\$1,519,000
TOTAL APPROPRIATION.....	(\$4,067,000)
.....	\$4,660,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2012)	\$4,634,000
General Fund--State Appropriation (FY 2013)	(\$4,553,000)
.....	\$6,313,000
General Fund--Federal Appropriation	(\$9,588,000)
.....	\$9,786,000
General Fund--Private/Local Appropriation.....	(\$998,000)
.....	\$791,000

TOTAL APPROPRIATION.....	(\$19,773,000)
.....	\$21,524,000

The appropriations in this subsection are subject to the following conditions and limitations:

Amounts appropriated in this subsection are for the purposes of transitioning clients with developmental disabilities into community settings. The department is authorized as needed to use these funds to either pay for clients residing within a residential habilitation center or for placements in the community. Pursuant to Second Substitute Senate Bill No. 5459 (services for people with developmental disabilities), funding in this subsection must be prioritized for the purpose of facilitating the consolidation and closure of Frances Haddon Morgan Center. The department shall use a person-centered approach in developing the discharge plan to assess each resident's needs and identify services the resident requires to successfully transition to the community or another residential habilitation center. The department is authorized to use any savings from this effort for the purpose of developing community resources to address the needs of clients with developmental disabilities who are in crisis or in need of respite. The department shall track the costs and savings of closing Frances Haddon Morgan Center and any investments into community placements and resources. The department shall provide a fiscal progress report to the legislature by December 5, 2011.

Sec. 1206. 2012 2nd sp.s. c 7 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$791,493,000
General Fund--State Appropriation (FY 2013)	(\$809,338,000)
.....	\$802,115,000
General Fund--Federal Appropriation	(\$1,690,993,000)
.....	\$1,686,998,000
General Fund--Private/Local Appropriation.....	\$27,517,000
Traumatic Brain Injury Account--State Appropriation....	\$3,388,000
Nursing Facility Quality Assurance Account--State	

Appropriation.....	\$88,000,000
TOTAL APPROPRIATION.....	(\$3,410,729,000)
.....	\$3,399,511,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$170.37 for fiscal year 2012 and shall not exceed ~~(\$171.43)~~ \$171.09 for fiscal year 2013, including the rate add-ons described in (a) and (b) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, the weighted average nursing facility payment rate shall not exceed \$159.87 for fiscal year 2012 and shall not exceed ~~(\$160.93)~~ \$161.29 for fiscal year 2013. There will be no adjustments for economic trends and conditions in fiscal years 2012 and 2013. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility-based payment rates calculated on July 1, 2012, using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the comparative add-on, acuity add-on, and safety net reimbursement, to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, 2012, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, if it is found that the direct care rate for any facility calculated using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the comparative add-on, acuity add-on, and safety net reimbursement, is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, (b), (c), and (d) of this subsection do not apply.

(2) After examining actual nursing facility cost information, the legislature finds that the medicaid nursing facility rates calculated pursuant to Engrossed Substitute Senate Bill No. 5581 (nursing home payments) provide sufficient reimbursement to efficiently and economically operating nursing facilities and bear a reasonable relationship to costs.

(3) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2012 and no new certificates of capital authorization for fiscal year 2013 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2012 and 2013.

(4) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

(5) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(6) \$1,883,000 of the general fund--state appropriation for fiscal year 2012, \$1,883,000 of the general fund--state appropriation for fiscal year 2013, and \$3,766,000 of the general fund--federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund \$2.21 per paid hour worked by individual providers.

(7) \$2,449,000 of the general fund--state appropriation for fiscal year 2012, \$3,012,000 of the general fund--state appropriation for fiscal year 2013, and \$5,463,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. Contributions are funded at \$0.22 per benefit-eligible paid hour worked by all home care workers. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection. However, if the governor and the service employees international union healthcare 775nw can reach agreement on repurposing funding that is currently provided in the individual provider collective bargaining agreement for new individual provider wages paid during training or other training related items, then expenditures for training trust contributions for individual providers may include the amounts provided in this subsection and the agreed upon repurposed funding. Funding in this section for purposes other than the individual provider collective bargaining agreement cannot be used for the purposes of this subsection (7). It is the intent of the legislature that the funding provided in this subsection, including any repurposed funding, is sufficient to cover the costs of individual provider training and therefore tuition or other entrance fees are not necessary.

(8) (~~(\$338,550,000)~~) \$325,203,000 of the general fund--state appropriation for fiscal year 2013 and (~~(\$338,550,000)~~) \$324,653,000 of the general fund--federal appropriation are provided solely for the department to provide personal care services to waiver and nonwaiver in-home clients. The department shall provide the legislature with a report by December 5, 2012, on the feasibility of converting the medicaid personal care program for in-home adults to a medicaid program as found in section 1915(i) of the federal social security act that utilizes the option for self-direction of individualized budgets. The department shall operate the personal care program within the amounts specifically provided.

(9) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(10) The department shall eliminate the adult day health program under the state plan 1915(i) option and shall reestablish it under the long-term care home and community-based waiver.

(11) \$4,588,000 of the general fund--state appropriation for fiscal year 2012, \$4,559,000 of the general fund--state appropriation for fiscal year 2013, and \$9,237,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment.

(12) \$1,840,000 of the general fund--state appropriation for fiscal year 2012 and \$1,877,000 of the general fund--state

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appropriation for fiscal year 2013 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(13) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), nursing facility fees are increased in fiscal year 2012 and adult family home fees are increased in fiscal year 2012 and fiscal year 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(a) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2012 and assumes \$517,000 of the general fund--private/local appropriation. Nursing facilities shall receive a vendor rate increase of \$0.08 per medicaid patient day to cover the license fee increase for publicly funded beds.

(b) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and assumes \$1,449,000 of the general fund--private/local appropriation; and \$175 per bed beginning in fiscal year 2013 and assumes \$2,463,000 of the general fund--private/local appropriation. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013, or the amount necessary to fully fund the license fee increase for publicly funded beds, pursuant to the most recent bed estimates maintained by the department.

(c) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(d) \$72,000 of the general fund--state appropriation for fiscal year 2012, \$708,000 of the general fund--private/local appropriation and \$708,000 of the general fund--federal appropriation are provided solely to implement sections 501 through 503 of Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The department shall use additional investigative resources to address complaints about provider practices as well as alleged abuse, neglect, abandonment, and exploitation of residents in adult family homes. The department shall develop a statewide internal quality review and accountability program to improve the accountability of staff and the consistent application of investigative activities, and shall convene a quality assurance panel to review problems in the quality of care in adult family homes.

(14) \$3,316,000 of the traumatic brain injury account--state appropriation is provided solely to continue services for persons with traumatic brain injury (TBI) as defined in chapter 143, Laws of 2011 (traumatic brain injury strategic partnership).

(15) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(16) The department shall participate in the work group established by the department of corrections in section 220(2) of this act to review release options for elderly and infirm offenders.

Sec. 1207. 2012 2nd sp.s. c 7 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$415,553,000
General Fund--State Appropriation (FY 2013)	(\$438,483,000)
.....	\$386,366,000
General Fund--Federal Appropriation	(\$1,174,416,000)
.....	\$1,180,028,000
General Fund--Private/Local Appropriation.....	\$30,592,000
TOTAL APPROPRIATION.....	(\$2,059,044,000)
.....	\$2,012,539,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$195,410,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$235,808,000)~~) \$178,052,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$725,586,000)~~) \$712,784,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Under section 2 of Engrossed Substitute Senate Bill No. 5921 (social services programs), the amounts in this subsection assume that any participant in the temporary assistance for needy families where their participation is suspended and does not volunteer to participate in WorkFirst services or unsubsidized employment does not receive child care subsidies or WorkFirst subsidies as a condition of the suspension. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families.

(a) Within the amounts provided for WorkFirst in this subsection, the department shall continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in Engrossed House Bill No. 2262 (WorkFirst and child care) and RCW 74.08A.410.

(b) The department may establish a career services work transition program.

(c) Within amounts appropriated in this section, the legislature expressly mandates that the department exercise its authority, granted in 1997 under RCW 74.08A.290, to contract for work activities services pursuant to that statutory authority and RCW 41.06.142(3).

(d) The department shall create a temporary assistance for needy families budget structure that allows for more transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure shall include budget units for the following: Grants, child care, WorkFirst activities, and administration of the program.

(2) \$23,679,000 of the general fund--state appropriation for fiscal year 2012, in addition to supplemental security income recoveries, is provided solely for financial assistance and other services to recipients in the program established in section 4, chapter 8, Laws of 2010 1st sp. sess., until the program terminates on October 31, 2011.

(3)(a) \$12,457,000 of the general fund--state appropriation for fiscal year 2012 and \$21,959,000 of the general fund--state appropriation for fiscal year 2013, in addition to supplemental security income recoveries, are provided solely for the programs created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program) beginning November 1, 2011.

(b) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(c) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(4) \$1,657,000 of the general fund--state appropriation for fiscal year 2012 and \$1,657,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for naturalization services.

(5) \$2,366,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for (~~refugee~~) employment services for

refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for ((refugee)) employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(6) On December 1, 2011, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(7) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be fifty percent of the federal supplemental nutrition assistance program benefit amount.

Sec. 1208. 2012 2nd sp.s. c 7 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2012)	\$73,742,000
General Fund--State Appropriation (FY 2013)	((\$71,218,000))
.....	\$71,019,000
General Fund--Federal Appropriation	((\$184,401,000))
.....	\$187,979,000
General Fund--Private/Local Appropriation.....	((\$13,486,000))
.....	\$16,248,000
Criminal Justice Treatment Account--State	
Appropriation	\$20,748,000
Problem Gambling Account--State Appropriation.....	\$1,448,000
TOTAL APPROPRIATION.....	((\$365,043,000))
.....	\$371,184,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to increase fees for the review and approval of treatment programs in fiscal years 2012 and 2013 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower

cost of licensing for these programs than for other organizations which are not accredited.

(4) \$3,500,000 of the general fund--federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) Within amounts appropriated in this section, the department is required to increase federal match available for intensive inpatient services. During fiscal year 2013, the department shall shift contracts for a minimum of 32 intensive inpatient beds currently provided in settings that are considered institutions for mental diseases to two or more facilities with no more than 16 beds that are able to claim federal match for services provided to medicaid clients or individuals covered under the department's section 1115 medicaid waiver. The department is authorized to conduct a request for proposal process to fulfill this requirement. By December 1, 2012, the department shall provide a plan to the office of financial management and to the relevant fiscal and policy committees of the legislature for transitioning all remaining intensive inpatient beds currently provided in settings that are considered institutions for mental diseases into facilities with no more than 16 beds by June 2017. The plan shall identify the maximum number of additional beds that can be transitioned into facilities with no more than 16 beds during the 2013-2015 fiscal biennium and the remaining number that will be transitioned during the 2015-2017 fiscal biennium, a timeline and process for accomplishing this, and a projection of the related general fund--state savings for each biennium.

(6) The amounts appropriated in this section include reductions of \$303,000 in the general fund--state appropriation for fiscal year 2012 and \$1,815,000 in the general fund--state appropriation for fiscal year 2013. The department must apply this reduction across all levels of chemical dependency residential treatment services excluding services contracted through the counties, services provided to pregnant and parenting women, services provided to juveniles, and services provided to parents in dependency proceedings.

Sec. 1209. 2012 2nd sp.s. c 7 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2012)	\$10,854,000
General Fund--State Appropriation (FY 2013)	((\$10,401,000))
.....	\$10,353,000
General Fund--Federal Appropriation	((\$105,060,000))
.....	\$104,922,000
Telecommunications Devices for the Hearing and	
Speech Impaired--State Appropriation	\$2,766,000
TOTAL APPROPRIATION.....	((\$129,081,000))
.....	\$128,895,000

The appropriations in this section are subject to the following conditions and limitations: \$480,000 of the telecommunications devices for the hearing and speech impaired account--state appropriation is provided solely for the office of deaf and hard of hearing to contract for services that provide employment support and help with life activities for deaf-blind individuals in King county.

Sec. 1210. 2012 2nd sp.s. c 7 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2012)	\$48,167,000
General Fund--State Appropriation (FY 2013)	((\$36,128,000))
.....	\$38,247,000
TOTAL APPROPRIATION.....	((\$84,295,000))
.....	\$86,414,000

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Sec. 1211. 2012 2nd sp.s. c 7 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$26,069,000
General Fund--State Appropriation (FY 2013)	(\$24,474,000)
.....	\$26,301,000
General Fund--Federal Appropriation	(\$39,550,000)
.....	\$42,090,000
General Fund--Private/Local Appropriation.....	\$2,116,000
Performance Audits of State Government--State	
Appropriation	\$4,812,000
TOTAL APPROPRIATION.....	(\$97,021,000)
.....	\$101,388,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation for fiscal year 2012 and \$300,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund--state appropriation for fiscal year 2012 and \$445,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for funding of the teamchild project.

(3) \$178,000 of the general fund--state appropriation for fiscal year 2012 and \$178,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the juvenile detention alternatives initiative.

(4) \$4,812,000 of the performance audits of state government--state appropriation is provided solely for support and expansion of the division of fraud investigation. The division shall conduct investigatory and enforcement activities for all department programs, including the child support and TANF programs.

(5) \$1,400,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the department to distribute as support to community public health and safety networks that have a history of providing training and services related to adverse childhood experiences. Distribution of these funds is contingent upon securing funding from a private entity or entities to provide one dollar in matching funds for each dollar in state funds received by a network so that the funding received by a community public health and safety network will be equal portions of state and private funding.

~~((7))~~ (6) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for a grant program focused on criminal street gang prevention and intervention. The Washington state partnership council on juvenile justice may award grants under this subsection. The council shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection.

~~((8))~~ (7) \$113,000 of the general fund--state appropriation for fiscal year 2013 and \$105,000 of the general fund--federal appropriation are provided solely for staffing costs associated with implementation of Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The amounts provided in this subsection must be used for coordinated evidence-based practice implementation amongst the department's programs providing mental health, child welfare, and juvenile justice services to

children. If Engrossed Second Substitute House Bill No. 2536 (children services/delivery) is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

Sec. 1212. 2012 2nd sp.s. c 7 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2012)	\$62,140,000
General Fund--State Appropriation (FY 2013)	(\$46,303,000)
.....	\$49,584,000
General Fund--Federal Appropriation	(\$53,049,000)
.....	\$53,409,000
TOTAL APPROPRIATION.....	(\$161,492,000)
.....	\$165,133,000

The appropriations in this section are subject to the following conditions and limitations: \$469,000 of the general fund--state appropriation for fiscal year ~~((2014))~~ 2012 and \$270,000 of the general fund--state appropriation for fiscal year ~~((2012))~~ 2013 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

Sec. 1213. 2012 2nd sp.s. c 7 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2012)	\$2,034,296,000
General Fund--State Appropriation (FY 2013)	(\$2,031,185,000)
.....	\$2,113,980,000
General Fund--Federal Appropriation	(\$5,307,323,000)
.....	\$5,336,887,000
General Fund--Private/Local Appropriation.....	(\$62,597,000)
.....	\$60,582,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation.....	(\$15,077,000)
.....	\$14,032,000
Hospital Safety Net Assessment Fund--State	
Appropriation	(\$434,087,000)
.....	\$442,930,000
State Health Care Authority Administration Account--	
State Appropriation	\$34,040,000
Basic Health Plan Stabilization Account--	
State Appropriation	\$44,000,000
Medical Aid Account--State Appropriation	\$529,000
Medicaid Fraud Penalty Account--State Appropriation ..	\$9,200,000
TOTAL APPROPRIATION.....	(\$9,972,334,000)
.....	\$10,090,476,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations to the authority in this act shall be expended for the purposes and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, ~~((2012))~~ 2013, may transfer general fund--state appropriations for fiscal year ~~((2012))~~ 2013 that are provided solely for a specified purpose. The authority shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with

expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(2) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(3) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(4)(a) \$1,200,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to plan the implementation of a system of consolidated public school employee health benefits purchasing.

It is the intent of the legislature to improve the administration, transparency, and equity in delivering a K-12 employees' health benefits system. In addition, the legislature intends that any cost savings that result from changes to K-12 health benefits be dedicated to public schools.

To further this legislative intent, the state health care authority shall develop a plan to implement a consolidated health benefits' system for K-12 employees for the 2013-14 school year. The health care authority shall deliver a report to the legislature by December 15, 2011, that sets forth the implementation plan to the ways and means committees of the house of representatives and the senate.

(b) The report prepared by the health care authority shall compare and contrast the costs and benefits, both long and short term, of:

- (i) The current K-12 health benefits system;
- (ii) A new K-12 employee benefits pool; and
- (iii) Enrolling K-12 employees into the health benefits pool for state employees.

(c) In addition to the implementation plan, the report shall include the following information:

- (i) The costs and benefits of the current K-12 health benefits system;
- (ii) The costs and benefits of providing a new statewide K-12 employees' health benefits pool to school districts and school employees;
- (iii) The costs and benefits of enrolling K-12 employees into the existing health benefits pool for state employees;
- (iv) Recommendations of ways to limit administrative duplication and costs, improve transparency to employees, the legislature, and the public and assure equity among beneficiaries of publicly provided employee health benefits;
- (v) Recommendations for standardizing benefit packages and purchasing efforts in a manner that seeks to maximize funding and equity for all school employees;
- (vi) Recommendations regarding the use of incentives, including how changes to state health benefit allocations could provide employees with benefits that would encourage participation;
- (vii) Recommendations regarding the implementation of a new K-12 employee benefit plan, with separate options for voluntary participation and mandatory statewide participation;
- (viii) Recommendations regarding methods to reduce inequities between individual and family coverage;

(ix) Consolidation of the purchasing and budget accountability for school employee benefits to maximize administrative efficiency and leverage existing skills and resources; and

(x) Other details the health care authority deems necessary, including but not limited to recommendations on the following:

(A) Approaches for implementing the transition to a statewide pool, including administrative and statutory changes necessary to ensure a successful transition, and whether the pool should be separate from, or combined with, the public employees' benefits pool;

(B) The structure of a permanent governing group to provide ongoing oversight to the consolidated pool, in a manner similar to the public employees benefits board functions for employee health benefits, including statutory duties and authorities of the board; and

(C) Options for including potential changes to: Eligibility standardization, the public employees benefits risk pools, the movement of school employee retirees into the new K-12 pool or pools, and the movement of educational service district employees into the new K-12 pool or pools.

(d) In determining its costs and benefits of a new statewide K-12 employees' health benefits pool for school districts and school employees, the health care authority shall assume the following:

- (i) School district enrollees must constitute an entire bargaining unit, or an entire group of nonrepresented employees;
- (ii) Staffing and administration for benefits purchasing shall be provided by the health care authority; and
- (iii) The new K-12 pool would operate on a schedule that coordinates with the financing and enrollment schedule used for school districts.

(e) The office of the superintendent of public instruction and the office of the insurance commissioner shall provide information and technical assistance to the health care authority as requested by the health care authority. The health care authority shall not implement the new school employee benefits pool until authorized to do so by the legislature.

(5) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(6) Enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

(7) \$23,700,000 of the general fund--federal appropriation is provided solely for planning and implementation of a health benefit exchange under the federal patient protection and affordable care act. Within the amounts provided in this subsection, funds used by the authority for information technology projects are conditioned on the authority satisfying the requirements of Engrossed Second Substitute Senate Bill No. 5931 (central service agencies).

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(8) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(9) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(10) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(11) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(12) \$4,261,000 of the general fund--state appropriation for fiscal year 2012, \$4,261,000 of the general fund--state appropriation for fiscal year 2013, and \$8,522,000 of the general fund--federal appropriation are provided solely for low-income disproportionate share hospital payments ((under RCW 74.09.730(1)(a))).

(13) \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2011-2013 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2011, and by November 1, 2012, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2012 and fiscal year 2013, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital

payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2011-13 biennial operating appropriations act and in effect on July 1, 2011, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2011-13 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$8,102,000 of the general fund--state appropriation for fiscal year 2012, of which \$6,570,000 is appropriated in section 204(1) of this act, and ((~~\$3,162,000~~)) \$10,722,000 of the general fund--state appropriation for fiscal year 2013, of which \$6,570,000 is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. CPE hospitals will receive the inpatient and outpatient reimbursement rate restorations in RCW 74.60.080 and rate increases in RCW 74.60.090 funded through the hospital safety net assessment fund rather than through the baseline mechanism specified in this subsection.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) ((For children with family incomes above 200 percent of the federal poverty level in the state-funded children's health program for children who are not eligible for coverage under the federally funded children's health insurance program, premiums shall be set every two years in an amount equal to the average state-only share of the per capita cost of coverage in the state-funded

children's health program for children in families with incomes at or less than two hundred percent of the federal poverty level.

~~((18))~~ (18) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((19))~~ (18) \$859,000 of the general fund--state appropriation for fiscal year 2012, \$979,000 of the general fund--state appropriation for fiscal year 2013, and \$1,841,000 of the general fund--federal appropriation are provided solely to increase prior authorization activities for advanced imaging procedures.

~~((20))~~ (19) \$196,000 of the general fund--state appropriation for fiscal year 2012, \$246,000 of the general fund--state appropriation for fiscal year 2013, and \$442,000 of the general fund--federal appropriation are provided solely to increase prior authorization activities for surgical procedures, which may include orthopedic procedures, spinal procedures and interventions, and nerve procedures.

~~((21))~~ (20) \$300,000 of the general fund--private/local appropriation and \$300,000 of the general fund--federal appropriation are provided solely for a prescriptive practices improvement collaborative focusing upon atypical antipsychotics and other medications commonly used in the treatment of severe and persistent mental illnesses among adults. The project shall promote collaboration among community mental health centers, other major prescribers of atypical antipsychotic medications to adults enrolled in state medical assistance programs, and psychiatrists, pharmacists, and other specialists at the University of Washington department of psychiatry and/or other research universities. The collaboration shall include patient-specific prescriber consultations by psychiatrists and pharmacists specializing in treatment of severe and persistent mental illnesses among adults; production of profiles to assist prescribers and clinics in tracking their prescriptive practices and their patients' medication use and adherence relative to evidence-based practices guidelines, other prescribers, and patients at other clinics; and in-service seminars at which participants can share and increase their knowledge of evidence-based and other effective prescriptive practices. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$300,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca (Seroquel)* for this purpose.

~~((22))~~ (21) \$570,000 of the general fund--private/local appropriation is provided solely for continued operation of the partnership access line for child mental health consultations. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$570,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca (Seroquel)* for this purpose.

~~((23))~~ (22) \$80,000 of the general fund--state appropriation for fiscal year 2012, \$80,000 of the general fund--state appropriation for fiscal year 2013, and \$160,000 of the general fund--federal appropriation are provided solely to fund the Tacoma-Pierce county health department for access and outreach activities to reduce infant mortality.

~~((24))~~ (23) \$75,000 of the general fund--state appropriation for fiscal year 2012, \$75,000 of the general fund--state appropriation for fiscal year 2013, and \$150,000 of the general fund--federal appropriation are provided solely to assist with development and implementation of evidence-based strategies regarding the appropriate, safe, and effective role of C-section surgeries and early induced labor in births and neonatal care. The strategies shall be identified and implemented in consultation with clinical research specialists, physicians, hospitals, advanced registered nurse

practitioners, and organizations concerned with maternal and child health.

~~((25))~~ (24) Within the amounts appropriated in this section, the health care authority shall continue to provide school-based medical services by means of an intergovernmental transfer arrangement. Under the arrangement, the state shall provide forty percent and school districts sixty percent of the nonfederal matching funds required for receipt of federal medicaid funding for the service.

~~((26))~~ (25) \$263,000 of the general fund--state appropriation for fiscal year 2012, \$88,000 of the general fund--state appropriation for fiscal year 2013, and \$351,000 of the general fund--federal appropriation are provided solely for development and submission to the federal government by October 1, 2011, of a demonstration project proposal as provided in Substitute Senate Bill No. 5596 (medicaid demonstration waiver).

~~((27))~~ (26) Within the amounts appropriated in this section, the health care authority shall provide spoken-language interpreter services. The authority shall develop and implement a new model for delivery of such services no later than July 1, 2012. The model shall include:

(a) Development by the authority in consultation with subject-area experts of guidelines to assist medical practitioners identify the circumstances under which it is appropriate to use telephonic or video- remote interpreting;

(b) The requirement that the state contract with delivery organizations, including foreign language agencies, who employ or subcontract only with language access providers or interpreters working in the state who are certified or authorized by the state. When a state-certified or state-authorized in-state language access provider or interpreter is not available, the delivery organization, including foreign language agencies, may use a provider with other certifications or qualifications deemed to meet state standards, including interpreters in other states; and

(c) Provision of a secure, web-based tool that medical practitioners will use to schedule appointments for interpreter services and to identify the most appropriate, cost-effective method of service delivery in accordance with the state guidelines.

Nothing in this subsection affects the ability of health care providers to provide interpretive services through employed staff or through telephone and video remote technologies when not reimbursed directly by the department. The amounts in this subsection do not include federal administrative funds provided to match nonstate expenditures by local health jurisdictions and governmental hospitals.

~~((28))~~ (27) In its procurement of contractors for delivery of medical managed care services for nondisabled, nonelderly persons, the medical assistance program shall (a) place substantial emphasis upon price competition in the selection of successful bidders; and (b) not require delivery of any services that would increase the actuarial cost of service beyond the levels included in current healthy options contracts.

~~((29))~~ (28) \$1,430,000 of the general fund--state appropriation for fiscal year 2012, \$1,430,000 of the general fund--state appropriation for fiscal year 2013, and \$2,860,000 of the general fund--federal appropriation are provided solely to pay federally-designated rural health clinics their standard encounter rate for prenatal and well-child visits, whether delivered under a managed care contract or fee-for-service. In reconciling managed care enhancement payments for calendar years 2009 and 2010, the department shall treat well-child and prenatal care visits as encounters subject to the clinic's encounter rate.

~~((30))~~ (29) \$280,000 of the general fund--state appropriation for fiscal year 2012 and \$282,000 of the general fund--federal appropriation are provided solely to increase utilization management of drugs and drug classes for which there is evidence

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of over-utilization, off-label use, excessive dosing, duplicative therapy, or opportunities to shift utilization to less expensive, equally effective formulations.

~~((34))~~ (30) \$70,000 of the general fund--state appropriation for fiscal year 2012, \$70,000 of the general fund--state appropriation for fiscal year 2013, and \$140,000 of the general fund--federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((32))~~ (31) \$400,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the local outreach, case management, and coordination with dental providers needed to execute the access to baby and child dentistry program, which provides dental care to Medicaid eligible children up to age six.

~~((33))~~ (32) Within the amounts appropriated in this section, the health care authority shall continue to provide dental services to pregnant women. Services shall include preventive, routine, and emergent dental care.

~~((34))~~ (33) \$395,000 of the general fund--state appropriation for fiscal year 2012, \$395,000 of the general fund--state appropriation for fiscal year 2013, and \$790,000 of the general fund--federal appropriation are provided solely for continued operation of the dental education in care of persons with disabilities (DECOD) program at the University of Washington.

~~((35))~~ (34) \$159,000 of the general fund--state appropriation for fiscal year 2012, \$302,000 of the general fund--private/local appropriation, and \$146,072,000 of the general fund--federal appropriation are provided solely for the provider incentive program and other initiatives related to the health information technology Medicaid plan. The general fund--private/local appropriation in this subsection shall be funded with proceeds from settlements in the case of *State of Washington vs. GlaxoSmithKline*. The authority and the office of the attorney general shall enter an interagency agreement regarding use of these funds.

~~((36))~~ (35) \$2,926,000 of the general fund--local appropriation and \$2,928,000 of the general fund--federal appropriation are provided solely to support medical airlift services.

~~((37))~~ (36) The authority shall collect data on enrollment and utilization to study whether the expansion of family planning coverage under Substitute Senate Bill No. 5912 is reducing state medical expenditures by reducing unwanted pregnancies. The authority shall report its findings to the legislature by December 1, 2012.

~~((38))~~ (37) \$480,000 of the general fund--state appropriation for fiscal year 2012, \$480,000 of the general fund--state appropriation for fiscal year 2013, and \$824,000 of the general fund--federal appropriation are provided solely for customer services staff. The authority will attempt to improve the phone answer rate to 40 percent and reduce the response times to written questions to ten days for clients and 25 days for providers. The authority will report to the legislature on its progress toward achieving these goals by January 1, 2012. If the authority has not achieved these goals by July 1, 2012, then the authority shall reduce expenditures on management staff in order to increase expenditures on customer service staff until the goals are achieved.

~~((39))~~ (38) The department shall purchase a brand name drug when it determines that the cost of the brand name drug after rebates is less than the cost of generic alternatives and that purchase of the brand rather than generic version can save at least \$250,000. The department may purchase generic alternatives when changes in market prices make the price of the brand name drug after rebates more expensive than the generic alternatives.

~~((44))~~ (39) \$150,000 of the general fund--state appropriation for fiscal year 2012 and \$1,964,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement Engrossed Second Substitute House Bill No. 2319 (affordable care act). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

~~((42))~~ (40) \$1,109,000 of the general fund--state appropriation for fiscal year 2012, \$1,471,000 of the general fund--state appropriation for fiscal year 2013, and \$21,890,000 of the general fund--federal appropriation are provided solely to implement phase two of the project to create a single provider payment system that consolidates medicaid medical and social services payments and replaces the social service payment system.

~~((43))~~ (41) In order to achieve the twelve percent reduction in emergency room expenditures in the fiscal year 2013 appropriations provided in this section, the authority, in consultation with the Washington state hospital association, the Washington state medical association, and the Washington chapter of the American college of emergency physicians shall designate best practices and performance measures to reduce medically unnecessary emergency room visits of medicaid clients. The Washington state hospital association, the Washington state medical association, and the Washington chapter of the American college of emergency physicians will work with the authority to promote these best practices. The best practices and performance measures shall consist of the following items:

(a) Adoption of a system to exchange patient information among emergency room departments on a regional or statewide basis;

(b) Active dissemination of patient educational materials produced by the Washington state hospital association, Washington state medical association, and the Washington chapter of the American college of emergency physicians that instruct patients on appropriate facilities for nonemergent health care needs;

(c) Designation of hospital personnel and emergency room physician personnel to receive and appropriately disseminate information on clients participating in the medicaid patient review and coordination program and to review monthly utilization reports on those clients provided by the authority;

(d) A process to assist the authority's patient review and coordination program clients with their care plans. The process must include substantial efforts by hospitals to schedule an appointment with the client's assigned primary care provider within seventy-two hours of the client's medically unnecessary emergency room visit when appropriate under the client's care plan;

(e) Implementation of narcotic guidelines that incorporate the Washington chapter of the American college of emergency physician guidelines;

(f) Physician enrollment in the state's prescription monitoring program, as long as the program is funded; and

(g) Designation of a hospital emergency department physician responsible for reviewing the state's medicaid utilization management feedback reports, which will include defined performance measures. The emergency department physician and hospital will have a process to take appropriate action in response to the information in the feedback reports if performance measures are not met. The authority must develop feedback reports that include timely emergency room utilization data such as visit rates, medically unnecessary visit rates (by hospital and by client), emergency department imaging utilization rates, and other measures as needed. The authority may utilize the Robert Bree collaborative for assistance related to this best practice.

The requirements for best practices for a critical access hospital should not include adoption of a system to exchange patient information if doing so would pose a financial burden, and should

not include requirements related to the authority's patient review and coordination program if the volume of those patients seen at the critical access hospital are small.

Hospitals participating in this medicaid best practices program shall submit to the authority a declaration from executive level leadership indicating hospital adoption of and compliance with the best practices enumerated above. In the declaration, hospitals will affirm that they have in place written policies, procedures, or guidelines to implement these best practices and are willing to share them upon request. The declaration must also give consent for the authority to disclose feedback reports and performance measures on its web site. The authority shall submit a list of declaring hospitals to the relevant policy and fiscal committees of the legislature by July 15, 2012.

If the authority does not receive by July 1, 2012, declarations from hospitals representing at least seventy-five percent of emergency room visits by medicaid clients in fiscal year 2010, the authority may implement a policy of nonpayment of medically unnecessary emergency room visits, with appropriate client and clinical safeguards such as exemptions and expedited prior authorization. The authority shall by January 15, 2013, perform a preliminary fiscal analysis of trends in implementing the best practices in this subsection, focusing on outlier hospitals with high rates of unnecessary visits by medicaid clients, high emergency room visit rates for patient review and coordination clients, low rates of completion of treatment plans for patient review and coordination clients assigned to the hospital, and high rates of prescribed long-acting opiates. In cooperation with the leadership of the hospital, medical, and emergency physician associations, additional efforts shall be focused on assisting those outlier hospitals and providers to achieve more substantial savings. The authority by January 15, 2013, will report to the legislature about whether assumed savings based on preliminary trend and forecasted data are on target and if additional best practices or other actions need to be implemented.

If necessary, pursuant to RCW 34.05.350(1)(c), the authority may employ emergency rulemaking to achieve the reductions assumed in the appropriations under this section.

Nothing in this subsection shall in any way impact the authority's ability to adopt and implement policies pertaining to the patient review and coordination program.

~~((46))~~ (42) The ~~((department))~~ authority shall seek a medicaid state plan amendment to create a ~~((graduate medical education))~~ professional services supplemental payment managed care program for professional services delivered to managed care recipients by University of Washington medicine and other public professional providers. This program shall be effective as soon as administratively possible and shall operate concurrently with the existing professional services supplemental payment program. ~~((Providers that participate in the graduate medical education supplemental payment program are not eligible to participate in the professional services supplemental payment program.))~~ The ~~((department))~~ authority shall apply federal rules for identifying the difference between ~~((current physician encounter))~~ average commercial rates and fee-for-service medicaid payments ~~((to participating providers and the applicable federal upper payment limit))~~. This difference will be multiplied by the number of managed care encounters and incorporated into the managed care plan capitation rates by a certified actuary. The managed care plans will pay the providers the difference attributable to the increased capitation rate. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the ~~((department))~~ authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating providers. Participating providers shall retain the full

amount of supplemental payments provided under this program, net of any costs related to the program that are disallowed due to audits or litigation against the state.

~~((47))~~ (43) The authority shall exclude antiretroviral drugs used to treat HIV/AIDS, anticancer medication that is used to kill or slow the growth of cancerous cells, antihemophilic drugs, insulin and other drugs to lower blood glucose, and immunosuppressive drugs from any formulary limitations implemented to operate within the appropriations provided in this section.

~~((48))~~ (44) If Engrossed Substitute Senate Bill No. 5978 (medicaid fraud) is not enacted by June 30, 2012, the amounts appropriated in this section from the medicaid fraud penalty account-- state appropriation shall lapse and an additional \$3,608,000 shall be appropriated from the general fund--state for fiscal year 2013 for medicaid services, fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities.

~~((50))~~ (45) Within the amounts appropriated in this section, the health care authority and the department of social and health services shall implement the state option to provide health homes for enrollees with chronic conditions under section 2703 of the federal affordable care act. The total state match for enrollees who are dually-eligible for both medicare and medicaid and not enrolled in managed care shall be no more than the net savings to the state from the enhanced match rate for its medicaid-only managed care enrollees under section 2703.

~~((51))~~ (46) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

~~((52))~~ (47) \$66,000 of the general fund--state appropriation for fiscal year 2013 and \$66,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The department of social and health services' programs responsible for administration of mental health, child welfare, and juvenile justice programs will coordinate with the health care authority on the development of contract terms which facilitate efforts to meet requirements of the bill. If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

~~((53))~~ (48) The health care authority shall participate in the work group established by the department of corrections in section 220(2) of this act to review release options for elderly and infirm offenders.

(49) \$208,000 of the general fund--state appropriation for fiscal year 2013 and \$728,000 of the general fund--federal appropriation are provided solely for the rebasing of outpatient and inpatient payment methods.

Sec. 1214. 2012 2nd sp.s. c 7 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION
 General Fund--State Appropriation (FY 2012)\$14,589,000
 General Fund--State Appropriation (FY 2013)~~(\$14,147,000)~~

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.....	\$14,549,000
General Fund--Federal Appropriation	\$456,000
General Fund--Private/Local Appropriation.....	(\$4,048,000)
.....	\$3,895,000
Death Investigations Account--State Appropriation.....	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$8,597,000
TOTAL APPROPRIATION.....	(\$42,445,000)
.....	\$42,694,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund--state appropriation for fiscal year 2012 and \$5,000,000 of the general fund--state appropriation for fiscal year 2013, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$321,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2012 and \$100,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund--state appropriation for fiscal year 2012 and \$96,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to counties enforcing illegal drug laws and which have been underserved by federally funded state narcotics task forces. The Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the Washington association of county officials shall jointly develop funding allocations for the offices of the county sheriff, county prosecutor, and county clerk in qualifying counties. The commission shall not impose an administrative cost on this program.

Sec. 1215. 2012 2nd sp.s. c 7 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS	
General Fund--State Appropriation (FY 2012)	\$1,829,000
General Fund--State Appropriation (FY 2013)	\$1,801,000
Charitable, Educational, Penal, and Reformatory	
Institutions Account--State Appropriation.....	\$10,000
TOTAL APPROPRIATION.....	\$3,640,000

(2) FIELD SERVICES	
General Fund--State Appropriation (FY 2012)	\$5,002,000
General Fund--State Appropriation (FY 2013)	\$4,964,000
General Fund--Federal Appropriation	\$3,348,000
General Fund--Private/Local Appropriation.....	(\$4,722,000)
.....	\$5,172,000
Veterans Innovations Program Account--State	
Appropriation	\$810,000
Veteran Estate Management Account--Private/Local	
Appropriation	\$1,079,000
TOTAL APPROPRIATION.....	(\$19,925,000)
.....	\$20,375,000

The appropriations in this subsection are subject to the following conditions and limitations: \$821,000 of the veterans innovations program account--state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.

(3) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2012)	\$1,743,000
General Fund--Federal Appropriation	(\$61,437,000)
.....	\$60,019,000
General Fund--Private/Local Appropriation.....	(\$29,506,000)
.....	\$30,569,000
TOTAL APPROPRIATION.....	(\$92,686,000)
.....	\$92,331,000

Sec. 1216. 2012 2nd sp.s. c 7 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2012)	\$79,404,000
General Fund--State Appropriation (FY 2013)	(\$78,114,000)
.....	\$77,589,000
General Fund--Federal Appropriation	(\$553,078,000)
.....	\$573,078,000
General Fund--Private/Local Appropriation.....	(\$148,055,000)
.....	\$144,055,000
Hospital Data Collection Account--State Appropriation...	\$214,000
Health Professions Account--State Appropriation	\$99,085,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$604,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation.....	(\$12,300,000)
.....	\$10,523,000
Safe Drinking Water Account--State Appropriation	\$4,464,000
Drinking Water Assistance Account--Federal	
Appropriation	\$21,965,000
Waterworks Operator Certification--State	
Appropriation	\$1,528,000
Drinking Water Assistance Administrative Account--	
State Appropriation	\$326,000
Site Closure Account--State Appropriation.....	\$79,000
Biotoxin Account--State Appropriation.....	(\$1,167,000)
.....	\$1,231,000
State Toxics Control Account--State Appropriation.....	\$3,628,000
Medical Test Site Licensure Account--State	
Appropriation	\$2,311,000
Youth Tobacco Prevention Account--State	
Appropriation	(\$1,512,000)

.....	\$1,348,000
Community and Economic Development Fee Account--State	
Appropriation	\$298,000
Public Health Supplemental Account--Private/Local	
Appropriation	\$3,598,000
Accident Account--State Appropriation	\$295,000
Medical Aid Account--State Appropriation	\$50,000
Tobacco Prevention and Control Account--State	
Appropriation	\$1,729,000
TOTAL APPROPRIATION.....	((\$1,013,804,000))
.....	\$1,027,402,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for: The review of health care facility construction; review of health facility requests for certificate of need; the regulation and inspection of farm worker housing, hospital licensing, in-home health service agencies, and producers of radioactive waste; the regulation and inspection of shellfish sanitary control, surgical facility licensing, and; fees associated with the following professions: Dietitians and nutritionists, occupational therapists, pharmacy, veterinarian, orthotics and prosthetics, surgical technicians, nursing home administrators, health care assistants, hearing and speech, psychology, hypnotherapy, chiropractic, social workers, physicians, and physician assistants.

(3) Pursuant to RCW 18.130.250, the department is authorized to establish a lower cost fee category for retired licensed practical nurses and registered nurses.

(4) In accordance with RCW 43.135.055, the department is authorized to adopt fees set forth in and previously authorized in chapter 92, Laws of 2010.

(5) \$1,969,000 of the health professions account--state appropriation is provided solely to implement online licensing for health care providers. The department must submit a detailed investment plan for this project to the office of financial management. The office of financial management must review and approve this plan before funding may be expended. The department of health must successfully implement online application and renewal for at least one profession as a pilot project before pursuing additional professions. The department must

report to the office of financial management on the outcome of the pilot project.

(6) \$16,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1181 (board of naturopathy). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) \$21,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (health care assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(8) \$54,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1353 (pharmacy technicians). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(9) \$142,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5020 (social workers). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$336,000 of the health professions account--state appropriation is provided solely for the implementation of Senate Bill No. 5480 (physicians and physician assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$46,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5071 (online access for midwives and marriage and family therapists). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) \$137,000 of the health professions account--state appropriation is provided solely for implementation of Substitute House Bill No. 1133 (massage practitioner license). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(13) \$85,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the developmental disabilities council to contract for a family-to-family mentor program to provide information and support to families and guardians of persons who are transitioning out of residential habilitation centers. To the maximum extent allowable under federal law, these funds shall be matched under medicaid through the department of social and health services and federal funds shall be transferred to the department for the purposes stated in this subsection. If Second Substitute Senate Bill No. 5459 (people with developmental disabilities) is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(14) \$57,000 of the general fund--state appropriation for fiscal year 2012 and \$58,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program, except from online access to HEAL- WA. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(15) \$118,000 of the general fund--state appropriation for fiscal year 2012 and \$118,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for prevention of youth suicides.

(16) \$87,000 of the general fund--state appropriation for fiscal year 2012 and \$87,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the senior falls prevention program.

(17) \$19,000 of the health professions account--state appropriation is provided solely for implementation of Senate Bill

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No. 6290 (military spouses and partners). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(18) \$102,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6237 (career pathway/medical assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(19) \$21,000 of the health professions account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6328 (mental health professionals). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(20) \$61,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6103 (reflexologists). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(21) \$28,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5620 (dental anesthesia assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(22) Appropriations for fiscal year 2013 include funding for consolidation of the department of ecology's low-level radioactive waste site use permit program in the department of health.

(23) During the remainder of the 2011-2013 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(24) \$15,000 of the health professions account--state appropriation is provided solely to implement Substitute House Bill No. 2056 (assisted living facilities). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(25) \$11,000 of the health professions account--state appropriation is provided solely to implement Engrossed House Bill No. 2186 (licensed midwives). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(26) \$11,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Engrossed Substitute House Bill No. 2229 (hospital employees). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(27) \$48,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2314 (long-term care workers). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(28) \$280,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2366 (suicide assessment and training). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(29) \$11,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Engrossed Substitute House Bill No. 2582 (health care services billing). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(30) \$22,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Substitute Senate Bill No. 6105 (prescription monitoring program). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(31) \$30,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2473 (medication assistant endorsement).

If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(32) General fund--state appropriations for fiscal year 2013 includes funding to subsidize operating license and inspection fees in the temporary worker housing program. In implementing this subsidy, the department shall evaluate program regulations including but not limited to the use of occupancy levels to determine the fee structure and the frequency of inspections.

Sec. 1217. 2012 2nd sp.s. c 7 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this section. However, after May 1, ~~((2012))~~ 2013, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2012))~~ 2013 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2012)	\$52,025,000
General Fund--State Appropriation (FY 2013)	((52,981,000))
.....	\$52,706,000
TOTAL APPROPRIATION.....	((105,006,000))
.....	\$104,731,000

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2012 and \$35,000 of the general fund-- state appropriation for fiscal year 2013 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2012)	\$598,237,000
General Fund--State Appropriation (FY 2013)	((575,457,000))
.....	\$581,723,000
General Fund--Federal Appropriation	\$3,324,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	((14,079,000))
.....	\$13,177,000
Enhanced 911 Account--State Appropriation.....	\$2,000,000
TOTAL APPROPRIATION.....	((1,193,097,000))
.....	\$1,198,461,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2011-13 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors:

(i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) The Harborview medical center and the University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(c) \$102,000 of the general fund--state appropriation for fiscal year 2012 and \$102,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement House Bill No. 1290 (health care employee overtime). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(d) \$32,000 of the general fund--state appropriation for fiscal year 2012 and \$33,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement Substitute House Bill No. 1718 (offenders with developmental disabilities). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(e) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(f) \$311,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of House Bill No. 2346 (correctional officer uniforms). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(g) \$41,000 of the general fund--state appropriation for fiscal year 2012 and \$165,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. The department may not house incarcerated offenders at the maple lane site until specifically directed by the legislature. By November 1, 2012, the department shall report to the appropriate fiscal committees of the house of representatives and the senate with a plan for the future use of the facility.

(h) By December 1, 2012, the department shall provide to the legislative fiscal committees a report that evaluates health care expenditures in Washington state correctional institutions and makes recommendations for controlling health care costs. The report shall evaluate the source of health care costs, including offender health issues, use of pharmaceuticals, offsite and specialist medical care, chronic disease costs, and mental health issues. The department may include information from other states on cost control in offender health care, trends in offender health care that indicate potential cost increases, and management of high-cost diagnoses.

(i) The department shall convene a work group to develop health care cost containment strategies at local jail facilities. The work group shall identify cost containment strategies in place at the department and at local jail facilities, identify the costs and benefits of implementing strategies in jail health-care facilities, and make recommendations on implementing beneficial strategies. The work group shall submit a report on its findings and recommendations to the fiscal committees of the legislature by

October 1, 2013. The work group shall include jail administrators, representatives from health care facilities at the local jail level and the state prisons level, and other representatives as deemed necessary.

(j) The department of corrections, with participation of the health care authority and the department of social and health services, aging and adult services administration, shall establish a work group to analyze and review release options for elderly and infirm offenders and submit recommendations to the appropriate policy and fiscal committees of the legislature with release options for these populations no later than December 1, 2012. In making its recommendations, the work group shall identify:

(i) The most expensive medical conditions for which the department has had to treat its offenders and the offenders receiving the most costly ongoing medical treatments;

(ii) For identified populations, the age, level of disability, cost of care while incarcerated, safety issues related to release, ease of placement, and time served in relation to the offender's sentence;

(iii) Potential cost savings to the state that may be generated by the early release of elderly and infirm offenders;

(iv) Housing options to expedite the release of aging and infirm offenders while maintaining the safety of housing providers, other housing residents, and the general public; and

(v) Optimal procedures for reviewing offenders on a case-by-case basis to ensure that the interests of justice and public safety are considered in any early release decision.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2012)	\$127,121,000
General Fund--State Appropriation (FY 2013).....	(\$128,494,000)
.....	\$126,033,000
Federal Narcotics Forfeiture Account--Federal	
Appropriation	\$372,000
Controlled Substances Account--State	
Appropriation	\$32,000
TOTAL APPROPRIATION.....	(\$256,019,000)
.....	\$253,558,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$875,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to implement Engrossed Substitute House Bill No. 5891 (criminal justice cost savings). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(b) ~~(\$6,362,000)~~ \$3,753,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement an evidence-based risk-needs-responsivity model for community supervision of offenders.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2012)	\$2,513,000
General Fund--State Appropriation (FY 2013)	\$2,431,000
TOTAL APPROPRIATION.....	\$4,944,000

The appropriations in this subsection are subject to the following conditions and limitations: \$66,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2012)	\$35,821,000
General Fund--State Appropriation (FY 2013)	(\$27,264,000)
.....	\$27,539,000
TOTAL APPROPRIATION.....	(\$63,085,000)
.....	\$63,360,000

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The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison institutions may use funds appropriated in this subsection to rent uniforms from correctional industries in accordance with existing legislative mandates.

(b) The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

(c) The department shall reduce payments to the department of information services or its successor by \$213,000 in fiscal year 2012 and by \$1,150,000 in fiscal year 2013. The reduction in payment shall be related to the elimination of the offender base tracking system, including moving remaining portions of the offender base tracking system into the offender management network information system.

Sec. 1218. 2012 2nd sp.s. c 7 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2012)	\$2,159,000
General Fund--State Appropriation (FY 2013)	\$2,131,000
General Fund--Federal Appropriation	(\$19,239,000)
.....	\$19,739,000
General Fund--Private/Local Appropriation.....	(\$30,000)
.....	\$105,000
TOTAL APPROPRIATION.....	(\$23,559,000)
.....	\$24,134,000

Sec. 1219. 2012 2nd sp.s. c 7 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation	\$267,069,000
General Fund--Private/Local Appropriation.....	\$33,856,000
Unemployment Compensation Administration Account--	
Federal Appropriation	(\$349,247,000)
.....	\$356,767,000
Administrative Contingency Account--State	
Appropriation	\$20,940,000
Employment Service Administrative Account--State	
Appropriation	\$33,609,000
TOTAL APPROPRIATION.....	(\$704,721,000)
.....	\$712,241,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$39,666,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for continuing current unemployment insurance functions and department services to employers and job seekers.

(2) \$35,584,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The employment security department shall support the department of revenue and department of labor and industries to develop a common vision to ensure technological compatibility between the three agencies to facilitate a coordinated business tax system for the future that improves services to business customers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer

created in Engrossed Substitute Senate Bill No. 5931 (information technology management).

(3) \$25,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of system changes to the unemployment insurance tax information system required under chapter 4, Laws of 2011 (unemployment insurance program).

(4) \$1,459,000 of the unemployment compensation administration account--federal appropriation is from amounts available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of chapter 4, Laws of 2011 (unemployment insurance program).

(5) \$80,000 of the unemployment compensation administration account--federal appropriation is provided solely for costs associated with the initial review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). The initial review shall be developed by the joint legislative audit and review committee. This appropriation is provided from funds made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act).

(End of part)

**PART XIII
NATURAL RESOURCES**

Sec. 1301. 2012 2nd sp.s. c 7 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2012)	\$8,955,000
General Fund--State Appropriation (FY 2013)	\$8,379,000
General Fund--Federal Appropriation	\$5,905,000
Winter Recreation Program Account--State	
Appropriation	(\$1,759,000)
.....	\$2,034,000
ORV and Nonhighway Vehicle Account--State Appropriation	
.....	\$224,000
Snowmobile Account--State Appropriation	\$4,844,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$4,363,000
Parks Renewal and Stewardship Account--State	
Appropriation	\$106,505,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation	\$300,000
TOTAL APPROPRIATION.....	(\$141,234,000)
.....	\$141,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,876,000 of the general fund--state appropriation for fiscal year 2012, \$8,300,000 of the general fund--state appropriation for fiscal year 2013, and \$4,000,000 of the aquatic lands enhancement account--state appropriation are provided solely to operate and maintain state parks as the commission implements a new fee structure. The goal of this structure is to make the parks system self-supporting. By August 1, 2012, state parks must submit a report to the office of financial management detailing its progress toward this goal and outlining any additional statutory changes needed for successful implementation.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2012 and \$79,000 of the general fund--state appropriation for

fiscal year 2013 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$44,528,000 of the parks renewal and stewardship account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.

(5) The state parks and recreation commission, in cooperation with the Fort Worden lifelong learning center public development authority authorized under RCW 35.21.730 shall provide a report to the governor and appropriate committees of the legislature no later than October 15, 2012, to create a lifelong learning center at Fort Worden state park. This plan shall support and be based upon the Fort Worden state park long-range plan adopted by the state parks and recreation commission in September 2008. The report shall include a business and governance plan and supporting materials that provide options and recommendations on the long-term governance of Fort Worden state park, including building maintenance and restoration. While the commission may transfer full or partial operations to the public development authority the state shall retain title to the property. The state parks and recreation commission and the public development authority will agree on the scope and content of the report including the business and governance plan. In preparing this report the state parks and recreation commission and the public development authority shall provide ample opportunity for the public and stakeholders to participate in the development of the business and governance plan. The state parks and recreation commission shall review the report and if it is consistent with the 2008 Fort Worden state park long-range plan shall take action on a long-term governance and business plan no later than December 31, 2012.

(6) Within the appropriations contained in this section, the commission shall review the removal of trees from Brooks memorial state park that have been killed or damaged by fire in order to determine the recovery value from the sale of any timber that is surplus to the needs of the park. The commission shall remove such trees, if the commission determines that the recovery value from the sale of any timber is at least cost neutral and the removal is in a manner consistent with RCW 79A.05.035.

Sec. 1302. 2012 2nd sp.s. c 7 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2012)	\$34,098,000
General Fund--State Appropriation (FY 2013)	(\$23,618,000)
.....	\$26,417,000
General Fund--Federal Appropriation	(\$105,481,000)
.....	\$105,725,000
General Fund--Private/Local Appropriation.....	(\$56,923,000)
.....	\$57,107,000
ORV and Nonhighway Vehicle Account--State Appropriation	\$391,000
Aquatic Lands Enhancement Account--State	
Appropriation	(\$12,113,000)
.....	\$12,125,000
Recreational Fisheries Enhancement--State	
Appropriation	(\$2,794,000)
.....	\$2,809,000
Warm Water Game Fish Account--State Appropriation	
.....	(\$2,841,000)
.....	\$2,842,000

Eastern Washington Pheasant Enhancement Account--State	
Appropriation	\$849,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation	\$204,000
Aquatic Invasive Species Prevention Account--State	
Appropriation	\$848,000
State Wildlife Account--State Appropriation	(\$100,742,000)
.....	\$95,241,000
Special Wildlife Account--State Appropriation.....	\$2,382,000
Special Wildlife Account--Federal Appropriation.....	\$500,000
Special Wildlife Account--Private/Local Appropriation.....	\$3,415,000
Wildlife Rehabilitation Account--State Appropriation.....	\$259,000
Regional Fisheries Enhancement Salmonid Recovery	
Account--Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account--State Appropriation.....	\$883,000
Oyster Reserve Land Account--State Appropriation.....	\$919,000
Recreation Resources Account--State Appropriation.....	\$3,300,000
Hydraulic Project Approval Account--State Appropriation	
.....	\$337,000
TOTAL APPROPRIATION.....	(\$357,900,000)
.....	\$355,652,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$294,000 of the aquatic lands enhancement account--state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(2) \$355,000 of the general fund--state appropriation for fiscal year 2012 and \$355,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the department to continue a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:

(a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(3) Prior to submitting its 2013-2015 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are

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being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(4) \$400,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for removal of derelict gear in Washington waters.

(6) \$100,000 of the eastern Washington pheasant enhancement account--state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

(7) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(8) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of natural resources concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(9) Prior to opening game management unit 490 to public hunting, the department shall complete an environmental impact statement that includes an assessment of how public hunting activities will impact the ongoing protection of the public water supply.

(10) \$18,514,000 of the state wildlife account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5385 (state wildlife account). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$9,418,000 of the state wildlife account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) \$50,000 of the state wildlife account--state appropriation is provided solely for mitigation, claims, and assessment costs for injury or loss of livestock caused by wolves, black bears, and cougars.

(13) \$552,000 of the aquatic lands enhancement account--state appropriation is provided solely for increased law enforcement capacity to reduce the occurrence of geoduck poaching and illegal harvest activities. With these additional funds, the department shall deploy two new fish and wildlife officers and one detective within Puget Sound to address on-the-water and marketplace geoduck harvest compliance.

(14) \$337,000 of the hydraulic project approval--state appropriation is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1303. 2012 2nd sp.s. c 7 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2012)	\$30,907,000
General Fund--State Appropriation (FY 2013)	(\$35,791,000)
.....	\$67,782,000
General Fund--Federal Appropriation	\$27,873,000
General Fund--Private/Local Appropriation.....	\$2,372,000
Forest Development Account--State Appropriation	(\$46,254,000)
.....	\$44,116,000
ORV and Nonhighway Vehicle Account--State	
Appropriation	\$4,373,000
Surveys and Maps Account--State Appropriation	\$2,118,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$69,000
Resources Management Cost Account--State	
Appropriation	\$90,131,000
Surface Mining Reclamation Account--State	
Appropriation	\$3,467,000
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation ..	\$9,784,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation.....	\$838,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation.....	\$34,000
State Toxics Control Account--State Appropriation.....	\$80,000
Air Pollution Control Account--State Appropriation	\$540,000
NOVA Program Account--State Appropriation	\$635,000
Derelict Vessel Removal Account--State Appropriation ..	\$1,761,000
Agricultural College Trust Management Account--State	
Appropriation	\$1,848,000
Forest Practices Application Account--State Appropriation	
.....	\$780,000
Marine Resources Stewardship Trust Account--State	
Appropriation	\$2,100,000
TOTAL APPROPRIATION.....	(\$262,782,000)
.....	\$296,608,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$710,000 of the general fund--state appropriation for fiscal year 2012 and \$915,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$8,030,000 of the general fund--state appropriation for fiscal year 2012, ~~(\$10,037,000)~~ \$42,028,000 of the general fund--state appropriation for fiscal year 2013, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$4,500,000 of the forest and fish support account--state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded in fiscal year 2013 may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$518,000 of the forest and fish support account--state contracts is provided solely for outcome-based performance contracts with nongovernmental organizations to participate in the implementation of the forest practices program. Contracts awarded in fiscal year 2013 may only contain indirect cost set at or below a rate of eighteen percent.

(5) During the 2011-2013 fiscal biennium, \$717,000 of the forest and fish support account--state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$1,000,000 of the general fund--federal appropriation and \$1,000,000 of the forest and fish support account--state appropriation are provided solely for continuing scientific studies already underway as part of the adaptive management process. Funds may not be used to initiate new studies unless the department secures new federal funding for the adaptive management process.

(7) The department is authorized to increase the silviculture burning permit fee in the 2011-2013 biennium by up to eighty dollars plus fifty cents per ton for each ton of material burned in excess of one hundred tons.

(8) \$440,000 of the state general fund--state appropriation for fiscal year 2012 and \$440,000 of the state general fund--state appropriation for fiscal year 2013 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(9) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of fish and wildlife concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(10) In partnership with the department of ecology, the departments shall deliver a report to the governor, the appropriate committees of the legislature, and the forest practices board by September 1, 2012, documenting forest practices adaptive management program reforms implemented, or recommended, that streamline existing processes to increase program efficiencies and effectiveness. The departments shall collaborate with interested adaptive management program participants in the development of the report.

(11)(a) \$2,100,000 of the marine resources stewardship account-- state appropriation is provided solely for the implementation of chapter 252, Laws of 2012 (marine management planning) and 43.372 RCW. The department will work with the marine interagency team, tribes, and the Washington state marine resource committee to develop a spending plan consistent with the priorities in chapter 252, Laws of 2012, for conducting ecosystem assessments and mapping activities related to marine resources use and potential economic development, developing marine management plans for the state's coastal waters, and otherwise aiding in the implementation of marine planning in the state. As appropriate, the team shall develop a competitive process for projects to be funded by the department in fiscal year 2013.

(b) The department, in consultation with the marine interagency team, shall submit to the office of financial management and the appropriate legislative committees by September 1, 2012, a prioritized list of projects and activities for funding consideration through the marine resources stewardship account in the 2013-2015 fiscal biennium.

~~((13))~~ (12) \$780,000 of the forest practices application account--state appropriation, \$18,000 of the forest development account--state appropriation, \$23,000 of the resources management cost account--state appropriation, and \$2,000 of the surface mining reclamation account--state appropriation are provided solely for the

implementation of Second Engrossed Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(End of part)

**PART XIV
TRANSPORTATION**

Sec. 1401. 2012 2nd sp.s. c 7 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2012)	\$35,395,000
General Fund--State Appropriation (FY 2013)	(\$32,323,000)
.....	\$41,947,000
General Fund--Federal Appropriation	\$16,081,000
General Fund--Private/Local Appropriation.....	\$3,021,000
Death Investigations Account--State Appropriation.....	\$5,537,000
County Criminal Justice Assistance Account--State	
Appropriation.....	\$3,207,000
Municipal Criminal Justice Assistance Account--State	
Appropriation.....	\$1,286,000
Fire Service Trust Account--State Appropriation.....	\$131,000
Disaster Response Account--State Appropriation	\$8,002,000
Fire Service Training Account--State Appropriation	\$9,386,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation.....	\$54,000
State Toxics Control Account--State Appropriation.....	\$505,000
Fingerprint Identification Account--State	
Appropriation.....	\$10,067,000
Vehicle License Fraud Account--State Appropriation	\$437,000
TOTAL APPROPRIATION.....	(\$125,432,000)
.....	\$135,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$400,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

(4) In accordance with RCW 43.43.742 the state patrol is authorized to increase the following fees in fiscal year ~~(2012)~~ 2013 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Notary service fee.

(5) \$59,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1776 (child care center licensing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$6,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1494 (vulnerable adult referrals). If the

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bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) \$1,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 6296 (background checks). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(End of part)

**PART XV
EDUCATION**

Sec. 1501. 2013 c 147 s 1 (unmodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2012)	\$25,322,000
General Fund--State Appropriation (FY 2013)	(\$27,133,000)
.....	\$27,793,000
General Fund--Federal Appropriation	(\$77,011,000)
.....	\$82,011,000
General Fund--Private/Local Appropriation.....	\$4,000,000
TOTAL APPROPRIATION.....	(\$133,466,000)
.....	\$139,126,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$16,056,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$14,875,000)~~ \$15,526,000 of the general fund--state appropriation for fiscal year 2013 is for state agency operations.

(a) \$9,692,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$8,169,000)~~ \$8,160,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection (1)(a), the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) By January 1, 2012, the office of the superintendent of public instruction shall issue a report to the legislature with a timeline and an estimate of costs for implementation of the common core standards. The report must incorporate feedback from an open public forum for recommendations to enhance the standards, particularly in math.

(iii) Within the amounts provided, and in consultation with the public school employees of Washington and the Washington school counselors' association, the office of the superintendent of public instruction shall develop a model policy that further defines the recommended roles and responsibilities of graduation coaches and identifies best practices for how graduation coaches work in coordination with school counselors and in the context of a comprehensive school guidance and counseling program.

(iv) The office of the superintendent of public instruction shall, no later than August 1, 2011, establish a standard statewide definition of unexcused absence. The definition shall be reported to the ways and means committees of the senate and house of representatives for legislative review in the 2012 legislative session. Beginning no later than January 1, 2012, districts shall report to the office of the superintendent of public instruction, daily student unexcused absence data by school.

(b) \$1,964,000 of the general fund--state appropriation for fiscal year 2012 and \$1,017,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for activities associated with the implementation of new school finance systems required by

chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c)(i) \$851,000 of the general fund--state appropriation for fiscal year 2012 and \$851,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(ii) \$171,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to the state board of education for implementation of Initiative Measure No. 1240 (charter schools).

(d) \$1,744,000 of the general fund--state appropriation for fiscal year 2012 and \$1,387,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to the professional educator standards board for the following:

(i) \$1,050,000 in fiscal year 2012 and \$1,050,000 in fiscal year 2013 are for the operation and expenses of the Washington professional educator standards board;

(ii) \$694,000 of the general fund--state appropriation for fiscal year 2012 and \$312,000 of the general fund--state appropriation for fiscal year 2013 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling to teach conditional loan programs. Funding within this subsection (1)(d)(ii) is also provided for the recruiting Washington teachers program. Funding reductions in this subsection (1)(d)(ii) in the 2011- 2013 fiscal biennium are intended to be one-time; and

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use.

(e) \$133,000 of the general fund--state appropriation for fiscal year 2012 and \$133,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(g) \$45,000 of the general fund--state appropriation for fiscal year 2012 and \$45,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$159,000 of the general fund--state appropriation for fiscal year 2012 and \$93,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 185, Laws of 2011 (bullying prevention), which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities.

(i) \$1,227,000 of the general fund--state appropriation for fiscal year 2012 and \$1,227,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2012 and \$25,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(k) \$166,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the implementation of chapter 192, Laws of 2011 (school district insolvency). Funding is provided to develop a clear legal framework and process for dissolution of a school district.

(l) \$1,500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of House Bill No. 2799 (collaborative schools). If such legislation is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(m) \$128,000 of the general fund--state appropriation for fiscal year 2013 is provided solely pursuant to Substitute House Bill No. 2254 (foster care outcomes). The office of the superintendent of public instruction shall report on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth. The first report is due December 1, 2012, and annually thereafter through 2015. If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(n) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of House Bill No. 2337 (open K-12 education resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(o) \$239,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of Initiative Measure No. 1240 (charter schools).

(p) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for allocation to the office of the superintendent of public instruction to provide financial assistance to nonhigh school districts that are experiencing budgetary shortfalls due to a significant financial condition, including, but not limited to: Declining total enrollment; increased enrollment of students with special education needs; and debts owed to school districts serving the nonhigh school district's high school aged students. The financial assistance shall be in the form of a loan. The loan agreement shall:

(i) Include conditions, binding on the school district, designed to improve the district's financial condition;

(ii) Include a repayment schedule of no more than five years in length; and

(iii) Prohibit districts that receive loans under this subsection from using cash basis accounting.

(2) \$9,267,000 of the general fund--state appropriation for fiscal year 2012 and \$12,267,000 of the general fund--state appropriation for fiscal year 2013 are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2012 and \$2,541,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for

fiscal year 2013 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

\$1,221,000 of the general fund--state appropriation for fiscal year 2012 and \$1,221,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$675,000 of the general fund--state appropriation for fiscal year 2012 and \$675,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(iii) \$2,808,000 of the general fund--state appropriation for fiscal year 2012 and \$2,808,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(iv) \$337,000 of the general fund--state appropriation for fiscal year 2012 and \$337,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of the building bridges statewide program for comprehensive dropout prevention, intervention, and reengagement strategies.

(v) \$135,000 of the general fund--state appropriation for fiscal year 2012 and \$135,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for dropout prevention programs at the office of the superintendent of public instruction, including the jobs for America's graduates (JAG) program.

(vi) \$500,000 of the general fund--state appropriation for fiscal year 2012 and \$1,400,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 340, Laws of 2011 (assessment of students in state-funded full-day kindergarten classrooms), including the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS). Of the amounts in this subsection, \$1,000,000 of the fiscal year 2013 appropriation is for the implementation of House Bill No. 2586 (kindergarten inventory). If the bill is not enacted by June 30, 2012, this amount shall lapse.

(vii) \$2,000,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an urban school turnaround initiative as follows:

(A) The office of the superintendent of public instruction shall select two schools in the largest urban school district in the state.

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The selected schools shall be among the state's lowest-performing schools; be located within the same community and form a continuum of education for the students in that community; have significant educational achievement gaps; and include a mix of elementary, middle, or high schools.

(B) The office shall allocate the funds under this subsection (2)(c)(vii) to the school district to be used exclusively in the selected schools. The district may not charge an overhead or indirect fee for the allocated funds or supplant other state, federal, or local funds in the selected schools. The school district shall use the funds for intensive supplemental instruction, services, and materials in the selected schools, including but not limited to professional development for school staff; updated curriculum, materials, and technology; extended learning opportunities for students; reduced class size; summer enrichment activities; school-based health clinics; and other research-based initiatives to dramatically turn around the performance and close the achievement gap in the schools. The office shall enter into an expenditure agreement with the school district under which any funds under this subsection (2)(c)(vii) remaining unspent on August 31, 2015, shall be returned to the state. Priorities for the expenditure of the funds shall be determined by the leadership and staff of each school.

(C) The office shall monitor the activities in the selected schools and the expenditure of funds to ensure the intent of this subsection (2)(c)(vii) is met, and submit a report to the legislature by December 1, 2013, including outcomes resulting from the urban school turnaround initiative. The report submitted to the legislature must include a comparison of student learning achievement in the selected schools with schools of comparable demographics that have not participated in the grant program.

(D) Funding provided in this subsection (2)(c)(vii) is intended to be one-time.

(viii) \$100,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to subsidize advanced placement exam fees and international baccalaureate class fees and exam fees for low-income students. To be eligible for the subsidy, a student must be either enrolled or eligible to participate in the federal free or reduced price lunch program, and the student must have maximized the allowable federal contribution. The office of the superintendent of public instruction shall set the subsidy in an amount so that the advanced placement exam fee does not exceed \$15.00 and the combined class and exam fee for the international baccalaureate does not exceed \$14.50.

Sec. 1502. 2012 2nd sp.s. c 7 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT	
General Fund--State Appropriation (FY 2012)	\$5,241,233,000
General Fund--State Appropriation (FY 2013) ...((\$5,170,854,000))	
.....	\$5,139,496,000
General Fund--Federal Appropriation	\$22,327,000
TOTAL APPROPRIATION.....((\$10,434,414,000))	
.....	\$10,403,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2011-12 and 2012-13 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2011 to August 31, 2011, the superintendent shall allocate general apportionment funding to school districts

programs as provided in sections 502 and 504, chapter 564, Laws of 2009, as amended through sections 1402 and 1403 of this act.

(d) The appropriations in this section include federal funds provided through section 101 of P.L. No. 111-226 (education jobs fund), which shall be used to support general apportionment program funding. In distributing general apportionment allocations under this section for the 2011-12 school year, the superintendent shall include the additional amount of \$3,327,000 allocated by the United States department of education on September 16, 2011, provided through 101 of P.L. No. 111-226 (education jobs fund) as part of each district's general apportionment allocation.

(e) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2011-12 and 2012-13 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General educati on class size: Grade	RCW 28A.150.2 60
Grades K-3	25.23
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

The superintendent shall base allocations for career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate

funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty school:	
Grades K-3	24.1
Grade 4	0
Grades 5-6	27.0
Grades 7-8	0
Grades 9-12	28.5
	3
	28.7
	4

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Laboratory science, advanced placement, and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 students:

Career and Technical Education students.....	2.02 per 1000 student FTE's
Skill Center students	2.36 per 1000 student FTE's

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2011-12 and 2012-13 school years for general education students are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on a district's annual average full-time equivalent student enrollment in each grade.

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that exceed the general education rate in (a) of this subsection by the following percentages:
 Career and Technical Education students..... 2.5 percent
 Skill Center students

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2011-12 and 2012-13 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2011-12 and 2012-13

school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 3.69 percent for career and technical education students, and 21.92 percent for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 16.33 percent in the 2011-12 school year and 16.34 percent in the 2012-13 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 18.73 percent in the 2011-12 school year and 18.73 percent in the 2012-13 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2011-12 SCHOOL YEAR	2012-13 SCHOOL YEAR
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Technology	\$57.42	\$58.28
Utilities and Insurance	\$156.03	\$158.37
Curriculum and Textbooks	\$61.65	\$62.58
Other Supplies and Library Materials	\$130.89	\$132.85
Instructional Professional Development for Certificated and Classified Staff	\$9.53	\$9.68
Facilities Maintenance	\$77.30	\$78.46
Security and Central Office	\$53.55	\$54.35
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$546.37	\$554.57

day kindergarten programs for July and August of the 2010-11 school year.

(12) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(b) Students in approved skill center programs generate per student FTE MSOC allocations which equal the rate for general education students calculated in (a) of this subsection, multiplied by a factor of 2.171.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation that is equal to the rate for general education students calculated in (a) of this subsection, multiplied by a factor of 2.442.

(d) Students in laboratory science courses generate per student FTE MSOC allocations which equal the per student FTE rate for general education students established in (a) of this subsection.

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2011-12 and 2012-13 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section are adjusted to reflect provisions of House Bill No. 2065 (allocation of funding for funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) VOLUNTARY FULL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary full day kindergarten programs in qualifying high poverty schools, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary full-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides full- day kindergarten programs for 21 percent of kindergarten enrollment in the 2011-12 school year, and 22 percent in the 2012-13 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced price lunch eligibility rates in each school. Funding in this section is sufficient to fund voluntary full

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under subsection (12) of this section shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(13) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(14) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2012 and 2013 as follows:

(a) \$589,000 of the general fund--state appropriation for fiscal year 2012 and \$598,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund--state appropriation for fiscal year 2012 and \$436,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(c) Funding in this section is sufficient to fund adjustments to school districts' allocations resulting from the implementation of the prototypical school funding formula, pursuant to chapter 236, Laws of 2010 (K-12 education funding). The funding in this section is intended to hold school districts harmless in total for funding changes resulting from conversion to the prototypical school formula in the general apportionment program, the learning assistance program, the transitional bilingual program, and the highly capable program, after adjustment for changes in enrollment and other caseload adjustments.

(15) \$208,000 of the general fund--state appropriation for fiscal year 2012 and \$211,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal

committees of the legislature on the allocations provided to districts and the nature of the emergency.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Beginning in the 2011-12 school year, students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment. In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the higher education coordinating board, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(18) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(19)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

Sec. 1503. 2012 2nd sp.s. c 7 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2012)	\$322,243,000
General Fund--State Appropriation (FY 2013).....	(\$273,642,000)
.....	\$273,893,000
TOTAL APPROPRIATION.....	(\$595,885,000)
.....	\$596,136,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for the transportation of students as provided in RCW 28A.160.192.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school districts programs for the

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transportation of students as provided in section 505, chapter 564, Laws of 2009, as amended through section 1404 of this act.

(3) Any amounts appropriated for maintenance level funding for pupil transportation that exceed actual maintenance level expenditures as calculated under the funding formula that takes effect September 1, 2011, shall be distributed to districts according to RCW 28A.160.192(2)(b).

(4) A maximum of \$892,000 of this fiscal year 2012 appropriation and a maximum of \$892,000 of the fiscal year 2013 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) Starting with the 2012-13 school year, the office of the superintendent of public instruction shall disburse payments for bus depreciation in August.

Sec. 1504. 2011 2nd sp.s. c 9 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2012)	\$7,111,000
General Fund--State Appropriation (FY 2013)	\$7,111,000
General Fund--Federal Appropriation	(\$436,400,000)
.....	\$506,000,000
TOTAL APPROPRIATION.....	(\$450,622,000)
.....	\$520,222,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund--state appropriation for fiscal year 2012 and \$7,111,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in (a), (b), and (c) of this subsection.

Sec. 1505. 2012 2nd sp.s. c 7 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2012)	\$648,369,000
General Fund--State Appropriation (FY 2013)	(\$679,832,000)
.....	\$659,919,000
General Fund--Federal Appropriation	(\$486,922,000)
.....	\$499,922,000
Education Legacy Trust Account--State Appropriation	\$756,000
TOTAL APPROPRIATION.....	(\$1,815,879,000)
.....	\$1,808,966,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(c) Beginning with the 2010-11 school year award cycle, the office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time

equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$8,914,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$34,200,000)~~) \$9,469,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$29,574,000)~~) \$32,574,000 of the general fund--federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2011-12 and 2012-13 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) From July 1, 2011 to August 31, 2011, the superintendent shall operate the safety net oversight committee and shall award safety net funds as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(8) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$251,000 of the general fund--state appropriation for fiscal year 2012 and \$251,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2012, \$50,000 of the general fund--state appropriation for fiscal year 2013, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

Sec. 1506. 2012 2nd sp.s. c 7 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2012)	\$7,894,000
General Fund--State Appropriation (FY 2013)	(\$7,912,000)
.....	\$7,895,000
TOTAL APPROPRIATION.....	(\$15,806,000)
.....	\$15,789,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and (~~28A.310.340~~) 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 1507. 2012 2nd sp.s. c 7 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2012)	\$300,768,000
General Fund--State Appropriation (FY 2013)	(\$298,166,000)
.....	\$299,537,000
General Fund--Federal Appropriation	\$4,400,000
TOTAL APPROPRIATION.....	(\$603,334,000)
.....	\$604,705,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3 percent from the 2010-11 school year to the 2011-12 school year and 5 percent from the 2011-12 school year to the 2012-13 school year.

Sec. 1508. 2012 2nd sp.s. c 7 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2012)	\$16,694,000
General Fund--State Appropriation (FY 2013)	(\$15,867,000)
.....	\$14,547,000
TOTAL APPROPRIATION.....	(\$32,561,000)
.....	\$31,241,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$586,000 of the general fund--state appropriation for fiscal year 2012 and (~~(\$549,000)~~) \$899,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to

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support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 1509. 2012 2nd sp.s. c 7 s 510 (uncodified) is amended to read as follows:

FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2012)	\$8,745,000
General Fund--State Appropriation (FY 2013)	(\$8,788,000)
.....	\$9,159,000
TOTAL APPROPRIATION.....	(\$17,533,000)
.....	\$17,904,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 564, Laws of 2009, as amended through section 1409 of this act.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2012 and \$85,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the centrum program at Fort Worden state park.

Sec. 1510. 2012 2nd sp.s. c 7 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2012)	\$58,078,000
General Fund--State Appropriation (FY 2013)	(\$103,655,000)
.....	\$103,455,000
General Fund--Federal Appropriation	(\$219,147,000)
.....	\$221,147,000
General Fund--Private/Local Appropriation.....	\$4,000,000
Education Legacy Trust Account--State Appropriation ..	\$1,596,000
TOTAL APPROPRIATION.....	(\$386,476,000)
.....	\$388,276,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,822,000 of the general fund--state appropriation for fiscal year 2012, \$41,614,000 of the general fund--state appropriation for fiscal year 2013, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund-- federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (a) Development and implementation of retake assessments for high school students who are not successful in one or more content areas and (b) development

and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State funding shall be limited to one collection of evidence payment per student, per content-area assessment.

(2) \$356,000 of the general fund--state appropriation for fiscal year 2012 and \$356,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$980,000 of the general fund--state appropriation for fiscal year 2012 and \$980,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(4) \$3,852,000 of the general fund--state appropriation for fiscal year 2012 and \$2,624,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for continued implementation of chapter 235, Laws of 2010 (education reform) including development of new performance-based evaluation systems for certificated educators.

(5)(a) \$39,296,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,090 per teacher in the 2011-12 and 2012-13 school years, adjusted for inflation in each school year in which Initiative 732 cost of living adjustments are provided;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner. Beginning in the 2011-12 school year, all bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(i) and (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2011-12 and 2012-13 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute

toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(6) \$477,000 of the general fund--state appropriation for fiscal year 2012 and \$477,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(7) \$950,000 of the general fund--state appropriation for fiscal year 2012 and \$950,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(8) \$810,000 of the general fund--state appropriation for fiscal year 2012 and \$810,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(9) \$3,234,000 of the general fund--state appropriation for fiscal year 2012 and \$3,234,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible.

(10) \$1,500,000 of the general fund--state appropriation for fiscal year 2012 and \$1,500,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 288, Laws of 2011 (actual student success program), including allocations to the opportunity internship program, the jobs for America's graduates program, the building bridges program, services provided by a college scholarship organization. Funding shall not be used in the 2011-2013 fiscal biennium to provide awards for schools and school districts.

(11) \$859,000 of the general fund--state appropriation for fiscal year 2012, \$808,000 of the general fund--state appropriation for fiscal year 2013, and \$248,000 of the education legacy trust

account--state appropriation are for administrative support of education reform programs.

(12) \$2,000,000 of the general fund--state appropriation for fiscal year 2012 and \$2,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(13) \$977,000 of the general fund--state appropriation for fiscal year 2012 and \$1,077,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$300,000 of the 2012 appropriation and \$300,000 of the 2013 appropriation shall be used to support FIRST robotics programs. Of the amounts in this subsection, \$100,000 of the fiscal year 2013 appropriation is provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(14) \$125,000 of the general fund--state appropriation for fiscal year 2012 and \$125,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(15) \$135,000 of the general fund--state appropriation for fiscal year 2012 and \$135,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

(17) \$5,767,000 of the general fund--state appropriation for fiscal year 2013 is provided solely pursuant to Engrossed Substitute Senate Bill No. 5895 (certificated employee evaluations). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

~~((19))~~ (18) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding, a high school must have offered a foundational project lead the way course during the 2011-12 school year. The funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2012-13 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

~~((20))~~ (19) \$150,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for aerospace and

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manufacturing technical programs housed at two skill centers. The one-time funding is provided for start-up equipment and curriculum purchases. To be eligible for funding, the skill center must agree to provide regional high schools with access to a technology laboratory, expand manufacturing certificate and course offerings at the skill center, and provide a laboratory space for local high school teachers to engage in professional development in the instruction of courses leading to student employment certification in the aerospace and manufacturing industries. The office of the superintendent of public instruction shall administer the grants in consultation with the center for excellence for aerospace and advanced materials manufacturing.

~~((21))~~ (20) \$300,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for start-up grants to twelve high schools to implement the aerospace assembler program. Participating high schools must agree to offer the aerospace assembler training program to students by spring semester of school year 2012-13. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

Sec. 1511. 2012 2nd sp.s. c 7 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2012)	\$79,575,000
General Fund--State Appropriation (FY 2013)	(\$80,666,000)
.....	\$83,896,000
General Fund--Federal Appropriation	\$71,001,000
TOTAL APPROPRIATION.....	(\$231,242,000)
.....	\$234,472,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs as provided in RCW 28A.150.260(10)(b). In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student; (ii) fifteen transitional bilingual program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 564, Laws of 2009, as amended through section 1411 of this act.

(c) The allocations in this section reflect the implementation of a new funding formula for the transitional bilingual instructional program, effective September 1, 2011, as specified in RCW 28A.150.260(10)(b).

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 2.79 percent for school year 2011-12 and 2.11 percent for school year 2012-13.

(4) The general fund--federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) In preparing its 2013-15 biennial budget request, the office of the superintendent of public instruction shall prepare for implementation of a funding model for the transitional bilingual program, beginning in school year 2013-14, that is scaled to provide more support to students requiring most intensive intervention, (students with beginning levels of English language proficiency) and less support to students requiring less intervention. The funding model shall also provide up to two years of bonus funding upon successful exit from the bilingual program to facilitate successful transition to a standard program of education.

\$35,000 of the general fund--state appropriation for fiscal year 2012 and \$35,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to track current and former transitional bilingual program students.

Sec. 1512. 2012 2nd sp.s. c 7 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2012)	\$102,619,000
General Fund--State Appropriation (FY 2013)	(\$128,779,000)
.....	\$127,422,000
General Fund--Federal Appropriation	(\$492,207,000)
.....	\$506,207,000
Education Legacy Trust Account--State	
Appropriation	\$23,990,000
TOTAL APPROPRIATION.....	(\$747,595,000)
.....	\$760,238,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 1.51560 hours per week per funded learning assistance program student; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 564, Laws of 2009, as amended through section 1412 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund-state or education legacy trust

funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) The office of the superintendent of public instruction shall research and recommend options for an adjustment factor for middle school and high school free and reduced price lunch eligibility reporting rates pursuant to RCW 28A.150.260(12)(a), and submit a report to the fiscal committees of the legislature by June 1, 2012. For the 2011-12 and 2012-13 school years, the adjustment factor is 1.0.

Sec. 1513. 2012 2nd sp.s. c 7 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, (~~2012~~) 2013, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year (~~2012~~) 2013 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(End of part)

**PART XVI
HIGHER EDUCATION**

Sec. 1601. 2012 2nd sp.s. c 7 s 602 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2012)	\$201,226,000
General Fund--State Appropriation (FY 2013)	\$201,612,000
Education Legacy Trust Account--State Appropriation	\$18,579,000
Economic Development Strategic Reserve Account--	
State Appropriation	\$1,500,000
Biotoxin Account--State Appropriation.....	(\$450,000)
.....	\$350,000
Accident Account--State Appropriation	\$6,681,000
Medical Aid Account--State Appropriation	\$6,488,000

TOTAL APPROPRIATION.....	(\$436,536,000)
.....	\$436,436,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2012 and \$150,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the development of integrated medical curriculum for the Washington/Wyoming/Alaska/Montana/Idaho (WWAMI) medical education program in Spokane and eastern Washington. Funding is contingent on appropriations being provided to Washington State University for WWAMI program expansion in Spokane and eastern Washington.

(3) \$52,000 of the general fund--state appropriation for fiscal year 2012 and \$52,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the center for international trade in forest products in the college of forest resources.

(4) \$88,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5485 (state's natural resources). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) \$143,000 of the general fund--state appropriation for fiscal year 2012 and \$144,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the ongoing management of the Washington park arboretum.

(6) \$3,800,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an expansion in engineering enrollments, including enrollments in the field of computer science. Amounts provided in this subsection may be used only to cover direct costs of instruction associated with this enrollment expansion. By June 30, 2012, the university shall provide a report to the legislature that provides specific detail on how these amounts will be spent. Each September 1st thereafter, the university shall provide an updated report that provides specific detail on how these amounts were spent in the preceding twelve months.

(7) Amounts appropriated in this section are sufficient for the university to conduct a comprehensive review of its tuition waiver policies. The resulting report shall include an overview of tuition waiver uses and costs (forgone revenue) and outcomes and any recommendations for changes to tuition waiver policy and shall be provided to the legislature no later than December 1, 2012.

(8) \$610,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to expand health sciences capacity at the University of Washington for Washington, Wyoming, Alaska, Montana, Idaho (WWAMI) and \$190,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to expand health sciences capacity at the University of Washington for Regional Initiatives in Dental Education (RIDE) for the WWAMI-RIDE program expansion to achieve full ramp-up of first-year medical students and dental students each year of the four-year programs.

(9) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(10) Amounts appropriated in this section are sufficient to cover the costs associated with the implementation of Engrossed Substitute Senate Bill No. 6486 (collective bargaining for post-doctoral researchers).

Sec. 1602. 2012 2nd sp.s. c 7 s 613 (uncodified) is amended to read as follows:

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FOR THE STUDENT ACHIEVEMENT COUNCIL--OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund--State Appropriation (FY 2013)	\$247,034,000
General Fund--Federal Appropriation	\$5,812,000
Washington Opportunity Pathways Account--State Appropriation	\$73,500,000
Aerospace Training Student Loan Account--State Appropriation	\$12,000
TOTAL APPROPRIATION.....	(\$326,346,000)
.....	\$326,358,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$237,018,000 of the general fund--state appropriation for fiscal year 2013, and \$73,500,000 of the opportunity pathways account-- state appropriation are provided solely for student financial aid payments under the state need grant and the state work study programs including up to a four percent administrative allowance for the state work study program.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. The higher education coordinating board shall report to the legislature by December 1, 2013, regarding the number of students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits, and their academic progress including degree completion. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(3) \$1,250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of the aerospace training scholarship and student loan program as specified in Engrossed Substitute House Bill No. 1846 (aerospace student loans). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(4) For fiscal year 2013, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(5) \$1,000,000 of the education legacy trust account--state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the leadership 1000 program.

(7) \$2,436,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal year 2013 for this purpose.

(8) In addition to the entities listed in RCW 28B.122.010, the aerospace student loan program may provide loans to students

attending an aerospace training program at Renton technical college.

(9) The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office of student financial assistance shall coordinate with the department of social and health services to effectively incorporate these conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies.

(10) \$50,000 of the amount provided in this section shall be used to convene the higher education loan program work group. The work group shall develop methods for funding the loan program in the future, as well as recommendations regarding the best loan program structure for providing financial aid to underserved populations. The work group shall seek out technical advice from the housing finance commission. At a minimum, the recommendations regarding the proposed loan program must take into account the following: Whether students could benefit from the creation of a new student loan program; the relationship between the student loan program and the state need grant program and the state need grant qualified student population; mechanisms to achieve interest rates that are below those offered in federally guaranteed and private bank student loans; sources of initial and on-going funding for loans and program operation; and default risks, reserve requirements, and other conditions required for the student loan program. The work group shall provide a report to the legislature no later than December 1, 2012.

Sec. 1603. 2012 2nd sp.s. c 7 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2012)	\$25,497,000
General Fund--State Appropriation (FY 2013)	(\$27,190,000)
	\$26,658,000
General Fund--Federal Appropriation	\$280,619,000
Children's Trust Account--State Appropriation.....	\$142,000
Opportunity Pathways Account--State Appropriation...	\$78,000,000
Home Visiting Services Account--Federal Appropriation .	\$300,000
TOTAL APPROPRIATION.....	(\$411,606,000)
.....	\$411,216,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,028,000 of the general fund--state appropriation for fiscal year 2012, \$18,028,000 of the general fund--state appropriation of fiscal year 2013, \$78,000,000 of the opportunity pathways account appropriation, and \$2,256,000 of the general fund--federal appropriation are provided solely for the early childhood education assistance program services. Of these amounts, \$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) In accordance to RCW 43.215.255(2) and 43.135.055, the department is authorized to increase child care center and child care family home licensure fees in fiscal years 2012 and 2013 for costs to the department for the licensure activity, including costs of necessary inspection. These increases are necessary to support expenditures authorized in this section.

(3) \$64,000 of the general fund--state appropriation for fiscal year 2012, \$638,000 of the general fund--state appropriation for fiscal year 2013, and \$574,000 of the general fund--federal

appropriation are provided solely for child care resource and referral network services.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2012 and \$200,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(5) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(6) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

(7) \$934,000 of the general fund--state appropriation for fiscal year 2012, \$934,000 of the general fund--state appropriation for fiscal year 2013, and \$2,400,000 of the general fund--federal appropriation are provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds.

(a) All federal funds received by the department for home visiting activities must be deposited into the home visiting services account.

(b) The department must consult with stakeholders during the development of the Washington home visiting plan and any future proposals for federal funding.

(c) No more than \$300,000 of the home visiting services account-- federal appropriation may be expended for program administration for fiscal year 2013 pursuant to RCW 43.215.130. No other funds may be expended for that purpose.

(8)(a) \$153,558,000 of the general fund--federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

(9)(a) \$50,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$1,050,000)~~ \$329,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation and administration of an electronic benefit transfer system. The system shall include electronic time keeping, integrated with an eligibility information technology system, and an electronic payment system. The department shall coordinate implementation of this system with the department of social and health services.

(b) \$100,000 of the general fund--state appropriation in this subsection is provided solely for the department to contract for an independent consultant to evaluate and recommend the optimum system for the eligibility determination process. The evaluation must include an analysis of lean management processes that, if adopted, could improve the cost effectiveness and delivery of eligibility determination. The department shall coordinate with the department of social and health services for this evaluation. The department must report to the office of financial management and the appropriate fiscal and policy committees of the legislature by December 1, 2012.

(10) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(11) \$1,025,000 of the general fund--state appropriation for fiscal year 2013 and \$6,712,000 of the general fund--federal appropriation are provided solely for the seasonal child care program in fiscal year 2013.

(12) \$2,522,000 of the general fund--state appropriation for fiscal year 2012, \$2,522,000 of the general fund--state appropriation for fiscal year 2013, and \$4,304,000 of the general fund--federal appropriation are provided solely for the Medicaid treatment child care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

(13)(a) The department shall establish a birth-to-three subcommittee of the early learning advisory council. The subcommittee will be cochaired by the department and nongovernmental private-public partnership created in RCW 43.215.070. The subcommittee shall include at least one representative from each of the following:

- (i) The early learning advisory council;
- (ii) The office of the superintendent of public instruction;
- (iii) The department of social and health services;
- (iv) The department of early learning;
- (v) The nongovernmental private-public partnership created in RCW 43.215.070;
- (vi) The early learning action alliance; and
- (vii) Additional stakeholders with expertise in birth-to-three policy and programs and quality child care, as designated by the early learning advisory council.

(b) The subcommittee may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(c) The subcommittee shall be monitored and overseen by the early learning advisory council created in RCW 43.215.090.

(d) The subcommittee shall develop a birth-to-three implementation proposal, which shall include further development of the Washington state birth-to-three plan.

(e) The subcommittee must include recommendations on the following in its birth-to-three proposal:

- (i) Eligibility criteria for providers and programs;
- (ii) The level of funding necessary to implement birth-to-three programs, including an option which makes available funding equivalent to thirty percent of the funding provided for the program of early learning established in RCW 43.215.141;
- (iii) Options for funding sources for birth-to-three programs;
- (iv) Governance responsibilities for the department of early learning; and
- (v) A timeline for implementation that is concurrent with the expansion to the early learning program outlined in RCW 43.215.142.

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The subcommittee must present its recommendations to the early learning advisory council and the appropriate committees of the legislature by December 1, 2012.

(14) \$300,000 of the general fund--federal appropriation is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

Sec. 1604. 2012 2nd sp.s. c 7 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND	
General Fund--State Appropriation (FY 2012)	\$5,776,000
General Fund--State Appropriation (FY 2013)	(\$5,671,000)
.....	\$5,691,000
TOTAL APPROPRIATION.....	(\$11,447,000)
.....	\$11,467,000

Sec. 1605. 2012 2nd sp.s. c 7 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS	
General Fund--State Appropriation (FY 2012)	\$8,439,000
General Fund--State Appropriation (FY 2013)	(\$8,335,000)
.....	\$8,431,000
TOTAL APPROPRIATION.....	(\$16,774,000)
.....	\$16,870,000

(End of part)

**PART XVII
SPECIAL APPROPRIATIONS**

Sec. 1701. 2012 2nd sp.s. c 7 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2012)	\$911,643,000
General Fund--State Appropriation (FY 2013)	(\$949,349,000)
.....	\$936,965,000
State Building Construction Account--State	
Appropriation	(\$3,866,000)
.....	\$5,016,000
Columbia River Basin Water Supply Development	
Account--State Appropriation.....	(\$121,000)
.....	\$220,000
Hood Canal Aquatic Rehabilitation Bond Account--State	
Appropriation	(\$4,000)
.....	\$5,000
State Taxable Building Construction Account--State	
Appropriation	(\$90,000)
.....	\$71,000
Gardner-Evans Higher Education Construction	
Account--State Appropriation.....	(\$13,000)
.....	\$23,000
Debt-Limit Reimbursable Bond Retire Account--State	
Appropriation	(\$2,300,000)
.....	\$2,299,000
TOTAL APPROPRIATION.....	(\$1,867,386,000)
.....	\$1,856,242,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2012 shall be expended into the debt-limit general fund bond retirement account by June 30, 2012.

Sec. 1702. 2012 2nd sp.s. c 7 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2012)	\$27,400,000
General Fund--State Appropriation (FY 2013)	\$30,572,000
Nondebt-Limit Reimbursable Bond Retirement	
Account--State Appropriation.....	(\$140,128,000)
.....	\$137,290,000
TOTAL APPROPRIATION.....	(\$198,100,000)
.....	\$195,262,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2012 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2012.

Sec. 1703. 2011 2nd sp.s. c 9 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2012)	\$1,357,000
General Fund--State Appropriation (FY 2013)	(\$1,357,000)
.....	\$616,000
State Building Construction Account--State	
Appropriation	(\$356,000)
.....	\$697,000
Columbia River Basin Water Supply Development	
Account--State Appropriation.....	\$21,000
Hood Canal Aquatic Rehabilitation Bond Account--State	
Appropriation	\$1,000
State Taxable Building Construction Account--State	
Appropriation	(\$25,000)
.....	\$31,000
Gardner-Evans Higher Education Construction	
Account--State Appropriation.....	(\$2,000)
.....	\$3,000
TOTAL APPROPRIATION.....	(\$3,119,000)
.....	\$2,726,000

NEW SECTION. Sec. 1704. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2013)

.....\$728,000
The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute \$545,000 to Grant county and \$183,000 to Yakima county for extraordinary criminal justice costs.

Sec. 1705. 2012 2nd sp.s. c 7 s 707 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2012, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) Clint L. Powell, Jr., claim number 99970048.....\$58,155.10
- (2) Chance L. Hawkins, claim number 99970049\$28,838.95

(3) Edgar L. Hawkins, claim number 99970050.....	\$25,507.00
(4) James Abbott, claim number 99970051	\$9,880.00
(5) Richard Frisk, claim number 99970052	\$32,788.50
(6) Brian Barnd-Spjut, claim number 99970053.....	\$122,821.79
(7) Dwijen Buckendorf, claim number 99970059	\$2,100.00
(8) Todd Chism, claim number 99970061	\$56,183.26
(9) James Glasco, claim number 99970062	\$18,800.00
(10) David Holtzclaw, claim number 99970057.....	\$15,154.52
(11) Gary Richey, claim number 99970063.....	\$9,020.00
(12) Shelly Porter, claim number 99970054	\$12,525.72
(13) Yakov Topik, claim number 99970047.....	\$28,500.00
(14) Luther Wallace, claim number 99970060	\$76,256.93
(15) Mark Fenton, claim number 99970064	\$27,637.50
(16) Reid Woods, claim number 99970065	\$7,296.38
(17) James Daniel Emmett, claim number 99970067	\$9,000.00
(18) Matthew Collet, claim number 99970068.....	\$55,000.00
(19) Michael Otto, claim number SCJ-2008-12.....	\$4,250.00

(End of part)

**PART XVIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 1801. 2012 2nd sp.s. c 7 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	(\$8,289,000) \$7,773,000
General Fund Appropriation for public utility district excise tax distributions	(\$44,078,000) \$49,883,000
General Fund Appropriation for prosecuting attorney distributions.....	(\$6,281,000) \$5,804,000
General Fund Appropriation for boating safety and education distributions.....	\$4,000,000
General Fund Appropriation for other tax distributions ..	(\$58,000) \$63,000
General Fund Appropriation for habitat conservation program distributions	\$3,000,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies.....	\$2,960,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$160,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	(\$58,229,000) \$61,983,000
County Criminal Justice Assistance Appropriation.....	(\$69,566,000) \$69,532,000
Municipal Criminal Justice Assistance Appropriation	(\$26,843,000) \$26,833,000
City-County Assistance Account Appropriation for local government financial assistance distribution	(\$12,159,000) \$14,922,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....	(\$25,617,000) \$25,889,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes.....	\$49,309,000

Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation.....	(\$7,478,000) \$7,481,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	(\$4,794,000) \$4,795,000
Liquor Revolving Account Appropriation for liquor profits distribution	(\$85,132,000) \$96,456,000
TOTAL APPROPRIATION.....	(\$407,953,000) \$426,843,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1802. 2012 2nd sp.s. c 7 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation	(\$2,439,000) \$2,422,000
----------------------------------------------------	-----------------------------------------

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1803. 2012 2nd sp.s. c 7 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation	(\$1,626,000) \$1,615,000
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1804. 2011 1st sp.s. c 50 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal flood control funds distribution.....	(\$74,000)
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.....	\$52,000
General Fund Appropriation for federal grazing fees distribution	(\$2,430,000)
.....	\$1,747,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution.....	(\$29,175,000)
.....	\$39,776,000
TOTAL APPROPRIATION.....	(\$31,679,000)
.....	\$41,575,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1805. 2012 2nd sp.s. c 7 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

State Treasurer's Service Account: For transfer to the state general fund, \$16,300,000 for fiscal year 2012 and ((\$24,800,000)) \$26,600,000 for fiscal year 2013.....	(\$41,100,000)
.....	\$42,900,000

Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$4,847,000 for fiscal year 2012 and \$4,847,000 for fiscal year 2013.....	\$9,694,000
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Aquatics Lands Enhancement Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2012 and \$3,500,000 for fiscal year 2013.....	\$7,000,000
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Savings Incentive Account: For transfer to the state general fund, \$44,618,000 for fiscal year 2012.....	\$44,618,000
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Distinguished Professorship Trust Fund: For transfer to the state general fund for fiscal year 2012, an amount not to exceed the actual cash balance of the fund	\$3,024,000
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Washington Graduate Fellowship Trust Fund: For transfer to the state general fund for fiscal year 2012, an amount not to exceed the actual cash balance of the fund.....	\$1,028,000
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College Faculty Awards Trust Fund: For transfer to the state general fund for fiscal year 2012, an amount not to exceed the actual cash balance of the fund	\$1,996,000
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Data Processing Revolving Account: For transfer to the state general fund, \$5,960,000 for fiscal year 2012.....	\$5,960,000
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Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account ...	\$38,000,000
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Economic Development Strategic Reserve Account: For transfer to the state general fund, \$2,100,000 for fiscal year 2012 and \$2,100,000 for fiscal year 2013.....	\$4,200,000
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General Fund: For transfer to the streamlined sales and use tax account, \$24,520,000 for fiscal year 2012 and \$24,789,000 for fiscal year 2013.....	\$49,309,000
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Public Works Assistance Account: For transfer to the water pollution control revolving account, \$7,750,000 for fiscal year 2012 and \$7,750,000 for fiscal year 2013	\$15,500,000
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The Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$4,500,000 for fiscal year 2012 and \$4,500,000 for fiscal year 2013.....	\$9,000,000
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Thurston County Capital Facilities Account: For transfer to the state general fund, \$4,000,000 for fiscal year 2012 and \$4,000,000 for fiscal	
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year 2013.....	\$8,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$10,000,000 for fiscal year 2012 and \$5,000,000 for fiscal year 2013.....	\$15,000,000
Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund, \$500,000 for fiscal year 2012	\$500,000
Education Savings Account: For transfer to the state general fund, \$54,431,000 for fiscal year 2012	\$54,431,000
Department of Retirement Systems Expense Account: For transfer to the state general fund, \$2,330,000 for fiscal year 2012 and \$4,330,000 for fiscal year 2013.....	\$6,660,000
Education Construction Account: For transfer to the state general fund, \$102,000,000 for fiscal year 2012 and \$102,000,000 for fiscal year 2013.....	\$204,000,000
Public Works Assistance Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2012 and \$40,000,000 for fiscal year 2013.....	\$80,000,000
Foster Care Endowed Scholarship Trust Fund: For transfer to the state general fund, \$200,000 for fiscal year 2012 and \$200,000 for fiscal year 2013.....	\$400,000
Affordable Housing For All Account: For transfer to the home security fund, \$1,000,000 for fiscal year 2012 and \$1,000,000 for fiscal year 2013.....	\$2,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account.....	\$158,205,000
Tobacco Settlement Account: For transfer to the basic health plan stabilization account from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2012	\$22,000,000
Tobacco Settlement Account: For transfer to the basic health plan stabilization account from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2013	\$22,000,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2012.....	\$6,000,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2013.....	\$6,000,000
The transfer to the life sciences discovery fund is subject to the following conditions: All new grants awarded during the 2011-2013 fiscal biennium shall support and accelerate the commercialization of an identifiable product.	
Financial Services Regulation Fund: For transfer to the state general fund, \$4,000,000 for fiscal year 2012.....	\$4,000,000
State Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2012 and \$250,000 for fiscal year 2013.....	\$500,000
Washington State Heritage Center Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2013.....	\$2,000,000

Local Toxics Control Account: For transfer to the state toxics control account, \$15,000,000 for fiscal year 2012 and \$16,000,000 for fiscal year 2013\$31,000,000

Coastal Protection Account: For transfer to the state general fund, \$500,000 for fiscal year 2012 and \$500,000 for fiscal year 2013.....\$1,000,000

Multimodal Transportation Account--State: For transfer to the Public Transportation Grant Program Account for the purposes of distributions of \$3,000,000 on each of the last working days of December, March, and June in fiscal year 2013\$9,000,000

Aquatic Lands Enhancement Account: For transfer to the marine resources stewardship trust account, \$2,100,000 for fiscal year 2013.....\$2,100,000

(End of part)

**PART XIX
MISCELLANEOUS**

Sec. 1901. 2011 1st sp.s. c 41 s 3 (uncodified) is amended to read as follows:

Upon implementation of the expansion directed in RCW 74.09.659, the office of financial management shall reduce general fund--state allotments for the medical assistance program by one million five hundred thousand dollars for fiscal year 2012 (~~and by two million three hundred fifty thousand dollars for fiscal year 2013~~). The amounts reduced from allotments shall be placed in reserve status and remain unexpended.

NEW SECTION. **Sec. 1902.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1903.** Except for section 969 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately; except for section 948 of this act which takes effect August 1, 2013, section 960 of this act which takes effect June 30, 2013, and sections 968 and 986 of this act which take effect July 28, 2013.

NEW SECTION. **Sec. 1904.** Section 969 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013, subject to section 970 of this act.

NEW SECTION. **Sec. 1905.** Section 952 of this act expires January 1, 2018.

(End of Bill)

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On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 2.28.170, 2.28.170, 13.40.466, 18.43.150, 19.28.351, 28A.500.020, 28B.15.067, 28B.20.476, 28B.92.010, 28C.04.535, 38.52.540, 39.26.210, 41.06.280, 41.06.280, 41.26.802, 43.08.190, 43.10.150, 43.19.791, 43.24.150, 43.71.030, 43.79.445, 43.79.480, 43.82.010, 43.101.200, 43.155.050, 43.160.080, 43.333.030, 46.66.080, 46.68.340, 70.42.090, 70.93.180, 70.96A.350, 74.13.621, 74.09.215, 74.09.215, 77.12.201, 77.12.203, 79.64.040, 79A.80.020, 79A.80.080, 82.14.310, and 86.26.007; reenacting and amending RCW 41.60.050, 41.80.010, 41.80.020, 70.105D.070, and 79.105.150; amending 2013 c 147 s 1 (uncodified); amending 2012 2nd sp.s. c 7 ss 111, 112, 114, 115, 118, 121, 127, 129, 131, 132, 136, 139, 142, 144, 149, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 218, 219, 220, 221, 222, 303, 307, 308, 402, 502, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 602, 613, 615, 616, 617, 701, 702, 707, 801, 802, 803, and 804 (uncodified); amending 2011 2nd sp.s. c 9 ss 221, 506, and 703 (uncodified); amending 2011 1st sp.s. c 50 s 804 (uncodified); amending 2011 1st sp.s. c 41 s 3 (uncodified); adding a new section to 2011 1st sp.s. c 50 (uncodified); creating new sections; making appropriations; providing effective dates; providing a contingent effective date; providing an expiration date; and declaring an emergency."

Senators Hargrove, Rolfes, Darneille, Frockt, Nelson, Conway, Kline and Schlicher spoke in favor of adoption of the striking amendment.

Senators Hill and Smith spoke against adoption of the striking amendment.

Senator Frockt demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove to Engrossed Substitute Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Hargrove and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Excused: Senator Hobbs

MOTION

Senator Hill moved that the following striking amendment by Senators Hill and Braun be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2014" or "FY 2014" means the fiscal year ending June 30, 2014.

(b) "Fiscal year 2015" or "FY 2015" means the fiscal year ending June 30, 2015.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART I
 GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2014)	\$30,246,000
General Fund--State Appropriation (FY 2015)	\$30,567,000
Motor Vehicle Account--State Appropriation	\$1,765,000
TOTAL APPROPRIATION	\$62,578,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund--State Appropriation (FY 2014)	\$20,726,000
General Fund--State Appropriation (FY 2015)	\$23,021,000
Motor Vehicle Account--State Appropriation	\$1,514,000
TOTAL APPROPRIATION	\$45,261,000

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NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Performance Audits of Government Account--State

Appropriation.....	\$5,641,000
Accident Account--State Appropriation	\$332,000
Medical Aid Account--State Appropriation	\$332,000
TOTAL APPROPRIATION	\$6,305,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2013-2015 work plan as necessary to efficiently manage workload.

(2) \$332,000 of the medical aid account--state appropriation and \$332,000 of the accident account--state appropriation are provided for the purposes of chapter 37, Laws of 2011 1st sp. sess. (workers' compensation).

(3) \$323,000 of the performance audits of government account--state appropriation is provided for consultant and staff costs related to the economic analysis of tax preferences as directed by chapter 43.136 RCW.

(4) The committee shall conduct a study of the current methods of collecting legal financial obligations and compare those methods with other debt collection methods, including contracting for debt collection of legal financial obligations. The study shall include analysis of the costs and revenues of current methods and compare those to alternatives, and include analysis of the impact of current methods and alternatives to revenues received by the state. Included shall be an examination of costs and revenue generation before and after the implementation of chapter 379, Laws of 2003 (SSB 5990) and chapter 362, Laws of 2005 (SSB 5256) and analysis of whether these changes met the legislative goals of reducing costs and increasing collections. A report on the results of the analysis shall be presented to the appropriate committees of the legislature by December 2014.

(5) The committee shall conduct a study of economic development programs and projects supported by the state general fund in the department of commerce. The study shall first review the extent to which these programs: (a) Included specific economic development targets; (b) monitored economic development targets; (c) required for programs which provided support or services through contracts, whether the contracts were structured such that if economic development targets were not met, contracts were reviewed or revised; and (d) changed the economic development targets of associate development organizations relative to funding increases since 2007. The study will include the feasibility of determining how to isolate other factors, such as general economic trends, from the impacts of economic development programs. The costs and options for conducting future analysis of the outcomes specific to economic development programs shall be included and a briefing report shall be provided to the appropriate committees of the legislature by December 1, 2013. A complete report with study data and conclusions shall be provided to the appropriate committees of the legislature by December 1, 2014.

(6) The committee shall analyze the incidence and level of taxation and business incentives available to the financial services industry in Washington State, and identify the relative differences in taxes and business incentives compared to California. A report shall be provided to the appropriate committees of the legislature by December 1, 2014.

(7) The committee shall conduct an analysis of how school districts use school days. The analysis must include:

- (a) How school districts define classroom time, nonclassroom time, instructional time, noninstructional time, and any other definitions of how the school day is divided or used;

- (b) Estimates of time in each category;
- (c) How noninstructional time is distributed over the annual number of school days;

(d) When noninstructional hours occur;

(e) How noninstructional hours are used, including how much noninstructional time is devoted to professional development for the purposes of teacher and principal evaluation training or common core state standards training; and

(f) The extent to which the use of each category of time is identified or defined in collective bargaining agreements.

To the extent data is not available at the statewide level, the committee may use case studies or other methods to conduct the analysis. The committee shall submit a report of its findings to the education committees of the legislature by December 1, 2014.

(8) The committee shall conduct a review of the programs and services that are performed by state agencies to determine whether the program or service may be performed by the private sector in a more cost-efficient or effective manner than being performed by the agency. In conducting this review, the committee shall:

(a) Examine the existing activities currently being performed by state agencies, including but not limited to an examination of services, for their performance, staffing, capital requirements, and mission. Programs may be broken down into discrete services or activities or reviewed as a whole; and

(b) Examine the activities to determine which specific services are available in the marketplace and what potential for efficiency gains or savings exist.

(9) The committee shall review funding enhancement formulas that provide minimum staffing unit funding to small school districts and districts with school plants that have been judged by the state board of education to be remote and necessary. The committee will make an assessment of the current formulas and report any recommended adjustments to the legislative fiscal committees of the senate and the house of representatives by November 1, 2014. In assessing the current formulas, the committee may consider: Enhancements being made to basic education funding in the 2013-2015 omnibus appropriations act and committed to under Engrossed Substitute House Bill No. 2261 (chapter 548, Laws of 2009) and Substitute House Bill No. 2776 (chapter 236, Laws of 2010); developments in technology or educational service delivery since the formulas were established; practices in other states; districts' ability to provide students with access to a program of education; and inter-district equity.

(10) The committee shall conduct a study of the effectiveness of the state agency performance indicators and performance measurement process established in chapter 43.88 RCW, the state budget and accounting act. The study will focus on the integration of performance measurements into the state budgeting process and the ability of the legislative fiscal committees to use effective performance indicators in developing the state budget. The committee shall present its findings and recommendations to the legislative fiscal committees in a public hearing during the 2014 legislative session.

(11) By June 30, 2014, the committee shall conduct a study of the electricity cost impacts for each qualifying utility to meet the 2016 and 2020 renewable resource and conservation targets under chapter 19.285 RCW. The study must also include an analysis of the impacts on each utility's commercial, industrial, and residential customers, including an additional analysis of the impacts on low-income residential customers.

(12) In carrying out the report required by RCW 44.28.157, the committee shall include an analysis of the impacts of using the Washington health benefit exchange established in chapter 43.71 RCW as a mechanism for providing health insurance for part-time certificated and classified K-12 public school employees. The

analysis shall be conducted in coordination with the health care authority and shall include a review of how the exchange, federal health premium tax credits and subsidies for out-of-pocket expenses administered through the exchange, and Medicaid expansion have impacted, or could impact, health care costs for individuals, school districts, and the state. The analysis shall also include a review of the cost of stand-alone dental plans.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2014)\$1,614,000
 General Fund--State Appropriation (FY 2015)\$1,773,000
 TOTAL APPROPRIATION\$3,387,000

NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2014)\$7,890,000
 General Fund--State Appropriation (FY 2015)\$7,773,000
 TOTAL APPROPRIATION\$15,663,000

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--State
 Appropriation.....\$3,330,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2014)\$3,804,000
 General Fund--State Appropriation (FY 2015)\$4,014,000
 TOTAL APPROPRIATION\$7,818,000

NEW SECTION. Sec. 108. FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund--State Appropriation (FY 2014)\$3,694,000
 General Fund--State Appropriation (FY 2015)\$3,700,000
 TOTAL APPROPRIATION\$7,394,000

NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, office of legislative support services, and redistricting commission.

NEW SECTION. Sec. 110. FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2014)\$6,679,000
 General Fund--State Appropriation (FY 2015)\$6,616,000
 TOTAL APPROPRIATION\$13,295,000

NEW SECTION. Sec. 111. FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2014)\$1,414,000
 General Fund--State Appropriation (FY 2015)\$1,403,000
 TOTAL APPROPRIATION\$2,817,000

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2014)\$1,020,000
 General Fund--State Appropriation (FY 2015)\$947,000
 TOTAL APPROPRIATION\$1,967,000

NEW SECTION. Sec. 113. FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2014)\$15,012,000
 General Fund--State Appropriation (FY 2015)\$15,031,000
 TOTAL APPROPRIATION\$30,043,000

NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2014)\$37,472,000
 General Fund--State Appropriation (FY 2015)\$37,200,000

General Fund--Federal Appropriation\$2,125,000
 General Fund--Private/Local Appropriation.....\$658,000
 Judicial Stabilization Trust Account--State
 Appropriation.....\$12,673,000
 Judicial Information Systems Account--State
 Appropriation.....\$52,330,000
 TOTAL APPROPRIATION\$142,458,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund--state appropriation for fiscal year 2014 and \$1,800,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund--state appropriation for fiscal year 2014 and \$8,253,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2013-2015 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$540,000 of the general fund--state appropriation for fiscal year 2014 and \$540,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of public guardianship to provide guardianship services for low-income incapacitated persons.

(5) \$1,500,000 of the judicial information systems account--state appropriation is provided solely to continue development and implementation of the information networking hub.

(6) \$2,138,000 of the judicial information systems account--state appropriation is provided solely to replace aged computer equipment and update systems within the office of the administrator for the courts.

(7) \$1,199,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

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(8) \$333,000 of the judicial information systems account--state appropriation is provided solely for the content management system for the appellate courts.

NEW SECTION. Sec. 115. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2014)	\$30,507,000
General Fund--State Appropriation (FY 2015)	\$30,441,000
General Fund--Federal Appropriation	\$152,000
Judicial Stabilization Trust Account--State	
Appropriation.....	\$3,648,000
TOTAL APPROPRIATION	\$64,748,000

NEW SECTION. Sec. 116. FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2014)	\$9,361,000
General Fund--State Appropriation (FY 2015)	\$9,369,000
Judicial Stabilization Trust Account--State	
Appropriation.....	\$1,454,000
TOTAL APPROPRIATION	\$20,184,000

The appropriations in this section are subject to the following conditions and limitations: An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2012 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2013 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

NEW SECTION. Sec. 117. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2014)	\$5,450,000
General Fund--State Appropriation (FY 2015)	\$5,175,000
Economic Development Strategic Reserve Account--State	
Appropriation.....	\$1,500,000
TOTAL APPROPRIATION	\$12,125,000

The appropriations in this section are subject to the following conditions and limitations: \$239,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Senate Bill No. 5802 (greenhouse gas emission targets). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 118. FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2014)	\$653,000
General Fund--State Appropriation (FY 2015)	\$659,000
General Fund--Private/Local Appropriation.....	\$90,000
TOTAL APPROPRIATION	\$1,402,000

NEW SECTION. Sec. 119. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2014)	\$2,063,000
General Fund--State Appropriation (FY 2015)	\$1,995,000
TOTAL APPROPRIATION	\$4,058,000

NEW SECTION. Sec. 120. FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2014)	\$11,883,000
General Fund--State Appropriation (FY 2015)	\$7,718,000
General Fund--Federal Appropriation	\$7,411,000
Public Records Efficiency, Preservation and Access	
Account--State Appropriation.....	\$7,343,000
Charitable Organization Education Account--State	
Appropriation.....	\$364,000
Washington State Heritage Center Account--State	
Appropriation.....	\$8,860,000
Local Government Archives Account--State Appropriation	
\$8,471,000	
Election Account--Federal Appropriation	\$12,021,000

TOTAL APPROPRIATION	\$64,071,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,847,000 of the general fund--state appropriation for fiscal year 2014 and \$1,925,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2013-2015 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(a) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(b) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(c) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(2) It is the intent of the legislature to consider during the 2014 legislative session funding for the publication and distribution of a primary election voters pamphlet.

(3) \$1,543,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the state library to purchase statewide on-line access to the information technology academy to allow public access to on-line courses and learning resources through public libraries.

NEW SECTION. Sec. 121. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2014)	\$251,000
General Fund--State Appropriation (FY 2015)	\$248,000
TOTAL APPROPRIATION	\$499,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 122. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2014)	\$211,000
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General Fund--State Appropriation (FY 2015)	\$206,000
TOTAL APPROPRIATION	\$417,000
<u>NEW SECTION. Sec. 123. FOR THE STATE TREASURER</u>	
State Treasurer's Service Account--State Appropriation	\$14,679,000
<u>NEW SECTION. Sec. 124. FOR THE STATE AUDITOR</u>	
General Fund--State Appropriation (FY 2014)	\$77,000
Auditing Services Revolving Account--State Appropriation.....	\$9,535,000
Performance Audits of Government Account--State Appropriation.....	\$1,507,000
TOTAL APPROPRIATION	\$11,119,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$77,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the state auditor to examine cases with extraordinary costs within the foster care system managed by the children's administration of the department of social and health services. This audit will examine the highest cost foster children to determine if the child's care could be provided in a more cost-effective manner and whether the cost for these placements is consistent across similarly acute children.

(2) By June 30, 2014, the state auditor shall conduct an audit of the department of health, department of social and health services, and the health care authority for compliance with federal law and fraud.

NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2014)	\$141,000
General Fund--State Appropriation (FY 2015)	\$172,000
TOTAL APPROPRIATION	\$313,000

NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2014)	\$9,840,000
General Fund--State Appropriation (FY 2015)	\$9,908,000
General Fund--Federal Appropriation	\$7,114,000
New Motor Vehicle Arbitration Account--State Appropriation.....	\$991,000
Medicaid Fraud Penalty Account--State Appropriation ..	\$2,279,000
Legal Services Revolving Account--State Appropriation	\$190,831,000
Public Service Revolving Account--State Appropriation	\$2,093,000
Tobacco Prevention and Control Account--State Appropriation.....	\$271,000
TOTAL APPROPRIATION	\$223,327,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements

and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$2,093,000 of the public service revolving account--state appropriation is provided solely for the work of the public counsel section of the office of the attorney general.

(5) \$353,000 of the general fund--state appropriation for fiscal year 2014 and \$353,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

NEW SECTION. Sec. 127. FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2014)	\$1,252,000
General Fund--State Appropriation (FY 2015)	\$1,222,000
TOTAL APPROPRIATION	\$2,474,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMERCE

General Fund--State Appropriation (FY 2014)	\$36,608,000
General Fund--State Appropriation (FY 2015)	\$37,134,000
General Fund--Federal Appropriation	\$264,934,000
General Fund--Private/Local Appropriation.....	\$5,609,000
Public Works Assistance Account--State Appropriation.	\$3,025,000
Drinking Water Assistance Administrative Account--State Appropriation.....	\$442,000
Lead Paint Account--State Appropriation	\$147,000
Building Code Council Account--State Appropriation	\$13,000
Home Security Fund Account--State Appropriation	\$29,029,000
Affordable Housing for All Account--State Appropriation.....	\$13,701,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account--State Appropriation.....	\$969,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account--State Appropriation.....	\$1,881,000
Washington Community Technology Opportunity Account--Private/Local Appropriation.....	\$10,000
Community and Economic Development Fee Account--State Appropriation.....	\$5,298,000
Liquor Revolving Account--State Appropriation	\$5,605,000
Washington Housing Trust Account--State Appropriation	\$17,559,000
Prostitution Prevention and Intervention Account--State Appropriation.....	\$26,000
Public Facility Construction Loan Revolving Account--State Appropriation.....	\$759,000
TOTAL APPROPRIATION	\$422,749,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties. Grants shall only be used for purposes of administering the requirements of the growth management act.

(3) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric

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generation project or conservation resource qualifies to meet mandatory conservation targets.

(4) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the economic impact and infrastructure cost study for Covington town center.

(5) \$5,298,000 of the community and economic development fee account--state appropriation is provided solely for services to homeless families through the Washington families fund.

(6) During the 2013-2015 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086, and shall direct resources to limit the fiscal impact to associate development organizations where the state resources comprise 20 percent or more of the organization's budget for the previous two years. Within the funds provided for associate development organizations, the department may provide funding for the economic development commission.

(7) \$375,000 of the general fund--state appropriation for fiscal year 2014 and \$375,000 of the general fund--state appropriation for fiscal year 2015 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(8) The department, in consultation with the Washington state association of counties, is to provide ongoing analysis and assessment of information related to county fiscal health, and to annually assess the fiscal impacts on counties arising from selected laws enacted in the preceding five-year period. The assessments shall evaluate the effect of laws in the context of existing county fiscal health, including impacts on counties identified as fiscally distressed, and the extent to which the bills' fiscal impacts were fully described in local government fiscal notes prepared by the department. The department may include recommendations of ways to improved state data systems related to county fiscal health and the local government fiscal note process. Assessments shall be transmitted annually to the appropriate committees of the legislature and the office of financial management.

(9) \$400,000 of the general fund--state appropriation for fiscal year 2014 and \$400,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the purposes of purchasing contracted services to expand and promote the tourism industry in the state of Washington.

(a) The department must contract with the Washington tourism alliance. Expenditure of state moneys is contingent upon the contractor providing a dollar for dollar cash or in-kind match. Funding must be provided for the following services:

(i) Serving as a central point of contact through developing and maintaining a web portal for Washington tourism, operating a call center, and mailing travel guides;

(ii) Promoting Washington as a tourism destination to national and international markets, with emphasis on markets in Europe and Asia;

(iii) Providing information to businesses and local communities on tourism opportunities that could expand local revenues; and

(iv) Conducting tourism-related research, including market research and measuring the return on investment of funded activities.

(b) The department may not use more than 4 percent of the funds to administer, monitor, and report the outcomes of the services. The department must electronically submit performance metrics by January 1, 2014, and report the outcomes of the services by January 1, 2015, to the economic development committees of the legislature.

(c) The department has the authority to designate one or more alternative contractors if necessary due to performance or other significant issues. Such change must only be made after consultation with the Washington tourism alliance, the governor's office, and the chairs and ranking members of the economic development committees of the legislature.

NEW SECTION. Sec. 129. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2014)	\$760,000
General Fund--State Appropriation (FY 2015)	\$799,000
Lottery Administrative Account--State Appropriation	\$50,000
TOTAL APPROPRIATION	\$1,609,000

NEW SECTION. Sec. 130. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2014)	\$15,797,000
General Fund--State Appropriation (FY 2015)	\$15,454,000
General Fund--Federal Appropriation	\$31,342,000
General Fund--Private/Local Appropriation	\$370,000
Economic Development Strategic Reserve Account--State Appropriation	\$289,000
Personnel Service Account--State Appropriation	\$8,629,000
Data Processing Revolving Account--State Appropriation	
.....	\$6,243,000
Higher Education Personnel Services Account--State Appropriation	\$1,497,000
Performance Audits of Government Account--State Appropriation	\$4,400,000
TOTAL APPROPRIATION	\$84,021,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature intends to review for purchase parcel number one and surrounding property on McNeil Island. The office of financial management shall coordinate with the federal government to obtain an appraisal determining the fair market value and shall provide an estimate to the legislative fiscal committees by October 1, 2013.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Senate Bill No. 5802 (greenhouse gas emission targets). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 131. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State Appropriation	\$37,749,000
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NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation ..	\$25,594,000
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The appropriation in this section is subject to the following conditions and limitations: \$596,000 of the lottery administrative account--state appropriation is provided solely for the replacement of the lottery's gaming systems vendor contract.

NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2014)	\$236,000
General Fund--State Appropriation (FY 2015)	\$234,000
TOTAL APPROPRIATION	\$470,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2014)	\$232,000
General Fund--State Appropriation (FY 2015)	\$224,000
TOTAL APPROPRIATION	\$456,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS OPERATIONS

Department of Retirement Systems Expense Account--State Appropriation	\$52,683,000
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The appropriation in this section is subject to the following conditions and limitations: \$2,250,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5851 (defined contribution plan option). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2014)	\$105,725,000
General Fund--State Appropriation (FY 2015)	\$110,126,000
Timber Tax Distribution Account--State Appropriation	\$6,079,000
Master License Account--State Appropriation	\$19,127,000
Waste Reduction/Recycling/Litter Control--State Appropriation	\$132,000
State Toxics Control Account--State Appropriation	\$91,000
TOTAL APPROPRIATION	\$241,280,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase the master application fee and the fee for renewal of the master application in RCW 19.02.075, to an amount necessary to fund the appropriations in the master license account but not to exceed the statutory maximums.

(2) If the department finds that the funds appropriated in the master license account are insufficient to complete the authorized funding of the business licensing system replacement, the department may enter into a financial contract to reduce the current cost of the project, payable only from the master license account.

(3) \$113,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5688 (concerning state and local tax systems). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(4) \$2,060,000 of the master license account--state appropriation is for the implementation of Engrossed Substitute Senate Bill No. 5656 (revising business licensing systems). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 137. FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2014)	\$1,209,000
General Fund--State Appropriation (FY 2015)	\$1,171,000
TOTAL APPROPRIATION	\$2,380,000

NEW SECTION. Sec. 138. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation	\$4,090,000
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NEW SECTION. Sec. 139. FOR THE INSURANCE COMMISSIONER

General Fund--State Appropriation (FY 2014)	\$200,000
General Fund--State Appropriation (FY 2015)	\$100,000
General Fund--Federal Appropriation	\$4,492,000
Insurance Commissioners Regulatory Account--State Appropriation	\$49,869,000
TOTAL APPROPRIATION	\$54,661,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,209,000 of the insurance commissioner's regulatory account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5540 (out-of-state health insurance plans). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(2) \$758,000 of the insurance commissioner's regulatory account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5605 (association health insurance plans). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 140. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State Appropriation	\$32,078,000
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NEW SECTION. Sec. 141. FOR THE LIQUOR CONTROL BOARD

General Fund--Federal Appropriation	\$945,000
General Fund--Private/Local Appropriation	\$25,000
Liquor Revolving Account--State Appropriation	\$63,852,000
TOTAL APPROPRIATION	\$64,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section from the liquor revolving account--state appropriation, up to \$2,494,000 may be used during the 2013-2015 fiscal biennium by the liquor control board to implement Initiative Measure No. 502.

(2)(a) The liquor control board must work with the department of health and the department of revenue to develop recommendations for the legislature regarding the interaction of medical marijuana regulations and the provisions of Initiative Measure No. 502. At a minimum, the recommendations must include provisions addressing the following:

- (i) Age limits;
- (ii) Authorizing requirements for medical marijuana;
- (iii) Regulations regarding health care professionals;
- (iv) Collective gardens;
- (v) Possession amounts;
- (vi) Location requirements;
- (vii) Requirements for medical marijuana producing, processing, and retail licensing; and

(viii) Taxation of medical marijuana in relation to recreational marijuana.

(b) The board must submit its recommendations to the appropriate committees of the legislature by January 1, 2014.

NEW SECTION. Sec. 142. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--Federal Appropriation	\$150,000
General Fund--Private/Local Appropriation	\$11,224,000
Public Service Revolving Account--State Appropriation	\$31,485,000
Pipeline Safety Account--State Appropriation	\$4,480,000
Pipeline Safety Account--Federal Appropriation	\$1,932,000
TOTAL APPROPRIATION	\$49,271,000

The appropriations in this section are subject to the following conditions and limitations: Up to \$200,000 of the total appropriation is provided for the commission to continue to evaluate the regulatory processes for energy companies and identify and implement administrative actions to improve those processes. The commission shall develop and adopt a schedule for such administrative actions.

NEW SECTION. Sec. 143. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2014)	\$1,763,000
General Fund--State Appropriation (FY 2015)	\$1,699,000
General Fund--Federal Appropriation	\$140,082,000
Enhanced 911 Account--State Appropriation	\$58,510,000
Disaster Response Account--State Appropriation	\$13,640,000
Disaster Response Account--Federal Appropriation	\$53,253,000
Military Department Rent and Lease Account--State Appropriation	\$615,000
Worker and Community Right-to-Know Account--State Appropriation	\$2,793,000
TOTAL APPROPRIATION	\$272,355,000

The appropriations in this section are subject to the following conditions and limitations:

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(1) \$13,640,000 of the disaster response account--state appropriation and \$53,253,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2013-2015 biennium based on current revenue and expenditure patterns.

(2) \$75,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

NEW SECTION. Sec. 144. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2014)	\$1,952,000
General Fund--State Appropriation (FY 2015)	\$2,012,000
Personnel Service Account--State Appropriation.....	\$3,289,000
Higher Education Personnel Services Account--State	
Appropriation.....	\$519,000
TOTAL APPROPRIATION	\$7,772,000

NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State	
Appropriation.....	\$2,702,000

NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation.....	\$498,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State	
Appropriation.....	\$3,566,000

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 43.135.055, the commission is authorized to increase licensing fees by up to five percent in fiscal year 2014 and up to five percent in fiscal year 2015; and background check fees by up to one dollar in fiscal year 2014, and up to one dollar in fiscal year 2015.

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund--State Appropriation (FY 2014)	\$3,609,000
General Fund--State Appropriation (FY 2015)	\$3,595,000

Building Code Council Account--State Appropriation	\$860,000
TOTAL APPROPRIATION	\$8,064,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,287,000 of the general fund--state appropriation for fiscal year 2014 and \$3,286,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2014 and 2015 as necessary to meet the actual costs of conducting business.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,513,000 in fiscal year 2014 and \$1,514,000 in fiscal year 2015.

(4) The budget for the department of enterprise services is adjusted to reflect a twenty percent reduction in the rent charged to the Olympia-Lacey-Tumwater visitor and convention bureau to reflect the service provided for continued operation of the capitol campus visitor center.

(5) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action. The building code council shall comply with chapter 19.85 RCW known as the regulatory fairness act, by including with all proposed substantial code amendments an analysis addressing cost effectiveness, net benefits, payback periods, and life-cycle costs.

NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers' Administrative	
Account--State Appropriation.....	\$1,054,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2014)	\$1,291,000
General Fund--State Appropriation (FY 2015)	\$1,239,000
General Fund--Federal Appropriation	\$1,937,000
General Fund--Private/Local Appropriation.....	\$14,000
TOTAL APPROPRIATION	\$4,481,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department shall report the following data on the survey and inventory processes to the appropriate policy and fiscal committees of the legislature on December 1, 2013, and December

1, 2014: The number of survey and inventory processes, by month, required under state and federal laws and implemented by the department; the number, by month, of resources or records reported pursuant to the survey and inventory processes; the distance that such resources or records were located within the area of potential effect, measured from the proposed construction activity; the cost of compliance, by each survey and inventory process, that is incurred by each person submitting the information and forms required by the processes; and any identifiable costs to local governments implementing the survey and inventory processes.

(End of part)

PART II HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under the Washington medicaid integration partnership (WMIP) and the medicare integrated care project (MICP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan for the WMIP and the MICP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2013-2015 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP and the MICP, the health care authority and the department may: (i) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (ii) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the

insurance commissioner and qualified to participate in both the medicaid and medicare programs.

(b) If Washington is selected to participate in a financial capitation model of the federal demonstration project for persons dually-eligible for both medicare and medicaid, the department and the authority may initiate the MICP. Participation in the project shall be limited to persons who are eligible for both medicare and medicaid and to counties in which the county legislative authority has agreed to the terms and conditions under which it will operate. The purpose of the project shall be to demonstrate and evaluate ways to improve care while reducing state expenditures for persons enrolled both in medicare and medicaid. To that end, prior to initiating the project, the department and the authority shall assure that state expenditures shall be no greater on either a per person or total basis than the state would otherwise incur. Individuals who are solely eligible for medicaid may also participate if their participation is agreed to by the health care authority, the department, and the county legislative authority.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(5) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(6)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2014, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2014 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2014 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medicaid personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

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NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)	\$292,001,000
General Fund--State Appropriation (FY 2015)	\$290,031,000
General Fund--Federal Appropriation	\$485,399,000
General Fund--Private/Local Appropriation.....	\$1,354,000
Domestic Violence Prevention Account--State Appropriation.....	\$1,240,000
Education Legacy Trust Account--State Appropriation.....	\$725,000
Home Security Fund Account--State Appropriation	\$10,741,000
Child and Family Reinvestment Account--State Appropriation.....	\$4,979,000
TOTAL APPROPRIATION	\$1,086,470,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) \$668,000 of the general fund--state appropriation for fiscal year 2014 and \$668,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(3)(a) \$22,695,000 of the general fund--state appropriation for fiscal year 2014, \$22,695,000 of the general fund--state appropriation for fiscal year 2015, and \$28,450,000 of the general fund--federal appropriation are provided solely for services for children and families. Prior to approval of contract services pursuant to RCW 74.13B.020, the amounts provided in this section shall be allotted on a monthly basis and expenditures shall not exceed allotments based on a three-month rolling average without approval of the office of financial management following notification to the legislative fiscal committees.

(b) The department shall provide these services to safely reduce the number of children in out-of-home care, the time spent in out-of-home care prior to achieving permanency, and the number of children returning to out-of-home care following permanency.

(4) \$76,000 of the general fund--state appropriation for fiscal year 2014, \$77,000 of the general fund--state appropriation for fiscal year 2015, \$656,000 of the general fund--private/local appropriation, \$253,000 of the general fund--federal appropriation, and \$725,000 of the education legacy trust account--state appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational

outreach services exist. The department shall use private matching funds to maintain educational advocacy services.

(5) \$670,000 of the general fund--state appropriation for fiscal year 2014 and \$670,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for services provided through children's advocacy centers.

(6) \$579,000 of the general fund--state appropriation for fiscal year 2014, \$579,000 of the general fund--state appropriation for fiscal year 2015, and \$109,000 of the general fund--federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2014, \$250,000 of the general fund--state appropriation for fiscal year 2015, \$5,239,000 of the general fund--federal appropriation, and \$4,741,000 of the child and family reinvestment account--state appropriation are provided solely for services to children and families pursuant to RCW 26.44.270. Upon approval of contract services pursuant to RCW 74.13B.020, these funds will be contracted for using performance-based contracts.

(8) To ensure expenditures remain within available funds appropriated in this section as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than fifty percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period, if that child is not considered to have any special needs. This subsection does not apply to adoption assistance agreements in existence on the effective date of this section.

(9) \$10,741,000 of the home security fund--state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi-secure crisis residential centers and not a reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(10) \$1,173,000 of the general fund--state appropriation for fiscal year 2014, \$1,907,000 of the general fund--state appropriation for fiscal year 2015, and \$939,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5405 (extended foster care). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2014, and \$50,000 of the general fund--state appropriation for fiscal year 2015, and \$256,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5315 (Powell fatality team). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2014)	\$87,760,000
General Fund--State Appropriation (FY 2015)	\$88,127,000
General Fund--Federal Appropriation	\$694,000
General Fund--Private/Local Appropriation.....	\$1,914,000
Reinvesting in Youth--State Appropriation.....	\$383,000
Washington Auto Theft Prevention Authority Account--State Appropriation.....	\$196,000
Juvenile Accountability Incentive Account--Federal Appropriation.....	\$2,801,000
TOTAL APPROPRIATION	\$181,875,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund--state appropriation for fiscal year 2014 and \$331,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund--state appropriation for fiscal year 2014 and \$2,716,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund--state appropriation for fiscal year 2014 and \$3,482,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2014 and \$1,130,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund--state appropriation for fiscal year 2014 and \$3,123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund--state appropriation for fiscal year 2014 and \$1,537,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expansion of the

following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage

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changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(c) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2014)	\$327,503,000
General Fund--State Appropriation (FY 2015)	\$310,354,000
General Fund--Federal Appropriation	\$555,880,000
General Fund--Private/Local Appropriation.....	\$17,864,000
TOTAL APPROPRIATION.....	\$1,211,601,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$105,265,000 of the general fund--state appropriation for fiscal year 2014 and \$85,895,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$6,590,000 of the general fund--state appropriation for fiscal year 2014, \$6,590,000 of the general fund--state appropriation for fiscal year 2015, and \$7,620,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT)

teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(d) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(e) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(f) \$5,850,000 of the general fund--state appropriation for fiscal year 2014, \$5,850,000 of the general fund--state appropriation for fiscal year 2015, and \$1,300,000 of the general fund--federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(g) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day.

(h) \$4,582,000 of the general fund--state appropriation for fiscal year 2014 and \$4,582,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(i) \$750,000 of the general fund--state appropriation for fiscal year 2014 and \$750,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(j) \$1,125,000 of the general fund--state appropriation for fiscal year 2014 and \$1,125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Spokane regional

support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

- (i) High-intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;
- (ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;
- (iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and
- (iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(k) \$1,529,000 of the general fund--state appropriation for fiscal year 2014 and \$1,529,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(l) Due to recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

(m) The department shall work cooperatively with the health care authority to explore the feasibility of incentivizing small, rural hospitals to convert, in part or fully, some of their beds to psychiatric treatment beds. No later than December 31, 2014, the department shall report to the appropriate fiscal committees of the legislature on the feasibility of such conversion. The report shall consider rate enhancements and the ability to claim federal medicaid matching funds on converted beds.

(n) \$5,986,000 of the general fund--state appropriation for fiscal year 2014, \$9,690,000 of the general fund--state appropriation for fiscal year 2015, and \$7,118,000 of the general fund--federal appropriation are provided solely for the provisions of Engrossed Substitute Senate Bill No. 5480 (concerning mental health involuntary commitment laws).

(o) \$523,000 of the general fund--state appropriation for fiscal year 2014, \$775,000 of the general fund--state appropriation for fiscal year 2015, and \$854,000 of the general fund--federal appropriation are provided solely for implementation of chapter 289, Laws of 2013 (E2SHB 1114) related to criminal incompetency.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)	\$133,109,000
General Fund--State Appropriation (FY 2015)	\$130,847,000
General Fund--Federal Appropriation	\$148,886,000
General Fund--Private/Local Appropriation.....	\$62,737,000
TOTAL APPROPRIATION	\$475,579,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2014 and \$231,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and

equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2014 and \$45,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$2,068,000 of the general fund--state appropriation for fiscal year 2014, \$2,068,000 of the general fund--state appropriation for fiscal year 2015, and \$240,000 of the general fund--federal appropriation are provided solely to plan, procure, and implement the core elements of an electronic medical record system that is compliant with the world health organization's tenth revision of the international classification of diseases medical classification system. The system chosen by the department shall share and facilitate the transfer of client medical records with other state electronic medical records systems.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2014)	\$1,608,000
General Fund--State Appropriation (FY 2015)	\$1,609,000
General Fund--Federal Appropriation	\$6,286,000
TOTAL APPROPRIATION	\$9,503,000

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2014)	\$5,160,000
General Fund--State Appropriation (FY 2015)	\$4,734,000
General Fund--Federal Appropriation	\$7,692,000
General Fund--Private/Local Appropriation.....	\$502,000
TOTAL APPROPRIATION	\$18,088,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to increase license and certification fees in fiscal years 2014 and 2015 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) \$160,000 of the general fund--state appropriation for fiscal year 2014 and \$80,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 284, Laws of 2013 (ESSB 5551).

(c) \$349,000 of the general fund--state appropriation for fiscal year 2014, \$212,000 of the general fund--state appropriation for fiscal year 2015, and \$302,000 of the general fund--federal appropriation are provided solely for service coordination and implementation of behavioral health services related to chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2014)	\$441,353,000
General Fund--State Appropriation (FY 2015)	\$458,861,000
General Fund--Federal Appropriation	\$820,761,000
General Fund--Private/Local Appropriation.....	\$21,000
TOTAL APPROPRIATION	\$1,720,996,000

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The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility and assisted living facility fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. License fees for adult family homes shall be set to the amounts specified in this subsection. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be increased to \$225 per bed beginning in fiscal year 2014 and shall remain \$225 per bed beginning in fiscal year 2015. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(ii) The current annual renewal license fee for assisted living facilities shall be \$106 per bed in fiscal year 2014 and \$106 per bed in fiscal year 2015.

(iii) The current annual renewal license fee for nursing facilities shall be \$359 per bed in fiscal year 2014 and \$359 per bed in fiscal year 2015.

(c) \$13,301,000 of the general fund--state appropriation for fiscal year 2014, \$20,607,000 of the general fund--state appropriation for fiscal year 2015, and \$33,901,000 of the general fund federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapters 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium.

(d) \$1,707,000 of the general fund--state appropriation for fiscal year 2014, \$2,670,000 of the general fund--state appropriation for fiscal year 2015, and \$4,376,000 of the general fund--federal appropriation are provided solely for the homecare agency parity impacts of the service employees international union healthcare 775nw arbitration award.

(e) No later than December 31, 2013, the department shall report to the appropriate fiscal committees of the legislature with a strategy to reduce the rate disparity between urban and suburban residential service providers. The department shall incorporate a rate component that recognizes differences in costs as they relate to the geographical location of the provider; however, the proposed component shall use a geographical variable that is more granular than the provider's county.

(f) \$5,988,000 of the general fund--state appropriation for fiscal year 2014 and \$5,988,000 of the general fund--state appropriation for fiscal year 2015 are appropriated solely for the individual and family support program. Within these amounts, the department shall expand the current number of clients receiving services and focus on extending services to individuals with developmental disabilities who are not otherwise receiving paid services from the department.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)	\$84,062,000
General Fund--State Appropriation (FY 2015)	\$83,954,000
General Fund--Federal Appropriation	\$159,093,000
General Fund--Private/Local Appropriation.....	\$23,041,000
TOTAL APPROPRIATION	\$350,150,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund--state appropriation for fiscal year 2014 and \$721,000 of the general fund--state appropriation for fiscal year 2015 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2014)	\$1,934,000
General Fund--State Appropriation (FY 2015)	\$1,988,000
General Fund--Federal Appropriation	\$1,957,000
TOTAL APPROPRIATION	\$5,879,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2014)	\$1,397,000
General Fund--State Appropriation (FY 2015)	\$1,397,000
General Fund--Federal Appropriation	\$1,200,000
TOTAL APPROPRIATION	\$3,994,000

NEW SECTION. **Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2014)	\$870,672,000
General Fund--State Appropriation (FY 2015)	\$919,407,000
General Fund--Federal Appropriation	\$1,918,231,000
General Fund--Private/Local Appropriation	\$30,122,000
Traumatic Brain Injury Account--State Appropriation....	\$3,393,000
Skilled Nursing Facility Net Trust Fund--State Appropriation.....	\$88,000,000
TOTAL APPROPRIATION	\$3,829,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$171.32 for fiscal year 2014 and shall not exceed \$171.53 for fiscal year 2015, including the rate add-ons described in (a) and (b) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, the weighted average nursing facility payment rate shall not exceed \$161.52 for fiscal year 2014 and shall not exceed \$161.73 for fiscal year 2015. There will be no adjustments for economic trends and conditions in fiscal years 2014 and 2015. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used

to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) For fiscal years 2014 and 2015 and subject to appropriation, the department of social and health services shall do a comparative analysis of the facility-based payment rates calculated on July 1, 2013, using the payment methodology defined in chapter 74.46 RCW, to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, 2013, is smaller than the facility-based payment rate on June 30, 2010, the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in (b) of this subsection, if it is found that the direct care rate for any facility calculated under chapter 74.46 RCW is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than it has in the past.

(d) The rate add-ons provided in (c) of this subsection are subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(e) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost.

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2014 and no new certificates of capital authorization for fiscal year 2015 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2014 and 2015.

(3) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(4) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility and assisted living facility fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The department shall increase adult family home license fees as specified in (a) of this subsection. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be increased to \$225 per bed beginning in fiscal year 2014 and shall remain at \$225 per bed in fiscal year 2015. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(b) The current annual renewal license fee for assisted living facilities shall be increased to \$106 per bed beginning in fiscal year 2014 and \$106 per bed beginning in fiscal year 2015.

(c) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2014 and \$359 per bed beginning in fiscal year 2015.

(5) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(6) \$32,559,000 of the general fund--state appropriation for fiscal year 2014, \$50,142,000 of the general fund--state appropriation for fiscal year 2015, and \$82,701,000 of the general fund federal appropriation are provided solely for the implementation of the agreement has been reached between the

governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapters 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium.

(7) \$10,800,000 of the general fund--state appropriation for fiscal year 2014, \$17,768,000 of the general fund--state appropriation for fiscal year 2015 and \$28,567,000 of the general fund--federal appropriation are provided solely for the homecare agency parity impacts of the service employees international union healthcare 775nw arbitration award.

(8) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department, working collaboratively with stakeholders, the office of financial management, and the legislature, by December 31, 2014 to:

(a) Develop a phased plan to expand services to meet the demands of an aging society and extend caregiver support to a greater percentage of caregivers in need. The report should include evaluation of the program's potential to: (i) Delay or divert medicaid utilization rates; and (ii) improve the health and well-being of family caregivers including, but not limited to, reducing rates of depression and other health or mental health issues. In developing the plan, the aging and disability services administration must consult with stakeholders, including individuals with developmental disabilities, physical disabilities, behavioral health needs, and long-term care needs;

(b) Report to the appropriate committees of the legislature on:

(i) The existing funding of the following aging and disability resource centers: (A) The northwest regional council in Skagit and Whatcom counties; (B) Pierce county community connections; (C) southeast Washington aging and disability resource centers in Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Yakima, and Walla Walla counties; and (D) aging and long-term care of eastern Washington in Ferry, Pend Oreille, Spokane, Stevens, and Whitman counties;

(ii) The level of funding necessary to achieve the full complement of aging and disability resource center functions statewide by December 1, 2017. The full complement of services includes five core functions: (A) Information and assistance; (B) options counseling; (C) streamlines access; (D) person-centered care transitions; (E) quality assurance and evaluation; and (F) care coordination. This proposal must include ways to maximize opportunities to leverage federal dollars and requirements to establish local partnerships to draw in additional funding;

(iii) Preliminary results of evaluations the department has conducted on the aging and disability resource centers and a proposal for ongoing evaluations and assessments; and

(iv) The roles and responsibilities of the aging and disability resource centers, how they serve different populations including individuals with developmental disabilities, individuals with physical disabilities, and individuals with behavioral health needs, and how the centers interact with existing information and assistance programs such as 211, parent-to-parent, centers for independent living, and regional support networks;

(c) Work cooperatively with the office of financial management to evaluate the following options to support families as they prepare for the cost of long-term services and supports needs:

(i) Tax incentives or other measures to encourage individuals to purchase private long-term care insurance and to encourage employers to offer private long-term care insurance to their employees;

(ii) Options to incentivize state workers to participate in employer offered private long-term care insurance;

(iii) Options to increase take-up rate of long-term care partnership policies, including a public option;

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(iv) Regulatory changes necessary to encourage the use of life insurance to finance long-term services and supports;

(v) A public insurance option financed through voluntary contributions; and

(vi) A public insurance option financed through mandatory contributions;

(d) Evaluate each of the options listed in (c) of this subsection based on how it meets the following goals:

(i) Delay or divert medicaid long-term care utilization and provide relief for family caregivers;

(ii) Support individuals with functional or cognitive limitations or both so that they are able to remain in the community by purchasing nonmedical services and supports such as home care and adult day health services and avoid institutional care;

(iii) Expand long-term coverage and supports for the greatest number of people;

(iv) Address direct care workforce recruitment and retention issues to ensure access to long-term services and supports;

(v) Be affordable for families and include comprehensive benefits;

(vi) Reduce inequality and promote economic security for middle class families; and

(vii) Include a minimal impact on the state general fund and bring additional funds into the long-term care system;

(e) Establish a profile of Washington's current elderly population and population with disabilities and their needs;

(f) Establish an inventory of the services and supports currently available to the elderly population and population with disabilities, including health care providers and facilities, long-term care providers and facilities, caregiver supports, public and private financing, transportation services, and housing;

(g) Assess the areas of the current system where the additional support is needed for Washington's current elderly population;

(h) Establish a profile of Washington's expected elderly population and population with disabilities in 2025 and evaluate their anticipated needs;

(i) Establish an anticipated inventory of future services and supports that will be required to meet the needs of the elderly population and population with disabilities in 2025; and

(j) Develop a strategy of actions that the state may take to prepare for the future demographic trends in the elderly population and population with disabilities and build the necessary capacity to meet these demands, including the identification of:

(i) Statutory and regulatory changes to promote the most efficient use of resources, such as simplifying administrative procedures, facilitating points of entry into the long-term care services and supports system, and improving transitions between care settings;

(ii) Practices for promoting the use of technology, chronic care management, and disability prevention programs to maintain the independence of the elderly population and population with disabilities;

(iii) Caregiver supports;

(iv) Specialized resources for populations with special needs, such as chronic conditions and dementia; and

(v) Housing and transportation programs to help individuals who are elderly or individuals with disabilities to maintain their independence.

(9) \$441,000 of the general fund--state appropriation for fiscal year 2014, \$420,000 of the general fund--state appropriation for fiscal year 2015 and \$863,000 of the general fund--federal appropriation are provided solely for the provisions of Substitute Senate Bill No. 5630, (recommendations of the adult family home quality assurance panel). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(10) \$2,090,000 of the general fund--state appropriation for fiscal year 2014 and \$2,127,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)\$367,974,000

General Fund--State Appropriation (FY 2015)\$356,880,000

General Fund--Federal Appropriation\$1,204,925,000

General Fund--Private/Local Appropriation.....\$30,594,000

TOTAL APPROPRIATION.....\$1,960,373,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$66,374,000 of the general fund--state appropriation for fiscal year 2014, \$8,502,000 of the general fund--state appropriation for fiscal year 2015, and \$361,231,000 of the general fund--federal appropriation are provided solely for assistance to clients, including grants and diversion cash assistance under RCW 74.08A.210. The department may provide assistance using state-only funds for families eligible for temporary assistance for needy families.

(2) \$13,053,000 of the general fund--state appropriation for fiscal year 2014, \$8,000,000 of the general fund--state appropriation for fiscal year 2015, and \$134,224,000 of the general fund--federal appropriation are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. Funding provided in this subsection must be allocated using a formula that accounts for client caseload and client outcomes, including outcome and accountability measures adopted by the legislative-executive WorkFirst oversight task force under RCW 74.08A.260 and outcomes under RCW 74.08A.410.

(3) \$87,284,000 of the general fund--state appropriation for fiscal year 2014, \$75,475,000 of the general fund--state appropriation for fiscal year 2015, and \$179,728,000 of the general fund--federal appropriation are provided solely for the working connections child care program under RCW 43.215.135.

(4) \$34,818,000 of the general fund--state appropriation for fiscal year 2014, \$30,695,000 of the general fund--state appropriation for fiscal year 2015, and \$77,147,000 of the general fund--federal appropriation are provided solely for WorkFirst and working connections child care administration and overhead.

(5)(a) The amounts in subsections (1) through (4) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer funding between subsections (1) and (3) of this section, but only if the funding is available to transfer solely due to utilization or caseload changes. Amounts in subsection (2) of this section may be transferred to subsections (1) or (3) of this section. The approval of the director of financial management is required prior to any transfer under this subsection. The department shall provide notification prior to any transfer to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force.

(6)(a) \$3,932,000 of the general fund--state appropriation for fiscal year 2014 and \$4,066,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the programs created in Senate Bill No. . . . (S-2297.2) (assistance programs).

(b) The department shall review clients receiving services through the aged assistance program to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income

benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) Within the amounts appropriated in this section, the department may continue to provide incapacity examinations to determine if clients are eligible for medical coverage due to their age or disability through January 1, 2014. The department may not begin facilitating new clients onto the social security income program beginning July 1, 2014. All facilitation services for current clients will end by July 1, 2015.

(8) \$1,657,000 of the general fund--state appropriation for fiscal year 2014 and \$1,657,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for naturalization services.

(9) \$2,366,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for refugee employment services, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for refugee employment services, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services.

(10) On December 1, 2013, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(11) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be seventy-five percent of the federal supplemental nutrition assistance program benefit amount.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2014)	\$61,890,000
General Fund--State Appropriation (FY 2015)	\$57,116,000
General Fund--Federal Appropriation	\$267,370,000
General Fund--Private/Local Appropriation.....	\$13,541,000
Criminal Justice Treatment Account--State Appropriation.....	\$14,285,000
Problem Gambling Account--State Appropriation.....	\$1,450,000
TOTAL APPROPRIATION	\$415,652,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to increase fees for the review and approval of treatment programs in fiscal years 2014 and 2015 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of

the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(4) The department shall not discontinue a residential provider contract solely because the treatment facility used by the provider has a capacity in excess of sixteen beds.

(5) Within the amounts appropriated in this section, the department shall contract with the Washington state institute for public policy for a long-term efficacy study of the chemical dependency treatment programs funded by the division of alcohol and substance abuse. The study shall focus on how many program participants successfully complete dependency programs and how long they abstain from use of drugs and alcohol.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2014)	\$11,134,000
General Fund--State Appropriation (FY 2015)	\$11,076,000
General Fund--Federal Appropriation	\$99,413,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation.....	\$2,775,000
TOTAL APPROPRIATION	\$124,398,000

The appropriations in this section are subject to the following conditions and limitations: \$480,000 of the telecommunications devices for the hearing and speech impaired account--state appropriation is provided solely for the office of deaf and hard of hearing to contract for services that provide support and help with life activities for deaf-blind individuals in the Puget Sound area.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2014)	\$34,725,000
General Fund--State Appropriation (FY 2015)	\$34,578,000
TOTAL APPROPRIATION	\$69,303,000

The appropriations in this section are subject to the following conditions and limitations:

(a) The department shall transfer the stewardship of McNeil Island to the department of corrections industries program. The transferred responsibilities shall include marine operations, the fire department, waste water treatment, water treatment, road maintenance, and any other general island maintenance that is not site specific to the operations of the special commitment center or the Pierce county secure community transition facility. Facility maintenance within the perimeter of the special commitment center shall remain the responsibility of the department of social and health services.

(b) \$2,100,000 of the general fund--state appropriation for fiscal year 2014 and \$2,100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operational costs specific to island operations of the special commitment center and the Pierce county secure community transition facility. The department shall establish an accounting structure that enables it to track and report on costs specific to island operations.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)	\$27,369,000
General Fund--State Appropriation (FY 2015)	\$26,699,000
General Fund--Federal Appropriation	\$39,298,000
General Fund--Private/Local Appropriation.....	\$716,000

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Performance Audits of State Government--State	
Appropriation.....	\$4,941,000
TOTAL APPROPRIATION	\$99,023,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant program focused on criminal street gang prevention and intervention. The Washington state partnership council on juvenile justice may award grants under this subsection. The council shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(3) \$445,000 of the general fund--state appropriation for fiscal year 2014 and \$445,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for funding of the teamchild project.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2014)	\$60,734,000
General Fund--State Appropriation (FY 2015)	\$59,740,000
General Fund--Federal Appropriation	\$55,044,000
TOTAL APPROPRIATION	\$175,518,000

NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2014)	\$2,126,935,000
General Fund--State Appropriation (FY 2015)	\$2,140,099,000
General Fund--Federal Appropriation	\$6,961,816,000
General Fund--Private/Local Appropriation.....	\$38,811,000
Emergency Medical Services and Trauma Care Systems Trust	
Account--State Appropriation.....	\$15,082,000
Hospital Safety Net Assessment Account--State	
Appropriation	\$611,076,000
Medicaid Fraud Penalty Account--State Appropriation	\$21,206,000
State Health Care Authority Administration	
Account--State Appropriation.....	\$35,309,000
Medical Aid Account--State Appropriation	\$528,000
TOTAL APPROPRIATION	\$11,950,862,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs through December 31, 2013. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to

pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees through December 31, 2013, unless medicaid expansion is not implemented.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) Until December 31, 2013, enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

(5) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(6) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(7) \$4,261,000 of the general fund--state appropriation for fiscal year 2014, \$4,261,000 of the general fund--state appropriation for fiscal year 2015, and \$8,522,000 of the general fund--federal appropriation are provided solely for low-income disproportionate share hospital payments under RCW 74.09.730(1)(a).

(8) \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit

and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(9) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2013-2015 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2013, and by November 1, 2014, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2014 and fiscal year 2015, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2013-2015 biennial operating appropriations act and in effect on July 1, 2013, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2013-2015 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$12,803,000 of the general fund--state appropriation for fiscal year 2014, of which \$6,570,000 is appropriated in section 204(1) of this act, and \$6,934,000 of the general fund--state appropriation for fiscal year 2015, of which \$6,570,000 is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. CPE hospitals will receive the inpatient and outpatient reimbursement rate restorations in RCW 74.60.080 and rate increases in RCW 74.60.090 funded through the hospital safety net assessment fund rather than through the baseline mechanism specified in this subsection.

(10) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital

payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(11) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(12) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(13) \$571,690 of the state health care authority administration account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5811 (employee wellness program). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(14) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) \$357,000 of the general fund--state appropriation for fiscal year 2014 and \$357,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to reduce premiums for children with family incomes above 200 percent of the federal poverty level in the state-funded children's health program who are not eligible for coverage under the federal children's health insurance program. Premiums in the state and federal children's health insurance program shall be equal.

(17) \$1,531,000 of the general fund--state appropriation for fiscal year 2014, \$280,000 of the general fund--state appropriation for fiscal year 2015, and \$10,803,000 of the general fund--federal appropriation are provided solely to implement phase two of the project to create a single provider payment system that consolidates medicaid medical and social services payments and replaces the social service payment system.

(18) Within the amounts appropriated in this section, the health care authority and the department of social and health services shall implement the state option to provide health homes for enrollees with chronic conditions under section 2703 of the federal affordable care act. The total state match for enrollees who are dually-eligible for both medicare and medicaid and not enrolled in managed care shall be no more than the net savings to the state from the enhanced

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match rate for its medicaid-only managed care enrollees under section 2703.

(19) Effective January 1, 2014, the authority shall not pay monthly enhancements directly to federally qualified health clinics and rural health centers and shall instead include the full encounter payments in managed care contracts. The managed care contracts shall require the managed care plans to pay at least the full encounter payment to federally qualified health clinics and rural health centers. Managed care premiums shall be adjusted to reflect this increased payment. Effective January 1, 2015, the managed care premiums shall be calculated based on calendar year 2012 and 2013 federally qualified health clinic and rural health center utilization experience.

(20) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

(21) The authority shall exclude antiretroviral drugs used to treat HIV/AIDS, anticancer medication that is used to kill or slow the growth of cancerous cells, antihemophilic drugs, and transplant drugs from fail first limitations implemented to operate within the appropriations provided in this section.

(22) The appropriations in this section reflect savings and efficiencies by modifying the dispensing methods of contraceptive drugs. The authority must make arrangements for all medicaid programs offered through managed care plans or fee-for-service to require dispensing of contraceptive drugs with up to a one-year supply provided at one time. Contracts with managed care plans must allow on-site dispensing of the prescribed contraceptive drugs at family planning clinics. Dispensing practices must follow clinical guidelines for appropriate prescribing and dispensing to ensure the health of the patient while maximizing access to effective contraceptive drugs.

(23) \$90,000 of the general fund--state appropriation for fiscal year 2014, \$90,000 of the general fund--state appropriation for fiscal year 2015, and \$180,000 of the general fund--federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(24) \$1,762,000 of the general fund--state appropriation for fiscal year 2014, \$2,389,000 of the general fund--state appropriation for fiscal year 2015, \$80,000 of the general fund-private/local appropriation, and \$6,204,000 of the general fund--federal appropriation are provided solely for the medicaid and children's health insurance program share of costs allocated from the health benefit exchange. The amounts provided in this section are contingent on the health benefit exchange developing a self-sustaining methodology under which charges to enrollees and the state shall not exceed 1.8 percent of premiums paid.

(25) \$92,000 of the general fund--state appropriation for fiscal year 2014, \$92,000 of the general fund--state appropriation for fiscal year 2015, and \$184,000 of the general fund--federal appropriation are provided solely for the authority to build and enhance a financial oversight system of medicaid managed care organizations and related costs. The authority's financial oversight system shall be able to monitor performance and financial data independently of outside organizations, have the systems and resources necessary to perform these functions, and understand how state and federal reforms will affect the state general fund.

(26) \$213,000 of the general fund--state appropriation for fiscal year 2014, \$565,000 of the general fund--state appropriation for fiscal year 2015, and \$778,000 of the general fund--federal appropriation are provided solely to provide the mental health visit limit removal, shingles vaccine, and the screening, brief intervention, and referral to treatment benefits available in the

medicaid alternative benefit plan to the current medicaid benefit plan beginning January 1, 2014. The authority shall monitor the habilitative benefit costs as part of the forecasting process but shall not provide this benefit in the current medicaid benefit without a direct appropriation in the omnibus appropriations act.

(27) \$3,382,000 of the general fund--state appropriation for fiscal year 2014, \$6,407,000 of the general fund--state appropriation for fiscal year 2015, and \$20,901,000 of the general fund--federal appropriation are provided solely for the authority to restore adult dental restorative benefits beginning January 1, 2014. The authority shall not provide additional dental service benefits without a direct appropriation in the omnibus appropriations act.

(28) Within the amounts appropriated in this section, the health care authority shall consider services provided by rural health clinics associated with the alternative payment methodology number 2, alternative payment methodology number 3, and the calendar year 2009 managed care enhancement and fee-for-service encounter reconciliation as partial payment.

NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2014)	\$2,073,000
General Fund--State Appropriation (FY 2015)	\$1,990,000
General Fund--Federal Appropriation	\$2,179,000
TOTAL APPROPRIATION	\$6,242,000

NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State Appropriation.....	\$10,000
Accident Account--State Appropriation	\$19,794,000
Medical Aid Account--State Appropriation	\$19,795,000
TOTAL APPROPRIATION	\$39,599,000

NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2014)	\$14,078,000
General Fund--State Appropriation (FY 2015)	\$13,966,000
General Fund--Private/Local Appropriation.....	\$3,305,000
Death Investigations Account--State Appropriation.....	\$148,000
Municipal Criminal Justice Assistance Account--State Appropriation.....	\$460,000
Washington Auto Theft Prevention Authority Account--State Appropriation.....	\$8,597,000
TOTAL APPROPRIATION	\$40,554,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000,000 of the general fund--state appropriation for fiscal year 2015, are provided as a grant to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(4) \$96,000 of the general fund--state appropriation for fiscal year 2014 and \$96,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the school safety center within the commission. The safety center shall act as an

information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(5) The criminal justice training commission may not run a basic law enforcement academy class with fewer than 30 students.

(6) \$165,000 of the general fund--state appropriation for fiscal year 2014 and \$165,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for crisis intervention training for peace officers. The commission shall incorporate eight hours of crisis intervention curriculum into its basic law enforcement academy and shall offer an eight-hour in-service crisis intervention training course.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2014)	\$16,355,000
General Fund--State Appropriation (FY 2015)	\$16,946,000
General Fund--Federal Appropriation	\$11,876,000
Asbestos Account--State Appropriation	\$367,000
Electrical License Account--State Appropriation	\$36,812,000
Farm Labor Contractor Account--State Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$903,000
Public Works Administration Account--State Appropriation.....	\$5,972,000
Manufactured Home Installation Training Account--State Appropriation.....	\$351,000
Accident Account--State Appropriation	\$254,099,000
Accident Account--Federal Appropriation	\$13,622,000
Medical Aid Account--State Appropriation	\$272,619,000
Medical Aid Account--Federal Appropriation.....	\$3,186,000
Plumbing Certificate Account--State Appropriation	\$1,723,000
Pressure Systems Safety Account--State Appropriation	\$4,173,000
TOTAL APPROPRIATION	\$639,032,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase elevator fees by up to 13.1 percent during the 2013-2015 fiscal biennium. This increase is necessary to support expenditures authorized in this section, consistent with chapter 70.87 RCW.

(2) Within the amounts appropriated in this section, the department shall: (a) Maintain a list of all determinations about what prevailing wages must be paid for specific types of construction work and provide information on how to access the list on all approved statements of intent to pay prevailing wages; (b) whenever the department makes a determination, place a notice of that determination in the state register, include an informational note on every listed prevailing wage classification that may be impacted by the determination and how to get a copy of the determination, take other necessary actions to publish the determination of prevailing wages; and (c) report all determinations issued to the appropriate committees of the legislature by December 1, 2013, and December 1, 2014.

(3) \$221,000 of the medical aid account--state appropriation and \$221,000 of the accident account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5127 (structured settlements) or Engrossed Substitute Senate Bill

No. 5128 (compensation for injured workers). If neither bill is enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(4) \$208,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5123 (farm internships). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(5) Within the amounts appropriated in this section, the department shall create within its secure online system, the claim and account center, an employer representative code and make it available to employers or their representatives no later than September 1, 2013.

(6) The department of labor and industries must establish and perform, within existing funds, a formal review process of its existing rules. The goal of the review is to decrease the numbers of, simplify the process, and decrease the time required for obtaining licenses, permits, and inspections, as applicable, in order to reduce the regulatory burden on businesses without compromising public health and safety. Benchmarks must be adopted to assess the effectiveness of streamlining efforts. The department must establish a process for effectively applying sunset provisions to rules when applicable. The department must report to the applicable committees of the legislature with its review process and benchmarks by January 2014.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2014)	\$1,969,000
General Fund--State Appropriation (FY 2015)	\$1,875,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation.....	\$10,000
TOTAL APPROPRIATION	\$3,854,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2014)	\$5,299,000
General Fund--State Appropriation (FY 2015)	\$5,273,000
General Fund--Federal Appropriation	\$3,463,000
General Fund--Private/Local Appropriation.....	\$4,418,000
Veterans Innovations Program Account--State Appropriation.....	\$814,000
Veteran Estate Management Account--Private/Local Appropriation.....	\$1,103,000
TOTAL APPROPRIATION	\$20,370,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)	\$84,000
General Fund--Federal Appropriation	\$68,619,000
General Fund--Private/Local Appropriation.....	\$39,208,000
TOTAL APPROPRIATION	\$107,911,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2014)	\$57,853,000
General Fund--State Appropriation (FY 2015)	\$57,150,000
General Fund--Federal Appropriation	\$539,101,000
General Fund--Private/Local Appropriation.....	\$140,288,000
Hospital Data Collection Account--State Appropriation ..	\$220,000
Health Professions Account--State Appropriation	\$102,870,000
Aquatic Lands Enhancement Account--State Appropriation	\$604,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.....	\$12,318,000
Safe Drinking Water Account--State Appropriation	\$5,239,000
Drinking Water Assistance Account--Federal Appropriation.....	\$14,724,000
Waterworks Operator Certification--State Appropriation	\$2,198,000
Drinking Water Assistance Administrative Account--State Appropriation.....	\$337,000

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Site Closure Account--State Appropriation.....	\$159,000
Biotoxin Account--State Appropriation.....	\$1,323,000
State Toxics Control Account--State Appropriation.....	\$3,910,000
Medical Test Site Licensure Account--State	
Appropriation.....	\$4,734,000
Youth Tobacco Prevention Account--State Appropriation	
.....	\$1,512,000
Public Health Supplemental Account--Private/Local	
Appropriation.....	\$3,236,000
Accident Account--State Appropriation	\$304,000
Medical Aid Account--State Appropriation	\$300,000
Medicaid Fraud Penalty Account--State Appropriation.....	\$737,000
Companion Animal Spay Neuter Assistance Account--State	
Appropriation.....	\$409,000
TOTAL APPROPRIATION	\$949,526,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) The joint administrative rules review committee shall review the new or amended rules pertaining to primary and secondary school facilities under (a) of this subsection. The review committee shall determine whether (i) the rules are within the intent of the legislature as expressed by the statute that the rule implements, (ii) the rule has been adopted in accordance with all applicable provisions of law, or (iii) that the agency is using a policy or interpretive statement in place of a rule. The rules review committee shall report to the appropriate policy and fiscal committees of the legislature the results of committee's review and any recommendations that the committee deems advisable.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2014 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for newborn screening, and fees associated with the following professions: Agency affiliated counselors; certified counselors; and certified advisors.

(3) \$150,000 of the state toxics control account--state appropriation is provided solely to provide water filtration systems for low-income households with individuals at high public health risk from nitrate-contaminated wells in the lower Yakima basin.

(4) \$65,000 of the general fund--state appropriation for fiscal year 2014 and \$65,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from license

fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to the department to provide to the Washington autism alliance to provide assistance to autistic individuals or families with autistic children to assist with their transition under federal health reform.

(6) \$141,000 of the general fund--private/local appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5118 (birth certificates). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(7) \$809,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5206 (health sciences library). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(8) \$409,000 of the companion animal spay neuter assistance account--state appropriation is provided solely for the implementation of Senate Bill No. 5202 (spay neuter assistance program). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(9)(a) \$64,000 of the medicaid fraud penalty account--state appropriation is provided solely for the department to integrate the prescription monitoring program into the coordinated care electronic tracking program developed in response to section 213, chapter 7, Laws of 2012 2nd sp. sess. The integration must provide prescription monitoring program data to emergency department personnel when the patient registers in the emergency department. Such exchange may be a private or public joint venture.

(b) As part of the integration, the department shall request insurers and third-party administrators that provide coverage to residents of Washington state to provide the following to the coordinated care electronic tracking program:

(i) Any available information regarding the assigned primary care provider, and the primary care provider's telephone and fax numbers. This information is to be used for real-time communication to an emergency department provider when caring for a patient; and

(ii) Information regarding any available care plans or treatment plans for patients with higher utilization of services on a regular basis. This information is to be provided to the treating provider.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to begin a hepatitis c screening program for individuals who were born between 1946 and 1956.

(11) The department of health must establish and perform, within existing funds, a formal review process of its existing rules. The goal of the review is to decrease the numbers of, simplify the process, and decrease the time required for obtaining licenses, permits, and inspections, as applicable, in order to reduce the regulatory burden on businesses without compromising public health and safety. Benchmarks must be adopted to assess the effectiveness of streamlining efforts. The department must establish a process for effectively applying sunset provisions to rules when applicable. The department must report to the applicable committees of the legislature with its review process and benchmarks by January 2014.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this section. However, after May 1, 2014, after approval by the director of financial management and unless specifically prohibited

by this act, the department may transfer general fund--state appropriations for fiscal year 2014 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2014)	\$54,644,000
General Fund--State Appropriation (FY 2015)	\$52,922,000
TOTAL APPROPRIATION	\$107,566,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund--state appropriation for fiscal year 2014 and \$35,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$75,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to contract with a consultant who can facilitate and provide project expertise on the implementation of community and prison based offender programming that follows the risk-needs-responsivity model.

(i) By September 1, 2013, the department shall provide to the consultant an inventory of all existing programming both in prisons and in community operations. The department shall consult with the Washington state institute for public policy (WSIPP) to determine whether programs are evidence-based or research-based using definitions provided by WSIPP and shall include this information on the inventory.

(ii) By October 1, 2013, the consultant shall report to the department, the office of financial management, and legislative fiscal committees on the department's current plans and processes for managing offender programming including processes for phasing-out ineffective programs and implementing evidence-based or research-based programs. All department programs should be considered by the consultant regardless of whether they are included on the most recent list of WSIPP approved identifiable evidence-based practices in (b)(i) of this subsection.

(iii) The WSIPP, in consultation with the department, shall systematically review selected programs to determine the effectiveness of these programs at reducing recidivism or other outcomes. The WSIPP shall conduct a benefit-cost analysis of these programs when feasible and shall report to the legislature by December 1, 2013.

(iv) Based on the report provided by the consultant and the WSIPP review of programs, the department shall work collaboratively with the consultant to develop and complete a written comprehensive implementation plan by January 15, 2014. The implementation plan must clearly identify the types of programs to be included, the recommended locations where the programs will be sited, an implementation timeline, and a phasing of

the projected number of participants needed to meet the threshold of available program funds.

(v) Using the written implementation plan as a guide, the department must have programs in place and fully phased-in no later than June 30, 2015.

(vi) The department shall hold the consultant on retainer to assist the department as needed throughout the implementation process. The consultant shall review quarterly the actual implementation compared to the written implementation plan and shall provide a report to the secretary of the department. The department shall provide reports to the office of financial management and legislative fiscal committees as follows:

(A) The written comprehensive implementation plan shall be provided by January 15, 2014; and

(B) Written progress updates shall be provided by July 1, 2014, and by December 1, 2014.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2014)	\$593,153,000
General Fund--State Appropriation (FY 2015)	\$594,977,000
General Fund--Federal Appropriation	\$3,322,000
County Criminal Justice Assistance Account--State Appropriation.....	\$390,000
Washington Auto Theft Prevention Authority Account--State Appropriation.....	\$7,586,000
Environmental Legacy Stewardship Account--State Appropriation.....	\$105,000
TOTAL APPROPRIATION	\$1,199,533,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2013-2015 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) The Harborview medical center and the University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(c) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(d) \$1,868,000 of the general fund--state appropriation for fiscal year 2014 and \$2,107,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to rent jail capacity for short-term offenders. Pursuant to Senate Bill No. 5892 (corrections costs), the department shall rent capacity from local and tribal governments to house offenders with an earned release date of less than one hundred twenty days remaining on his or her sentence at the time the offender would otherwise be transferred to a state correctional facility. The contracted daily costs for these offenders shall not exceed \$70 per offender including medical costs.

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(e) The department shall convene a work group to develop health care cost containment strategies at local jail facilities. The work group shall identify cost containment strategies in place at the department and at local jail facilities, identify the costs and benefits of implementing strategies in jail health-care facilities, and make recommendations on implementing beneficial strategies. The work group shall submit a report on its findings and recommendations to the fiscal committees of the legislature by October 1, 2013. The work group shall include jail administrators, representatives from health care facilities at the local jail level and the state prisons level, and other representatives as deemed necessary.

(f) \$501,000 of the general fund--state appropriation for fiscal year 2014 and \$501,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. The department may not house incarcerated offenders at the maple lane site until specifically directed to do so by the legislature.

(g) The legislature intends that costs incurred by Snohomish County for *State v. Scherf* are paid for through the extraordinary criminal justice costs procedure under RCW 43.330.190.

(h) \$1,026,000 of the general fund--state appropriation for fiscal year 2014 and \$781,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to expand the piloted risk-needs-responsivity model to include the use of cognitive behavioral therapy with evidence-based programming at two minimum security prison facilities and at the Monroe correctional complex.

(i) \$21,861,000 of the general fund--state appropriation for fiscal year 2014 and \$24,770,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for offender programming. Pursuant to section 220(1) of this act, the department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(j) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$36,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Senate Bill No. 5484 (assault in the third-degree). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(k) \$48,000 of the general fund--state appropriation for fiscal year 2014 and \$48,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Substitute Senate Bill No. 5452 (stalking protection orders). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(l) \$24,000 of the general fund--state appropriation for fiscal year 2014 and \$24,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5735 (sex or kidnapping offenders). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(m) \$12,000 of the general fund--state appropriation for fiscal year 2014 and \$12,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Senate Bill No. 5015 (aggravated first-degree murder). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(n) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$36,000 of the general fund--state appropriation for

fiscal year 2015 are provided solely for implementation of Senate Bill No. 5149 (crimes against pharmacies). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(o) \$24,000 of the general fund--state appropriation for fiscal year 2014 and \$24,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5669 (trafficking). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(p) \$24,000 of the general fund--state appropriation for fiscal year 2014 and \$24,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Senate Bill No. 5053 (vehicle prowling). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(q) \$96,000 of the county criminal justice assistance--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 5105 (rental vouchers for offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(r) Appropriations from the environmental legacy stewardship account in this section shall be made from the state toxic control account if legislation creating and funding the environmental legacy and stewardship account is not enacted by June 30, 2013.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2014)	\$127,727,000
General Fund--State Appropriation (FY 2015)	\$129,120,000
County Criminal Justice Assistance Account--State	
Appropriation.....	\$2,249,000
Ignition Interlock Account--State Appropriation.....	\$2,200,000
TOTAL APPROPRIATION	\$261,296,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$4,186,000 of the general fund--state appropriation for fiscal year 2014 and \$6,362,000 of the general fund--state appropriation for fiscal year 2015 must be expended on evidence-based programs that follow the risk-needs-responsivity model. The department is authorized to use up to ten percent of these funds as necessary to secure physical space as needed to maximize program delivery of evidence-based treatment to all high-risk, high-need offenders in community supervision. Funding may be prioritized by the department to any program recognized as evidence-based for adult offenders by the Washington state institute for public policy.

(b) \$16,513,000 of the general fund--state appropriation for fiscal year 2014 and \$16,527,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for offender programming. Pursuant to section 220 (1) of this act, the department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(c) \$107,000 of the county criminal justice--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 5105 (rental vouchers for offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2014)	\$7,752,000
General Fund--State Appropriation (FY 2015)	\$7,508,000
TOTAL APPROPRIATION	\$15,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$4,271,000 of the general fund--state appropriation for fiscal year 2014 and \$4,037,000 of the

general fund--state appropriation for fiscal year 2015 are provided solely for the stewardship of McNeil island. The department shall assume responsibility of all island maintenance excluding site specific maintenance operations for the special commitment center and the Pierce county secure transitional facility. The department shall as part of its industries program provide job skills to offenders while providing the minimum maintenance and preservation necessary for the state to remain in compliance with the federal deed for McNeil island. The department shall report on efficiencies and potential cost reductions to the office of financial management and legislative fiscal committees by December 15, 2013.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2014)	\$35,241,000
General Fund--State Appropriation (FY 2015)	\$31,488,000
TOTAL APPROPRIATION	\$66,729,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison institutions may use funds appropriated in this subsection to rent uniforms from correctional industries in accordance with existing legislative mandates.

(b) The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2014)	\$2,215,000
General Fund--State Appropriation (FY 2015)	\$2,166,000
General Fund--Federal Appropriation	\$20,954,000
General Fund--Private/Local Appropriation.....	\$60,000
TOTAL APPROPRIATION	\$25,395,000

NEW SECTION. Sec. 222. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation	\$269,786,000
General Fund--Private/Local Appropriation.....	\$34,161,000
Unemployment Compensation Administration Account--Federal Appropriation.....	\$319,246,000
Administrative Contingency Account--State Appropriation.....	\$22,405,000
Employment Service Administrative Account--State Appropriation.....	\$35,546,000
TOTAL APPROPRIATION	\$681,144,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for continuing current unemployment insurance functions and department services to employers and job seekers.

(2) \$12,386,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department.

(3) \$3,735,000 of the unemployment compensation account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of call center technology to improve the integration of the telephone and computing systems to increase efficiency and improve customer service.

(4) \$182,000 of the employment services administrative account--state appropriation is provided for costs associated with the second stage of the review and evaluation of the training benefits

program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). This second stage shall be developed and conducted by the joint legislative audit and review committee and shall consist of further work on the process study and net-impact/cost-benefit analysis components of the evaluation.

(End of part)

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2014)	\$363,000
General Fund--State Appropriation (FY 2015)	\$365,000
General Fund--Federal Appropriation	\$31,000
General Fund--Private/Local Appropriation.....	\$811,000
TOTAL APPROPRIATION	\$1,570,000

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2014)	\$24,003,000
General Fund--State Appropriation (FY 2015)	\$22,517,000
General Fund--Federal Appropriation	\$104,996,000
General Fund--Private/Local Appropriation.....	\$16,876,000
Reclamation Account--State Appropriation	\$3,719,000
Flood Control Assistance Account--State Appropriation	\$1,972,000
State Emergency Water Projects Revolving Account--State Appropriation.....	\$40,000
Waste Reduction/Recycling/Litter Control--State Appropriation.....	\$8,640,000
State Drought Preparedness Account--State Appropriation	\$204,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation.....	\$425,000
Environmental Legacy Stewardship Account--State Appropriation.....	\$47,529,000
Aquatic Algae Control Account--State Appropriation	\$513,000
Water Rights Tracking System Account--State Appropriation.....	\$46,000
Site Closure Account--State Appropriation	\$551,000
Wood Stove Education and Enforcement Account--State Appropriation.....	\$608,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$1,697,000
Water Rights Processing Account--State Appropriation	\$135,000
State Toxics Control Account--State Appropriation.....	\$120,473,000
State Toxics Control Account--Private/Local Appropriation.....	\$977,000
Local Toxics Control Account--State Appropriation	\$3,747,000
Water Quality Permit Account--State Appropriation	\$41,168,000
Underground Storage Tank Account--State Appropriation	\$3,330,000
Biosolids Permit Account--State Appropriation.....	\$1,837,000
Hazardous Waste Assistance Account--State Appropriation.....	\$5,989,000
Air Pollution Control Account--State Appropriation	\$3,124,000
Oil Spill Prevention Account--State Appropriation.....	\$5,667,000
Air Operating Permit Account--State Appropriation.....	\$3,114,000
Freshwater Aquatic Weeds Account--State Appropriation	\$1,410,000
Oil Spill Response Account--State Appropriation.....	\$7,076,000
Water Pollution Control Revolving Account--State Appropriation.....	\$354,000
Water Pollution Control Revolving Account--Federal Appropriation.....	\$1,494,000
Water Pollution Control Revolving Administration--State Appropriation.....	\$1,021,000

TWENTY SEVENTH DAY, JUNE 8, 2013

2013 1ST SPECIAL SESSION

Radioactive Mixed Waste Account--State Appropriation.....	
.....	\$13,800,000
TOTAL APPROPRIATION	\$449,052,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 4.55 percent in fiscal year 2014 and 4.63 percent in fiscal year 2015; and reasonably available control technology fee.

(3) \$1,981,000 of the environmental legacy stewardship account--state appropriation is for the department to provide training regarding the benefits of low-impact development including, but not limited to, when the use of low-impact development is appropriate and feasible, and the design, installation, maintenance, and best practices of low-impact development. The department will consult with Washington State University extension low-impact development technical center and others in the development of the low-impact technical training. As appropriate, the department may contract with the Washington State University extension low-impact development technical center, private sector vendors, associations, and others to deliver the technical training. The training must be provided free of cost to phase I and phase II permittees and the private development community including builders, engineers, and other industry professionals. The training must be sequenced geographically and provided in time for local jurisdictions to comply with RCW 90.48.260 and 36.70A.130(5). By August 1, 2013, the department of ecology shall provide the governor and appropriate legislative committees a plan for how low-impact development training funds will be spent during fiscal years 2014 through 2017.

(4) \$440,000 of the environmental legacy stewardship account--state appropriation is provided solely for administering the water pollution control facilities financial assistance program authorized in chapter 90.50A RCW.

(5) \$350,000 of the environmental legacy stewardship account--state appropriation is provided solely for activities designed to address elevated levels of polychlorinated biphenyls in the Spokane river. Funding will be used to determine the extent of the cleanup required, implement cleanup actions to meet applicable water quality standards, and prevent recontamination.

(6) \$860,000 of the environmental legacy stewardship account--state appropriation is provided solely for the department to collaborate with the University of Washington and the department of natural resources to assess the effects of the ocean pH balance. The department shall provide staffing for this purpose.

(7) \$500,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for processing water right permit applications only if the department of ecology issues at least five hundred water right decisions in fiscal year 2014, and if the department of ecology does not issue at least five hundred water right decisions in fiscal year 2014 the amount provided in this subsection shall lapse and remain unexpended. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2014, that documents whether five hundred water right decisions were issued in fiscal year 2014. For the purposes of this subsection, applications that are voluntarily withdrawn by an applicant do not count towards the five hundred water right decision requirement. For the purposes of water

budget-neutral requests under chapter 173-539A WAC, multiple domestic connections authorized within a single water budget-neutral decision are considered one decision for the purposes of this subsection.

(8) \$150,000 of the environmental legacy stewardship account--state appropriation is provided solely for San Juan county to complete their shoreline master program update in time to meet statutory and legal settlement deadlines.

(9) \$40,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to the middle snake river watershed, WRIA 35 planning unit to collaborate with the department in adopting by rule the watershed plan for WRIA 35. The rule-making process shall be completed by the department within existing resources and by July 1, 2014.

(10) Appropriations from the environmental legacy stewardship account in this section shall be made from the state toxic control account if legislation creating and funding the environmental legacy stewardship account is not enacted by June 30, 2013.

(11) Appropriations from the radioactive mixed waste account in this section shall be made from the state toxic control account if legislation creating and funding the radioactive mixed waste account is not enacted by June 30, 2013.

(12) \$9,000,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000,000 of the state toxics control account--state appropriation for fiscal year 2014 are provided solely for the purposes of storm water management and water quality programs. Within this amount, funding is provided for the department to retain a state university to conduct a general population survey of fish consumption by state residents, collect and analyze data concerning the commercial and recreational catch of fish in state waters, and prepare a report compiling and evaluating the data and developing statistics. The survey and data analysis shall be used in rule-making activity to revise the human health criteria for the water quality standards for surface water in chapter 173-201A WAC. The survey and data analysis shall be designed and used to determine (a) the distribution of long-term and average consumption of fin fish and shellfish by state residents over their lifetime that accounts for seasonality in consumption rates, (b) the extent to which fin fish and shellfish consumption rates vary among all subpopulations and in different geographic areas of the state, (c) the profile of survey respondents, including average body weight, age, gender, and ethnicity; drinking water source and average amount of water consumed; residence and geographic location, (d) the identification by species of fin fish and shellfish consumed, including whether the fish is a marine, freshwater, or anadromous species, (e) the source of the fin fish and shellfish consumed, in particular where the fish was raised and landed, (f) the body part(s) of fin fish and shellfish consumed, and (g) the preparation and cooking methods used. The survey design shall be subject to peer review and public comment prior to conducting the survey and shall include review by at least nine entities, including but not limited to: The national marine fisheries service, the Columbia river intertribal fish commission, the department of fish and wildlife, the department of agriculture, other four-year state universities, municipalities, and a national nonprofit research institution. The report shall compile and evaluate the data and develop statistics which shall be subject to peer review by the entities specified in this subsection and public comment.

(13) The department of ecology shall establish and perform, within existing funds, a formal review process of its existing rules. The goal of the review is to decrease the numbers of, simplify the process, and decrease the time required for obtaining licenses, permits, and inspections, as applicable, in order to reduce the regulatory burden on businesses without compromising public health and safety. Benchmarks must be adopted to assess the

effectiveness of streamlining efforts. The department must establish a process for effectively applying sunset provisions to rules when applicable. The department must report to the applicable committees of the legislature with its review process and benchmarks by January 2014.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2014)	\$2,062,000
General Fund--State Appropriation (FY 2015)	\$2,062,000
General Fund--Federal Appropriation	\$5,959,000
Winter Recreation Program Account--State Appropriation	\$2,064,000
ORV and Nonhighway Vehicle Account--State Appropriation	\$215,000
Snowmobile Account--State Appropriation	\$4,855,000
Waste Reduction/Recycling/Litter Control--State Appropriation.....	\$12,300,000
Aquatic Lands Enhancement Account--State Appropriation	\$363,000
Parks Renewal and Stewardship Account--State Appropriation.....	\$92,556,000
Parks Renewal and Stewardship Account--Private/Local Appropriation.....	\$300,000
TOTAL APPROPRIATION	\$122,736,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.
- (2) The commission shall prepare a report on its efforts to increase revenue from all sources, including the discover pass. The report shall also include a status update on the fiscal health of the state parks system, and shall be submitted to the office of financial management and the appropriate committees of the legislature by October 28, 2013.
- (3) By December 1, 2013, the commission must adopt standard terms and conditions for public service utility easements. The commission must transmit a copy of the terms and conditions to the office of financial management and the appropriate committees of the legislature.
- (4) By December 1, 2013, the commission must adopt, in consultation with affected stakeholders: (a) A fee schedule for new public service utility crossings; and (b) a fee-setting mechanism for linear utility easements and crossings across traditional park land, based on fair market value. For the purposes of developing the fee mechanism, fair market value means the amount of money which a purchaser willing, but not obligated, to buy the property would pay an owner willing, but not obligated, to sell it, taking into consideration all uses to which the property is adapted and might in reason be applied. If there is a dispute on the fair market value of an easement, an independent appraisal shall be ordered and the cost of the appraisal shall be shared equally by the utility and the commission. The commission must transmit a copy of the fee schedule and fee-setting mechanism to the office of financial management and the appropriate committees of the legislature.
- (5) By December 31, 2014, the commission must bring existing documented public service utility crossings under easement. Prior to January 1, 2014, use fees may not exceed:
 - (a) Underground distribution:\$325;
 - (b) Underground transmission:\$1500;
 - (c) Overhead distribution:\$500; and
 - (d) Overhead transmission:\$2000.

NEW SECTION. Sec. 304. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund--State Appropriation (FY 2014)	\$789,000
General Fund--State Appropriation (FY 2015)	\$777,000
General Fund--Federal Appropriation	\$3,419,000
General Fund--Private/Local Appropriation.....	\$24,000
Aquatic Lands Enhancement Account--State Appropriation	\$478,000
Vessel Response Account--State Appropriation.....	\$2,000
Firearms Range Account--State Appropriation	\$37,000
Recreation Resources Account--State Appropriation.....	\$3,049,000
NOVA Program Account--State Appropriation	\$963,000
TOTAL APPROPRIATION	\$9,538,000

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund--State Appropriation (FY 2014)	\$2,169,000
General Fund--State Appropriation (FY 2015)	\$2,091,000
TOTAL APPROPRIATION	\$4,260,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2014)	\$6,835,000
General Fund--State Appropriation (FY 2015)	\$6,732,000
General Fund--Federal Appropriation	\$2,301,000
State Toxics Control Account--State Appropriation.....	\$2,000,000
TOTAL APPROPRIATION	\$17,868,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The conservation commission, in cooperation with all conservation districts, will seek to minimize conservation district overhead costs. These efforts may include consolidating conservation districts.
- (2) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$246,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement the voluntary stewardship program in Thurston and Chelan counties. These amounts may not be used to fund agency indirect and administrative expenses.
- (3) \$1,000,000 of the general fund--federal appropriation is provided solely to implement the voluntary stewardship program statewide. The commission shall place the appropriation in this subsection in unallotted status, and may not allot any of these funds until the federal government has provided funding to the commission for the purpose of implementing the voluntary stewardship program.
- (4) \$500,000 of the state toxics control account--state appropriation is provided solely to the south Yakima county conservation district for the purposes of meeting the dairy nutrient management program requirements to protect drinking water aquifers from nitrate contamination. Funding is provided for technical assistance and education for soil sampling and dairy nutrient management plan reporting requirements; assessment of physical integrity manure lagoons; and to secure federal funding for developing conservation practices to protect groundwater from nitrate pollution.
- (5) \$500,000 of the state toxics control account--state appropriation is provided solely to the Whatcom county conservation district for the purposes of meeting the dairy nutrient management program requirements to protect drinking water aquifers from nitrate contamination. Funding is provided for technical assistance and education for soil sampling and dairy nutrient management plan reporting requirements; assessment of physical integrity manure lagoons; and to secure federal funding for developing conservation practices to protect groundwater from nitrate pollution.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

TWENTY SEVENTH DAY, JUNE 8, 2013

2013 1ST SPECIAL SESSION

General Fund--State Appropriation (FY 2014)	\$29,165,000
General Fund--State Appropriation (FY 2015)	\$27,868,000
General Fund--Federal Appropriation	\$108,740,000
General Fund--Private/Local Appropriation.....	\$58,670,000
ORV and Nonhighway Vehicle Account--State Appropriation	
\$395,000	
Aquatic Lands Enhancement Account--State	
Appropriation.....	\$15,862,000
Recreational Fisheries Enhancement--State	
Appropriation.....	\$2,587,000
Environmental Legacy Stewardship Account--State	
Appropriation.....	\$1,224,000
Warm Water Game Fish Account--State Appropriation	\$2,488,000
Eastern Washington Pheasant Enhancement Account--State	
Appropriation.....	\$849,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation.....	\$209,000
Aquatic Invasive Species Prevention Account--State	
Appropriation.....	\$732,000
State Wildlife Account--State Appropriation	\$101,694,000
Special Wildlife Account--State Appropriation.....	\$2,397,000
Special Wildlife Account--Federal Appropriation.....	\$500,000
Special Wildlife Account--Private/Local Appropriation.....	\$3,440,000
Wildlife Rehabilitation Account--State Appropriation.....	\$259,000
Hydraulic Project Approval Account--State Appropriation	
.....	\$674,000
Regional Fisheries Enhancement Salmonid Recovery	
Account--Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account--State Appropriation.....	\$905,000
Oyster Reserve Land Account--State Appropriation.....	\$772,000
TOTAL APPROPRIATION	\$364,431,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the general fund--state appropriation for fiscal year 2014 and \$130,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) Prior to submitting its 2015-2017 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(3) \$400,000 of the general fund--state appropriation for fiscal year 2014 and \$400,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(4) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(5) \$10,000 of the aquatic lands enhancement account--state appropriation is provided solely for development of an aquatic invasive species passport program to improve the efficiency and effectiveness of watercraft inspections by expediting aquatic invasive species watercraft inspections for watercraft at low risk of

transmitting invasive species and prioritizing the use of available resources for the inspection of high risk vessels.

(6) Within the amounts appropriated in this section, the department must deploy additional wildlife conflict specialists to provide landowner assistance and address wildlife conflicts, with at least one additional specialist primarily assigned to each of the following areas: Administrative region six of the department; Okanogan and Chelan counties in administrative region two of the department; and Whatcom and Skagit counties in administrative region four of the department.

(7) \$100,000 of the general fund--state appropriation is provided solely for a state match to secure local funding for increasing the fall chinook salmon production on the Cowlitz river.

(8) Within the amounts appropriated in this section, the department shall work with the regional fisheries enhancement groups and other stakeholders to identify revenue sources or sources capable of providing long-term funding to support the community-based salmon restoration work of regional fisheries enhancement group. The department shall submit a report to the office of financial management and the appropriate legislative committees by December 1, 2013, with the outcomes and recommendations.

(9) Appropriations from the environmental legacy stewardship account in this section shall be made from the state toxic control account if legislation creating and funding the environmental legacy and stewardship account is not enacted by June 30, 2013.

(10) \$100,000 of the state wildlife account--state appropriation is provided solely for the transfer of trout from the Clarks creek hatchery to the Lakewood hatchery.

(11) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the production of steelhead, coho, and Chinook salmon at the Clarks creek hatchery.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2014)	\$41,554,000
General Fund--State Appropriation (FY 2015)	\$44,162,000
General Fund--Federal Appropriation	\$26,951,000
General Fund--Private/Local Appropriation.....	\$2,372,000
Forest Development Account--State Appropriation	\$47,459,000
ORV and Nonhighway Vehicle Account--State Appropriation	
.....	\$4,479,000
Snowmobile Account--State Appropriation	\$100,000
Surveys and Maps Account--State Appropriation	\$2,164,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$5,701,000
Environmental Legacy Stewardship Account--State	
Appropriation.....	\$3,458,000
Resources Management Cost Account--State	
Appropriation.....	\$112,113,000
Surface Mining Reclamation Account--State Appropriation	
.....	\$3,956,000
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation	\$11,761,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation.....	\$843,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation.....	\$34,000
State Toxics Control Account--State Appropriation.....	\$80,000
Forest Practices Application Account--State	
Appropriation.....	\$1,697,000
Air Pollution Control Account--State Appropriation	\$780,000
NOVA Program Account--State Appropriation	\$948,000
Derelict Vessel Removal Account--State Appropriation.....	\$1,345,000
Marine Resources Stewardship Account--State	

Appropriation.....	\$3,700,000
Agricultural College Trust Management Account--State	
Appropriation.....	\$2,703,000
TOTAL APPROPRIATION	\$323,360,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,393,000 of the general fund--state appropriation for fiscal year 2014 and \$1,331,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$19,099,000 of the general fund--state appropriation for fiscal year 2014, \$19,099,000 of the general fund--state appropriation for fiscal year 2015, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$518,000 of the forest and fish support account--state appropriation is provided solely for outcome-based performance contracts with nongovernmental organizations to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect cost set at or below a rate of eighteen percent.

(5) \$717,000 of the forest and fish support account--state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$440,000 of the state general fund--state appropriation for fiscal year 2014 and \$440,000 of the state general fund--state appropriation for fiscal year 2015 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(7) \$2,382,000 of the resource management cost account--state appropriation is provided solely to address the growing backlog of expired aquatic leases and new aquatic lease applications. In addition, the department shall implement a Lean process to improve the lease review process and further reduce the backlog. The department shall submit a report on its progress in addressing the backlog and implementation of the Lean process to the governor and the appropriate committees of the legislature by October 1, 2013.

(8) \$1,948,000 of the environmental legacy stewardship account--state appropriation is provided solely for the department to pay a portion of the costs to complete remedial investigation work at Whitmarsh landfill and Mill site A and perform final-year maintenance of the Olympic view triangle site in Commencement Bay.

(9) \$510,000 of the environmental legacy stewardship account--state appropriation is provided solely to the department to

collaborate with the University of Washington and the department of ecology to assess the effects of the ocean pH balance.

(10) \$3,700,000 of the marine resources stewardship account--state appropriation is provided solely for implementation of priority marine management planning efforts including mapping activities, ecological assessment, data tools, and stakeholder engagement.

(11) Appropriations from the environmental legacy stewardship account in this section shall be made from the state toxic control account if legislation creating and funding the environmental legacy and stewardship account is not enacted by June 30, 2013.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2014)	\$14,804,000
General Fund--State Appropriation (FY 2015)	\$14,802,000
General Fund--Federal Appropriation	\$23,066,000
General Fund--Private/Local Appropriation.....	\$192,000
Aquatic Lands Enhancement Account--State Appropriation	\$2,842,000
State Toxics Control Account--State Appropriation.....	\$5,174,000
Water Quality Permit Account--State Appropriation	\$67,000
TOTAL APPROPRIATION	\$60,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,308,445 of the general fund--state appropriation for fiscal year 2014 and \$5,302,905 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Pursuant to RCW 43.135.055 and 16.57.220, the department is authorized to institute livestock inspection fees in the 2013-2015 fiscal biennium for calves less than thirty days old.

(3) In accordance with RCW 43.135.055, the department is authorized to adopt fees set forth in and previously authorized in chapter 204, Laws of 2011 relating to administering the animal disease traceability activities.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2014 and \$125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for funding for the small farm and direct marketing and farm to school programs. The programs assist farmers selling directly to consumers and increase access to healthy foods in schools for children.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Program Trust	
Account--State Appropriation.....	\$986,000

NEW SECTION. Sec. 311. FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2014)	\$2,371,000
General Fund--State Appropriation (FY 2015)	\$2,275,000
General Fund--Federal Appropriation	\$11,585,000
Aquatic Lands Enhancement Account--State Appropriation	\$1,825,000
State Toxics Control Account--State Appropriation.....	\$677,000
TOTAL APPROPRIATION	\$18,733,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$778,000 of the aquatic lands enhancement account--state appropriation is provided solely for coordinating a study of Puget Sound juvenile steelhead marine survival conducted by the department of fish and wildlife and based on a study plan developed in cooperation with federal, tribal, and nongovernmental entities.

(2) By October 1, 2014, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2015-2017 capital and operating budget requests related to Puget Sound restoration.

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(End of part)

This work shall be done in coordination with the military department.

**PART IV
TRANSPORTATION**

(3) \$400,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

(End of part)

General Fund--State Appropriation (FY 2014)	\$1,078,000
General Fund--State Appropriation (FY 2015)	\$1,317,000
Architects' License Account--State Appropriation	\$904,000
Professional Engineers' Account--State Appropriation	\$3,568,000
Real Estate Commission Account--State Appropriation	\$9,961,000
Uniform Commercial Code Account--State Appropriation	\$3,158,000
Real Estate Education Program Account--State Appropriation	\$276,000
Real Estate Appraiser Commission Account--State Appropriation	\$1,710,000
Business and Professions Account--State Appropriation	\$16,180,000
Real Estate Research Account--State Appropriation	\$415,000
Funeral and Cemetery Account--State Appropriation	\$5,000
Landscape Architects' License Account--State Appropriation	\$4,000
Appraisal Management Company Account--State Appropriation	\$4,000
Geologists' Account--State Appropriation	\$52,000
Derelict Vessel Removal Account--State Appropriation	\$31,000
TOTAL APPROPRIATION	\$38,663,000

**PART V
EDUCATION**

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2014)	\$17,530,000
General Fund--State Appropriation (FY 2015)	\$17,133,000
General Fund--Federal Appropriation	\$63,826,000
General Fund--Private/Local Appropriation	\$4,003,000
Performance Audits of Government Account--State Appropriation	\$200,000
TOTAL APPROPRIATION	\$102,692,000

NEW SECTION. Sec. 402. FOR THE STATE PATROL

The appropriations in this section are subject to the following conditions and limitations:

General Fund--State Appropriation (FY 2014)	\$33,890,000
General Fund--State Appropriation (FY 2015)	\$31,727,000
General Fund--Federal Appropriation	\$16,183,000
General Fund--Private/Local Appropriation	\$3,020,000
Death Investigations Account--State Appropriation	\$9,948,000
Enhanced 911 Account--State Appropriation	\$3,480,000
County Criminal Justice Assistance Account--State Appropriation	\$3,320,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,344,000
Fire Service Trust Account--State Appropriation	\$131,000
Vehicle License Fraud Account--State Appropriation	\$448,000
Disaster Response Account--State Appropriation	\$8,000,000
Fire Service Training Account--State Appropriation	\$9,490,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$54,000
State Toxics Control Account--State Appropriation	\$514,000
Fingerprint Identification Account--State Appropriation	\$10,571,000
TOTAL APPROPRIATION	\$132,120,000

(1) A maximum of \$14,569,000 of the general fund--state appropriation for fiscal year 2014 and \$14,362,000 of the general fund--state appropriation for fiscal year 2015 is for state agency operations.

(a) \$8,902,000 of the general fund--state appropriation for fiscal year 2014 and \$8,844,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection (1)(a), the superintendent shall:

(A) Recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award; and

(B) Consistent with Senate Bill No. 5818, work with school districts and the state board of education to:

(I) Improve access to and quality of career and technical education, which prepares students for lifelong learning and employment;

(II) Ensure that every student receives comprehensive career guidance that leads to a personalized program of study that will guide course selection and other high school activities;

(III) Require career and technical education teachers and school administrators to be prepared and supported in their roles; and

(IV) Assure that career and technical education is a results-driven education system so as to demonstrate a positive return on investment.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By September of each year, the office of the superintendent of public instruction shall produce an annual status report of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of staff, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, and proviso outcomes and achievements.

(b) \$1,017,000 of the general fund--state appropriation for fiscal year 2014 and \$1,017,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for activities associated with the implementation of new school finance systems required by

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account.

chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c) \$1,012,000 of the general fund--state appropriation for fiscal year 2014 and \$1,012,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of these amounts, \$161,000 of the general fund--state appropriation for fiscal year 2014 and \$161,000 of the general fund--state appropriation for fiscal year 2015 are provided for implementation of Initiative Measure No. 1240 (charter schools).

(d) \$890,000 of the general fund--state appropriation for fiscal year 2014 and \$890,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the professional educator standards board for the operation and expenses of the Washington professional educator standards board;

(e) \$133,000 of the general fund--state appropriation for fiscal year 2014 and \$133,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(g) \$45,000 of the general fund--state appropriation for fiscal year 2014 and \$45,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$131,000 of the general fund--state appropriation for fiscal year 2014 and \$131,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Initiative Measure No. 1240 (charter schools).

(i) \$1,826,000 of the general fund--state appropriation for fiscal year 2014 and \$1,802,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(j) \$123,000 of the general fund--state appropriation for fiscal year 2014 and \$123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(k) \$93,000 of the general fund--state appropriation for fiscal year 2014 and \$93,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for chapter 185, Laws of 2011 (bullying prevention, which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities).

(l) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(m) \$30,000 of the general fund--state appropriation for fiscal year 2014 and \$60,000 of the general fund--state appropriation for

fiscal year 2015 are provided solely for the superintendent of public instruction to contract with the center for reinventing public education, affiliated with the University of Washington, to develop a research-based set of recommendations to revise the current salary allocation schedule to create a new educator compensation model for certificated instructional staff and principals. The new model is intended to have a more flexible structure, be more data-driven, and encourage innovation by using salary differentials by school districts to reflect employee skills and working conditions. The new model is intended to be multidimensional and address performance evaluations, specialties, cost-of-living differentials, and additional responsibilities. Levy equalization, salary equalization to eliminate grandfathered school districts at a higher level, and small schools would also need to be addressed. The compensation model may be the same model for both teachers and principals or it may be two different models, one for teachers and one for principals and other building administrators. An interim report is due to the legislative education policy committees and fiscal committees by December 1, 2013, and a final report with the new model or models is due by December 1, 2014. Additionally, there will be public meetings for the committees to receive adequate informational updates and provide additional direction.

(n) \$62,000 of the general fund--state appropriation for fiscal year 2014 and \$62,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 241, Laws of 2013 (initiatives to improve and expand access to computer science education).

(2) \$2,961,000 of the general fund--state appropriation for fiscal year 2014 and \$2,771,000 of the general fund--state appropriation for fiscal year 2015 are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(ii) \$155,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the implementation of chapter 197, Laws of 2013 (increasing the capacity of school districts to recognize and respond to troubled youth).

(b) TECHNOLOGY

\$1,221,000 of the general fund--state appropriation for fiscal year 2014 and \$1,221,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$1,400,000 of the general fund--state appropriation for fiscal year 2014 and \$1,400,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 340, Laws of 2011 and chapter 51, Laws of 2012. This includes the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS).

(ii) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to subsidize advanced placement exam fees and international baccalaureate class fees and exam fees for low-income students. To be eligible for the subsidy, a student must be either enrolled or eligible to participate in the federal free or reduced price lunch program, and the student must have maximized the allowable federal contribution. The office of the superintendent of public instruction shall set the subsidy in an amount so that the advanced placement exam fee does not exceed

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\$15.00 and the combined class and exam fee for the international baccalaureate does not exceed \$14.50.

(iii) \$190,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to implement Engrossed Second Substitute Senate Bill No. 5244 (school suspensions and expulsions). Included in this amount is \$25,000 for the office of the superintendent of public instruction to contract with the Washington state school directors' association costs of developing model policy. If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2014)	\$5,289,530,000
General Fund--State Appropriation (FY 2015)	\$5,359,508,000
Education Legacy Trust Account--State Appropriation	\$498,164,000
TOTAL APPROPRIATION	\$11,147,202,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2013-14 and 2014-15 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2013 to August 31, 2013, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 50, Laws of 2011 1st sp. sess., as amended through sections 502 and 503 of the 2013 omnibus supplemental operating appropriations act (Senate Bill No. 5033).

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2013-14 and 2014-15 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

- General
- education
- class size:

Grade	RCW
	28A.150.260
Grades K-3	25.23
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

The superintendent shall base allocations for career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(ii)(A) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty school:	
Grades K-2	24.10
Grade 3	24.10
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(B) Districts must demonstrate compliance of the class sizes provided in (c)(ii)(A) of this subsection as a condition of receipt of funds.

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Laboratory science, advanced placement, and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 students:

Career and Technical Education students	2.02 per 1000 student FTE's
Skill Center students	2.36 per 1000 student FTE's

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2013-14 and 2014-15 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the

general education rate in (a) of this subsection by the following factors:

Career and Technical Education students	1.025
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Skill Center students 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2013-14 and 2014-15 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2013-14 and 2014-15 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 1.97 percent for career and technical education students, and 21.92 percent for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 18.68 percent in the 2013-14 school year and 18.68 percent in the 2014-15 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 20.95 percent in the 2013-14 school year and 20.95 percent in the 2014-15 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rate specified in section 504 of this act, resulting from the incremental changes specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2013-14 SCHOOL YEAR	2014-15 SCHOOL YEAR
Technology	\$67.95	\$112.76
Utilities and Insurance	\$184.63	\$306.39
Curriculum and Textbooks	\$72.95	\$121.05
Other Supplies and Library Materials	\$154.88	\$257.02
Instructional Professional Development for Certificated and Classified Staff	\$11.28	\$18.72
Facilities Maintenance	\$91.47	\$151.78
Security and Central Office	\$63.37	\$105.15
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$646.53	\$1,072.87

(ii) The total MSOC allocations provided in (a)(i) of this subsection are an enhancement above maintenance level by the following inflation adjusted amounts: \$83.65 for the 2013-14 school year and \$500.42 for the 2014-15 school year. The enhanced MSOC allocation for the 2014-15 school year represents full funding of school districts' reported actual costs for the 2011-12 school year, adjusted for inflation.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,249.17 for the 2013-14 school year and \$1,270.41 for the 2014-15 school year. Values reflect school districts' reported actual costs for the 2011-12 school year, adjusted for inflation.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation of \$931.64 for the 2013-14 school year and \$1,072.87 for the 2014-15 school year. Values reflect school districts' reported actual costs for the 2011-12 school year, adjusted for inflation.

(d) Students in laboratory science courses generate per student FTE MSOC allocations which equal the per student FTE rate for general education students established in (a) of this subsection.

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2013-14 and 2014-15 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2013, to August 31, 2013, are adjusted to reflect provisions of chapter 34, Laws of 2011 1st sp. sess. (allocation of funding for funding for students enrolled in alternative learning experiences).

(b) Amounts provided in this section from September 1, 2013, through June 30, 2015, reflect provisions of Second Substitute Senate Bill No. 5794 (alternative learning experience courses).

(c) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) VOLUNTARY FULL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary full day kindergarten programs in qualifying high poverty schools, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary full-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides full-day kindergarten programs for 30 percent of kindergarten enrollment in the 2013-14 school year, and 35 percent in the 2014-15 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced price lunch eligibility rates in each school.

(12) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under subsection (12) of this section shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(13) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(14) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2014 and 2015 as follows:

(a) \$607,000 of the general fund--state appropriation for fiscal year 2014 and \$617,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund--state appropriation for fiscal year 2014 and \$436,000 of the general fund--state appropriation for

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fiscal year 2015 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(15) \$214,000 of the general fund--state appropriation for fiscal year 2014 and \$218,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment. In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(18) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(19)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(20) The office of the superintendent of public instruction shall review career and technical education and skill center programs' funding enhancement formulas, expenditure accounting systems, and reporting. The office will make recommendations for revising the funding formulas, including the possibility of conversion to a model that enhances basic education rates, potential revisions to accounting systems, and recommendations for improving reporting

and transparency. The office shall submit recommendations to the appropriate fiscal committees of the legislature and the office of financial management by October 1, 2013.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.280 and under section 502 of this act:

(a) Salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 29, 2013, at 09:10 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 29, 2013, at 11:16 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 18.04 percent for school year 2013-14 and 18.04 percent for school year 2014-15 for certificated instructional and certificated administrative staff and 17.45 percent for school year 2013-14 and 17.45 percent for the 2014-15 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2013-14

*** Education Experience ***

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45,860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46,332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46,802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47,276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47,765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48,256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48,723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49,713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51,228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52,788
10			43,635	45,247	48,524	50,913	48,724	52,003	54,390
11				46,772	50,121	52,557	50,249	53,599	56,034
12				48,249	51,761	54,269	51,835	55,238	57,748
13					53,440	56,024	53,476	56,918	59,501
14					55,128	57,844	55,165	58,716	61,322
15					56,563	59,349	56,599	60,242	62,917
16 or more					57,693	60,535	57,731	61,447	64,174

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2014-15

*** Education Experience ***

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45,860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46,332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46,802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47,276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47,765

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5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48,256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48,723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49,713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51,228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52,788
10			43,635	45,247	48,524	50,913	48,724	52,003	54,390
11				46,772	50,121	52,557	50,249	53,599	56,034
12				48,249	51,761	54,269	51,835	55,238	57,748
13					53,440	56,024	53,476	56,918	59,501
14					55,128	57,844	55,165	58,716	61,322
15					56,563	59,349	56,599	60,242	62,917
16 or more					57,693	60,535	57,731	61,447	64,174

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

The appropriations in this part are subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary

allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at 18.04 percent for the 2013-14 school year and 18.04 percent for the 2014-15 school year for certificated instructional and certificated administrative staff and 17.45 percent for the 2013-14 school year and 17.45 percent for the 2014-15 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) The maintenance rate for insurance benefit allocations is \$768.00 per month for the 2013-14 and 2014-15 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$758.00 per month for the 2013-14 school year and \$758.00 per month for the 2014-15 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

(4) The insurance benefit allocations reflect savings from assumed changes to health benefits eligibility criteria for part-time employees to align with the employer responsibility provisions of the federal affordable care act. Beginning July 1, 2014, employees with family incomes below 400 percent of the federal poverty level who are not offered employer health insurance coverage are eligible

for federal premium credits and subsidies for out-of-pocket costs for health insurance purchased through the Washington health benefits exchange. The allocations assume school districts and educational service districts spend \$10,186,000 in the 2014-15 school year for exchange premium reimbursement benefits for part-time classified employees. School districts and educational service districts shall establish the eligibility criteria and benefit amounts for exchange premium reimbursement benefits. The districts shall report not later than November 1, 2014, to the superintendent of public instruction data regarding their eligibility criteria, the number of part-time employees who received reimbursement payments, and the amount spent on the payments. The superintendent shall submit a report regarding the school district data to the legislative fiscal committees by December 1, 2014.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2014)	\$330,005,000
General Fund--State Appropriation (FY 2015)	\$330,842,000
Education Legacy Trust Account--State Appropriation	
.....	\$197,521,000
TOTAL APPROPRIATION	\$858,368,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for the transportation of students as provided in RCW 28A.160.192.

(b) From July 1, 2013 to August 31, 2013, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 50, Laws of 2011 1st sp. sess., as amended through section 505 of the 2013 omnibus supplemental operating appropriations act (Senate Bill No. 5033).

(3) A maximum of \$892,000 of this fiscal year 2014 appropriation and a maximum of \$892,000 of the fiscal year 2015 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(4) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(5) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(6) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(7) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2014)	\$7,111,000
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General Fund--State Appropriation (FY 2015)	\$7,111,000
General Fund--Federal Appropriation	\$473,326,000
TOTAL APPROPRIATION	\$487,548,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund--state appropriation for fiscal year 2014 and \$7,111,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in (a), (b), and (c) of this subsection.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2014)	\$707,480,000
General Fund--State Appropriation (FY 2015)	\$719,997,000
General Fund--Federal Appropriation	\$462,023,000
Education Legacy Trust Account--State Appropriation	
.....	\$64,663,000
TOTAL APPROPRIATION	\$1,954,163,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390.

(b) From July 1, 2013 to August 31, 2013, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 50, Laws of

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2011 1st sp. sess., as amended through section 507 of the 2013 omnibus supplemental operating appropriations act (Senate Bill No. 5033).

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$34,227,000 of the general fund--state appropriation for fiscal year 2014, \$35,592,000 of the general fund--state appropriation for fiscal year 2015, and \$29,574,000 of the general fund--federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2013-14 and 2014-15 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$249,000 of the general fund--state appropriation for fiscal year 2014 and \$249,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2014, \$50,000 of the general fund--state appropriation for fiscal year 2015, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education

ombudsman program within the office of superintendent of public instruction.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2014)	\$8,142,000
General Fund--State Appropriation (FY 2015)	\$8,150,000
TOTAL APPROPRIATION	\$16,292,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2014)	\$314,231,000
General Fund--State Appropriation (FY 2015)	\$317,506,000
TOTAL APPROPRIATION	\$631,737,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 6.8 percent from the 2012-13 school year to the 2013-14 school year and 1.7 percent from the 2013-14 school year to the 2014-15 school year.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2014)	\$15,292,000
General Fund--State Appropriation (FY 2015)	\$15,495,000
TOTAL APPROPRIATION	\$30,787,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$1,070,000 of the general fund--state appropriation for fiscal year 2014 and \$1,070,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2014)	\$9,489,000
General Fund--State Appropriation (FY 2015)	\$9,594,000
Education Legacy Trust Account--State Appropriation	\$70,000
TOTAL APPROPRIATION	\$19,153,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 50, Laws of 2011 1st sp. sess., as amended through section 511 of the 2013 omnibus supplemental operating appropriations act (Senate Bill No. 5033).

(3) \$85,000 of the general fund--state appropriation for fiscal year 2014 and \$85,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the centrum program at Fort Worden state park.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS--NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation	\$4,052,000
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NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2014)	\$110,869,000
General Fund--State Appropriation (FY 2015)	\$113,079,000
General Fund--Federal Appropriation	\$206,243,000
General Fund--Private/Local Appropriation	\$4,002,000
Education Legacy Trust Account--State Appropriation ..	\$1,599,000
TOTAL APPROPRIATION	\$435,792,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,484,000 of the general fund--state appropriation for fiscal year 2014, \$34,056,000 of the general fund--state appropriation for fiscal year 2015, \$1,350,000 of the education

legacy trust account--state appropriation, and \$15,868,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington state assessment system in accordance with provisions of chapter 28A.655 RCW.

(2) \$5,851,000 of the general fund--state appropriation for fiscal year 2014 and \$3,935,000 of the general fund--state appropriation for fiscal year 2014 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(3)(a) \$45,263,000 of the general fund--state appropriation for fiscal year 2014 and \$49,673,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,090 per teacher in the 2013-14 and 2014-15 school years;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner. All bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(i) and (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2013-14 and 2014-15 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(4) \$950,000 of the general fund--state appropriation for fiscal year 2014 and \$950,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

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(5) \$2,000,000 of the general fund--state appropriation for fiscal year 2014 and \$2,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

(7) \$5,107,000 of the general fund--state appropriation for fiscal year 2014 and \$5,108,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to enhance current evaluation system training programs for teachers. Chapter 35, Laws of 2012 implemented, statewide, the principal and teacher evaluation system that began as pilot programs two years previously. Funding was provided at that time to train all administrative staff in the new evaluation system and for the superintendent of public instruction to collaborate with educational service districts to develop and make available a professional development program for teachers, including a comprehensive on-line training package. The appropriations in this subsection will enhance teacher training opportunities.

(8) \$450,000 of the general fund--state appropriation for fiscal year 2014 and \$659,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5330 (improving student achievement and student outcomes), including implementing changes to the learning assistance program (LAP); providing additional LAP data collection and reporting; and implementing provisions and annual reporting of transition services for disabled students. If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(9) \$129,000 of the general fund--state appropriation for fiscal year 2014 and \$124,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement Substitute Senate Bill No. 5755 (establishing a comprehensive initiative to increase learning opportunities and improve educational outcomes in science, technology, engineering, and mathematics through multiple strategies and statewide partnerships). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(10) \$1,110,000 of the general fund--state appropriation for fiscal year 2014 and \$1,061,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5243 (academic acceleration). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(11) \$143,000 of the general fund--state appropriation for fiscal year 2014 and \$10,138,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5329 (transforming persistently failing schools). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(12) \$2,012,000 of the general fund--state appropriation for fiscal year 2014 and \$3,018,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to school districts based on innovation and the degree to which the district implements incentives that are evidence-based and research-based. Grants are to provide stipends for hard-to-fill subject areas and challenging schools' assignments, among others. Grants will be awarded by the professional educator standards board, with the Washington state institute for public policy. The board must report to the legislative education policy committees and fiscal committees by November 1st of each year on the amount and purposes of the grants awarded.

(13) \$356,000 of the general fund--state appropriation for fiscal year 2014 and \$356,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2014)	\$91,490,000
General Fund--State Appropriation (FY 2015)	\$100,515,000
General Fund--Federal Appropriation	\$71,015,000
TOTAL APPROPRIATION	\$263,020,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs as provided in RCW 28A.150.260(10)(b). In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student; (ii) fifteen transitional bilingual program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) The average funding allocation calculated according to subsection (2)(a) of this section will be the basis for calculating a cost-neutral allocation for varying levels of instructional hours for students that have not attained English language proficiency for the 2013-14 school year. The allocations shall be scaled to provide more support to students with the lowest level of English language proficiency and less support to students with the highest level of proficiency. The allocation hours calculated for the 2013-14 school year for each level of proficiency shall remain constant for the 2014-15 school year.

(c) Additional funding for students that successfully exit the bilingual program, beginning in the 2014-15 school year, will provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen students per teacher. Students that successfully exit in the 2013-14 school year are funded in the 2014-15 school year. It is the intent of the legislature that, beginning in the 2015-16 school year, funding will be provided for students who have successfully exited the bilingual program in the two previous school years. Funding provided under this subsection (2)(c) shall not be considered part of basic education.

(d) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts for transitional bilingual

instruction programs as provided in section 514, chapter 50, Laws of 2011 1st sp. sess., as amended through section 512 of the 2013 omnibus supplemental operating appropriations act (Senate Bill No. 5033).

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.56 percent for school year 2013-14 and 1.41 percent for school year 2014-15.

(4) The general fund--federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund--state appropriation for fiscal year 2014 and \$35,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to track current and former transitional bilingual program students.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2014)	\$133,599,000
General Fund--State Appropriation (FY 2015)	\$137,064,000
General Fund--Federal Appropriation	\$448,435,000
Education Legacy Trust Account--State Appropriation	
.....	\$240,604,000
TOTAL APPROPRIATION	\$959,702,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 3.00000 hours per week per funded learning assistance program student; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 50, Laws of 2011 1st sp. sess., as amended through section 513 of the 2013 omnibus supplemental operating appropriations act (Senate Bill No. 5033).

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) In the 2013-14 and 2014-15 school years, districts may use learning assistance program funds to continue providing educational supports to under-achieving students that would otherwise have been provided through the following non-basic education statewide grants and programs, provided the programs are consistent with RCW 28A.150.260(10)(a) and research has shown the programs to be effective, consistent with Engrossed Second Substitute Senate Bill No. 5330 (improving student achievement and student

outcomes). The individual statewide programs are options but are not components of the basic education program, nor do they represent an individual entitlement to any particular student. School districts may coordinate implementation of the programs statewide, regionally, or individually. The programs are:

- (a) Project citizen;
- (b) Collaborative schools for innovation and success;
- (c) Open K-12 educational resources (Chapter 178, Laws of 2012);
- (d) Interpreter services standards;
- (e) Nurse corps;
- (f) Navigation 101;
- (g) Washington achievers scholars;
- (h) College bound scholarship outreach;
- (i) Building bridges grants;
- (j) Jobs for America's graduates (JAG);
- (k) Communities in schools;
- (l) Dream big community center;
- (m) Readiness to learn;
- (n) Career and technical education (CTE) grants;
- (o) Regional education technology support centers;
- (p) Leadership academy;
- (q) Principal and superintendent internships;
- (r) Middle-and high-school applied science, technology, engineering, and mathematics (STEM) grants;
- (s) Science, technology, engineering, and mathematics (STEM) work group;
- (t) Paying for actual student success (PASS) program;
- (u) Project Lead the Way;
- (v) Skills centers aerospace manufacturing hub; and
- (w) The aerospace assembly program.

(4) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(End of part)

**PART VI
HIGHER EDUCATION**

TWENTY SEVENTH DAY, JUNE 8, 2013

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NEW SECTION. Sec. 601. The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of the state human resource director for inclusion in the data warehouse. Uniform reporting procedures shall be established by the office of the state human resource director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For institutions receiving appropriations in section 605 of this act, the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention. In fiscal year 2014 and fiscal year 2015, the state board for community and technical colleges may use salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention; and

(ii) Institutions may provide salary increases from other sources to instructional and research faculty at the universities and The Evergreen State College, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. Any salary increase granted under the authority of this subsection (4)(c)(ii) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (4)(c)(ii).

NEW SECTION. Sec. 602. (1) Within the funds appropriated in this act, each institution of higher education is expected to enroll and educate at least the following numbers of full-time equivalent state-supported students per academic year:

	2013-14 Annual Average	2014-15 Annual Average
University of Washington	37,253	37,253
Washington State University	22,454	22,454

Central Washington University	8,808	8,808
Eastern Washington University	8,734	8,734
The Evergreen State College	4,218	4,218
Western Washington University	11,762	11,762
State Board for Community & Technical Colleges		
Adult Students	139,237	139,237
Running Start Students	11,558	11,558

(2) If either Senate Bill No. 5883 (higher education funding) or Senate Bill No. 5941 (resident undergraduate tuition) is enacted by June 30, 2013, subsection (1) of this section shall have no effect.

(3) Each institution shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at branch campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(4) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments budgeted for each of their campuses.

NEW SECTION. Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS

(1) For the purposes of chapter 28B.15 RCW, the omnibus appropriations act assumes no increase of tuition levels for resident undergraduate students over the amounts charged to resident undergraduate students for the prior year.

(2) For the 2013-14 and 2014-15 academic years, the institutions of higher education are authorized to adopt tuition levels that are less than, equal to, or greater than the tuition levels assumed in subsection (1) of this section. However, to the extent that tuition levels exceed the tuition levels assumed in subsection (1) of this section, the institution shall be subject to the conditions and limitations provided in RCW 28B.15.102. If either Senate Bill No. 5883 (higher education funding) or Senate Bill No. 5941 (resident undergraduate tuition) is enacted by June 30, 2013, subsections (1) and (2) of this section shall have no effect.

(3) Each governing board is authorized to increase tuition charges to graduate and professional students, and to nonresident undergraduate students, by amounts judged reasonable and necessary by the governing board.

(4) Each governing board is authorized to increase summer quarter or semester tuition fees for resident and nonresident undergraduate, graduate, and professional students pursuant to RCW 28B.15.067.

(5) Each governing board is authorized to adopt or increase charges for fee-based, self-sustaining degree programs, credit courses, noncredit workshops and courses, and special contract courses by amounts judged reasonable and necessary by the governing board.

(6) Each governing board is authorized to adopt or increase services and activities fees for all categories of students as provided in RCW 28B.15.069.

(7) Each governing board is authorized to adopt or increase technology fees as provided in RCW 28B.15.069.

(8) Each governing board is authorized to adopt or increase special course and lab fees, and health and counseling fees, to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(9) Each governing board is authorized to adopt or increase administrative fees such as, but not limited to, those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the governing board.

(10) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by running start students if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(11) Appropriations in sections 606 through 611 of this act are sufficient to implement 2013-2015 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW. The institutions may also use these funds for any other purpose including restoring prior compensation reductions, increasing compensation, and implementing other collective bargaining agreements.

NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

(1) The state board for community and technical colleges and the trustees of the state's community and technical colleges may not increase tuition and fees for resident undergraduate students in fiscal year 2014 or fiscal year 2015. If either Senate Bill No. 5883 (higher education funding) or Senate Bill No. 5941 (resident undergraduate tuition) is enacted by June 30, 2013, subsection (1) of this section shall have no effect.

(2) Appropriations in section 605 are sufficient to implement 2013-2015 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW. The colleges may also use these funds for any other purpose including restoring prior compensation reductions, increasing compensation, and implementing other collective bargaining agreements.

(3) The state board may increase the tuition fees charged to nonresident students by amounts judged reasonable and necessary by the board.

(4) The trustees of the technical colleges are authorized to either (a) freeze operating fees for the next two academic years; or (b) fully adopt the tuition fee charge schedule adopted by the state board for community colleges.

(5) For academic years 2013-14 and 2014-15, the trustees of the technical colleges are authorized to increase building fees by an amount judged reasonable in order to progress toward parity with the building fees charged students attending the community colleges.

(6) The state board is authorized to increase the maximum allowable services and activities fees as provided in RCW 28B.15.069. The trustees of the community and technical colleges are authorized to increase services and activities fees up to the maximum level authorized by the state board.

(7) The trustees of the community and technical colleges are authorized to adopt or increase charges for fee-based, self-sustaining programs such as summer session, international student contracts, and special contract courses by amounts judged reasonable and necessary by the trustees.

(8) The trustees of the community and technical colleges are authorized to adopt or increase special course and lab fees to the

extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(9) The trustees of the community and technical colleges are authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the trustees.

NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2014)	\$573,747,000
General Fund--State Appropriation (FY 2015)	\$574,326,000
Community/Technical College Capital Projects	
Account--State Appropriation.....	\$17,548,000
Education Legacy Trust Account--State Appropriation	\$95,468,000
TOTAL APPROPRIATION	\$1,261,089,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund--state appropriation for fiscal year 2014 and \$33,261,000 of the general fund--state appropriation for fiscal year 2015 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2014 and at least 7,170 full-time equivalent students in fiscal year 2015.

(2) \$2,725,000 of the general fund--state appropriation for fiscal year 2014 and \$2,725,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$13,407,000 of the general fund--state appropriation for fiscal year 2014 and \$13,407,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the student achievement initiative.

(4) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(5) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Substitute Senate Bill No. 5624 (STEM or career and tech ed). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(7) \$255,000 of the general fund--state appropriation for fiscal year 2014 and \$255,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of a maritime industries training program at south Seattle community college.

NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2014)	\$232,866,000
General Fund--State Appropriation (FY 2015)	\$232,757,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$700,000
Education Legacy Trust Account--State Appropriation	
.....	\$13,998,000

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Economic Development Strategic Reserve

Account--State Appropriation.....	\$3,000,000
Biotoxin Account--State Appropriation.....	\$390,000
Accident Account--State Appropriation.....	\$6,767,000
Medical Aid Account--State Appropriation	\$6,566,000
Environmental Legacy Stewardship Account--State Appropriation.....	\$1,120,000
TOTAL APPROPRIATION.....	\$498,164,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the aquatic lands enhancement account--state appropriation and \$1,120,000 of the environmental legacy stewardship account--state appropriation are provided solely for the center on ocean pH balance and related work necessary to implement the recommendations of the governor's blue ribbon task force on ocean acidification. The university shall provide staffing for this purpose.

(2) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(3) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) Appropriations from the environmental legacy stewardship account in this section shall be made from the state toxic control account if legislation creating and funding the environmental legacy and stewardship account is not enacted by June 30, 2013.

NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$156,086,000
General Fund--State Appropriation (FY 2015)	\$157,770,000
Education Legacy Trust Account--State Appropriation .....	.....
.....	\$33,995,000
TOTAL APPROPRIATION	\$347,851,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within existing resources, Washington State University shall establish a forestry program.

(2) Washington State University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$2,915,000 of the general fund--state appropriation for fiscal year 2014 and \$3,885,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expansion of medical education and biomedical research in Spokane.

NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$30,229,000
General Fund--State Appropriation (FY 2015)	\$30,280,000
Education Legacy Trust Account--State Appropriation .....	.....
.....	\$15,793,000
TOTAL APPROPRIATION	\$76,302,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(2) At least \$200,000 of the general fund--state appropriation for fiscal year 2014 and at least \$200,000 of the general fund--state appropriation for fiscal year 2015 shall be expended on the Northwest autism center.

NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$27,620,000
General Fund--State Appropriation (FY 2015)	\$27,646,000

Education Legacy Trust Account--State Appropriation.....	.....
.....	\$19,076,000
TOTAL APPROPRIATION	\$74,342,000

The appropriations in this section are subject to the following conditions and limitations: Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2014)	\$18,129,000
General Fund--State Appropriation (FY 2015)	\$17,761,000
Education Legacy Trust Account--State Appropriation	\$5,450,000
TOTAL APPROPRIATION	\$41,340,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(2) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Washington state institute for public policy to conduct an empirical study of the validity and reliability of the safety assessment tool currently used in child welfare cases by the children's administration of the department of social and health services. In conducting this study, the institute must identify: (a) Whether other empirically based child welfare safety assessment tools exist and, if so, compare those tools to the tool used by the children's administration; (b) whether other factors or combination of factors not included in the current safety assessment tool should be included to help predict real outcomes; and (c) where possible, whether there is unnecessary duplication in the application of the family assessment tool used by the department. A report on the study is due to the appropriate policy committees of the legislature by December 15, 2013.

(4) \$60,000 of the general fund--state appropriation for fiscal year 2014 and \$40,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to study evidence and research-based methodologies that the state can implement to control medicaid and other health care costs. The institute shall submit an interim report to the legislative fiscal committees by December 1, 2013, with a final report due by July 1, 2014.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to conduct a comprehensive retrospective outcome evaluation and return on investment analysis of the early learning childhood program pursuant to Senate Bill No. 5904 (high quality early learning). This evaluation is due December 15, 2014. If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to develop a risk assessment instrument for patients committed for involuntary treatment in Washington state.

(7) \$58,000 of the general fund--state appropriation for fiscal year 2014 and \$27,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to prepare an inventory of evidence-based and research-based effective practices, activities, and programs for use by school districts in the learning assistance program pursuant to

Engrossed Second Substitute Senate Bill No. 5330 (student achievement, outcome). The initial inventory is due by August 1, 2014, and shall be updated every two years thereafter. If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2014 are provided solely for the Washington state institute for public policy to provide expertise to the department of corrections on the implementation of programming that follows the risk needs responsivity model. In consultation with the department of corrections, the institute will systematically review selected programs for outcome measures.

NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$41,525,000
General Fund--State Appropriation (FY 2015)	\$41,563,000
Education Legacy Trust Account--State Appropriation	
.....	\$13,154,000
TOTAL APPROPRIATION	\$96,242,000

The appropriations in this section are subject to the following conditions and limitations: Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 612. FOR THE STUDENT ACHIEVEMENT COUNCIL--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2014)	\$5,320,000
General Fund--State Appropriation (FY 2015)	\$5,333,000
General Fund--Federal Appropriation	\$4,820,000
TOTAL APPROPRIATION	\$15,473,000

The appropriations in this section are subject to the following conditions and limitations: The student achievement council is authorized to increase or establish fees for initial degree authorization, degree authorization renewal, degree authorization reapplication, new program applications, and new site applications pursuant to RCW 28B.85.060.

NEW SECTION. Sec. 613. FOR THE STUDENT ACHIEVEMENT COUNCIL--OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund--State Appropriation (FY 2014)	\$259,057,000
General Fund--State Appropriation (FY 2015)	\$264,467,000
General Fund--Federal Appropriation	\$11,658,000
General Fund--Private/Local Appropriation.....	\$34,000
Washington Opportunity Pathways Account--State Appropriation.....	\$147,000,000
TOTAL APPROPRIATION	\$682,216,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$237,454,000 of the general fund--state appropriation for fiscal year 2014, \$237,455,000 of the general fund--state appropriation for fiscal year 2015, and \$147,000,000 of the opportunity pathways account--state appropriation are provided solely for student financial aid payments under the state need grant and state work study program including up to a four percent administrative allowance for the state work study program.

(2) Changes made to the state need grant program in the 2011-2013 fiscal biennium are continued in the 2013-2015 fiscal biennium including aligning increases in awards given to private institutions with the annual tuition increases for public research institutions or the private institutions average annual tuition increase experience of 3.5 percent per year, whichever is less, and reducing the awards for students who first enrolled as a new student in for-profit institutions as of the 2011-2012 academic year or thereafter by fifty percent, except that one-half of the fifty percent reduction shall be restored on July 1, 2013, for students attending regionally accredited for-profit institutions.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2013-2015 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. Institutions must award the maximum state need grant for which the student is eligible under state policies prior to awarding the college bound scholarship for students who have applied for aid in a timely fashion.

(6) \$13,933,000 of the general fund--state appropriation for fiscal year 2014 and \$19,792,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the college bound scholarship program.

(7) \$2,236,000 of the general fund--state appropriation for fiscal year 2014 and \$2,236,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2014 and 2015 for this purpose.

NEW SECTION. Sec. 614. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2014)	\$1,425,000
General Fund--State Appropriation (FY 2015)	\$1,323,000
General Fund--Federal Appropriation	\$54,254,000
TOTAL APPROPRIATION	\$57,002,000

The appropriations in this section are subject to the following conditions and limitations: For the 2013-2015 fiscal biennium, the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

NEW SECTION. Sec. 615. FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2014)	\$37,214,000
General Fund--State Appropriation (FY 2015)	\$40,542,000
General Fund--Federal Appropriation.....	\$295,994,000
Home Visiting Services Account--State Appropriation ..	\$2,868,000
Home Visiting Services Account--Federal Appropriation.....	\$22,757,000
Washington Opportunity Pathways Account--State Appropriation.....	\$80,000,000
Children's Trust Account--State Appropriation.....	\$180,000
TOTAL APPROPRIATION	\$479,555,000

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,285,000 of the general fund--state appropriation for fiscal year 2014, \$29,155,000 of the general fund--state appropriation of fiscal year 2013, \$80,000,000 of the opportunity pathways account appropriation, and \$2,256,000 of the general fund--federal appropriation are provided solely for the early childhood education assistance program services. Of these amounts, \$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund dollars.

(2) \$158,717,000 of the general fund--federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$150,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(5) \$1,434,000 of the general fund--state appropriation for fiscal year 2014, \$1,434,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expenditure into the home visiting services account.

(6) \$556,000 of the general fund--state appropriation for fiscal year 2014, \$556,000 of the general fund--state appropriation for fiscal year 2015, and \$477,000 of the general fund--federal appropriation are provided solely for implementation of an electronic benefit transfer system. The system shall include electronic time keeping and payment system. The department shall coordinate implementation of this system with the department of social and health services.

(7) \$155,000 of the general fund--state appropriation for fiscal year 2015, \$155,000 of the general fund--state appropriation for fiscal year 2015, and \$133,000 of the general fund--state appropriation are provided solely for implementation of an electronic eligibility system for child care benefits.

(8) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(9) \$1,025,000 of the general fund--state appropriation for fiscal year 2014, \$1,075,000 of the general fund--state appropriation for fiscal year 2015, and \$13,424,000 of the general fund--federal appropriation are provided solely for the seasonal child care program.

(10) \$3,022,000 of the general fund--state appropriation for fiscal year 2014, \$2,522,000 of the general fund--state appropriation for fiscal year 2015, and \$4,304,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's

administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program.

(a) Of the amounts provided in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

(b) Of the amounts provided in this subsection, \$500,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to continue providing services in the event of losing federal funding for the MTCC program. To the extent that the moneys provided in this subsection (10)(b) are not necessary for this purpose, the amounts provided shall lapse.

(11) \$300,000 of the general fund--federal appropriation is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(12) \$134,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Second Substitute Senate Bill No. 5595 (child care reform). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 616. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2014)	\$5,958,000
General Fund--State Appropriation (FY 2015)	\$5,742,000
General Fund--Private/Local Appropriation.....	\$18,000
TOTAL APPROPRIATION	\$11,718,000

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund--State Appropriation (FY 2014)	\$8,579,000
General Fund--State Appropriation (FY 2015)	\$8,573,000
TOTAL APPROPRIATION	\$17,152,000

NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2014)	\$1,126,000
General Fund--State Appropriation (FY 2015)	\$1,099,000
General Fund--Federal Appropriation	\$2,074,000
General Fund--Private/Local Appropriation.....	\$12,000
OTAL APPROPRIATION	\$4,311,000

NEW SECTION. Sec. 619. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2014)	\$2,110,000
General Fund--State Appropriation (FY 2015)	\$2,140,000
TOTAL APPROPRIATION	\$4,250,000

NEW SECTION. Sec. 620. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2014)	\$1,601,000
General Fund--State Appropriation (FY 2015)	\$1,534,000
TOTAL APPROPRIATION	\$3,135,000

(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2014)	\$973,029,000
General Fund--State Appropriation (FY 2015)	\$1,047,664,000

State Building Construction Account--State	
Appropriation.....	\$4,297,000
Columbia River Basin Water Supply Development	
Account--State Appropriation.....	\$269,000
State Taxable Building Construction Account--State	
Appropriation.....	\$211,000
Debt-Limit Reimbursable Bond Retire Account--State	
Appropriation.....	\$2,320,000
TOTAL APPROPRIATION	\$2,027,790,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2014 shall be expended into the debt-limit general fund bond retirement account by June 30, 2014.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

Accident Account--State Appropriation	\$4,138,000
Medical Aid Account--State Appropriation	\$4,138,000
TOTAL APPROPRIATION	\$8,276,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2014)	\$25,636,000
General Fund--State Appropriation (FY 2015)	\$16,102,000
Nondebt-Limit Reimbursable Bond Retirement Account--State	
Appropriation.....	\$140,215,000
TOTAL APPROPRIATION	\$181,953,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2014 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2014.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2014)	\$1,726,000
General Fund--State Appropriation (FY 2015)	\$1,726,000
State Building Construction Account--State Appropriation	\$867,000
Columbia River Basin Water Supply Development	
Account--State Appropriation.....	\$57,000
State Taxable Building Construction Account--State	
Appropriation.....	\$45,000
TOTAL APPROPRIATION	\$4,421,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

General Fund--State Appropriation (FY 2014)	\$4,000,000
General Fund--State Appropriation (FY 2015)	\$4,000,000
TOTAL APPROPRIATION	\$8,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account to be used for any Washington state fire service resource mobilization costs incurred by the Washington state patrol in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT

General Fund--State Appropriation (FY 2014)	\$5,100,000
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General Fund--State Appropriation (FY 2015)	\$2,500,000
TOTAL APPROPRIATION	\$7,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account. \$5,000,000 of the appropriation is provided for emergency fire suppression by the department of natural resources.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund--State Appropriation (FY 2014)	\$850,000
General Fund--State Appropriation (FY 2015)	\$850,000
TOTAL APPROPRIATION	\$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2014)	\$8,000,000
General Fund--State Appropriation (FY 2015)	\$8,000,000
TOTAL APPROPRIATION	\$16,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--O'BRIEN BUILDING IMPROVEMENT

General Fund--State Appropriation (FY 2014)	\$2,948,000
General Fund--State Appropriation (FY 2015)	\$2,942,000
TOTAL APPROPRIATION	\$5,890,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

NEW SECTION. Sec. 710. FOR THE STATE TREASURER--COUNTY PUBLIC HEALTH ASSISTANCE

General Fund--State Appropriation (FY 2014)	\$36,532,000
General Fund--State Appropriation (FY 2015)	\$36,532,000
TOTAL APPROPRIATION	\$73,064,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

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Health District	FY 2014	FY 2015	2013-15 Biennium
Adams County Health District	\$122,274	\$122,274	\$244,548
Asotin County Health District	\$160,974	\$160,974	\$321,947
Benton-Franklin Health District	\$1,619,612	\$1,619,612	\$3,239,223
Chelan-Douglas Health District	\$402,160	\$402,160	\$804,320
Clallam County Health and Human Services Department	\$293,160	\$293,160	\$586,320
Clark County Health District	\$1,775,682	\$1,775,682	\$3,551,373
Skamania County Health Department	\$112,322	\$112,322	\$224,644
Columbia County Health District	\$120,925	\$120,925	\$241,850
Cowlitz County Health Department	\$480,325	\$480,325	\$960,650
Garfield County Health District	\$94,072	\$94,072	\$188,145
Grant County Health District	\$299,867	\$299,868	\$599,735
Grays Harbor Health Department	\$337,450	\$337,450	\$674,901
Island County Health Department	\$257,144	\$257,144	\$514,288
Jefferson County Health and Human Services	\$185,235	\$185,235	\$370,471
Seattle-King County Department of Public Health	\$12,723,640	\$12,723,640	\$25,447,280
Bremerton-Kitsap County Health District	\$1,002,681	\$1,002,681	\$2,005,362
Kittitas County Health Department	\$200,231	\$200,231	\$400,461
Klickitat County Health Department	\$154,858	\$154,858	\$309,716
Lewis County Health Department	\$264,983	\$264,983	\$529,967
Lincoln County Health Department	\$114,907	\$114,907	\$229,814
Mason County Department of Health Services	\$228,993	\$228,993	\$457,987
Okanogan County Health District	\$171,133	\$171,133	\$342,266
Pacific County Health Department	\$170,152	\$170,152	\$340,305
Tacoma-Pierce County Health Department	\$4,158,716	\$4,158,716	\$8,317,431
San Juan County Health and Community Services	\$126,569	\$126,569	\$253,139
Skagit County Health Department	\$452,399	\$452,399	\$904,799
Snohomish Health District	\$3,447,104	\$3,447,104	\$6,894,208
Spokane County Health District	\$2,886,438	\$2,886,438	\$5,772,877
Northeast Tri-County Health District	\$250,935	\$250,935	\$501,870
Thurston County Health Department	\$1,052,145	\$1,052,145	\$2,104,291
Wahkiakum County Health Department	\$94,114	\$94,113	\$188,228
Walla Walla County-City Health Department	\$303,702	\$303,702	\$607,405

Whatcom County Health Department	\$1,218,514	\$1,218,514	\$2,437,029
Whitman County Health Department	\$190,655	\$190,655	\$381,311
Yakima Health District	\$1,057,521	\$1,057,521	\$2,115,042
TOTAL APPROPRIATIONS	\$36,531,596	\$36,531,596	\$73,063,202

NEW SECTION. Sec. 711. BELATED CLAIMS

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund--State Appropriation (FY 2014)	\$58,700,000
General Fund--State Appropriation (FY 2015)	\$61,600,000
TOTAL APPROPRIATION	\$120,300,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2014)	\$10,600,000
General Fund--State Appropriation (FY 2015)	\$10,600,000
TOTAL APPROPRIATION	\$21,200,000

NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION INCREASE - NEW STEP M

General Fund--State Appropriation (FY 2014)	\$17,990,000
General Fund--State Appropriation (FY 2015)	\$20,629,000
Special Compensation Increase Revolving Account Appropriation.....	\$25,751,000
TOTAL APPROPRIATION	\$64,370,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase agency and institution appropriations to reflect compensation increases resulting from the implementation of a new step M on the salary grid for classified employees.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer shall transfer sufficient moneys from each dedicated fund or account to the special compensation increase revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS FOR STATE EMPLOYEE HEALTH INSURANCE

General Fund--State Appropriation (FY 2014)	(\$23,564,000)
General Fund--State Appropriation (FY 2015)	(\$49,086,000)
Special Insurance Contribution Adjustment Revolving Account Appropriation.....	(\$106,887,000)
TOTAL APPROPRIATION	(\$179,537,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to reduce agency and institution appropriations to reflect changes in

part-time employee eligibility consistent with the federal affordable care act standards for employer shared responsibility under Senate Bill No. 5905, and decreased employer health insurance costs consistent with the contribution rates included in sections 932, 933, and 939 of this act.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer shall transfer sufficient moneys from each dedicated fund or account to the special insurance contribution adjustment revolving account in accordance with schedules provided by the office of financial management. The office shall reduce allotments for all agencies to reflect these savings.

(3) From the allotment reductions made pursuant to this section, the office of financial management shall allocate \$2,549,000 general fund--state in fiscal year 2015, and \$17,126,000 from all other funds to the health care authority to be used solely for reimbursing part-time state and higher education employees for a portion of health insurance premiums they pay for coverage in plans offered through the Washington health benefit exchange beginning July 1, 2014. The adjustment to state agency and higher education insurance allocations in this section reflect savings from aligning the health insurance eligibility criteria for part-time employees with the employer responsibility provisions of the federal affordable care act. Beginning July 1, 2014, employees with family incomes below 400 percent of the federal poverty level who are not offered employer health insurance coverage are eligible for federal premium credits and subsidies for out-of-pocket costs for health insurance purchased through the Washington health benefits exchange.

(4) Only persons who are employed for at least 80 hours per month for at least six consecutive months are eligible for the exchange premium reimbursement benefit provided under this section, and only for months in which they work at least 80 hours.

(5) The exchange premium reimbursement benefit may not exceed \$2.00 per hour for the number of hours worked by the part-time employee in a month, and in no case shall exceed \$260 per month. Reimbursement may only be provided for coverage of the employee and the employee's spouse and dependent children.

(6) The authority shall administer the exchange premium reimbursement benefit funded by this appropriation and may adopt rules to implement the benefit.

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT--ALLOCATIONS FOR K-12 SCHOOL EMPLOYEE HEALTH INSURANCE

General Fund--State Appropriation (FY 2015)	(\$46,141,000)
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The appropriation in this section is subject to the following conditions and limitations: The office of financial management, consistent with the provisions of section 504 of this act, shall reduce allocations to K-12 school districts and education service districts for insurance benefits for part-time employees consistent with the appropriations in this section. By aligning part-time employee eligibility more closely with the federal affordable care act employer shared responsibility standards, more part-time school employees will be eligible for premium tax credits and subsidies available for health insurance purchased through the Washington health benefits exchange.

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NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--RETIREMENT SYSTEM CONTRIBUTIONS

General Fund--State Appropriation (FY 2014)	(\$1,150,000)
General Fund--State Appropriation (FY 2015)	(\$1,150,000)
TOTAL APPROPRIATION	(\$2,300,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriation adjustments in this section reflect state and public school retirement system contribution savings associated with the enactment of Substitute Senate Bill No. 5851 (defined contribution retirement plan). The office shall reduce agency allotments and public school allocations to reflect these savings. If the bill is not enacted by June 30, 2013, the adjustments provided in this section shall lapse.

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--STATE EFFICIENCY AND RESTRUCTURING REPAYMENT

General Fund--State Appropriation (FY 2014)	\$4,981,000
General Fund--State Appropriation (FY 2015)	\$4,981,000
TOTAL APPROPRIATION	\$9,962,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the cleanup settlement account on July 1, 2013, and July 1, 2014, as repayment of moneys that were transferred to the state efficiency and restructuring account.

NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--AGENCY EFFICIENCIES

General Fund--State Appropriation (FY 2014)	(\$21,500,000)
General Fund--State Appropriation (FY 2015)	(\$21,500,000)
TOTAL APPROPRIATION	(\$43,000,000)

The appropriations in this section are subject to the following conditions and limitations: The office of financial management shall reduce allotments for all agencies by \$25,000,000 from fiscal year 2014 general fund--state appropriations and \$25,000,000 from fiscal year 2015 general fund--state appropriations in this act to reflect (1) available fund balances in dedicated revolving funds used for central services to state agencies and (2) more efficient delivery of consolidated central services to state agencies, including savings achieved pursuant to Substitute Senate Bill No. 5717 (competitive contracting).

NEW SECTION. Sec. 719. FOR THE OFFICE OF FINANCIAL MANAGEMENT--INFORMATION TECHNOLOGY EXPENDITURES

General Fund--State Appropriation (FY 2014)	(\$7,500,000)
General Fund--State Appropriation (FY 2015)	(\$7,500,000)
TOTAL APPROPRIATION	(\$15,000,000)

The appropriations in this section are subject to the following conditions and limitations: The office of financial management shall reduce allotments for all agencies by \$7,500,000 from fiscal year 2014 general fund--state appropriations and \$7,500,000 from fiscal year 2015 general fund--state appropriations in this act to reflect efficiencies in information technology expenditures statewide, including savings achieved pursuant to Senate Bill No. . . . (S-2261) (information technology).

NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT--INDUSTRIAL INSURANCE SAVINGS

From the appropriations in this act, the office of financial management shall reduce general fund--state allotments for fiscal year 2014 by \$4,948,000 and for fiscal year 2015 by \$4,645,000 to reflect savings in the industrial insurance costs of state agencies.

The allotment reductions shall be placed in reserve status and remain unexpended. If neither Engrossed Substitute Senate Bill No. 5127 nor Engrossed Substitute Senate Bill No. 5128 is enacted by June 30, 2013, this section shall not take effect.

NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SECRETARY OF STATE ARCHIVES SERVICES ADJUSTMENTS

General Fund--State Appropriation (FY 2014)	(\$1,000)
General Fund--State Appropriation (FY 2015)	\$1,000
Other Appropriated Funds	\$1,000
TOTAL APPROPRIATION	\$1,000

The appropriations in this section are solely for the purpose designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with state archives services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT--AUDIT SERVICES ADJUSTMENTS

General Fund--State Appropriation (FY 2015)	\$4,000
Other Appropriated Funds	\$3,000
TOTAL APPROPRIATION	\$7,000

The appropriations in this section are solely for the purpose designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with audit services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT--ATTORNEY GENERAL LEGAL SERVICES ADJUSTMENTS

General Fund--State Appropriation (FY 2014)	(\$401,000)
General Fund--State Appropriation (FY 2015)	(\$338,000)
General Fund--Private/Local Appropriation.....	(\$15,000)
General Fund--Federal Appropriation	(\$206,000)
Other Appropriated Funds	(\$2,538,000)
TOTAL APPROPRIATION	(\$3,498,000)

The appropriations in this section are solely for the purpose designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with legal services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

NEW SECTION. Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT--ADMINISTRATIVE HEARINGS SERVICES ADJUSTMENTS

General Fund--State Appropriation (FY 2014)	\$89,000
General Fund--State Appropriation (FY 2015)	\$89,000
Other Appropriated Funds	\$284,000
TOTAL APPROPRIATION	\$462,000

The appropriations in this section are solely for the purpose designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with administrative hearings services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

NEW SECTION. Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONSOLIDATED TECHNOLOGY CENTRAL SERVICES ADJUSTMENTS

General Fund--State Appropriation (FY 2014)	\$278,000
General Fund--State Appropriation (FY 2015)	\$296,000
Other Appropriated Funds	\$531,000
TOTAL APPROPRIATION	\$1,105,000

The appropriations in this section are solely for the purpose designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with consolidated technology services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DEPARTMENT OF ENTERPRISE CENTRAL SERVICES ADJUSTMENTS

General Fund--State Appropriation (FY 2014)	(\$2,102,000)
General Fund--State Appropriation (FY 2015)	(\$323,000)
Other Appropriated Funds	(\$1,804,000)
TOTAL APPROPRIATION	(\$4,229,000)

The appropriations in this section are solely for the purpose designated in this section and are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect adjustments in funding for charges associated with enterprise services.

(2) The office of financial management shall update agency appropriation schedules to reflect the changes to funding levels in this section.

(End of part)

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	\$8,248,000
General Fund Appropriation for public utility district excise tax distributions.....	\$50,894,000
General Fund Appropriation for prosecuting attorney distributions.....	\$6,068,000
General Fund Appropriation for boating safety and education distributions	\$4,000,000
General Fund Appropriation for other tax distributions	\$65,000
General Fund Appropriation for habitat conservation program distributions.....	\$3,000,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies.....	\$3,158,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution.....	\$146,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$72,120,000
County Criminal Justice Assistance Appropriation.....	\$78,983,000
Municipal Criminal Justice Assistance Appropriation.....	\$30,550,000
City-County Assistance Account Appropriation for local government financial assistance distribution	\$17,134,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution, provided that \$100,000 must be allocated to the department of commerce from the counties' distribution to implement the provisions of section 128(8) of this act.....	\$24,744,000
Streamlined Sales and Use Tax Mitigation Account	

Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes.....	\$50,488,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation	\$7,760,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	\$5,025,000
Liquor Revolving Account Appropriation for liquor profits distribution.....	\$98,876,000
TOTAL APPROPRIATION	\$461,259,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation	\$2,469,000
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2013-2015 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation	\$1,646,000
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2013-2015 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal flood control funds distribution	\$66,000
General Fund Appropriation for federal grazing fees distribution	\$1,706,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$5,636,000
TOTAL APPROPRIATION	\$7,408,000

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The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

State Treasurer's Service Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2014 and \$10,000,000 for fiscal year 2015\$20,000,000

Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account\$32,000,000

General Fund: For transfer to the streamlined sales and use tax account, \$25,284,000 for fiscal year 2014 and \$25,204,000 for fiscal year 2015.....\$50,488,000

Public Works Assistance Account: For transfer to the water pollution control revolving account, \$7,750,000 for fiscal year 2014 and \$7,750,000 for fiscal year 2015\$15,500,000

Public Works Assistance Account: For transfer to the drinking water assistance account, \$4,400,000 for fiscal year 2014 and \$4,400,000 for fiscal year 2015\$8,800,000

Public Works Assistance Account: For transfer to the state general fund, \$30,000,000 for fiscal year 2014 and \$15,000,000 for fiscal year 2015.....\$45,000,000

State Taxable Building Construction Account: For transfer to the Columbia River basin taxable bond water supply development account, an amount not to exceed\$30,545,000

General Fund: For transfer to the child and family reinvestment account, \$3,758,000 for fiscal year 2014 and \$1,955,000 for fiscal year 2015.....\$5,713,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account.....\$156,886,000

Tobacco Settlement Account: For transfer to the state general fund from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2014.....\$23,000,000

Tobacco Settlement Account: For transfer to the state general fund from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2015..... \$23,000,000

Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2014\$3,442,000

Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2015\$3,207,000

The transfer to the life sciences discovery fund is subject to the following conditions: The life sciences discovery fund authority board of trustees shall begin preparing to become a self-sustaining entity capable of operating without direct state subsidy by the time the tobacco strategic contribution supplemental payments end in fiscal year 2017.

Home Security Fund Account: For transfer to the transitional housing operating and rent account\$7,500,000

Energy Freedom Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014

and \$1,000,000 for fiscal year 2015.....\$2,000,000

Aquatic Lands Enhancement Account: For transfer to the marine resources stewardship trust account.....\$3,700,000

Employment Training Finance Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 and \$1,000,000 for fiscal year 2015.....\$2,000,000

Tuition Recovery Trust Account: For transfer to the state general fund, \$1,250,000 for fiscal year 2014 and \$1,250,000 for fiscal year 2015.....\$2,500,000

Common School Construction Fund: For transfer to the education legacy trust account, \$83,000,000 in fiscal year 2014 and \$83,000,000 in fiscal year 2015\$166,000,000

Pollution Liability Insurance Program Trust Account: For transfer to the state general fund.....\$5,000,000

Professional Engineers' Account: For transfer to the state general fund, \$957,000 for fiscal year 2014 and \$956,000 for fiscal year 2015.....\$1,913,000

Washington Housing Trust Account: For transfer to the state general fund, \$1,630,000 for fiscal year 2014 and \$1,630,000 for fiscal year 2015.....\$3,260,000

Electrical License Account: For transfer to the state general fund, \$1,700,000 for fiscal year 2014 and \$1,700,000 for fiscal year 2015\$3,400,000

Real Estate Commission Account: For transfer to the state general fund, \$1,700,000 for fiscal year 2014 and \$1,700,000 for fiscal year 2015.....\$3,400,000

Business and Professions Account: For transfer to the state general fund, \$1,838,000 for fiscal year 2014 and \$1,800,000 for fiscal year 2015.....\$3,638,000

Certified Public Accountants' Account: For transfer to the state general fund, \$1,596,000 for fiscal year 2014 and \$1,600,000 for fiscal year 2015.....\$3,196,000

Flood Control Assistance Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 and \$1,000,000 for fiscal year 2015.....\$2,000,000

(End of part)

PART IX MISCELLANEOUS

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2011-2013 fiscal biennium.

NEW SECTION. Sec. 902. EMERGENCY FUND ALLOCATIONS

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

NEW SECTION. Sec. 903. STATUTORY APPROPRIATIONS

In addition to the amounts appropriated in this act for revenues for distribution, and bond retirement and interest including ongoing

bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 904. BOND EXPENSES

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 905. VOLUNTARY RETIREMENT, SEPARATION, AND DOWNSHIFTING INCENTIVES

As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement a voluntary retirement and/or separation, program that is cost neutral or results in cost savings (including costs to the state pension systems) over a two-year period following the commencement of the program, provided that such a program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management, in consultation with the office of the state human resources director and the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have a contractual right to a financial incentive offered under this section. Offers shall be reviewed and monitored jointly by the office of the state human resources director and the department of retirement systems. Agencies are required to submit a report by July 30, 2015, to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program including the incentive payment amount for each participant, the total cost to the state, and the projected or actual net dollar savings over the two year period.

The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

NEW SECTION. Sec. 906. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. Sec. 907. COLLECTIVE BARGAINING AGREEMENTS

The following sections represent the results of the 2013-2015 collective bargaining process required under the provisions of chapters 41.80, 41.56 and 74.39A RCW. Provisions of the collective bargaining agreements contained in sections 908 through 938 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements or the continuation of terms and conditions of the 2011-2013 agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 908. COLLECTIVE BARGAINING AGREEMENT--WFSE

An agreement has been reached between the governor and the Washington federation of state employees general government under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and for backfill costs for a personal leave day. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 909. COLLECTIVE BARGAINING AGREEMENT--WPEA

An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 910. COLLECTIVE BARGAINING AGREEMENT--COALITION OF UNIONS

An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 911. COLLECTIVE BARGAINING AGREEMENT--WAFWP

An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 912. COLLECTIVE BARGAINING AGREEMENT--PTE LOCAL 17

An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 913. COLLECTIVE BARGAINING AGREEMENT--SEIU 1199NW

An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and for backfill costs for a personal leave day. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 914. COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS LOCAL 117

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An agreement has been reached between the governor and the international brotherhood of teamsters local 117 under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 915. COLLECTIVE BARGAINING AGREEMENT--WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION

An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 916. COLLECTIVE BARGAINING AGREEMENT--WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION

An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 917. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol troopers association through an interest arbitration decision under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members effective July 1, 2013, and a one percent increase to longevity pay for years five through nine effective July 1, 2014.

NEW SECTION. Sec. 918. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol lieutenants association through an interest arbitration decision under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members effective July 1, 2014, and for parking of department issued vehicles for employees assigned vehicles at the general administration building or capital campus.

NEW SECTION. Sec. 919. COLLECTIVE BARGAINING AGREEMENT--YAKIMA VALLEY COMMUNITY COLLEGE--WPEA

An agreement has been reached between Yakima Valley Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes that economic terms and conditions replicate those specified in the agreement executed by and between the Washington state higher education coalition and

the Washington public employees association under RCW 41.80.010 for the term July 1, 2013, to June 30, 2015.

NEW SECTION. Sec. 920. COLLECTIVE BARGAINING AGREEMENT--THE EVERGREEN STATE COLLEGE--WFSE

An agreement has been reached between The Evergreen State College and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and a personal leave day. Funding is also provided for a one percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 921. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between the Western Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes compensation equal to any compensation increase approved, implemented, and funded by the state for general government classified represented staff through the general service salary schedule.

NEW SECTION. Sec. 922. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE

An agreement has been reached between the Western Washington University and the public schools employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes compensation equal to any compensation increase approved, implemented, and funded by the state for general government classified represented staff through the general service salary schedule.

NEW SECTION. Sec. 923. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. Funding is also provided for a one percent salary increase for all bargaining unit members beginning July 1, 2013, and a one percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 924. COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and for a one percent salary increase for all bargaining unit members beginning July 1, 2014. The agreement also includes additional one-time payments each November of each fiscal year for members continually employed during the preceding twelve months in an amount up to three percent of member's gross wages contingent on the university's achievement of the goals contained in its student success incentive program.

NEW SECTION. Sec. 925. COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY--PSE

An agreement has been reached between Central Washington University and the public schools employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement includes a one

percent salary increase for all bargaining unit members beginning July 1, 2014, and in the event classified employees bargaining at the general government's higher education tables receive a general wage increase greater than one percent, salary ranges will increase by the higher amount. The agreement also includes additional one-time payments each November each fiscal year for members continually employed during the preceding twelve months in an amount up to three percent of member's gross wages contingent on the university's achievement of the goals contained in its student success incentive program.

NEW SECTION. Sec. 926. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--WFSE

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided for additional premium pay, preceptor pay, and professional development increases. Funding is also provided for a two percent wage increase for all bargaining unit members beginning July 1, 2013, and a two percent wage increase for all bargaining unit members beginning July 1, 2014. The agreement also provides that if the university agrees to across-the-board salary increases for any SEIU 925 bargaining unit that are more favorable than those negotiated with WFSE, the university will grant the same salary increase to WFSE-represented employees.

NEW SECTION. Sec. 927. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--SEIU 925

An agreement has been reached between the University of Washington and the service employees Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided for additional step increases, a two percent salary increase for all bargaining unit members beginning July 1, 2013, and a two percent salary increase for all bargaining unit members beginning July 1, 2014. The agreement also provides that if the university agrees to across-the-board salary increases or general increases for a SEIU 1199 or Washington state nurse association bargaining unit that are more favorable than those negotiated with SEIU 925, the university will grant the same salary increase to SEIU 925-represented employees.

NEW SECTION. Sec. 928. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--TEAMSTERS 117 (UW POLICE OFFICERS)

An agreement has been reached between the University of Washington and the teamsters 117 under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided for a two percent salary increase for all bargaining unit members beginning July 1, 2013, and a two percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 929. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WFSE

An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. The agreement provides that if a general salary increase, implementation of a salary survey, or a longevity step (Step M) is approved and funded by the state for university nonbargaining unit covered classified staff, WFSE bargaining unit members will receive the same.

NEW SECTION. Sec. 930. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--PSE

An agreement has been reached between the Washington State University and the public schools employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. The agreement provides that the bargaining unit members have a "me-too" agreement regarding cost of living increases with university classified staff utilizing the general service higher education salary schedule should the university request and receive funding to provide an across-the-board salary increase for classified staff.

NEW SECTION. Sec. 931. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WSU POLICE GUILD

An agreement has been reached between the Washington State University and the WSU Police Guild under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step.

NEW SECTION. Sec. 932. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION--INSURANCE BENEFITS

No agreement was reached between the governor and the health care super coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Appropriations in this act for state agencies, including institutions of higher education are sufficient to continue the provisions of the 2011-2013 collective bargaining agreement, and are subject to the following conditions and limitations: (1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$775 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed \$774 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar year 2014 shall be up to \$100.00 per month, and the subsidy for calendar year 2015 shall be up to \$110.00 per month.

NEW SECTION. Sec. 933. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$775 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed \$774 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make

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any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar year 2014 shall be up to \$100.00 per month, and the subsidy for calendar year 2015 shall be up to \$110.00 per month.

NEW SECTION. Sec. 934. COLLECTIVE BARGAINING AGREEMENTS

For collective bargaining agreements negotiated with the state for the 2013-2015 fiscal biennium under chapter 41.80 RCW, the governor may request funds to implement the terms and conditions of any agreement negotiated by an institution of higher education and submitted to the office of financial management after October 1, 2012, but before December 20, 2012, if that agreement is determined to be financially feasible to the state by the director of financial management.

NEW SECTION. Sec. 935. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--LANGUAGE ACCESS PROVIDERS WFSE

An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for a rate increase of 50 cents per hour effective July 1, 2013, and rate increase of 50 cents per hour effective July 1, 2014. Funding is also provided to accommodate a change to the no-show payment rules.

NEW SECTION. Sec. 936. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--SEIU HEALTHCARE 775NW HOMECARE WORKERS

An agreement has been reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapter 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for increases to wages and pay differentials, mileage allowance, and healthcare contributions. Funding is also provided for a paid holiday and payment of certification and testing fees.

NEW SECTION. Sec. 937. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--SEIU LOCAL 925 CHILDCARE WORKERS

An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for increases to health care, scholarship funding and non-standard hours bonus.

NEW SECTION. Sec. 938. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--WSRCC ADULT FAMILY HOMES

An agreement has been reached between the governor and the Washington state residential care council under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is

provided for a specialty adult family home contract for community placement of clients currently in western state hospital and an increase in the daily bed hold rate (days eight through twenty).

NEW SECTION. Sec. 939. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$775 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed \$774 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. Beginning January 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar year 2014 shall be up to \$100.00 per month, and the subsidy for calendar year 2015 shall be up to \$110.00 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$54.68 per month beginning September 1, 2013, and \$55.39 beginning September 1, 2014; and

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$54.68 each month beginning September 1, 2013, and \$55.39 beginning September 1, 2014, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection (3) shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 940. COMPENSATION--REVISE PENSION CONTRIBUTION RATES

The appropriations for school districts and state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. Sec. 941. NONREPRESENTED EMPLOYEE LONGEVITY STEP

For classified state employees, except those within the Washington management service and except those represented by a bargaining unit under chapters 41.80, 41.56, or 47.64 RCW, funding is provided within agency appropriations for implementation of a longevity step, in accordance with rules adopted under RCW 41.06.133.

NEW SECTION. Sec. 942. COMPENSATION--CONTINGENT INCREASE IN SALARIES AND WAGES

(1) If the director of the office of financial management determines that the February 2014 economic and revenue forecast council forecast for general fund--state revenues for fiscal year 2015 is \$200,000,000 or more than the September 2012 economic and revenue forecast council forecast for general fund--state revenues for fiscal year 2015 as a result of increased economic activity, effective July 1, 2014, appropriations to state agencies will increase in the amounts specified in OFM Document 2013-01 to fund a one percent salary increase effective July 1, 2014, through June 30, 2015, for the following state employees:

- (a) All classified employees;
 - (b) Employees in the Washington management service;
 - (c) Except as provided in subsection (2) of this section, employees exempt from merit system rules in the executive and judicial branches;
 - (d) Employees of the marine division of the department of transportation represented by the office and professional employees international union local eight and service employees international union local six.
- (2) The salary increase in this section is not provided to the following state employees:
- (a) Commissioned officers of the Washington state patrol represented by the Washington state patrol troopers association and the Washington state patrol lieutenants association;
 - (b) Employees of the marine division of the department of transportation represented by:
 - (i) The ferry agents, supervisors, project administrators association;
 - (ii) The Pacific northwest regional council of carpenters;
 - (iii) The Puget Sound metal trades council;
 - (iv) The marine engineers' beneficial association unlicensed engine room employees;
 - (v) The marine engineers' beneficial association licensed engineer officers;
 - (vi) The masters, mates and pilots - mates;
 - (vii) The masters, mates and pilots - masters;
 - (viii) The masters, mates and pilots - watch supervisors; and
 - (ix) The inlandboatmen's union of the pacific.
 - (c) Employees whose maximum salaries are set by the commission on salaries for elected officials;
 - (d) Employees of the legislative branch; and
 - (e) Faculty employees and employees exempt from merit system rules at institutions of higher education.

(3) For purposes of this section, "increased economic activity" means additional revenue derived from taxable business and consumer activity and does not include revenue changes from changes in state or federal law or revenue changes characterized by the economic and revenue forecast council as a noneconomic change.

NEW SECTION. Sec. 943. ACQUISITION OF INFORMATION TECHNOLOGY PROJECTS THROUGH FINANCIAL CONTRACTS

(1) Financial contracts for the acquisition of the information technology projects authorized in this section must be approved jointly by the office of the financial management and the office of the chief information officer. Information technology projects funded under this section shall meet the following requirements:

(a) The project reduces costs and achieves economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies;

(b) The project begins or continues replacement of legacy information technology systems and replacing these systems with modern and more efficient information technology systems;

(c) The project improves the ability of an agency to recover from major disaster;

(d) The project provides future savings and efficiencies for an agency through reduced operating costs, improved customer service, or increased revenue collections; and

(e) Preference for project approval must be given to an agency that has prior approval from the office of the chief information officer, an approved business plan, and where the primary hurdle to project funding is the lack of funding capacity.

(2) The following state agencies may enter into financial contracts to finance expenditures for the acquisition and implementation of the following information technology projects for up to the respective amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

(a) \$994,000 for the department of revenue agency security program improvement;

(b) \$50,000,000 for the department of revenue legacy system migration project;

(c) \$8,000,000 for the department of revenue to implement phase one of "My Account";

(d) Subject to subsection (4) of this section, \$10,000,000 for the department of enterprise services time, leave, and attendance pilot project;

(e) \$3,867,000 for the Washington state patrol for continuation of the mobile office platform;

(f) \$8,500,000 for the department of social and health services conversion to the tenth version of the world health organization's international classification of diseases; and

(g) \$6,729,000 for the department of early learning system implementation of electronic benefit transfers.

(3) The office of financial management with assistance from the office of the chief information officer will report to the governor and fiscal committees of the legislature by November 1st of each year on the status of distributions and expenditures on information technology projects and improved statewide or agency performance results achieved by project funding.

(4) If the Washington state department of transportation enters into financial contracts pursuant to chapter 39.94 RCW for the acquisition and implementation of a time, leave, and labor distribution system, the authorization provided to the department of enterprise services in subsection (2)(e) of this section expires.

Sec. 944. RCW 2.68.020 and 2012 2nd sp.s. c 7 s 913 are each amended to read as follows:

There is created an account in the custody of the state treasurer to be known as the judicial information system account. The administrative office of the courts shall maintain and administer the account, in which shall be deposited all moneys received from in-state noncourt users and any out-of-state users of the judicial information system and moneys as specified in RCW 2.68.040 for the purposes of providing judicial information system access to noncourt users and providing an adequate level of automated services to the judiciary. The legislature shall appropriate the funds in the account for the purposes of the judicial information system. The account shall be used for the acquisition of equipment, software, supplies, services, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies, and equipment, including the payment of principal and interest on items paid in installments. During the 2011-2013 fiscal

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biennium, the judicial information system(~~s~~-[system]) account may be appropriated to support the state law library. During the 2013-2015 fiscal biennium, the judicial information system account may be appropriated to support the information systems and other activities in the administrative office of the courts.

Sec. 945. RCW 13.40.466 and 2006 c 304 s 4 are each amended to read as follows:

(1) The reinvesting in youth account is created in the state treasury. Moneys in the account shall be spent only after appropriation. Expenditures from the account may be used to reimburse local governments for the implementation of the reinvesting in youth program established in RCW 13.40.462 and 13.40.464. During the 2013-2015 fiscal biennium, the legislature may appropriate moneys from the reinvesting in youth account for juvenile rehabilitation purposes.

(2) Revenues to the reinvesting in youth account consist of revenues appropriated to or deposited in the account.

(3) The department of social and health services juvenile rehabilitation administration shall review and monitor the expenditures made by any county or group of counties that is funded, in whole or in part, with funds provided through the reinvesting in youth account. Counties shall repay any funds that are not spent in accordance with RCW 13.40.462 and 13.40.464.

Sec. 946. RCW 18.04.105 and 2004 c 159 s 2 are each amended to read as follows:

(1) A license to practice public accounting shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a license on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional and ethical responsibilities of a licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a license because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met the educational standards established by rule as the board determines to be appropriate;

(c) Who has passed an examination;

(d) Who has had one year of experience which is gained:

(i) Through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills;

(ii) While employed in government, industry, academia, or public practice; and

(iii) Meeting the competency requirements in a manner as determined by the board to be appropriate and established by board rule; and

(e) Who has paid appropriate fees as established by rule by the board.

(2) The examination described in subsection (1)(c) of this section shall test the applicant's knowledge of the subjects of accounting and auditing, and other related fields the board may specify by rule. The time for holding the examination is fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and taking the examination, including methods for grading examinations and determining a passing grade required of an applicant for a license. The board shall to the extent possible see to it that the grading of the examination, and the passing grades, are uniform with those applicable to all other states. The board may make use of all or a part of the uniform certified public accountant examination and advisory grading service of the American Institute of Certified

Public Accountants and may contract with third parties to perform administrative services with respect to the examination as the board deems appropriate to assist it in performing its duties under this chapter. The board shall establish by rule provisions for transitioning to a new examination structure or to a new media for administering the examination.

(3) The board shall charge each applicant an examination fee for the initial examination or for reexamination. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination. During the 2013-2015 fiscal biennium, the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the account.

(4) Persons who on June 30, 2001, held valid certificates previously issued under this chapter shall be deemed to be certificate holders, subject to the following:

(a) Certificate holders may, prior to June 30, 2006, petition the board to become licensees by documenting to the board that they have gained one year of experience through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills, without regard to the eight-year limitation set forth in (b) of this subsection, while employed in government, industry, academia, or public practice.

(b) Certificate holders who do not petition to become licensees prior to June 30, 2006, may after that date petition the board to become licensees by documenting to the board that they have one year of experience acquired within eight years prior to applying for a license through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills in government, industry, academia, or public practice.

(c) Certificate holders who petition the board pursuant to (a) or (b) of this subsection must also meet competency requirements in a manner as determined by the board to be appropriate and established by board rule.

(d) Any certificate holder petitioning the board pursuant to (a) or (b) of this subsection to become a licensee must submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of CPE during the thirty-six months preceding the date of filing the petition.

(e) Any certificate holder petitioning the board pursuant to (a) or (b) of this subsection to become a licensee must pay the appropriate fees established by rule by the board.

(5) Certificate holders shall comply with the prohibition against the practice of public accounting in RCW 18.04.345.

(6) Persons who on June 30, 2001, held valid certificates previously issued under this chapter are deemed to hold inactive certificates, subject to renewal as inactive certificates, until they have petitioned the board to become licensees and have met the requirements of subsection (4) of this section. No individual who did not hold a valid certificate before July 1, 2001, is eligible to obtain an inactive certificate.

(7) Persons deemed to hold inactive certificates under subsection (6) of this section shall comply with the prohibition against the practice of public accounting in subsection (8)(b) of this section and RCW 18.04.345, but are not required to display the term inactive as part of their title, as required by subsection (8)(a) of this section until renewal. Certificates renewed to any persons after

June 30, 2001, are inactive certificates and the inactive certificate holders are subject to the requirements of subsection (8) of this section.

(8) Persons holding an inactive certificate:

(a) Must use or attach the term "inactive" whenever using the title CPA or certified public accountant or referring to the certificate, and print the word "inactive" immediately following the title, whenever the title is printed on a business card, letterhead, or any other document, including documents published or transmitted through electronic media, in the same font and font size as the title; and

(b) Are prohibited from practicing public accounting.

Sec. 947. RCW 18.43.150 and 1991 c 277 s 2 are each amended to read as follows:

All fees collected under the provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, and 18.43.130 and fines collected under RCW 18.43.110 shall be paid into the professional engineers' account, which account is hereby established in the state treasury to be used to carry out the purposes and provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, 18.43.110, 18.43.120, 18.43.130(~~18.43.140~~), and all other duties required for operation and enforcement of this chapter. During the 2013-2015 fiscal biennium, the legislature may transfer moneys from the professional engineers' account to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 948. RCW 18.85.061 and 2008 c 23 s 29 are each amended to read as follows:

All fees required under this chapter shall be set by the director in accordance with RCW 43.24.086 and shall be paid to the state treasurer. All fees paid under the provisions of this chapter shall be placed in the real estate commission account in the state treasury. All money derived from fines imposed under this chapter shall be deposited in the real estate education program account created in RCW 18.85.321. During the 2013-2015 fiscal biennium, the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the real estate commission account.

Sec. 949. RCW 19.28.351 and 2003 1st sp.s. c 25 s 910 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, the fund, and of all disbursements therefrom.

During the (~~2003-2005~~) 2013-2015 biennium, the legislature may transfer moneys from the electrical license fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 950. RCW 28B.15.069 and 2012 c 229 s 701 are each amended to read as follows:

(1) The building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the office of financial management and be based on the actual percentage the building fee is of total tuition for each tuition category in the 1994-95 academic year, rounded up to the nearest half percent.

(2) The governing boards of each institution of higher education, except for the technical colleges, shall charge to and collect from each student a services and activities fee. A governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in student

tuition fees for resident undergraduate students: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. These rate adjustments may exceed the fiscal growth factor. (~~For the 2003-04 academic year, the services and activities fee shall be based upon the resident undergraduate services and activities fee in 2002-03~~) For the 2013-2015 fiscal biennium, each governing board is authorized to increase the services and activities fees by amounts judged reasonable and necessary by the services and activities fee committee and the governing board consistent with the budgeting procedures set forth in RCW 28B.15.045. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(3) Tuition and services and activities fees consistent with subsection (2) of this section shall be set by the state board for community and technical colleges for community college summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

(4) Subject to the limitations of RCW 28B.15.910, each governing board of a community college may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules of the state board for community and technical colleges.

(5) The governing board of a college offering an applied baccalaureate degree program under RCW 28B.50.810 may charge tuition fees for those courses above the associate degree level at rates consistent with rules adopted by the state board for community and technical colleges, not to exceed tuition fee rates at the regional universities.

Sec. 951. RCW 28B.67.030 and 2012 c 46 s 2 are each amended to read as follows:

(1) All payments received from a participant in the Washington customized employment training program created in RCW 28B.67.020 must be deposited into the employment training finance account, which is hereby created in the custody of the state treasurer. Only the state board for community and technical colleges may authorize expenditures from the account and no appropriation is required for expenditures. The money in the account must be used solely for training allowances under the Washington customized employment training program created in RCW 28B.67.020 and for providing up to seventy-five thousand dollars per year for training, marketing, and facilitation services to increase the use of the program. The deposit of payments under this section from a participant ceases when the board specifies that the participant has met the monetary obligations of the program. During the (~~2007-2009~~) 2013-2015 fiscal biennium, the legislature may transfer from the employment training finance account to the state general fund such amounts as reflect the excess fund balance in the account.

(2) All revenue solicited and received under the provisions of RCW 28B.67.020(4) must be deposited into the employment training finance account to provide training allowances.

(3) The definitions in RCW 28B.67.010 apply to this section.

(4) This section expires July 1, 2017.

Sec. 952. RCW 28B.105.110 and 2011 1st sp.s. c 11 s 188 are each amended to read as follows:

(1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The office shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased

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GET units shall be owned and held in trust by the office. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator. During the 2009-2011 fiscal biennium, expenditures from the account not to exceed five percent may be used by the program administrator to carry out the provisions of RCW 28B.105.090.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the office.

(7) During the ~~((2009-2011))~~ 2013-2015 fiscal biennium, ~~((the legislature may transfer from))~~ appropriated state funds available in the GET ready for math and science scholarship account and GET units owned by the office and not used for the GET ready for math and science scholarship ~~((account to the state general fund such amounts as have not been donated from or matched by private contributions))~~ program may be used for the college bound scholarship program created in chapter 28B.118 RCW.

Sec. 953. RCW 28B.95.160 and 2011 1st sp.s. c 11 s 173 are each amended to read as follows:

Ownership of tuition units purchased by the office for the GET ready for math and science scholarship program under RCW 28B.105.070 shall be in the name of the state of Washington and may be redeemed by the state of Washington on behalf of recipients of GET ready for math and science scholarship program scholarships for tuition and fees except that during the 2013-2015 fiscal biennium any unused tuition units may be used for the college bound scholarship program established in chapter 28B.118 RCW.

Sec. 954. RCW 28C.04.535 and 2011 1st sp.s. c 50 s 930 are each amended to read as follows:

Except for the ~~((2011-12 and 2012-13))~~ 2013-14 and 2014-15 school years, the Washington award for vocational excellence shall be granted annually. The workforce training and education coordinating board shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The workforce training and education coordinating board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the workforce training and education coordinating board in cooperation with the office of the governor.

Sec. 955. RCW 28C.10.082 and 1991 sp.s. c 13 s 85 are each amended to read as follows:

The tuition recovery trust fund is hereby established in the custody of the state treasurer. The agency shall deposit in the fund all moneys received under RCW 28C.10.084. Moneys in the fund may be spent only for the purposes under RCW 28C.10.084. Disbursements from the fund shall be on authorization of the agency. During the 2013-2015 fiscal biennium, the legislature may transfer from the tuition recovery trust fund to the state general fund such amounts as reflect the excess fund balance in the fund. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 956. RCW 38.52.540 and 2012 2nd sp.s. c 7 s 915 are each amended to read as follows:

(1) The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise taxes imposed by RCW 82.14B.030 must be deposited into the account. Moneys in the account must be used only to support the statewide coordination

and management of the enhanced 911 system, for the implementation of wireless enhanced 911 statewide, for the modernization of enhanced 911 emergency communications systems statewide, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies. For the 2011-2013 fiscal biennium, the account may be used for modernizing narrowband radio capability in the department of corrections. For the 2013-2015 fiscal biennium, the account may be used for a criminal history system upgrade in the Washington state patrol and for activities and programs in the military department. A county must show just cause, including but not limited to a true and accurate accounting of the funds expended, for any inability to provide reimbursement to radio communications service companies of costs incurred in providing enhanced 911 service.

(2) Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(5) may not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(1). Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(6) may not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(2).

(3) The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

Sec. 957. RCW 41.26.802 and 2008 c 99 s 4 are each amended to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) ((By September 30, 2013, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer ten million dollars to the local public safety enhancement account.

(3))) By September 30, 2015, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer twenty million dollars to the local public safety enhancement account.

~~((4)))~~ (3) By September 30, 2017, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

Sec. 958. RCW 41.60.050 and 2011 1st sp.s. c 50 s 937 and 2011 1st sp.s. c 43 s 473 are each reenacted and amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. However, during the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, the operations of the productivity board shall be suspended.

Sec. 959. RCW 41.80.010 and 2011 1st sp.s. c 50 s 938 and 2011 c 344 s 1 are each reenacted and amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents. For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This section does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection (2) does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's

designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit

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provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) There is hereby created a joint committee on employment relations, which consists of two members with leadership positions in the house of representatives, representing each of the two largest caucuses; the chair and ranking minority member of the house appropriations committee, or its successor, representing each of the two largest caucuses; two members with leadership positions in the senate, representing each of the two largest caucuses; and the chair and ranking minority member of the senate ways and means committee, or its successor, representing each of the two largest caucuses. The governor shall periodically consult with the committee regarding appropriations necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreements, and upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement the agreements.

(6) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(7) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(8) For the ~~((2011-2013))~~ 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee shall be a separate agreement for which the governor may request funds necessary to implement the agreement. ~~((If such an agreement is negotiated and funded by the legislature, this agreement will supersede any terms and conditions of an expired 2009-2011 biennial master collective bargaining agreement under this chapter regarding health care benefits.))~~ The legislature may act upon a 2013-2015 collective bargaining agreement related to employee health care benefits if an agreement is reached and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating appropriations act by the sitting legislature.

Sec. 960. RCW 41.80.020 and 2011 1st sp.s. c 50 s 939 and 2011 1st sp.s. c 43 s 445 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

- (a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;
- (b) Any retirement system or retirement benefit; or
- (c) Rules of the human resources director, the director of enterprise services, or the Washington personnel resources board adopted under RCW 41.06.157.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and the dollar

amount expended on behalf of each employee for health care benefits. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter. The exclusive bargaining representatives for employees that are subject to chapter 47.64 RCW shall bargain the dollar amount expended on behalf of each employee for health care benefits with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4). For agreements covering the ~~((2011-2013))~~ 2013-2015 fiscal biennium, any agreement between the employer and the coalition regarding the dollar amount expended on behalf of each employee for health care benefits is a separate agreement and shall not be included in the master collective bargaining agreements negotiated by the parties.

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

(7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.

Sec. 961. RCW 43.08.190 and 2011 1st sp.s. c 50 s 941 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040(4)(c). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate for all funds and accounts; except that the state treasurer may negotiate a different allocation rate with any state agency that has independent authority over funds not statutorily required to be held in the state treasury or in the custody of the state treasurer. In no event shall the rate be less than the actual costs incurred by the state treasurer's office. If no rate is separately negotiated, the default rate for any funds held shall be the rate set for funds held pursuant to statute.

During the 2009-2011 fiscal biennium and the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, the legislature may transfer

from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 962. RCW 43.09.475 and 2011 1st sp.s. c 50 s 942 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. ~~((During the 2009-2011 fiscal biennium, the legislature may transfer from the performance audits of government account to the state general fund such amounts as deemed to be appropriate or necessary.))~~ During ~~((the))~~ the 2011-2013 and the 2013-2015 fiscal ~~((biennium))~~ biennia, the performance audits of government account may be appropriated for fraud investigations in the state auditor's office and the department of social and health services, audit and collection functions in the department of revenue, the joint legislative audit and review committee, the office of financial management, and audits of school districts. In addition, during the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor.

Sec. 963. RCW 43.24.150 and 2011 c 298 s 25 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.145 RCW, court reporters;
- (d) Chapter 18.165 RCW, private investigators;
- (e) Chapter 18.170 RCW, security guards;
- (f) Chapter 18.185 RCW, bail bond agents;
- (g) Chapter 18.280 RCW, home inspectors;
- (h) Chapter 19.16 RCW, collection agencies;
- (i) Chapter 19.31 RCW, employment agencies;
- (j) Chapter 19.105 RCW, camping resorts;
- (k) Chapter 19.138 RCW, sellers of travel;
- (l) Chapter 42.44 RCW, notaries public;
- (m) Chapter 64.36 RCW, timeshares;
- (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- (p) Chapter 79A.60 RCW, whitewater river outfitters; and
- (q) Chapter 19.158 RCW, commercial telephone solicitation.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium. However, during the 2013-2015 fiscal biennium the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the account.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

Sec. 964. RCW 43.24.150 and 2013 c 322 s 30 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.145 RCW, court reporters;
- (d) Chapter 18.165 RCW, private investigators;
- (e) Chapter 18.170 RCW, security guards;
- (f) Chapter 18.185 RCW, bail bond agents;
- (g) Chapter 18.280 RCW, home inspectors;
- (h) Chapter 19.16 RCW, collection agencies;
- (i) Chapter 19.31 RCW, employment agencies;
- (j) Chapter 19.105 RCW, camping resorts;
- (k) Chapter 19.138 RCW, sellers of travel;
- (l) Chapter 42.44 RCW, notaries public;
- (m) Chapter 64.36 RCW, timeshares;
- (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- (p) Chapter 79A.60 RCW, whitewater river outfitters;
- (q) Chapter 19.158 RCW, commercial telephone solicitation; and
- (r) Chapter 19.290 RCW, scrap metal businesses.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium. However, during the 2013-2015 fiscal biennium the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the account.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

Sec. 965. RCW 43.71.030 and 2012 c 87 s 4 are each amended to read as follows:

(1) The exchange may, consistent with the purposes of this chapter: (a) Sue and be sued in its own name; (b) make and execute agreements, contracts, and other instruments, with any public or private person or entity; (c) employ, contract with, or engage personnel; (d) pay administrative costs; (e) accept grants, donations, loans of funds, and contributions in money, services, materials or otherwise, from the United States or any of its agencies, from the state of Washington and its agencies or from any other source, and use or expend those moneys, services, materials, or other contributions; (f) aggregate or delegate the aggregation of funds that comprise the premium for a health plan; and (g) complete other duties necessary to begin open enrollment in qualified health plans through the exchange beginning October 1, 2013.

(2) The board shall develop a methodology to ensure the exchange is self-sustaining after December 31, 2014. The board shall seek input from health carriers to develop funding mechanisms that fairly and equitably apportion among carriers the reasonable administrative costs and expenses incurred to implement the provisions of this chapter. The board shall submit its recommendations to the legislature by December 1, 2012. If the legislature does not enact legislation during the 2013 regular session to modify or reject the board's recommendations, the board may proceed with implementation of the recommendations. During the

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2013-2015 fiscal biennium, revenues to the exchange from charges to enrollees and to the state, as appropriated in section 213 of this act, shall not exceed 1.8 percent of premiums paid.

(3) The board shall establish policies that permit city and county governments, Indian tribes, tribal organizations, urban Indian organizations, private foundations, and other entities to pay premiums on behalf of qualified individuals.

(4) The employees of the exchange may participate in the public employees' retirement system under chapter 41.40 RCW and the public employees' benefits board under chapter 41.05 RCW.

(5) Qualified employers may access coverage for their employees through the exchange for small groups under section 1311 of P.L. 111-148 of 2010, as amended. The exchange shall enable any qualified employer to specify a level of coverage so that any of its employees may enroll in any qualified health plan offered through the small group exchange at the specified level of coverage.

(6) The exchange shall report its activities and status to the governor and the legislature as requested, and no less often than annually.

Sec. 966. RCW 43.79.445 and 2005 c 166 s 3 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. ~~((Funds from the death investigations account may be appropriated during the 1997-99 biennium for the purposes of statewide child mortality reviews administered by the department of health.))~~ Funds from the death investigations account may be appropriated during the 2013-2015 fiscal biennium for the activities of the state crime laboratory within the Washington state patrol.

Sec. 967. RCW 43.79.480 and 2011 1st sp.s. c 50 s 947 are each amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the state general fund, and to the tobacco prevention and control account for purposes set forth in this section. The legislature shall transfer amounts received as strategic contribution payments as defined in RCW 43.350.010 to the life sciences discovery fund created in RCW 43.350.070. During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer less than the entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the basic health plan stabilization account. During the 2013-2015 fiscal biennium, the legislature may transfer less than the entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the state general fund.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys

transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the tobacco prevention and control account to the state general fund such amounts as represent the excess fund balance of the account.

Sec. 968. RCW 43.101.200 and 2011 1st sp.s. c 50 s 949 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as otherwise provided in this chapter, the commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the ~~((2011-2013))~~ 2013-2015 fiscal biennium when the employing, county, city~~((+))~~, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Sec. 969. RCW 43.155.050 and 2012 2nd sp.s. c 2 s 6004 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2011-2013 ~~((biennium))~~ and 2013-2015 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account, and the drinking water assistance account such amounts as reflect the excess fund balance of the account. During the 2011-2013 fiscal biennium, the legislature may appropriate moneys from the account for economic development, innovation, and export

grants, including brownfields; main street improvement grants; and the loan program consolidation board. During the 2013-2015 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund such amounts as reflect the excess fund balance of the account.

Sec. 970. RCW 43.185.050 and 2011 1st sp.s. c 50 s 953 are each amended to read as follows:

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing;

(k) Projects making housing more accessible to families with members who have disabilities; and

(l) During the 2005-2007 fiscal biennium, a manufactured/mobile home landlord-tenant ombudsman conflict resolution and park registration program.

(3) During the ((2005-2007 fiscal biennium, revenues generated under RCW 36.22.178 may be used for the development of affordable housing projects and other activities funded in section 108, chapter 371, Laws of 2006)) 2013-2015 fiscal biennium, the legislature may transfer from the housing trust fund to the state general fund such amounts as reflect the excess fund balance of the fund.

(4) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

(5) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

(6) Administrative costs of the department shall not exceed five percent of the annual funds available for the housing assistance

program, except during the 2011-2013 fiscal biennium when administrative costs associated with housing trust fund application, distribution, and project development activities may not exceed three percent of the annual funds available for the housing assistance program; administrative costs associated with compliance and monitoring activities of the department may not exceed one quarter of one percent annually of the contracted amount of state investment in the housing assistance program; and reappropriations may not be included in the calculation of the annual funds available for determining the administrative costs.

Sec. 971. RCW 43.185.050 and 2013 c 145 s 2 are each amended to read as follows:

(1) The department must use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and

(k) Projects making housing more accessible to families with members who have disabilities.

(3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

(5) Administrative costs associated with application, distribution, and project development activities of the department may not exceed three percent of the annual funds available for the housing assistance program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

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(6) Administrative costs associated with compliance and monitoring activities of the department may not exceed one-quarter of one percent annually of the contracted amount of state investment in the housing assistance program.

(7) During the 2013-2015 fiscal biennium, the legislature may transfer from the housing trust fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 972. RCW 43.325.040 and 2009 c 564 s 942 and 2009 c 451 s 5 are each reenacted and amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under the energy freedom account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for financial assistance for further funding for projects consistent with this chapter or otherwise authorized by the legislature.

(2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:

(a) Refueling projects awarded under this chapter;

(b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in RCW 43.325.110; and

(c) Demonstration projects developed with state universities as defined in RCW 28B.10.016 and local governments that result in the design and building of a hydrogen vehicle fueling station.

(3)(a) The energy recovery act account is created in the state treasury. State and federal funds may be deposited into the account and any loan payments of principal and interest derived from loans made from the energy recovery act account must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Expenditures from the account may be used only for loans, loan guarantees, and grants that encourage the establishment of innovative and sustainable industries for renewable energy and energy efficiency technology, including but not limited to:

(i) Renewable energy projects or programs that require interim financing to complete project development and implementation;

(ii) Companies with innovative, near-commercial or commercial, clean energy technology; and

(iii) Energy efficiency technologies that have a viable repayment stream from reduced utility costs.

(c) The director shall establish policies and procedures for processing, reviewing, and approving applications for funding under this section. When developing these policies and procedures, the department must consider the clean energy leadership strategy developed under section 2, chapter 318, Laws of 2009.

(d) The director shall enter into agreements with approved applicants to fix the term and rates of funding provided from this account.

(e) The policies and procedures of this subsection (3) do not apply to assistance awarded for projects under RCW 43.325.020(3).

(4) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.

(5) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is

prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

(6) Subsections (2), (4), and (5) of this section do not apply to assistance awarded for projects under RCW 43.325.020(3).

(7) During the ~~((2009-2011))~~ 2013-2015 fiscal biennium, the legislature may transfer from the energy freedom account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 973. RCW 46.66.080 and 2011 1st sp.s. c 50 s 958 are each amended to read as follows:

(1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and confinement. During the ~~((2009-2011 and))~~ 2011-2013 and 2013-2015 fiscal biennia, the legislature may appropriate moneys from the Washington auto theft prevention authority account for criminal justice purposes and community building and may transfer funds to the state general fund such amounts as reflect the excess fund balance of the account.

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ten percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities, which include, but are not limited to: (a) State, municipal, and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover state, municipal, and county offender and juvenile confinement costs.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

Sec. 974. RCW 46.68.340 and 2008 c 282 s 3 are each amended to read as follows:

The ignition interlock device revolving account is created in the state treasury. All receipts from the fee assessed under RCW

46.20.385(6) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for administering and operating the ignition interlock device revolving account program and during the 2013-2015 fiscal biennium, the legislature may appropriate moneys from the ignition interlock device revolving account for substance abuse programs for offenders.

Sec. 975. RCW 70.42.090 and 1989 c 386 s 10 are each amended to read as follows:

(1) The department shall establish a schedule of fees for license applications, renewals, amendments, and waivers. In fixing said fees, the department shall set the fees at a sufficient level to defray the cost of administering the licensure program. All such fees shall be fixed by rule adopted in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW. In determining the fee schedule, the department shall consider the following: (a) Complexity of the license required; (b) number and type of tests performed at the test site; (c) degree of supervision required from the department staff; (d) whether the license is granted under RCW 70.42.040; and (e) general administrative costs of the test site licensing program established under this chapter. For each category of license, fees charged shall be related to program costs.

(2) The medical test site licensure account is created in the state treasury. The state treasurer shall transfer into the medical test site licensure account all revenue received from medical test site license fees. Funds for this account may only be appropriated for the support of the activities defined under this chapter. For the 2013-2015 fiscal biennium, moneys in the account may be spent for laboratory services in the department of health.

(3) The department may establish separate fees for repeat inspections and repeat audits it performs under RCW 70.42.170.

Sec. 976. RCW 70.93.180 and 2011 1st sp.s. c 50 s 963 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and

litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) During the 2009-2011 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2009-2011 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.

(5) During the 2011-2013 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2011-2013 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.

(6) During the 2013-2015 fiscal biennium, subsection (1)(a),(b), and (c) of this section is suspended.

Sec. 977. RCW 70.105D.070 and 2012 2nd sp.s. c 7 s 920 and 2012 2nd sp.s. c 2 s 6005 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious

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or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship;

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(xiii) During the 2009-2011 (~~and~~), 2011-2013, and 2013-2015 fiscal biennia, shoreline update technical assistance;

(xiv) During the 2009-2011 fiscal biennium, multijurisdictional permitting teams;

(xv) During the 2011-2013 fiscal biennium, actions for reducing public exposure to toxic air pollution, and actions taken through the family forest fish passage program to correct barriers to fish passage on privately owned small forest lands; (~~and~~)

(xvi) During the 2011-2013 fiscal biennium, the department of ecology's water quality, shorelands and environmental assessment, hazardous waste, waste to resources, nuclear waste, and air quality programs;

(xvii) During the 2013-2015 fiscal biennium, the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

(xviii) During the 2013-2015 fiscal biennium, actions at the state conservation commission to improve water quality for shellfish;

(xix) During the 2013-2015 fiscal biennium, solid and hazardous waste compliance at the department of corrections;

(xx) During the 2013-2015 fiscal biennium, activities at the department of fish and wildlife concerning water quality monitoring, hatchery water quality regulatory compliance, and technical assistance to local governments on growth management and shoreline management;

(xxi) During the 2013-2015 fiscal biennium, forest practices regulation at the department of natural resources; and

(xxii) During the 2013-2015 fiscal biennium, actions at the department of ecology and the University of Washington for reducing ocean acidification.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120,

receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(d) To facilitate and expedite cleanups using funds from the local toxics control account, during the 2009-2011 fiscal biennium the director may establish grant-funded accounts to hold and disperse local toxics control account funds and funds from local governments to be used for remedial actions.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) Except during the 2011-2013 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2011-2013 and 2013-2015 fiscal (~~biennium~~) biennia, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as reflect excess fund balance in the account.

(9) During the 2011-2013 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants and actions for reducing public exposure to toxic air pollution; funding to local governments for flood levee

improvements; and grants to local governments for brownfield redevelopment.

(10) During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government storm water planning and implementation activities.

(11) During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants.

Sec. 978. RCW 70.119.150 and 1993 c 306 s 3 are each amended to read as follows:

The waterworks operator certification account is created in the general fund of the state treasury. All fees paid pursuant to RCW 70.119.100, 70.119.120(3), and any other receipts realized in the administration of this chapter shall be deposited in the waterworks operator certification account. Moneys in the account shall be spent only after appropriation. Moneys from the account shall be used by the department of health to carry out the purposes of the waterworks operator certification program. For the 2013-2015 fiscal biennium, moneys in the account may be spent on the department of health's water protection and drinking water programs.

Sec. 979. RCW 70.148.020 and 2012 1st sp.s. c 3 s 1 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

~~((4))~~ (4) During the 2013-2015 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.

(5) This section expires July 1, 2020.

Sec. 980. RCW 74.09.215 and 2012 c 241 s 103 are each amended to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, and all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.66 RCW must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of

improper payments, and for other medicaid fraud enforcement activities. For the 2013-2015 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing and conversion to the tenth version of the international classification of diseases.

Sec. 981. RCW 74.09.215 and 2013 c 36 s 3 are each amended to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, and all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.66 RCW, must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, for other medicaid fraud enforcement activities, and the prescription monitoring program established in chapter 70.225 RCW. For the 2013-2015 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing and conversion to the tenth version of the international classification of diseases.

Sec. 982. RCW 77.12.201 and 2012 2nd sp.s. c 7 s 923 are each amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules adopted pursuant to this title, with the exception of the 2011-2013 and 2013-2015 fiscal (~~(biennium))~~ biennia, and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the state general fund. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 983. RCW 77.12.203 and 2012 2nd sp.s. c 7 s 924 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.

(3) This section shall not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

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(5) For the 2011-2013 and 2013-2015 fiscal ((biennium)) biennia, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and shall be distributed as follows:

County

Adams	1,909
Asotin	36,123
Chelan	24,757
Columbia.....	7,795
Ferry	6,781
Garfield	4,840
Grant.....	37,443
Grays Harbor.....	7,264
Kittitas.....	143,974
Klickitat.....	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille.....	3,309
Yakima.....	126,225

These amounts shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

Sec. 984. RCW 79.64.040 and 2012 2nd sp.s. c 7 s 927 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands, community forest trust lands, and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsections (4) and (6) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) Deductions authorized under this section for transactions pertaining to community forest trust lands must be established at a

level sufficient to defray over time the management costs for activities prescribed in a parcel's management plan adopted pursuant to RCW 79.155.080, and, if deemed appropriate by the board consistent with RCW 79.155.090, to reimburse the state and any local entities' eligible financial contributions for acquisition of the parcel.

(5) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(6) During the 2011-2013 and 2013-2015 fiscal ((biennium)) biennia, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board.

Sec. 985. RCW 79.105.150 and 2012 2nd sp.s. c 7 s 929 and 2012 2nd sp.s. c 2 s 6008 are each reenacted and amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2011-2013 fiscal biennium, the aquatic lands enhancement account may also be used for scientific research as part of the adaptive management process and for developing a planning report for McNeil Island. During the 2011-2013 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account. During the 2011-2013 and 2013-2015 fiscal ((biennium)) biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, (~~(parks)~~) hatcheries, and the Puget Sound toxic sampling program at the department of fish and wildlife, the knotweed program at the department of agriculture, state park programs at the state parks and recreation commission, the forest practices program at the department of natural resources, and the Puget SoundCorps program. During the 2011-2013 fiscal biennium and the 2013-2015 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the marine resources stewardship trust account funds for the purposes of RCW 43.372.070.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 986. RCW 82.08.160 and 2012 2nd sp.s. c 5 s 3 are each amended to read as follows:

(1) On or before the twenty-fifth day of each month, all taxes collected under RCW 82.08.150 during the preceding month must be remitted to the state department of revenue, to be deposited with the state treasurer. Except as provided in subsections (2) (~~and~~), (3), and (4) of this section, upon receipt of such moneys the state treasurer must credit sixty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) and one hundred percent of the sums collected and remitted under RCW 82.08.150 (3) and (4) to the state general fund and thirty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) to a fund which is hereby created to be known as the "liquor excise tax fund."

(2) During the 2012 fiscal year, 66.19 percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the state general fund and the remainder collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the liquor excise tax fund.

(3) During fiscal year 2013, all funds collected under RCW 82.08.150 (1), (2), (3), and (4) must be deposited into the state general fund.

(4) During the 2013-2015 fiscal biennium, eighty two and one-half percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the state general fund and the remainder collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the liquor excise tax fund.

Sec. 987. RCW 82.14.310 and 2011 1st sp.s. c 50 s 970 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer must transfer into the county criminal justice assistance account from the general fund the sum of twenty-three million two hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsection (4) of this section, must be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city is as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court must be determined by the most recent annual report of the courts of Washington, as published by the administrative office of the courts;

(iv) Distributions and eligibility for distributions in the 1989-1991 biennium must be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions must be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section must be expended exclusively for criminal justice purposes and may not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil or juvenile justice system occurs, and which includes (a) domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile dispositional hearings relating to petitions for at-risk youth, truancy, and children in need of services. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) Not more than five percent of the funds deposited to the county criminal justice assistance account may be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements may not supplant existing funds from the state general fund.

(5) During the 2011-2013 fiscal biennium, the amount that would otherwise be transferred into the county criminal justice assistance account from the general fund under subsection (1) of this section must be reduced by 3.4 percent.

(6) During the 2013-2015 fiscal biennium, for the purposes of substance abuse and other programs for offenders, the legislature may appropriate from the county criminal justice assistance account such amounts as are in excess of the amounts necessary to fully meet the state's obligations to the counties and to the Washington state patrol. Excess amounts in this account are not the result of subsection (5) of this section.

Sec. 988. RCW 86.26.007 and 2012 2nd sp.s. c 7 s 932 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the 2011-2013 fiscal biennium, the state treasurer shall transfer one million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. During the 2013-2015 fiscal biennium, the

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legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.

(End of part)

**SUPPLEMENTAL
PART XI
GENERAL GOVERNMENT**

Sec. 1101. 2012 2nd sp.s. c 7 s 111 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2012)	\$6,757,000
General Fund--State Appropriation (FY 2013)	(\$6,561,000)
.....	\$6,603,000
TOTAL APPROPRIATION	(\$13,318,000)
.....	\$13,360,000

Sec. 1102. 2012 2nd sp.s. c 7 s 112 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2012)	\$1,504,000
General Fund--State Appropriation (FY 2013)	\$24,000
Judicial Information System Account--State Appropriation.....	\$1,500,000
TOTAL APPROPRIATION	(\$3,004,000)
.....	\$3,028,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the judicial information system account--state appropriation is provided solely to evaluate the state law library and assess its operational structure to determine the most effective delivery model for providing library services.

Sec. 1103. 2012 2nd sp.s. c 7 s 114 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2012)	\$15,275,000
General Fund--State Appropriation (FY 2013)	(\$15,168,000)
.....	\$15,253,000
TOTAL APPROPRIATION	(\$30,443,000)
.....	\$30,528,000

Sec. 1104. 2012 2nd sp.s. c 7 s 115 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2012)	(\$50,725,000)
.....	\$50,725,000
General Fund--State Appropriation (FY 2013)	(\$48,429,000)
.....	\$48,594,000
General Fund--Federal Appropriation	\$2,532,000
General Fund--Private/Local Appropriation.....	\$390,000
Judicial Information Systems Account--State Appropriation.....	\$42,362,000
Judicial Stabilization Trust Account--State Appropriation.....	\$5,954,000
TOTAL APPROPRIATION	(\$150,392,000)
.....	\$150,557,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund--state appropriation for fiscal year 2012 and \$1,399,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall

be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund--state appropriation for fiscal year 2012 and \$7,313,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2011-2013 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate ways and means committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$265,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the office of public guardianship to provide guardianship services for low-income incapacitated persons.

(5) \$1,178,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

(6) No later than September 30, 2011, the judicial information systems committee shall provide a report to the legislature on the recommendations of the case management feasibility study, including plans for a replacement of the superior court management information system (SCOMIS) and plans for completing the data exchange core system component consistent with a complete data exchange standard. No later than December 31, 2011, the judicial information systems committee shall provide a report to the legislature on the status of the data exchange, the procurement process for a SCOMIS replacement, and a case management system that is designed to meet the requirements approved by the superior courts and county clerks of all thirty-nine counties. The legislature shall solicit input on both reports from judicial, legislative, and executive stakeholders.

(7) In order to gather better data on juveniles in the criminal justice system, the administrative office of the courts shall modify the judgment and sentence form for juvenile and adult sentences to include one or more check boxes indicating whether (a) the adult superior court had original jurisdiction for a defendant who was younger than eighteen years of age at the time the case was filed; (b) the case was originally filed in juvenile court but transferred to adult superior court jurisdiction; or (c) the case was originally filed in adult superior court or transferred to adult superior court but then returned to the juvenile court.

(8) \$540,000 of the judicial stabilization trust account--state appropriation is provided solely for the office of public guardianship

to continue guardianship services for those low-income incapacitated persons who were receiving services on June 30, 2012.

(9) The Washington association of juvenile court administrators and the juvenile rehabilitation administration, in consultation with the community juvenile accountability act advisory committee and the Washington state institute for public policy, shall analyze and review data elements available from the administrative office of the courts for possible integration into the evidence-based program quality assurance plans and processes. The administrative office of the courts, the Washington association of juvenile court administrators, and the juvenile rehabilitation administration shall provide information necessary to complete the review and analysis. The Washington association of juvenile court administrators and the juvenile rehabilitation administration shall report the findings of their review and analysis, as well as any recommendations, to the legislature by December 1, 2012.

(10) \$380,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an interagency reimbursement to the office of the attorney general for costs incurred in providing legal representation to the superior court judges of Grays Harbor county in *Grays Harbor County v. State*.

Sec. 1105. 2012 2nd sp.s. c 7 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2012)	\$5,102,000
General Fund--State Appropriation (FY 2013)	(\$5,247,000)
.....	\$5,286,000
Economic Development Strategic Reserve Account--State Appropriation	\$1,500,000
TOTAL APPROPRIATION	(\$11,849,000)
.....	\$11,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2) \$540,000 of the general fund--state appropriation for fiscal year 2012 and \$526,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the office of the education ombudsman.

(3) \$39,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of Senate Bill No. 5802 (greenhouse gas emission targets). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

Sec. 1106. 2012 2nd sp.s. c 7 s 121 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2012)	\$16,047,000
General Fund--State Appropriation (FY 2013)	(\$8,612,000)
.....	\$9,972,000
General Fund--Federal Appropriation	\$7,326,000
Public Records Efficiency, Preservation, and Access Account--State Appropriation	(\$7,074,000)
.....	\$7,185,000
Charitable Organization Education Account--State Appropriation	\$362,000
Local Government Archives Account--State Appropriation	\$8,516,000
Election Account--Federal Appropriation	\$17,284,000
Washington State Heritage Center Account--State Appropriation	\$5,028,000
TOTAL APPROPRIATION	(\$70,249,000)
.....	\$71,720,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,898,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,847,000 of the general fund--state appropriation for fiscal year 2012 and \$1,926,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2011-2013 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

Sec. 1107. 2012 2nd sp.s. c 7 s 127 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2012)	\$4,758,000
General Fund--State Appropriation (FY 2013)	(\$7,690,000)
.....	\$7,890,000
General Fund--Federal Appropriation	\$10,015,000
New Motor Vehicle Arbitration Account--State Appropriation	\$968,000
Legal Services Revolving Account--State Appropriation	(\$197,375,000)
.....	\$197,412,000
Tobacco Prevention and Control Account--State Appropriation	\$270,000
Medicaid Fraud Penalty Account--State Appropriation ..	\$1,129,000
TOTAL APPROPRIATION	(\$222,205,000)
.....	\$222,442,000

The appropriations in this section are subject to the following conditions and limitations:

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(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) The attorney general shall enter into an interagency agreement with the department of social and health services for expenditure of the state's proceeds from the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for the purposes set forth in sections 204 and 213 of this act.

(5) \$62,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 1770 (state purchasing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$5,924,000 of the legal services revolving account--state appropriation is provided solely to implement House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) The office of the attorney general is authorized to expend \$2,100,000 from the *Zyprexa* and other *cy pres* awards towards consumer protection costs in accordance with uses authorized in the court orders.

(8) \$96,000 of the legal services revolving fund--state appropriation is provided solely to implement Senate Bill No. 5076 (financial institutions). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(9) \$99,000 of the legal services revolving fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5769 (coal-fired generation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$416,000 of the legal services revolving fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$31,000 of the legal services revolving fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5021 (election campaign disclosure). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award

feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.

(13) \$11,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 2301 (boxing, martial arts, wrestling). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(14) \$56,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 2319 (affordable care act). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(15) \$5,743,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the legal costs associated with the evaluation, filing, prosecution, response to petitions for release, and appeal of sexually violent predator civil commitment cases, as provided in chapter 71.09 RCW. Within the amount provided in this subsection, the attorney general may enter into an interagency agreement with a county prosecutor to perform prosecution services pursuant to chapter 71.09 RCW.

(16) \$94,000 of the legal services revolving fund--state appropriation is provided solely to implement Senate Bill No. 6103 (reflexology and massage therapy). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(17) \$57,000 of the legal services revolving fund--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6237 (medical assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(18) If Engrossed Substitute Senate Bill No. 5978 (medicaid fraud) is not enacted by June 30, 2012, the amounts appropriated in this section from the medicaid fraud penalty account--state appropriation shall lapse and an additional \$730,000 shall be appropriated from the general fund--state for fiscal year 2013 for fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities.

(19) \$56,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 2592 (extended foster care). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(20) \$65,000 of the legal services revolving fund--state appropriation is provided solely for implementation of Second Engrossed Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1108. 2012 2nd sp.s. c 7 s 129 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund--State Appropriation (FY 2012)	\$51,799,000
General Fund--State Appropriation (FY 2013)	(\$72,839,000)
.....	\$53,539,000
General Fund--Federal Appropriation	\$340,184,000
General Fund--Private/Local Appropriation.....	\$5,036,000
Public Works Assistance Account--State	
Appropriation	\$2,733,000
Drinking Water Assistance Administrative	
Account--State Appropriation.....	\$437,000
Lead Paint Account--State Appropriation	(\$65,000)
.....	\$100,000
Building Code Council Account--State Appropriation	\$13,000
Home Security Fund Account--State Appropriation	\$21,007,000
Affordable Housing for All Account--State	
Appropriation.....	\$11,899,000
County Research Services Account--State	

Appropriation.....	\$540,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account--State Appropriation.....	(\$1,166,000)
.....	\$969,000
Low-Income Weatherization Assistance Account--State Appropriation.....	(\$2,427,000)
.....	\$1,186,000
City and Town Research Services Account--State Appropriation.....	\$2,577,000
Community and Economic Development Fee Account--State Appropriation.....	\$6,781,000
Washington Housing Trust Account--State Appropriation.....	\$17,444,000
Prostitution Prevention and Intervention Account-- State Appropriation.....	\$86,000
Public Facility Construction Loan Revolving Account--State Appropriation.....	\$748,000
Washington Community Technology Opportunity Account-- State Appropriation.....	\$713,000
Liquor Revolving Account--State Appropriation.....	(\$2,802,000)
.....	\$3,032,000
TOTAL APPROPRIATION	(\$541,296,000)
.....	\$520,823,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund--state appropriation for fiscal year 2012 and \$500,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$306,000 of the general fund--state appropriation for fiscal year 2012 and \$306,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties.

(5) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(6) \$5,000,000 of the home security fund--state appropriation is for the operation, repair, and staffing of shelters in the homeless family shelter program.

(7) \$198,000 of the general fund--state appropriation for fiscal year 2012 and \$198,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington new Americans program.

(8) \$2,949,000 of the general fund--state appropriation for fiscal year 2012 and \$2,949,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for associate development organizations.

(9) \$127,000 of the general fund--federal appropriation is provided solely for implementation of Substitute House Bill No. 1886 (Ruckelshaus center process). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) Up to \$200,000 of the general fund--private/local appropriation is for a grant to the Washington tourism alliance for the maintenance of the Washington state tourism web site www.experiencewa.com and its related sub-sites. The department may transfer ownership of the web site and other tourism promotion assets and assign obligations to the Washington tourism alliance for purposes of tourism promotion throughout the state. The alliance may use the assets only in a manner consistent with the purposes for which they were created. Any revenue generated from these assets must be used by the alliance for the sole purposes of statewide Washington tourism promotion. The legislature finds that the Washington tourism alliance, a not-for-profit, 501.c.6 organization established, funded, and governed by Washington tourism industry stakeholders to sustain destination tourism marketing across Washington, is an appropriate body to receive funding and assets from and assume obligations of the department for the purposes described in this section.

(11) Within the appropriations in this section, specific funding is provided to implement Substitute Senate Bill No. 5741 (economic development commission).

(12) \$2,000,000 of the community and economic development fee account appropriation is provided solely for the department of commerce for services to homeless families through the Washington families fund.

(13) \$234,000 of the general fund--state appropriation for fiscal year 2012 and \$233,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington asset building coalitions.

(14) \$1,859,000 of the general fund--state appropriation for fiscal year 2012 and \$1,859,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for innovative research teams, also known as entrepreneurial STARS, at higher education research institutions, and for entrepreneurs-in-residence programs at higher education research institutions and entrepreneurial assistance organizations. Of these amounts no more than \$50,000 in fiscal year 2012 and no more than \$50,000 in fiscal year 2013 may be provided for the operation of entrepreneurs-in-residence programs at entrepreneurial assistance organizations external to higher education research institutions.

(15) Up to \$700,000 of the general fund--private/local appropriation is for pass-through grants to cities in central Puget Sound to plan for transfer of development rights receiving areas under the central Puget Sound regional transfer of development rights program.

(16) \$16,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to implement section 503 of Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The long-term care ombudsman shall convene an adult family home quality assurance panel to review problems concerning the quality of care for residents in adult family homes. If Substitute House Bill No. 1277 (licensed settings for vulnerable adults) is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(17) \$19,605,000 of the general fund--state appropriation for fiscal year 2012 and \$39,527,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for establishment of the essential needs and housing support program created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program). The department of commerce shall contract for these services with counties or community-based organizations involved in providing essential needs and housing supports to low-income persons who meet eligibility pursuant to Engrossed Substitute House Bill No. 2082. The department shall limit the funding used for administration of the program to no more than five percent. Counties and community providers shall limit the funding used for administration of the program to no more than seven percent.

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(a) Of the amounts provided in this subsection, \$4,000,000 is provided solely for essential needs to clients who meet the eligibility established in Engrossed Substitute House Bill No. 2082. Counties and community-based organizations shall distribute basic essential products in a manner that prevents abuse. To the greatest extent possible, the counties or community-based organizations shall leverage local or private funds, and volunteer support to acquire and distribute the basic essential products.

(b) Of the amounts provided in this subsection, \$55,000,000 is provided solely for housing support services to individuals who are homeless or who may become homeless, and are eligible for services under this program pursuant to Engrossed Substitute House Bill No. 2082.

(18) \$4,380,000 of the home security fund--state appropriation is provided solely for the department to provide homeless housing services in accordance with Engrossed Substitute House Bill No. 2048 (housing assistance surcharges). If Engrossed Substitute House Bill No. 2048 (housing assistance surcharges) is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(19) \$85,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the developmental disabilities council to contract for a family-to-family mentor program to provide information and support to families and guardians of persons who are transitioning out of residential habilitation centers. To the maximum extent allowable under federal law, these funds shall be matched under medicaid through the department of social and health services and federal funds shall be transferred to the department for the purposes stated in this subsection.

(20) \$2,802,000 of the liquor revolving account--state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(21) \$1,000,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for deposit in the shelter to housing project account, hereby created in the custody of the state treasurer as a nonappropriated account. The department may expend funds from the account solely for a two-year pilot project to enable young adults to move from temporary emergency shelter housing to transitional and permanent housing throughout King county. The pilot project will be administered under contract with the YMCA of greater Seattle in collaboration with the rising out of the shadows young adult shelter. Funding may be used for case management, housing subsidy, transportation, shelter services, training and evaluation. The pilot project and the shelter to housing project account expire December 31, 2014.

(22) \$12,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Engrossed Second Substitute Senate Bill No. 5292 (irrigation and port districts). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(23) \$100,000 of the general fund--private/local appropriation is provided solely for the department to provide analysis and an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets in accordance with Substitute Senate Bill No. 6414 (review process/utilities). The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion. If Substitute Senate Bill No. 6414 (review process/utilities) is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1109. 2012 2nd sp.s. c 7 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT	
General Fund--State Appropriation (FY 2012)	\$18,369,000
General Fund--State Appropriation (FY 2013)	((18,584,000))

.....	\$18,728,000
General Fund--Federal Appropriation	((31,530,000))
.....	\$35,530,000
General Fund--Private/Local Appropriation.....	\$1,370,000
Performance Audits of Government Account--State Appropriation.....	\$198,000
Economic Development Strategic Reserve Account--State Appropriation.....	\$280,000
Department of Personnel Services--State Appropriation.....	\$8,551,000
Data Processing Revolving Account--State Appropriation.....	\$5,910,000
Higher Education Personnel Services Account--State Appropriation.....	\$1,537,000
Aquatic Lands Enhancement Account--State Appropriation	\$100,000
.....	\$100,000
TOTAL APPROPRIATION	((86,429,000))
.....	\$90,573,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,210,000 of the general fund--state appropriation for fiscal year 2012 and \$1,210,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of House Bill No. 1178 (regulatory assistance office). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the office of financial management to contract with an independent consultant to evaluate and recommend the most cost-effective provision of services required to support the department of social and health services special commitment center on McNeil Island. The evaluation shall include island operation services that include, but are not limited to: (a) Marine transport of passengers and goods; (b) wastewater treatment; (c) fire protection and suppression; (d) electrical supply; (e) water supply; and (f) road maintenance.

The office of financial management shall solicit the input of Pierce county, the department of corrections, and the department of social and health services in developing the request for proposal, evaluating applications, and directing the evaluation. The consultant shall report to the governor and legislature by November 15, 2011.

(3) \$100,000 of the aquatic lands enhancement account--state appropriation is provided solely for the office of financial management to prepare a report to be used to initiate a comprehensive, long-range planning process for the future of McNeil Island during the 2013-2015 fiscal biennium.

(a) The report on the initiation of the process must document:

(i) Ownership issues, including consultation with the federal government about its current legal requirements associated with the island;

(ii) Federal and state decision-making processes to change use or ownership;

(iii) Tribal treaty interests;

(iv) Fish and wildlife species and their habitats;

(v) Land use and public safety needs;

(vi) Recreational opportunities for the general public;

(vii) Historic and archaeological resources; and

(viii) Revenue from and necessary to support potential future uses of the island.

(b) The report shall develop and recommend a comprehensive, long-range planning process for the future of the island and associated aquatic resources, addressing the items in (a) of this subsection.

(c) The office of financial management may use its own staff and other public agency and tribal staff or contract for services, and may create a work group of knowledgeable agencies, organizations, and individuals to assist in preparing the report.

(d) The office of financial management shall engage in broad consultation with interested parties, including, but not limited to:

- (i) Federal agencies with relevant responsibilities;
- (ii) Tribal governments;
- (iii) State agencies;
- (iv) Local governments and communities in the area, including the Anderson Island community, Steilacoom, and Pierce county; and
- (v) Interested private organizations and individuals.

(e) The report must be submitted to the governor and appropriate committees of the legislature by October 1, 2012.

(4) The appropriations in this section include funding for activities transferred from the sentencing guidelines commission to the office of financial management pursuant to Engrossed Substitute Senate Bill No. 5891 (criminal justice cost savings). Prior to the effective date of Engrossed Substitute Senate Bill No. 5891, the appropriations in this section may be expended for the continued operations and expenses of the sentencing guidelines commission pursuant to the expenditure authority schedule produced by the office of financial management in accordance with chapter 43.88 RCW.

~~((6))~~ (5) \$115,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of Engrossed Substitute House Bill No. 2483 (higher education coordination). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

~~((7))~~ (6)(a) The office of financial management shall determine if cost savings can be achieved by the state through contracting for interpreter services more effectively. The office of financial management must work with all state agencies that use interpreter services to determine:

- (i) How agencies currently procure interpreter services;
- (ii) To what degree brokers or foreign language agencies are used in the acquisition of interpreter services; and
- (iii) The cost of interpreter services as currently provided.

(b) The office of financial management, in consultation with the department of enterprise services, must also examine approaches to procuring interpreter services, including using the department of enterprise services' master contract, limiting overhead costs associated with interpreter contracts, and direct scheduling of interpreters. The report must include recommendations for the state to procure services in a more consistent and cost-effective manner.

(c) The office of financial management, in consultation with the department of labor and industries, must determine the impact that any alternative approach to procuring interpreter services will have on medical providers.

(d) The report must include:

- (i) Analysis of the current process for procuring interpreter services;
- (ii) Recommendations regarding options to make obtaining interpreter services more consistent and cost-effective; and
- (iii) Estimates for potential cost savings.

(e) The office of financial management must report to the fiscal committees of the legislature by December 1, 2012.

~~((8))~~ (7) \$25,000 of the general fund--state appropriation for fiscal year 2012 and \$225,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of House Bill No. 2824 (education funding). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of Senate Bill No. 5802 (greenhouse gas emission targets). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

Sec. 1110. 2012 2nd sp.s. c 7 s 132 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS
 Administrative Hearings Revolving Account--State
 Appropriation.....(((\$35,713,000))
\$36,413,000

The appropriation in this section is subject to the following conditions and limitations: \$769,000 of the administrative hearings revolving account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

Sec. 1111. 2012 2nd sp.s. c 7 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT
 SYSTEMS--OPERATIONS
 Department of Retirement Systems Expense
 Account--State Appropriation.....(((\$46,511,000))
\$46,591,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$146,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 2070 (state and local government employees). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(2) \$65,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1625 (plan 3 default investment option). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(3) \$133,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Engrossed House Bill No. 1981 as amended (post-retirement employment). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) \$15,000 of the department of retirement systems expense account--state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 2021 (plan 1 annual increase amounts). If the bill is not enacted by June 30, 2011, the amount provided in this section shall lapse.

(5) \$32,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Senate Bill No. 5159 (state patrol retirement system service credit). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1112. 2012 2nd sp.s. c 7 s 139 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS
 ENTERPRISES
 OMWBE Enterprises Account--State Appropriation.(((\$3,654,000))
\$3,754,000

Sec. 1113. 2012 2nd sp.s. c 7 s 142 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD
 Liquor Control Board Construction and Maintenance
 Account--State Appropriation.....\$3,063,000
 Liquor Revolving Account--State Appropriation.....\$171,838,000
 General Fund--Federal Appropriation\$945,000

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General Fund--Private/Local Appropriation.....	\$25,000
TOTAL APPROPRIATION	\$175,871,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature intends to facilitate the orderly transition of liquor services as required by Initiative Measure No. 1183. For liquor control board employees that remain through June 15, 2012, a temporary opportunity to cash out sick leave is provided to assist the unique challenges to the liquor control board and its employees posed by this transition.

(2) Within the amounts appropriated in this section from the liquor revolving account--state appropriation, liquor control board employees who: (a) Occupy positions in the job classifications provided in subsection (3)(c) of this section that will be eliminated after the liquor control board ceases to distribute liquor; and (b) remain as liquor control board employees through June 15, 2012, and who separate from service due to lay off by October 1, 2012, may elect to receive remuneration for their entire sick leave balance at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave.

(3) The following conditions apply to sick leave cash out under this subsection:

(a) The rate of monetary compensation for the purposes of this subsection shall not be reduced by any temporary salary reduction;

(b) Remuneration or benefits received under this subsection shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state;

(c) The following job classifications are eligible:

- (i) Liquor store clerk;
- (ii) Retail assistant store manager 1;
- (iii) Retail assistant store manager 2;
- (iv) Retail store manager 3;
- (v) Retail store manager 4;
- (vi) Retail district manager;
- (vii) Retail operations manager;
- (viii) Director of retail services;
- (ix) Director of distribution center;
- (x) Director of purchasing;
- (xi) Director of business enterprise;
- (xii) Warehouse operator 1;
- (xiii) Warehouse operator 2;
- (xiv) Warehouse operator 3; and
- (xv) Warehouse operator 4; and

(d) Should the legislature revoke any remuneration or benefits granted under this section, an affected employee shall not be entitled thereafter to receive such benefits as a matter of contractual right.

(4) Within the amounts appropriated in this section from the liquor revolving account--state for fiscal year 2013, up to \$946,000 may be used by the liquor control board to implement Initiative Measure No. 502.

Sec. 1114. 2012 2nd sp.s. c 7 s 144 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2012)	\$7,116,000
General Fund--State Appropriation (FY 2013)	(\$6,872,000))
.....	\$6,938,000
General Fund--Federal Appropriation	(((\$159,075,000))
.....	\$159,114,000
Enhanced 911 Account--State Appropriation.....	\$48,620,000
Disaster Response Account--State Appropriation	(((\$23,119,000))
.....	\$23,904,000
Disaster Response Account--Federal Appropriation....	\$91,368,000
Military Department Rent and Lease Account--State	
Appropriation.....	\$615,000
Worker and Community Right-to-Know Account--State	

Appropriation.....	\$2,163,000
TOTAL APPROPRIATION	(((\$338,948,000))
.....	\$339,838,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,018,000 of the disaster response account--state appropriation and \$66,266,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2011-2013 biennium based on current revenue and expenditure patterns.

(2) \$75,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

Sec. 1115. 2012 2nd sp.s. c 7 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund--State Appropriation (FY 2012)	\$3,401,000
General Fund--State Appropriation (FY 2013)	\$3,309,000
((General Fund--Federal Appropriation	\$177,000
General Fund--Private/Local Appropriation.....	\$368,000))
Building Code Council Account--State Appropriation ...	\$1,186,000
Department of Personnel Service Account--State	
Appropriation.....	\$11,117,000
Enterprise Services Account--State Appropriation.....	\$26,336,000
TOTAL APPROPRIATION	(((\$45,894,000))
.....	\$45,349,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for the operations and expenses of the department of enterprise services as established by Engrossed Substitute Senate Bill No. 5931 (central service functions of state government), effective October 1, 2011. Prior to October 1, 2011, the appropriations in this section may be expended for the continued operations and expenses of the office of financial management, the department of general administration, the department of information services, and the department of personnel, pursuant to the expenditure authority schedules produced by the office of financial management, in accordance with chapter 43.88 RCW.

(2) \$3,028,000 of the general fund--state appropriation for fiscal year 2012 and \$2,967,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards,

prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(3) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2012 and 2013 as necessary to meet the actual costs of conducting business.

(4) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action.

(5) Specific funding is provided for the purposes of section 3 of House Bill No. 1770 (state purchasing).

(6) The amounts appropriated in this section are for implementation of Senate Bill No. 5931 (streamlining central service functions).

(7) The department of enterprise services shall purchase flags needed for ceremonial occasions on the capitol campus in order to fully represent the countries that have an international consulate in Washington state.

(8) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services.

(9) The department shall adjust billings for self-insurance premiums to transportation agencies to reflect rate reductions assumed in this act.

(End of part)

PART XII HUMAN SERVICES

Sec. 1201. 2012 2nd sp.s. c 7 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse.

Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under the Washington medicaid integration partnership (WMIP) and the medicare integrated care project (MICP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan for the WMIP and the MICP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2011-2013 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP and the MICP, the health care authority and the department may: (i) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (ii) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The health care authority and the department shall conduct an evaluation of the WMIP by October 15, 2012, and of the MICP measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(b) (~~Effective January 1, 2013,)~~ If Washington has been selected to participate in (~~phase two~~) a financial capitation model of the federal demonstration project for persons dually-eligible for both medicare and medicaid, the department and the authority may initiate the MICP. Participation in the project shall be limited to persons who are eligible for both medicare and medicaid and to counties in which the county legislative authority has agreed to the terms and conditions under which it will operate. The purpose of the project shall be to demonstrate and evaluate ways to improve care while reducing state expenditures for persons enrolled both in medicare and medicaid. To that end, prior to initiating the project, the department and the authority shall assure that state expenditures shall be no greater on either a per person or total basis than the state would otherwise incur. Individuals who are solely eligible for medicaid may also participate if their participation is agreed to by the health care authority, the department, and the county legislative authority.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(5) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting

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directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(6)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ((2012)) 2013, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ((2012)) 2013 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((2012)) 2013 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medicaid personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 1202. 2012 2nd sp.s. c 7 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$287,014,000
General Fund--State Appropriation (FY 2013)	((285,018,000))
.....	\$277,018,000
General Fund--Federal Appropriation	((479,315,000))
.....	\$476,655,000
General Fund--Private/Local Appropriation.....	((1,354,000))
.....	\$1,804,000
Home Security Fund--State Appropriation.....	\$10,741,000
Domestic Violence Prevention Account--State Appropriation.....	\$1,240,000
Education Legacy Trust Account--State Appropriation	\$725,000
TOTAL APPROPRIATION	((1,065,407,000))
.....	\$1,055,197,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) \$668,000 of the general fund--state appropriation for fiscal year 2012 and \$668,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in

need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. The department shall collaborate with the pediatric interim care center to determine if and how the center could be appropriately incorporated into the performance-based contract model and report its findings to the legislature by December 1, 2012.

(3)(a) \$80,887,000 of the general fund--state appropriation for fiscal year 2012, ((81,067,000)) \$53,786,000 of the general fund--state appropriation for fiscal year 2013, and ((74,800,000)) \$71,598,000 of the general fund--federal appropriation are provided solely for services for children and families. The amounts provided in this section shall be allotted on a monthly basis and expenditures shall not exceed allotments based on a three month rolling average without approval of the office of financial management following notification to the legislative fiscal committees.

(b) The department shall use these services to safely reduce the number of children in out-of-home care, safely reduce the time spent in out-of-home care prior to achieving permanency, and safely reduce the number of children returning to out-of-home care following permanency. The department shall provide an initial report to the legislature and the governor by January 15, 2012, regarding the start-up costs associated with performance-based contracts under RCW 74.13.360 .

(c) Of the amounts provided in (a) of this subsection, \$579,000 of the general fund--state appropriation for fiscal year 2013 and \$109,000 of the general fund--federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$176,000 of the general fund--state appropriation for fiscal year 2012, \$177,000 of the general fund--state appropriation for fiscal year 2013, \$656,000 of the general fund--private/local appropriation, \$253,000 of the general fund--federal appropriation, and \$725,000 of the education legacy trust account--state appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(5) \$670,000 of the general fund--state appropriation for fiscal year 2012 and \$670,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for services provided through children's advocacy centers.

(6) To ensure expenditures remain within available funds appropriated in this section as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection does not apply to adoption assistance agreements in existence on the effective date of this section.

(7) \$10,741,000 of the home security fund--state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department

shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi-secure crisis residential centers and not a reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(8) \$47,000 of the general fund--state appropriation for fiscal year 2012, \$14,000 of the general fund--state appropriation for fiscal year 2013, and \$40,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1697 (dependency system). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(9) \$564,000 of the general fund--federal appropriation is provided solely to implement Second Substitute House Bill No. 1128 (extended foster care). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$799,000 of the general fund--state appropriation for fiscal year 2013 and \$799,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2264 (child welfare/contracting). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(11) \$178,000 of the general fund--federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2592 (extended foster care). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(12) \$616,000 of the general fund--state appropriation for fiscal year 2013 and \$616,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6555 (child protective services). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(13) \$57,000 of the general fund--state appropriation for fiscal year 2013 and \$53,000 of the general fund--federal appropriation are provided solely for staffing costs associated with implementation of Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The amounts provided in this subsection must be used for coordinated evidence-based practice implementation amongst the department's programs providing mental health, child welfare, and juvenile justice services to children.

Sec. 1203. 2012 2nd sp.s. c 7 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2012)	\$85,723,000
General Fund--State Appropriation (FY 2013)	(\$85,258,000)
.....	\$85,477,000
General Fund--Federal Appropriation	(\$3,809,000)
.....	\$3,808,000
General Fund--Private/Local Appropriation.....	(\$1,903,000)
.....	\$1,904,000
Washington Auto Theft Prevention Authority Account-- State Appropriation.....	\$196,000
Juvenile Accountability Incentive Account--Federal Appropriation.....	\$2,801,000

TOTAL APPROPRIATION((\$179,690,000))
.....\$179,909,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund--state appropriation for fiscal year 2012 and \$331,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund--state appropriation for fiscal year 2012 and \$2,716,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund--state appropriation for fiscal year 2012 and \$3,482,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2012 and \$1,130,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund--state appropriation for fiscal year 2012 and \$3,123,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund--state appropriation for fiscal year 2012 and \$1,537,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may

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concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration shall phase the implementation of the formula provided in subsection (1) of this section by including a stop-loss formula of five percent in fiscal year 2012 and five percent in fiscal year 2013.

(c) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition

alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. Consistent with chapter 13.50 RCW, all confidentiality agreements necessary to implement this information-sharing shall be approved within 30 days of the effective date of this section. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(9) The Washington association of juvenile court administrators and the juvenile rehabilitation administration, in consultation with the community juvenile accountability act advisory committee and the Washington state institute for public policy, shall analyze and review data elements available from the administrative office of the courts for possible integration into the evidence-based program quality assurance plans and processes. The administrative office of the courts, the Washington association of juvenile court administrators, and the juvenile rehabilitation administration shall provide information necessary to complete the review and analysis. The Washington association of juvenile court administrators and the juvenile rehabilitation administration shall report the findings of their review and analysis, as well as any recommendations, to the legislature by December 1, 2012.

Sec. 1204. 2012 2nd sp.s. c 7 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2012)	\$317,734,000
General Fund--State Appropriation (FY 2013)	(\$324,319,000)
.....	\$321,609,000
General Fund--Federal Appropriation	(\$449,593,000)
.....	\$446,619,000
General Fund--Private/Local Appropriation.....	\$17,864,000
Hospital Safety Net Assessment Fund--State	

Appropriation.....\$5,251,000
 TOTAL APPROPRIATION((~~\$1,114,761,000~~))
\$1,109,077,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$109,342,000 of the general fund--state appropriation for fiscal year 2012 and \$109,341,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for persons and services not covered by the medicaid program. This is a reduction of \$4,348,000 each fiscal year from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2011 prior to supplemental budget reductions. This \$4,348,000 reduction shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$6,590,000 of the general fund--state appropriation for fiscal year 2012, \$6,590,000 of the general fund--state appropriation for fiscal year 2013, and \$7,620,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) \$5,850,000 of the general fund--state appropriation for fiscal year 2012, \$5,850,000 of the general fund--state appropriation for fiscal year 2013, and \$1,300,000 of the general fund--federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(g) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(h) \$750,000 of the general fund--state appropriation for fiscal year 2012 and \$750,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance

community residential and support services provided by regional support networks through other state and federal funding.

(i) \$1,125,000 of the general fund--state appropriation for fiscal year 2012 and \$1,125,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(j) \$1,529,000 of the general fund--state appropriation for fiscal year 2012 and \$1,529,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(k) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(l) Given the recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

(m) \$750,000 of the general fund--state appropriation for fiscal year 2012, \$750,000 of the general fund--state appropriation for fiscal year 2013, and \$1,500,000 of the general fund--federal appropriation are provided solely to adjust regional support network capitation rates to account for the per diem rates actually paid for psychiatric care provided at hospitals participating in the certified public expenditure program operated pursuant to section 213 of this act.

(n) The appropriations in this section reflect efficiencies to be achieved through voluntary consolidation of regional support networks in accordance with Substitute House Bill No. 2139 (regional support networks). Voluntary consolidation of regional support networks is expected to result in administrative efficiencies and maximize dollars available for direct services to individuals with mental illnesses without corresponding increases in state appropriations.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012)\$115,017,000
 General Fund--State Appropriation (FY 2013)((~~\$112,603,000~~))
\$118,883,000
 General Fund--Federal Appropriation((~~\$153,618,000~~))

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.....	\$152,917,000
General Fund--Private/Local Appropriation.....	(((\$67,325,000))
.....	\$64,555,000
TOTAL APPROPRIATION	(((\$448,563,000))
.....	\$451,372,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2012 and \$231,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2012 and \$45,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$20,000,000 of the general fund--state appropriation for fiscal year 2012 and \$20,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to maintain staffed capacity to serve an average daily census in forensic wards at western state hospital of 270 patients per day.

(e) The appropriations in this section reflect efficiencies to be achieved through enactment of Substitute Senate Bill No. 6492 (competency to stand trial). These efficiencies are expected to enable the hospitals to substantially increase the timeliness with which evaluations of defendant competency to stand trial are completed, and treatment to restore competency is initiated, without corresponding increases in state appropriations.

(f) \$56,000 of the general fund--state appropriation for fiscal year 2013 and \$52,000 of the general fund--federal appropriation are provided solely for staffing costs associated with implementation of Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The amounts provided in this subsection must be used for coordinated evidence-based practice implementation amongst the department's programs providing mental health, child welfare, and juvenile justice services to children.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2012).....	\$1,148,000
General Fund--State Appropriation (FY 2013)	\$1,276,000
General Fund--Federal Appropriation	(((\$4,198,000))
.....	\$5,198,000
General Fund--Private/Local Appropriation.....	\$700,000
TOTAL APPROPRIATION	(((\$7,322,000))
.....	\$8,322,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,161,000 of the general fund--state appropriation for fiscal year 2012 and \$1,161,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for children's evidence-based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.

(b) \$700,000 of the general fund--private/local appropriation is provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices for serving children and youth with mental health disorders. The

department shall enter into an interagency agreement with the office of the attorney general for expenditure of \$700,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for this purpose.

(c) \$135,000 of the general fund--state appropriation for fiscal year 2013 and \$89,000 of the general fund--federal appropriation are provided solely for the department to contract with the University of Washington's evidence-based practice institute and the Washington state institute for public policy to consult with the department and the health care authority on the implementation of Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The department's programs responsible for administration of mental health, child welfare, and juvenile justice programs will coordinate with the health care authority on the development of contract terms which facilitate efforts to meet requirements of the bill. If Engrossed Second Substitute House Bill No. 2536 (children services/delivery) is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2012).....	\$4,482,000
General Fund--State Appropriation (FY 2013)	(((\$4,247,000))
.....	\$4,161,000
General Fund--Federal Appropriation	(((\$7,210,000))
.....	\$7,128,000
General Fund--Private/Local Appropriation.....	\$446,000
TOTAL APPROPRIATION	(((\$16,385,000))
.....	\$16,217,000

(a) The appropriations in this subsection are subject to the following conditions and limitations: In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to increase license and certification fees in fiscal years 2012 and 2013 to support the costs of the regulatory program. The fee schedule increases must be developed so that the maximum amount of additional fees paid by providers statewide in the 2011-2013 fiscal biennium is \$446,000. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) \$19,000 of the general fund--state appropriation for fiscal year 2012, \$17,000 of the general fund--state appropriation for fiscal year 2013, and \$34,000 of the general fund--federal appropriation are provided solely to support a partnership among the department of social and health services, the department of health, and agencies that deliver medical care and behavioral health services in Cowlitz county. The partnership shall identify and recommend strategies for resolving regulatory, licensing, data management, reporting, and funding barriers to more effective integration of primary medical and behavioral health care services in the county.

Sec. 1205. 2012 2nd sp.s. c 7 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2012)	\$405,412,000
General Fund--State Appropriation (FY 2013)	(((\$420,327,000))
.....	\$411,060,000

General Fund--Federal Appropriation	(((\$752,059,000))
.....	\$745,018,000
General Fund--Private/Local Appropriation.....	\$184,000
TOTAL APPROPRIATION	(((\$1,577,982,000))
.....	\$1,561,674,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) Amounts appropriated in this subsection reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care patients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(c) Amounts appropriated in this subsection are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services by July 1, 2012. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

(d) \$944,000 of the general fund--state appropriation for fiscal year 2012, \$944,000 of the general fund--state appropriation for fiscal year 2013, and \$1,888,000 of the general fund--federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund \$2.21 per paid hour worked by individual providers.

(e) \$1,329,000 of the general fund--state appropriation for fiscal year 2012, \$1,622,000 of the general fund--state appropriation for fiscal year 2013, and \$2,947,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. Contributions are funded at \$0.22 per benefit-eligible paid hour worked by all home care workers. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection. However, if the governor and the service employees international union healthcare 775nw can reach agreement on repurposing funding that is currently provided in the individual provider collective bargaining agreement for new individual provider wages paid during training or other training related items, then expenditures for training trust contributions for individual providers may include the amounts provided in this subsection and the agreed upon repurposed funding. Funding in this section for purposes other than the individual provider collective bargaining agreement cannot be used for the purposes of this subsection (1)(e). It is the intent of the legislature that the funding provided in this subsection, including any repurposed funding, is sufficient to cover the costs of individual provider training and therefore tuition or other entrance fees are not necessary.

(f) \$104,669,000 of the general fund--state appropriation for fiscal year 2013 and \$104,669,000 of the general fund--federal appropriation are provided solely for the department to provide personal care services to waiver and nonwaiver in-home clients. The department shall provide the legislature with a report by

December 5, 2012, on the feasibility of converting the medicaid personal care program for in-home adults to a medicaid program as found in section 1915(i) of the federal social security act that utilizes the option for self-direction of individualized budgets. The department shall operate the personal care program within the amounts specifically provided.

(g)(i) Within the amounts appropriated in this subsection, the department shall revise the current working age adult policy to allow clients to choose between employment and community access activities. Clients age 21 and older who are receiving services through a home- and community-based medicaid waiver shall be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. The department shall inform clients and their legal representatives of all available options for employment and day services. Information provided to the client and the client's legal representative shall include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(ii) The department shall work with counties and stakeholders to strengthen and expand the existing community access program. The program must emphasize support for the client so they are able to participate in activities that integrate them into their community and support independent living and skills.

(iii) The appropriation in this subsection includes funding to provide employment or community access services to 168 medicaid eligible young adults with developmental disabilities living with their families who need employment opportunities and assistance after high school graduation.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2012 and \$75,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the restoration of direct support to local organizations that utilize parent-to-parent networks and communication to promote access and quality of care for individuals with developmental disabilities and their families.

(i) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), adult family home license fees are increased in fiscal years 2012 and 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(i) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and \$175 per bed beginning in fiscal year 2013. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013, or the amount necessary to fully fund the license fee increase for publicly funded beds, pursuant to the most recent bed estimates maintained by the department.

(ii) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(j) Clients with developmental disabilities have demonstrated a need and a desire for a day services program as verified by over 900 clients currently accessing day programs through a long-term care service model. In addition, every individual, to include those with a developmental disability, should have the opportunity for meaningful employment which allows them to contribute to their communities and to become as self-sufficient as possible. Providing choice empowers recipients of publicly funded services and their families by expanding their degree of control over the services and supports they need.

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The department shall work with legislators and stakeholders to develop a new approach to employment and day services. The objective of this plan is to ensure that adults with developmental disabilities have optimum choices, and that employment and day offerings are comprehensive enough to meet the needs of all clients currently served on a home and community based waiver. The proposal shall be submitted to the 2012 legislature for consideration and shall be constructed such that a client ultimately receives employment, community access, or the community day option but not more than one service at a time. The proposal shall include options for program efficiencies within the current employment and day structure and shall provide details on the plan to implement a consistent, statewide outcome-based vendor contract for employment and day services as specified in (c) of this subsection.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012)	.....\$75,436,000
General Fund--State Appropriation (FY 2013)	.....(((\$80,356,000))
.....	.....\$78,154,000
General Fund--Federal Appropriation	.....(((\$153,570,000))
.....	.....\$152,963,000
General Fund--Private/Local Appropriation	.....\$22,043,000
TOTAL APPROPRIATION	.....(((\$331,405,000))
.....	.....\$328,596,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund--state appropriation for fiscal year 2012 and \$721,000 of the general fund--state appropriation for fiscal year 2013 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2012)	.....\$1,382,000
General Fund--State Appropriation (FY 2013)	.....(((\$1,366,000))
.....	.....\$1,759,000
General Fund--Federal Appropriation	.....(((\$1,319,000))
.....	.....\$1,519,000
TOTAL APPROPRIATION	.....(((\$4,067,000))
.....	.....\$4,660,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2012)	.....\$4,634,000
General Fund--State Appropriation (FY 2013)	.....(((\$4,553,000))
.....	.....\$6,313,000
General Fund--Federal Appropriation	.....(((\$9,588,000))
.....	.....\$9,786,000
General Fund--Private/Local Appropriation	.....(((\$998,000))
.....	.....\$791,000
TOTAL APPROPRIATION	.....(((\$19,773,000))
.....	.....\$21,524,000

The appropriations in this subsection are subject to the following conditions and limitations:

Amounts appropriated in this subsection are for the purposes of transitioning clients with developmental disabilities into community settings. The department is authorized as needed to use these funds to either pay for clients residing within a residential habilitation center or for placements in the community. Pursuant to Second Substitute Senate Bill No. 5459 (services for people with developmental disabilities), funding in this subsection must be prioritized for the purpose of facilitating the consolidation and closure of Frances Haddon Morgan Center. The department shall

use a person-centered approach in developing the discharge plan to assess each resident's needs and identify services the resident requires to successfully transition to the community or another residential habilitation center. The department is authorized to use any savings from this effort for the purpose of developing community resources to address the needs of clients with developmental disabilities who are in crisis or in need of respite. The department shall track the costs and savings of closing Frances Haddon Morgan Center and any investments into community placements and resources. The department shall provide a fiscal progress report to the legislature by December 5, 2011.

Sec. 1206. 2012 2nd sp.s. c 7 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	.....\$791,493,000
General Fund--State Appropriation (FY 2013)	.....(((\$809,338,000))
.....	.....\$802,039,000
General Fund--Federal Appropriation	.....(((\$1,690,993,000))
.....	.....\$1,686,091,000
General Fund--Private/Local Appropriation	.....\$27,517,000
Traumatic Brain Injury Account--State Appropriation	.....\$3,388,000
Nursing Facility Quality Assurance Account--State	.....
Appropriation	.....\$88,000,000
TOTAL APPROPRIATION	.....(((\$3,410,729,000))
.....	.....\$3,398,528,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$170.37 for fiscal year 2012 and shall not exceed \$171.43 for fiscal year 2013, including the rate add-ons described in (a) and (b) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, the weighted average nursing facility payment rate shall not exceed \$159.87 for fiscal year 2012 and shall not exceed \$160.93 for fiscal year 2013. There will be no adjustments for economic trends and conditions in fiscal years 2012 and 2013. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility-based payment rates calculated on July 1, 2012, using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the comparative add-on, acuity add-on, and safety net reimbursement, to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, 2012, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, if it is found that the direct care rate for any facility calculated using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the comparative add-on, acuity add-on, and safety net reimbursement, is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, (b), (c), and (d) of this subsection do not apply.

(2) After examining actual nursing facility cost information, the legislature finds that the medicaid nursing facility rates calculated pursuant to Engrossed Substitute Senate Bill No. 5581 (nursing home payments) provide sufficient reimbursement to efficiently and economically operating nursing facilities and bear a reasonable relationship to costs.

(3) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2012 and no new certificates of capital authorization for fiscal year 2013 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2012 and 2013.

(4) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

(5) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(6) \$1,883,000 of the general fund--state appropriation for fiscal year 2012, \$1,883,000 of the general fund--state appropriation for fiscal year 2013, and \$3,766,000 of the general fund--federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund \$2.21 per paid hour worked by individual providers.

(7) \$2,449,000 of the general fund--state appropriation for fiscal year 2012, \$3,012,000 of the general fund--state appropriation for fiscal year 2013, and \$5,463,000 of the general fund--federal

appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. Contributions are funded at \$0.22 per benefit-eligible paid hour worked by all home care workers. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection. However, if the governor and the service employees international union healthcare 775nw can reach agreement on repurposing funding that is currently provided in the individual provider collective bargaining agreement for new individual provider wages paid during training or other training related items, then expenditures for training trust contributions for individual providers may include the amounts provided in this subsection and the agreed upon repurposed funding. Funding in this section for purposes other than the individual provider collective bargaining agreement cannot be used for the purposes of this subsection (7). It is the intent of the legislature that the funding provided in this subsection, including any repurposed funding, is sufficient to cover the costs of individual provider training and therefore tuition or other entrance fees are not necessary.

(8) \$338,550,000 of the general fund--state appropriation for fiscal year 2013 and \$338,550,000 of the general fund--federal appropriation are provided solely for the department to provide personal care services to waiver and nonwaiver in-home clients. The department shall provide the legislature with a report by December 5, 2012, on the feasibility of converting the medicaid personal care program for in-home adults to a medicaid program as found in section 1915(i) of the federal social security act that utilizes the option for self-direction of individualized budgets. The department shall operate the personal care program within the amounts specifically provided.

(9) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(10) The department shall eliminate the adult day health program under the state plan 1915(i) option and shall reestablish it under the long-term care home and community-based waiver.

(11) \$4,588,000 of the general fund--state appropriation for fiscal year 2012, \$4,559,000 of the general fund--state appropriation for fiscal year 2013, and \$9,237,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment.

(12) \$1,840,000 of the general fund--state appropriation for fiscal year 2012 and \$1,877,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(13) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), nursing facility fees are increased in fiscal year 2012 and adult family home fees are increased in fiscal year 2012 and fiscal year 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(a) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2012 and assumes \$517,000 of the general fund--private/local appropriation. Nursing facilities shall receive a vendor rate increase of \$0.08 per

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medicaid patient day to cover the license fee increase for publicly funded beds.

(b) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and assumes \$1,449,000 of the general fund--private/local appropriation; and \$175 per bed beginning in fiscal year 2013 and assumes \$2,463,000 of the general fund--private/local appropriation. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013, or the amount necessary to fully fund the license fee increase for publicly funded beds, pursuant to the most recent bed estimates maintained by the department.

(c) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(d) \$72,000 of the general fund--state appropriation for fiscal year 2012, \$708,000 of the general fund--private/local appropriation and \$708,000 of the general fund--federal appropriation are provided solely to implement sections 501 through 503 of Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The department shall use additional investigative resources to address complaints about provider practices as well as alleged abuse, neglect, abandonment, and exploitation of residents in adult family homes. The department shall develop a statewide internal quality review and accountability program to improve the accountability of staff and the consistent application of investigative activities, and shall convene a quality assurance panel to review problems in the quality of care in adult family homes.

(14) \$3,316,000 of the traumatic brain injury account--state appropriation is provided solely to continue services for persons with traumatic brain injury (TBI) as defined in chapter 143, Laws of 2011 (traumatic brain injury strategic partnership).

(15) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(16) The department shall participate in the work group established by the department of corrections in section 220(2) of this act to review release options for elderly and infirm offenders.

Sec. 1207. 2012 2nd sp.s. c 7 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$415,553,000
General Fund--State Appropriation (FY 2013)	(\$438,483,000)
.....	\$385,021,000
General Fund--Federal Appropriation	(\$1,174,416,000)
.....	\$1,181,373,000
General Fund--Private/Local Appropriation.....	\$30,592,000
TOTAL APPROPRIATION	(\$2,059,044,000)
.....	\$2,012,539,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$195,410,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$235,808,000)~~) \$179,397,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$725,586,000)~~) \$712,784,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Under section 2 of Engrossed Substitute Senate Bill No. 5921 (social services programs), the amounts in this subsection assume that any participant in the temporary assistance for needy families where their participation is suspended and does not volunteer to participate in WorkFirst services or unsubsidized employment does not receive child care subsidies or WorkFirst subsidies as a

condition of the suspension. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families.

(a) Within the amounts provided for WorkFirst in this subsection, the department shall continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in Engrossed House Bill No. 2262 (WorkFirst and child care) and RCW 74.08A.410.

(b) The department may establish a career services work transition program.

(c) Within amounts appropriated in this section, the legislature expressly mandates that the department exercise its authority, granted in 1997 under RCW 74.08A.290, to contract for work activities services pursuant to that statutory authority and RCW 41.06.142(3).

(d) The department shall create a temporary assistance for needy families budget structure that allows for more transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure shall include budget units for the following: Grants, child care, WorkFirst activities, and administration of the program.

(2) \$23,679,000 of the general fund--state appropriation for fiscal year 2012, in addition to supplemental security income recoveries, is provided solely for financial assistance and other services to recipients in the program established in section 4, chapter 8, Laws of 2010 1st sp. sess., until the program terminates on October 31, 2011.

(3)(a) \$12,457,000 of the general fund--state appropriation for fiscal year 2012 and \$21,959,000 of the general fund--state appropriation for fiscal year 2013, in addition to supplemental security income recoveries, are provided solely for the programs created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program) beginning November 1, 2011.

(b) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(c) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(4) \$1,657,000 of the general fund--state appropriation for fiscal year 2012 and \$1,657,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for naturalization services.

(5) \$2,366,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for refugee employment services, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for refugee employment services, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services.

(6) On December 1, 2011, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also

include the number of clients served and outcome data for the clients.

(7) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be fifty percent of the federal supplemental nutrition assistance program benefit amount.

Sec. 1208. 2012 2nd sp.s. c 7 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2012)	\$73,742,000
General Fund--State Appropriation (FY 2013).....	(((\$71,218,000))
.....	\$71,019,000
General Fund--Federal Appropriation	(((\$184,401,000))
.....	\$187,979,000
General Fund--Private/Local Appropriation.....	(((\$13,486,000))
.....	\$16,248,000
Criminal Justice Treatment Account--State	
Appropriation.....	\$20,748,000
Problem Gambling Account--State Appropriation.....	\$1,448,000
TOTAL APPROPRIATION	(((\$365,043,000))
.....	\$371,184,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to increase fees for the review and approval of treatment programs in fiscal years 2012 and 2013 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(4) \$3,500,000 of the general fund--federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) Within amounts appropriated in this section, the department is required to increase federal match available for intensive inpatient services. During fiscal year 2013, the department shall shift contracts for a minimum of 32 intensive inpatient beds currently provided in settings that are considered institutions for mental diseases to two or more facilities with no more than 16 beds that are able to claim federal match for services provided to medicaid clients or individuals covered under the department's section 1115 medicaid waiver. The department is authorized to conduct a

request for proposal process to fulfill this requirement. By December 1, 2012, the department shall provide a plan to the office of financial management and to the relevant fiscal and policy committees of the legislature for transitioning all remaining intensive inpatient beds currently provided in settings that are considered institutions for mental diseases into facilities with no more than 16 beds by June 2017. The plan shall identify the maximum number of additional beds that can be transitioned into facilities with no more than 16 beds during the 2013-2015 fiscal biennium and the remaining number that will be transitioned during the 2015-2017 fiscal biennium, a timeline and process for accomplishing this, and a projection of the related general fund--state savings for each biennium.

(6) The amounts appropriated in this section include reductions of \$303,000 in the general fund--state appropriation for fiscal year 2012 and \$1,815,000 in the general fund--state appropriation for fiscal year 2013. The department must apply this reduction across all levels of chemical dependency residential treatment services excluding services contracted through the counties, services provided to pregnant and parenting women, services provided to juveniles, and services provided to parents in dependency proceedings.

Sec. 1209. 2012 2nd sp.s. c 7 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2012)	\$10,854,000
General Fund--State Appropriation (FY 2013)	(((\$10,401,000))
.....	\$10,353,000
General Fund--Federal Appropriation	(((\$105,060,000))
.....	\$104,922,000
Telecommunications Devices for the Hearing and	
Speech Impaired--State Appropriation	\$2,766,000
TOTAL APPROPRIATION	(((\$129,081,000))
.....	\$128,895,000

The appropriations in this section are subject to the following conditions and limitations: \$480,000 of the telecommunications devices for the hearing and speech impaired account--state appropriation is provided solely for the office of deaf and hard of hearing to contract for services that provide ((employment)) support and help with life activities for deaf-blind individuals in ((King county)) the Puget Sound area.

Sec. 1210. 2012 2nd sp.s. c 7 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2012)	\$48,167,000
General Fund--State Appropriation (FY 2013)	(((\$36,128,000))
.....	\$38,098,000
TOTAL APPROPRIATION	(((\$84,295,000))
.....	\$86,265,000

Sec. 1211. 2012 2nd sp.s. c 7 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$26,069,000
General Fund--State Appropriation (FY 2013)	(((\$24,474,000))
.....	\$26,338,000
General Fund--Federal Appropriation	(((\$39,550,000))
.....	\$42,090,000
General Fund--Private/Local Appropriation.....	\$2,116,000
Performance Audits of State Government--State	
Appropriation.....	\$4,812,000
TOTAL APPROPRIATION	(((\$97,021,000))
.....	\$101,425,000

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation for fiscal year 2012 and \$300,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund--state appropriation for fiscal year 2012 and \$445,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for funding of the teamchild project.

(3) \$178,000 of the general fund--state appropriation for fiscal year 2012 and \$178,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the juvenile detention alternatives initiative.

(4) \$4,812,000 of the performance audits of state government--state appropriation is provided solely for support and expansion of the division of fraud investigation. The division shall conduct investigatory and enforcement activities for all department programs, including the child support and TANF programs.

(5) \$1,400,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the department to distribute as support to community public health and safety networks that have a history of providing training and services related to adverse childhood experiences. Distribution of these funds is contingent upon securing funding from a private entity or entities to provide one dollar in matching funds for each dollar in state funds received by a network so that the funding received by a community public health and safety network will be equal portions of state and private funding.

~~((7))~~ (6) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for a grant program focused on criminal street gang prevention and intervention. The Washington state partnership council on juvenile justice may award grants under this subsection. The council shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection.

~~((8))~~ (7) \$113,000 of the general fund--state appropriation for fiscal year 2013 and \$105,000 of the general fund--federal appropriation are provided solely for staffing costs associated with implementation of Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The amounts provided in this subsection must be used for coordinated evidence-based practice implementation amongst the department's programs providing mental health, child welfare, and juvenile justice services to children. If Engrossed Second Substitute House Bill No. 2536 (children services/delivery) is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

Sec. 1212. 2012 2nd sp.s. c 7 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM	
General Fund--State Appropriation (FY 2012)	\$62,140,000
General Fund--State Appropriation (FY 2013)	(\$46,303,000))
.....	\$49,584,000
General Fund--Federal Appropriation	(\$53,049,000))
.....	\$53,409,000
TOTAL APPROPRIATION	(\$161,492,000))
.....	\$165,133,000

The appropriations in this section are subject to the following conditions and limitations:

\$469,000 of the general fund--state appropriation for fiscal year 2011 and \$270,000 of the general fund--state appropriation for fiscal year 2012 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

Sec. 1213. 2012 2nd sp.s. c 7 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY	
General Fund--State Appropriation (FY 2012)	\$2,034,296,000
General Fund--State Appropriation (FY 2013) ...(((\$2,031,185,000))	
.....	\$2,113,181,000
General Fund--Federal Appropriation	(((\$5,307,323,000))
.....	\$5,327,942,000
General Fund--Private/Local Appropriation.....	(((\$62,597,000))
.....	\$51,082,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	(((\$15,077,000))
.....	\$14,157,000
Hospital Safety Net Assessment Fund--State	
Appropriation.....	(((\$434,087,000))
.....	\$442,930,000
State Health Care Authority Administration Account--	
State Appropriation.....	\$34,040,000
Basic Health Plan Stabilization Account--	
State Appropriation.....	\$44,000,000
Medical Aid Account--State Appropriation	\$529,000
Medicaid Fraud Penalty Account--State Appropriation	
.....	(\$9,200,000))
.....	\$9,408,000
TOTAL APPROPRIATION	(((\$9,972,334,000))
.....	\$10,071,565,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((The appropriations to the authority in this act shall be expended for the purposes and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2012, may transfer general fund--state appropriations for fiscal year 2012 that are provided solely for a specified purpose. The authority shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(2)) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

~~((3))~~ (2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

~~((4))~~ (3)(a) \$1,200,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to plan the implementation of a system of consolidated public school employee health benefits purchasing.

It is the intent of the legislature to improve the administration, transparency, and equity in delivering a K-12 employees' health benefits system. In addition, the legislature intends that any cost savings that result from changes to K-12 health benefits be dedicated to public schools.

To further this legislative intent, the state health care authority shall develop a plan to implement a consolidated health benefits' system for K-12 employees for the 2013-14 school year. The health care authority shall deliver a report to the legislature by December 15, 2011, that sets forth the implementation plan to the ways and means committees of the house of representatives and the senate.

(b) The report prepared by the health care authority shall compare and contrast the costs and benefits, both long and short term, of:

- (i) The current K-12 health benefits system;
- (ii) A new K-12 employee benefits pool; and
- (iii) Enrolling K-12 employees into the health benefits pool for state employees.

(c) In addition to the implementation plan, the report shall include the following information:

- (i) The costs and benefits of the current K-12 health benefits system;
- (ii) The costs and benefits of providing a new statewide K-12 employees' health benefits pool to school districts and school employees;
- (iii) The costs and benefits of enrolling K-12 employees into the existing health benefits pool for state employees;
- (iv) Recommendations of ways to limit administrative duplication and costs, improve transparency to employees, the legislature, and the public and assure equity among beneficiaries of publicly provided employee health benefits;
- (v) Recommendations for standardizing benefit packages and purchasing efforts in a manner that seeks to maximize funding and equity for all school employees;
- (vi) Recommendations regarding the use of incentives, including how changes to state health benefit allocations could provide employees with benefits that would encourage participation;
- (vii) Recommendations regarding the implementation of a new K-12 employee benefit plan, with separate options for voluntary participation and mandatory statewide participation;

(viii) Recommendations regarding methods to reduce inequities between individual and family coverage;

(ix) Consolidation of the purchasing and budget accountability for school employee benefits to maximize administrative efficiency and leverage existing skills and resources; and

(x) Other details the health care authority deems necessary, including but not limited to recommendations on the following:

(A) Approaches for implementing the transition to a statewide pool, including administrative and statutory changes necessary to ensure a successful transition, and whether the pool should be separate from, or combined with, the public employees' benefits pool;

(B) The structure of a permanent governing group to provide ongoing oversight to the consolidated pool, in a manner similar to

the public employees benefits board functions for employee health benefits, including statutory duties and authorities of the board; and

(C) Options for including potential changes to: Eligibility standardization, the public employees benefits risk pools, the movement of school employee retirees into the new K-12 pool or pools, and the movement of educational service district employees into the new K-12 pool or pools.

(d) In determining its costs and benefits of a new statewide K-12 employees' health benefits pool for school districts and school employees, the health care authority shall assume the following:

(i) School district enrollees must constitute an entire bargaining unit, or an entire group of nonrepresented employees;

(ii) Staffing and administration for benefits purchasing shall be provided by the health care authority; and

(iii) The new K-12 pool would operate on a schedule that coordinates with the financing and enrollment schedule used for school districts.

(e) The office of the superintendent of public instruction and the office of the insurance commissioner shall provide information and technical assistance to the health care authority as requested by the health care authority. The health care authority shall not implement the new school employee benefits pool until authorized to do so by the legislature.

~~((5))~~ (4) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

~~((6))~~ (5) Enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

~~((7))~~ (6) \$23,700,000 of the general fund--federal appropriation is provided solely for planning and implementation of a health benefit exchange under the federal patient protection and affordable care act. Within the amounts provided in this subsection, funds used by the authority for information technology projects are conditioned on the authority satisfying the requirements of Engrossed Second Substitute Senate Bill No. 5931 (central service agencies).

~~((8))~~ (7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((9))~~ (8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to

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disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((40))~~ (9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

~~((41))~~ (10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((42))~~ (11) \$4,261,000 of the general fund--state appropriation for fiscal year 2012, \$4,261,000 of the general fund--state appropriation for fiscal year 2013, and \$8,522,000 of the general fund--federal appropriation are provided solely for low-income disproportionate share hospital payments under RCW 74.09.730(1)(a).

~~((43))~~ (12) \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((44))~~ (13) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2011-2013 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2011, and by November 1, 2012, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2012 and fiscal year 2013, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year

had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2011-13 biennial operating appropriations act and in effect on July 1, 2011, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2011-13 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$8,102,000 of the general fund--state appropriation for fiscal year 2012, of which \$6,570,000 is appropriated in section 204(1) of this act, and ~~(\$3,162,000)~~ \$10,722,069 of the general fund--state appropriation for fiscal year 2013, of which \$6,570,000 is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. CPE hospitals will receive the inpatient and outpatient reimbursement rate restorations in RCW 74.60.080 and rate increases in RCW 74.60.090 funded through the hospital safety net assessment fund rather than through the baseline mechanism specified in this subsection.

~~((45))~~ (14) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((46))~~ (15) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((47))~~ (16) For children with family incomes above 200 percent of the federal poverty level in the state-funded children's health program for children who are not eligible for coverage under the federally funded children's health insurance program, premiums shall be set every two years in an amount equal to the average state-only share of the per capita cost of coverage in the state-funded children's health program for children in families with incomes at or less than two hundred percent of the federal poverty level.

~~((48))~~ (17) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under

Title XIX or XXI of the federal social security act due to their citizenship status.

~~((19))~~ (18) \$859,000 of the general fund--state appropriation for fiscal year 2012, \$979,000 of the general fund--state appropriation for fiscal year 2013, and \$1,841,000 of the general fund--federal appropriation are provided solely to increase prior authorization activities for advanced imaging procedures.

~~((20))~~ (19) \$196,000 of the general fund--state appropriation for fiscal year 2012, \$246,000 of the general fund--state appropriation for fiscal year 2013, and \$442,000 of the general fund--federal appropriation are provided solely to increase prior authorization activities for surgical procedures, which may include orthopedic procedures, spinal procedures and interventions, and nerve procedures.

~~((21))~~ (20) \$300,000 of the general fund--private/local appropriation and \$300,000 of the general fund--federal appropriation are provided solely for a prescriptive practices improvement collaborative focusing upon atypical antipsychotics and other medications commonly used in the treatment of severe and persistent mental illnesses among adults. The project shall promote collaboration among community mental health centers, other major prescribers of atypical antipsychotic medications to adults enrolled in state medical assistance programs, and psychiatrists, pharmacists, and other specialists at the University of Washington department of psychiatry and/or other research universities. The collaboration shall include patient-specific prescriber consultations by psychiatrists and pharmacists specializing in treatment of severe and persistent mental illnesses among adults; production of profiles to assist prescribers and clinics in tracking their prescriptive practices and their patients' medication use and adherence relative to evidence-based practices guidelines, other prescribers, and patients at other clinics; and in-service seminars at which participants can share and increase their knowledge of evidence-based and other effective prescriptive practices. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$300,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for this purpose.

~~((22))~~ (21) \$570,000 of the general fund--private/local appropriation is provided solely for continued operation of the partnership access line for child mental health consultations. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$570,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for this purpose.

~~((23))~~ (22) \$80,000 of the general fund--state appropriation for fiscal year 2012, \$80,000 of the general fund--state appropriation for fiscal year 2013, and \$160,000 of the general fund--federal appropriation are provided solely to fund the Tacoma-Pierce county health department for access and outreach activities to reduce infant mortality.

~~((24))~~ (23) \$75,000 of the general fund--state appropriation for fiscal year 2012, \$75,000 of the general fund--state appropriation for fiscal year 2013, and \$150,000 of the general fund--federal appropriation are provided solely to assist with development and implementation of evidence-based strategies regarding the appropriate, safe, and effective role of C-section surgeries and early induced labor in births and neonatal care. The strategies shall be identified and implemented in consultation with clinical research specialists, physicians, hospitals, advanced registered nurse practitioners, and organizations concerned with maternal and child health.

~~((25))~~ (24) Within the amounts appropriated in this section, the health care authority shall continue to provide school-based medical services by means of an intergovernmental transfer arrangement. Under the arrangement, the state shall provide forty

percent and school districts sixty percent of the nonfederal matching funds required for receipt of federal medicaid funding for the service.

~~((26))~~ (25) \$263,000 of the general fund--state appropriation for fiscal year 2012, \$88,000 of the general fund--state appropriation for fiscal year 2013, and \$351,000 of the general fund--federal appropriation are provided solely for development and submission to the federal government by October 1, 2011, of a demonstration project proposal as provided in Substitute Senate Bill No. 5596 (medicaid demonstration waiver).

~~((27))~~ (26) Within the amounts appropriated in this section, the health care authority shall provide spoken-language interpreter services. The authority shall develop and implement a new model for delivery of such services no later than July 1, 2012. The model shall include:

(a) Development by the authority in consultation with subject-area experts of guidelines to assist medical practitioners identify the circumstances under which it is appropriate to use telephonic or video-remote interpreting;

(b) The requirement that the state contract with delivery organizations, including foreign language agencies, who employ or subcontract only with language access providers or interpreters working in the state who are certified or authorized by the state. When a state-certified or state-authorized in-state language access provider or interpreter is not available, the delivery organization, including foreign language agencies, may use a provider with other certifications or qualifications deemed to meet state standards, including interpreters in other states; and

(c) Provision of a secure, web-based tool that medical practitioners will use to schedule appointments for interpreter services and to identify the most appropriate, cost-effective method of service delivery in accordance with the state guidelines.

Nothing in this subsection affects the ability of health care providers to provide interpretive services through employed staff or through telephone and video remote technologies when not reimbursed directly by the department. The amounts in this subsection do not include federal administrative funds provided to match nonstate expenditures by local health jurisdictions and governmental hospitals.

~~((28))~~ (27) In its procurement of contractors for delivery of medical managed care services for nondisabled, nonelderly persons, the medical assistance program shall (a) place substantial emphasis upon price competition in the selection of successful bidders; and (b) not require delivery of any services that would increase the actuarial cost of service beyond the levels included in current healthy options contracts.

~~((29))~~ (28) \$1,430,000 of the general fund--state appropriation for fiscal year 2012, \$1,430,000 of the general fund--state appropriation for fiscal year 2013, and \$2,860,000 of the general fund--federal appropriation are provided solely to pay federally-designated rural health clinics their standard encounter rate for prenatal and well-child visits, whether delivered under a managed care contract or fee-for-service. In reconciling managed care enhancement payments for calendar years 2009 and 2010, the department shall treat well-child and prenatal care visits as encounters subject to the clinic's encounter rate.

~~((30))~~ (29) \$280,000 of the general fund--state appropriation for fiscal year 2012 and \$282,000 of the general fund--federal appropriation are provided solely to increase utilization management of drugs and drug classes for which there is evidence of over-utilization, off-label use, excessive dosing, duplicative therapy, or opportunities to shift utilization to less expensive, equally effective formulations.

~~((31))~~ (30) \$70,000 of the general fund--state appropriation for fiscal year 2012, \$70,000 of the general fund--state appropriation for fiscal year 2013, and \$140,000 of the general fund--federal

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appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((32))~~ (31) \$400,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the local outreach, case management, and coordination with dental providers needed to execute the access to baby and child dentistry program, which provides dental care to Medicaid eligible children up to age six.

~~((33))~~ (32) Within the amounts appropriated in this section, the health care authority shall continue to provide dental services to pregnant women. Services shall include preventive, routine, and emergent dental care.

~~((34))~~ (33) \$395,000 of the general fund--state appropriation for fiscal year 2012, \$395,000 of the general fund--state appropriation for fiscal year 2013, and \$790,000 of the general fund--federal appropriation are provided solely for continued operation of the dental education in care of persons with disabilities (DECOD) program at the University of Washington.

~~((35))~~ (34) \$159,000 of the general fund--state appropriation for fiscal year 2012, \$302,000 of the general fund--private/local appropriation, and \$146,072,000 of the general fund--federal appropriation are provided solely for the provider incentive program and other initiatives related to the health information technology Medicaid plan. The general fund--private/local appropriation in this subsection shall be funded with proceeds from settlements in the case of *State of Washington vs. GlaxoSmithKline*. The authority and the office of the attorney general shall enter an interagency agreement regarding use of these funds.

~~((36))~~ (35) \$2,926,000 of the general fund--local appropriation and \$2,928,000 of the general fund--federal appropriation are provided solely to support medical airlift services.

~~((37))~~ (36) The authority shall collect data on enrollment and utilization to study whether the expansion of family planning coverage under Substitute Senate Bill No. 5912 is reducing state medical expenditures by reducing unwanted pregnancies. The authority shall report its findings to the legislature by December 1, 2012.

~~((38))~~ (37) \$480,000 of the general fund--state appropriation for fiscal year 2012, \$480,000 of the general fund--state appropriation for fiscal year 2013, and \$824,000 of the general fund--federal appropriation are provided solely for customer services staff. The authority will attempt to improve the phone answer rate to 40 percent and reduce the response times to written questions to ten days for clients and 25 days for providers. The authority will report to the legislature on its progress toward achieving these goals by January 1, 2012. If the authority has not achieved these goals by July 1, 2012, then the authority shall reduce expenditures on management staff in order to increase expenditures on customer service staff until the goals are achieved.

~~((39))~~ (38) The department shall purchase a brand name drug when it determines that the cost of the brand name drug after rebates is less than the cost of generic alternatives and that purchase of the brand rather than generic version can save at least \$250,000. The department may purchase generic alternatives when changes in market prices make the price of the brand name drug after rebates more expensive than the generic alternatives.

~~((41))~~ (39) \$150,000 of the general fund--state appropriation for fiscal year 2012 and \$1,964,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement Engrossed Second Substitute House Bill No. 2319 (affordable care act). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

~~((42))~~ (40) \$1,109,000 of the general fund--state appropriation for fiscal year 2012, \$1,471,000 of the general fund--state appropriation for fiscal year 2013, and \$21,890,000 of the general fund--federal appropriation are provided solely to implement phase two of the project to create a single provider payment system that consolidates medicaid medical and social services payments and replaces the social service payment system.

~~((43))~~ (41) In order to achieve the twelve percent reduction in emergency room expenditures in the fiscal year 2013 appropriations provided in this section, the authority, in consultation with the Washington state hospital association, the Washington state medical association, and the Washington chapter of the American college of emergency physicians shall designate best practices and performance measures to reduce medically unnecessary emergency room visits of medicaid clients. The Washington state hospital association, the Washington state medical association, and the Washington chapter of the American college of emergency physicians will work with the authority to promote these best practices. The best practices and performance measures shall consist of the following items:

(a) Adoption of a system to exchange patient information among emergency room departments on a regional or statewide basis;

(b) Active dissemination of patient educational materials produced by the Washington state hospital association, Washington state medical association, and the Washington chapter of the American college of emergency physicians that instruct patients on appropriate facilities for nonemergent health care needs;

(c) Designation of hospital personnel and emergency room physician personnel to receive and appropriately disseminate information on clients participating in the medicaid patient review and coordination program and to review monthly utilization reports on those clients provided by the authority;

(d) A process to assist the authority's patient review and coordination program clients with their care plans. The process must include substantial efforts by hospitals to schedule an appointment with the client's assigned primary care provider within seventy-two hours of the client's medically unnecessary emergency room visit when appropriate under the client's care plan;

(e) Implementation of narcotic guidelines that incorporate the Washington chapter of the American college of emergency physician guidelines;

(f) Physician enrollment in the state's prescription monitoring program, as long as the program is funded; and

(g) Designation of a hospital emergency department physician responsible for reviewing the state's medicaid utilization management feedback reports, which will include defined performance measures. The emergency department physician and hospital will have a process to take appropriate action in response to the information in the feedback reports if performance measures are not met. The authority must develop feedback reports that include timely emergency room utilization data such as visit rates, medically unnecessary visit rates (by hospital and by client), emergency department imaging utilization rates, and other measures as needed. The authority may utilize the Robert Bree collaborative for assistance related to this best practice.

The requirements for best practices for a critical access hospital should not include adoption of a system to exchange patient information if doing so would pose a financial burden, and should not include requirements related to the authority's patient review and coordination program if the volume of those patients seen at the critical access hospital are small.

Hospitals participating in this medicaid best practices program shall submit to the authority a declaration from executive level leadership indicating hospital adoption of and compliance with the

best practices enumerated above. In the declaration, hospitals will affirm that they have in place written policies, procedures, or guidelines to implement these best practices and are willing to share them upon request. The declaration must also give consent for the authority to disclose feedback reports and performance measures on its web site. The authority shall submit a list of declaring hospitals to the relevant policy and fiscal committees of the legislature by July 15, 2012.

If the authority does not receive by July 1, 2012, declarations from hospitals representing at least seventy-five percent of emergency room visits by medicaid clients in fiscal year 2010, the authority may implement a policy of nonpayment of medically unnecessary emergency room visits, with appropriate client and clinical safeguards such as exemptions and expedited prior authorization. The authority shall by January 15, 2013, perform a preliminary fiscal analysis of trends in implementing the best practices in this subsection, focusing on outlier hospitals with high rates of unnecessary visits by medicaid clients, high emergency room visit rates for patient review and coordination clients, low rates of completion of treatment plans for patient review and coordination clients assigned to the hospital, and high rates of prescribed long-acting opiates. In cooperation with the leadership of the hospital, medical, and emergency physician associations, additional efforts shall be focused on assisting those outlier hospitals and providers to achieve more substantial savings. The authority by January 15, 2013, will report to the legislature about whether assumed savings based on preliminary trend and forecasted data are on target and if additional best practices or other actions need to be implemented.

If necessary, pursuant to RCW 34.05.350(1)(c), the authority may employ emergency rulemaking to achieve the reductions assumed in the appropriations under this section.

Nothing in this subsection shall in any way impact the authority's ability to adopt and implement policies pertaining to the patient review and coordination program.

~~((46))~~ (42) The department shall seek a medicaid state plan amendment to create a graduate medical education supplemental payment for services delivered to managed care recipients by University of Washington medicine and other public professional providers. This program shall be effective as soon as administratively possible and shall operate concurrently with the existing professional services supplemental payment program. Providers that participate in the graduate medical education supplemental payment program are not eligible to participate in the professional services supplemental payment program. The department shall apply federal rules for identifying the difference between current physician encounter and fee-for-service medicaid payments to participating providers and the applicable federal upper payment limit. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the department in the development, implementation, and maintenance of this program shall be the responsibility of the participating providers. Participating providers shall retain the full amount of supplemental payments provided under this program, net of any costs related to the program that are disallowed due to audits or litigation against the state.

~~((47))~~ (43) The authority shall exclude antiretroviral drugs used to treat HIV/AIDS, anticancer medication that is used to kill or slow the growth of cancerous cells, antihemophilic drugs, insulin and other drugs to lower blood glucose, and immunosuppressive drugs from any formulary limitations implemented to operate within the appropriations provided in this section.

~~((48))~~ (44) If Engrossed Substitute Senate Bill No. 5978 (medicaid fraud) is not enacted by June 30, 2012, the amounts appropriated in this section from the medicaid fraud penalty

account--state appropriation shall lapse and an additional \$3,608,000 shall be appropriated from the general fund--state for fiscal year 2013 for medicaid services, fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities.

~~((50))~~ (45) Within the amounts appropriated in this section, the health care authority and the department of social and health services shall implement the state option to provide health homes for enrollees with chronic conditions under section 2703 of the federal affordable care act. The total state match for enrollees who are dually-eligible for both medicare and medicaid and not enrolled in managed care shall be no more than the net savings to the state from the enhanced match rate for its medicaid-only managed care enrollees under section 2703.

~~((51))~~ (46) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

~~((52))~~ (47) \$66,000 of the general fund--state appropriation for fiscal year 2013 and \$66,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The department of social and health services' programs responsible for administration of mental health, child welfare, and juvenile justice programs will coordinate with the health care authority on the development of contract terms which facilitate efforts to meet requirements of the bill. If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

~~((53))~~ (48) The health care authority shall participate in the work group established by the department of corrections in section 220(2) of this act to review release options for elderly and infirm offenders.

(49) The authority shall withdraw the medicaid state plan amendment to implement a wrap-around drug formulary.

Sec. 1214. 2012 2nd sp.s. c 7 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION	
General Fund--State Appropriation (FY 2012)	\$14,589,000
General Fund--State Appropriation (FY 2013)	(\$14,147,000)
.....	\$14,504,000
General Fund--Federal Appropriation	\$456,000
General Fund--Private/Local Appropriation.....	(\$4,048,000)
.....	\$3,940,000
Death Investigations Account--State Appropriation.....	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation.....	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation.....	\$8,597,000
TOTAL APPROPRIATION	(\$42,445,000)
.....	\$42,694,000

The appropriations in this section are subject to the following conditions and limitations:

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(1) \$5,000,000 of the general fund--state appropriation for fiscal year 2012 and \$5,000,000 of the general fund--state appropriation for fiscal year 2013, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$321,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2012 and \$100,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund--state appropriation for fiscal year 2012 and \$96,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to counties enforcing illegal drug laws and which have been underserved by federally funded state narcotics task forces. The Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the Washington association of county officials shall jointly develop funding allocations for the offices of the county sheriff, county prosecutor, and county clerk in qualifying counties. The commission shall not impose an administrative cost on this program.

Sec. 1215. 2012 2nd sp.s. c 7 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2012)	\$1,829,000
General Fund--State Appropriation (FY 2013)	\$1,801,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	\$3,640,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2012)	\$5,002,000
General Fund--State Appropriation (FY 2013)	\$4,964,000
General Fund--Federal Appropriation	\$3,348,000
General Fund--Private/Local Appropriation.....	(\$4,722,000)
.....	\$5,172,000
Veterans Innovations Program Account--State	

Appropriation.....	\$810,000
Veteran Estate Management Account--Private/Local Appropriation.....	\$1,079,000
TOTAL APPROPRIATION	(\$19,925,000)
.....	\$20,375,000

The appropriations in this subsection are subject to the following conditions and limitations: \$821,000 of the veterans innovations program account--state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012)	\$1,743,000
General Fund--Federal Appropriation	(\$61,437,000)
.....	\$60,019,000
General Fund--Private/Local Appropriation.....	(\$29,506,000)
.....	\$30,569,000
TOTAL APPROPRIATION	(\$92,686,000)
.....	\$92,331,000

Sec. 1216. 2012 2nd sp.s. c 7 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2012)	\$79,404,000
General Fund--State Appropriation (FY 2013)	(\$78,114,000)
.....	\$77,589,000
General Fund--Federal Appropriation	(\$553,078,000)
.....	\$573,078,000
General Fund--Private/Local Appropriation.....	(\$148,055,000)
.....	\$144,055,000
Hospital Data Collection Account--State Appropriation....	\$214,000
Health Professions Account--State Appropriation	\$99,085,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$604,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	(\$12,300,000)
.....	\$10,523,000
Safe Drinking Water Account--State Appropriation	\$4,464,000
Drinking Water Assistance Account--Federal Appropriation.....	\$21,965,000
Waterworks Operator Certification--State Appropriation.....	\$1,528,000
Drinking Water Assistance Administrative Account-- State Appropriation.....	\$326,000
Site Closure Account--State Appropriation	\$79,000
Biotoxin Account--State Appropriation.....	(\$1,167,000)
.....	\$1,231,000
State Toxics Control Account--State Appropriation	\$3,628,000
Medical Test Site Licensure Account--State Appropriation.....	\$2,311,000
Youth Tobacco Prevention Account--State Appropriation.....	(\$1,512,000)
.....	\$1,348,000
Community and Economic Development Fee Account--State Appropriation.....	\$298,000
Public Health Supplemental Account--Private/Local Appropriation.....	\$3,598,000
Accident Account--State Appropriation	\$295,000
Medical Aid Account--State Appropriation	\$50,000
Tobacco Prevention and Control Account--State Appropriation.....	\$1,729,000
TOTAL APPROPRIATION	(\$1,013,804,000)
.....	\$1,027,402,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for: The review of health care facility construction; review of health facility requests for certificate of need; the regulation and inspection of farm worker housing, hospital licensing, in-home health service agencies, and producers of radioactive waste; the regulation and inspection of shellfish sanitary control, surgical facility licensing, and; fees associated with the following professions: Dietitians and nutritionists, occupational therapists, pharmacy, veterinarian, orthotics and prosthetics, surgical technicians, nursing home administrators, health care assistants, hearing and speech, psychology, hypnotherapy, chiropractic, social workers, physicians, and physician assistants.

(3) Pursuant to RCW 18.130.250, the department is authorized to establish a lower cost fee category for retired licensed practical nurses and registered nurses.

(4) In accordance with RCW 43.135.055, the department is authorized to adopt fees set forth in and previously authorized in chapter 92, Laws of 2010.

(5) \$1,969,000 of the health professions account--state appropriation is provided solely to implement online licensing for health care providers. The department must submit a detailed investment plan for this project to the office of financial management. The office of financial management must review and approve this plan before funding may be expended. The department of health must successfully implement online application and renewal for at least one profession as a pilot project before pursuing additional professions. The department must report to the office of financial management on the outcome of the pilot project.

(6) \$16,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1181 (board of naturopathy). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) \$21,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (health care assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(8) \$54,000 of the health professions account--state appropriation is provided solely for the implementation of House

Bill No. 1353 (pharmacy technicians). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(9) \$142,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5020 (social workers). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$336,000 of the health professions account--state appropriation is provided solely for the implementation of Senate Bill No. 5480 (physicians and physician assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$46,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5071 (online access for midwives and marriage and family therapists). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) \$137,000 of the health professions account--state appropriation is provided solely for implementation of Substitute House Bill No. 1133 (massage practitioner license). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(13) \$85,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the developmental disabilities council to contract for a family-to-family mentor program to provide information and support to families and guardians of persons who are transitioning out of residential habilitation centers. To the maximum extent allowable under federal law, these funds shall be matched under medicaid through the department of social and health services and federal funds shall be transferred to the department for the purposes stated in this subsection. If Second Substitute Senate Bill No. 5459 (people with developmental disabilities) is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(14) \$57,000 of the general fund--state appropriation for fiscal year 2012 and \$58,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program, except from online access to HEAL-WA. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(15) \$118,000 of the general fund--state appropriation for fiscal year 2012 and \$118,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for prevention of youth suicides.

(16) \$87,000 of the general fund--state appropriation for fiscal year 2012 and \$87,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the senior falls prevention program.

(17) \$19,000 of the health professions account--state appropriation is provided solely for implementation of Senate Bill No. 6290 (military spouses and partners). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(18) \$102,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6237 (career pathway/medical assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(19) \$21,000 of the health professions account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6328 (mental health professionals). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

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(20) \$61,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6103 (reflexologists). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(21) \$28,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5620 (dental anesthesia assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(22) Appropriations for fiscal year 2013 include funding for consolidation of the department of ecology's low-level radioactive waste site use permit program in the department of health.

(23) During the remainder of the 2011-2013 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(24) \$15,000 of the health professions account--state appropriation is provided solely to implement Substitute House Bill No. 2056 (assisted living facilities). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(25) \$11,000 of the health professions account--state appropriation is provided solely to implement Engrossed House Bill No. 2186 (licensed midwives). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(26) \$11,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Engrossed Substitute House Bill No. 2229 (hospital employees). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(27) \$48,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2314 (long-term care workers). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(28) \$280,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2366 (suicide assessment and training). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(29) \$11,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Engrossed Substitute House Bill No. 2582 (health care services billing). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(30) \$22,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Substitute Senate Bill No. 6105 (prescription monitoring program). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(31) \$30,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2473 (medication assistant endorsement). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(32) General fund--state appropriations for fiscal year 2013 includes funding to subsidize operating license and inspection fees in the temporary worker housing program. In implementing this subsidy, the department shall evaluate program regulations including but not limited to the use of occupancy levels to determine the fee structure and the frequency of inspections.

Sec. 1217. 2012 2nd sp.s. c 7 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this section. However, after May 1, ~~(2012)~~ 2013, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~(2012)~~ 2013 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2012)	\$52,025,000
General Fund--State Appropriation (FY 2013)	(\$52,981,000)
.....	\$52,706,000
TOTAL APPROPRIATION	(\$105,006,000)
.....	\$104,731,000

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2012 and \$35,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2012)	\$598,237,000
General Fund--State Appropriation (FY 2013)	(\$575,457,000)
.....	\$582,159,000
General Fund--Federal Appropriation	\$3,324,000
Washington Auto Theft Prevention Authority Account-- State Appropriation.....	(\$14,079,000)
.....	\$13,177,000
Enhanced 911 Account--State Appropriation.....	\$2,000,000
TOTAL APPROPRIATION	(\$1,193,097,000)
.....	\$1,198,897,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2011-13 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) The Harborview medical center and the University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(c) \$102,000 of the general fund--state appropriation for fiscal year 2012 and \$102,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement House Bill No. 1290 (health care employee overtime). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(d) \$32,000 of the general fund--state appropriation for fiscal year 2012 and \$33,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement Substitute House Bill No. 1718 (offenders with developmental disabilities). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(e) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(f) \$311,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of House Bill No. 2346 (correctional officer uniforms). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(g) \$41,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$165,000)~~ \$501,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. The department may not house incarcerated offenders at the maple lane site until specifically directed by the legislature. By November 1, 2012, the department shall report to the appropriate fiscal committees of the house of representatives and the senate with a plan for the future use of the facility.

(h) By December 1, 2012, the department shall provide to the legislative fiscal committees a report that evaluates health care expenditures in Washington state correctional institutions and makes recommendations for controlling health care costs. The report shall evaluate the source of health care costs, including offender health issues, use of pharmaceuticals, offsite and specialist medical care, chronic disease costs, and mental health issues. The department may include information from other states on cost control in offender health care, trends in offender health care that indicate potential cost increases, and management of high-cost diagnoses.

(i) The department shall convene a work group to develop health care cost containment strategies at local jail facilities. The work group shall identify cost containment strategies in place at the department and at local jail facilities, identify the costs and benefits of implementing strategies in jail health-care facilities, and make recommendations on implementing beneficial strategies. The work group shall submit a report on its findings and recommendations to the fiscal committees of the legislature by October 1, 2013. The work group shall include jail administrators, representatives from health care facilities at the local jail level and the state prisons level, and other representatives as deemed necessary.

(j) The department of corrections, with participation of the health care authority and the department of social and health services, aging and adult services administration, shall establish a work group to analyze and review release options for elderly and infirm offenders and submit recommendations to the appropriate policy and fiscal committees of the legislature with release options

for these populations no later than December 1, 2012. In making its recommendations, the work group shall identify:

(i) The most expensive medical conditions for which the department has had to treat its offenders and the offenders receiving the most costly ongoing medical treatments;

(ii) For identified populations, the age, level of disability, cost of care while incarcerated, safety issues related to release, ease of placement, and time served in relation to the offender's sentence;

(iii) Potential cost savings to the state that may be generated by the early release of elderly and infirm offenders;

(iv) Housing options to expedite the release of aging and infirm offenders while maintaining the safety of housing providers, other housing residents, and the general public; and

(v) Optimal procedures for reviewing offenders on a case-by-case basis to ensure that the interests of justice and public safety are considered in any early release decision.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2012)	\$127,121,000
General Fund--State Appropriation (FY 2013)	(\$128,494,000)
.....	\$126,033,000
Federal Narcotics Forfeiture Account--Federal Appropriation.....	\$372,000
Controlled Substances Account--State Appropriation.....	\$32,000
TOTAL APPROPRIATION	(\$256,019,000)
.....	\$253,558,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$875,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to implement Engrossed Substitute House Bill No. 5891 (criminal justice cost savings). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(b) \$6,362,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement an evidence-based risk-needs-responsivity model for community supervision of offenders.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2012)	\$2,513,000
General Fund--State Appropriation (FY 2013)	\$2,431,000
TOTAL APPROPRIATION	\$4,944,000

The appropriations in this subsection are subject to the following conditions and limitations: \$66,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2012)	\$35,821,000
General Fund--State Appropriation (FY 2013)	(\$27,264,000)
.....	\$27,539,000
TOTAL APPROPRIATION	(\$63,085,000)
.....	\$63,360,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison institutions may use funds appropriated in this subsection to rent uniforms from correctional industries in accordance with existing legislative mandates.

(b) The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

(c) The department shall reduce payments to the department of information services or its successor by \$213,000 in fiscal year 2012

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and by \$1,150,000 in fiscal year 2013. The reduction in payment shall be related to the elimination of the offender base tracking system, including moving remaining portions of the offender base tracking system into the offender management network information system.

Sec. 1218. 2012 2nd sp.s. c 7 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2012)	\$2,159,000
General Fund--State Appropriation (FY 2013)	\$2,131,000
General Fund--Federal Appropriation	(\$19,239,000)
.....	\$19,739,000
General Fund--Private/Local Appropriation.....	(\$30,000)
.....	\$105,000
TOTAL APPROPRIATION	(\$23,559,000)
.....	\$24,134,000

(End of part)

**PART XIII
NATURAL RESOURCES**

Sec. 1301. 2012 2nd sp.s. c 7 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2012)	\$37,143,000
General Fund--State Appropriation (FY 2013)	\$33,481,000
General Fund--Federal Appropriation	\$100,000,000
General Fund--Private/Local Appropriation.....	\$16,714,000
Special Grass Seed Burning Research Account--State Appropriation.....	\$3,000
Reclamation Revolving Account--State Appropriation...	\$4,123,000
Flood Control Assistance Account--State Appropriation.....	\$1,929,000
State Emergency Water Projects Revolving Account--State Appropriation.....	\$270,000
Waste Reduction/Recycling/Litter Control--State Appropriation.....	\$9,712,000
State Drought Preparedness Account--State Appropriation.....	\$204,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation.....	\$422,000
Aquatic Algae Control Account--State Appropriation.....	\$509,000
Water Rights Tracking System Account--State Appropriation	\$46,000
Site Closure Account--State Appropriation.....	\$620,000
Wood Stove Education and Enforcement Account--State Appropriation.....	\$595,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$1,655,000
Water Rights Processing Account--State Appropriation....	\$135,000
State Toxics Control Account--State Appropriation	(\$130,865,000)
.....	\$130,865,000
State Toxics Control Account--Private/Local Appropriation.....	\$964,000
Local Toxics Control Account--State Appropriation...	\$26,157,000
Water Quality Permit Account--State Appropriation....	\$38,814,000
Underground Storage Tank Account--State Appropriation.....	\$3,212,000
Biosolids Permit Account--State Appropriation.....	\$1,791,000
Hazardous Waste Assistance Account--State Appropriation.....	\$5,793,000
Air Pollution Control Account--State Appropriation	\$2,541,000

Oil Spill Prevention Account--State Appropriation.....	\$5,489,000
Air Operating Permit Account--State Appropriation.....	\$2,711,000
Freshwater Aquatic Weeds Account--State Appropriation.....	\$1,698,000
Oil Spill Response Account--State Appropriation.....	\$7,076,000
Metals Mining Account--State Appropriation.....	\$14,000
Water Pollution Control Revolving Account--State Appropriation.....	\$608,000
Water Pollution Control Revolving Account--Federal Appropriation.....	\$2,501,000
TOTAL APPROPRIATION	\$437,795,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 4.34 percent in fiscal year 2012 and 4.62 percent in fiscal year 2013; biosolids permit fee, not more than 10 percent during the biennium; and air contaminate source registration fee, not more than 36 percent during the biennium; agricultural burning acreage and pile burning fees, not more than 25 percent and 100 percent respectively, in fiscal year 2013; and dam safety and inspection fees, not more than 35 percent in fiscal year 2012 and 4.62 percent in fiscal year 2013. Any fee increase implemented to offset general fund--state reductions in the 2011-2013 fiscal biennium may be made effective on or before July 1, 2012.

(3) If Substitute House Bill No. 1294 (Puget Sound corps) is not enacted by June 30, 2011, \$322,000 of the general fund--state appropriation for fiscal year 2012 and \$322,000 of the general fund--state appropriation for fiscal year 2013 shall be transferred to the department of natural resources.

(4) \$463,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (state's oil spill program). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) Pursuant to RCW 70.93.180(5), the appropriations in this section from the waste reduction, recycling, and litter control account shall only be expended on activities listed under RCW 70.93.180(1) (a) and (b), and the department shall not expend appropriations on RCW 70.93.180(1)(c). The department may not spend waste reduction, recycling, and litter control account funds to support the following activities: The beyond waste plan, work on national solid waste recycling issues, work on construction and demolition recycling and green building alternatives, education programs including the green schools initiative, and management of the 1-800-recycle hotline and database on school awards. Waste reduction, recycling, and litter account control funds must be prioritized to support litter pickup using correctional crews, regulatory programs, and technical assistance to local governments.

(6) The department shall make every possible effort through its existing statutory authorities to obtain federal funding for public participation grants regarding the Hanford nuclear reservation and associated properties and facilities. Such federal funding shall not limit the total state funding authorized under this section for public participation grants made pursuant to RCW 70.105D.070(5), but the amount of any individual grant from such federal funding shall be offset against any grant award amount to an individual grantee from state funds under RCW 70.105D.070(5).

(7) The department shall review its water rights application review procedures to simplify the procedures, eliminate unnecessary steps, and decrease the time required to issue decisions. The department shall implement changes to improve water rights processing for which it has current administrative authority. The department shall report on reforms implemented and efficiencies achieved as demonstrated through enhanced permit processing to the appropriate committees of the legislature on December 1, 2011, and October 1, 2012.

(a) The department shall consult with key stakeholders on statutory barriers to efficient water rights processing and effective water management, including identification of obsolete, confusing, or conflicting statutory provisions. The department shall report stakeholder recommendations to appropriate committees of the legislature by December 1, 2011, and October 1, 2012.

(b) \$500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for processing water right permit applications only if the department of ecology issues at least five hundred water right decisions in fiscal year 2012, and if the department of ecology does not issue at least five hundred water right decisions in fiscal year 2012 the amount provided in this subsection shall lapse and remain unexpended. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2012, that documents whether five hundred water right decisions were issued in fiscal year 2012. For the purposes of this subsection, applications that are voluntarily withdrawn by an applicant do not count towards the five hundred water right decision requirement. For the purposes of water budget-neutral requests under chapter 173-539A WAC, multiple domestic connections authorized within a single water budget-neutral decision are considered one decision for the purposes of this subsection.

(c) The department shall maintain an ongoing accounting of water right applications received and acted on and shall post that information to the department's internet site.

(8) \$1,075,000 of the general fund--state appropriation for fiscal year 2012 and \$1,075,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for processing the backlog of pending water rights permit applications in the water resources program.

(9) In accordance with RCW 43.135.055, the department is approved to adopt fees set forth in and previously authorized by RCW 70.94.151, gasoline vapor registration fee.

(10) Pursuant to House Bill No. 2304 (low-level waste), the appropriations in this section for the low-level radioactive waste site use permit program are for fiscal year 2012. Appropriations for fiscal year 2013 are contained in section 219 of this act.

(11) Pursuant to RCW 90.16.090(2), the appropriations in this section from the reclamation account--state appropriation shall be expended for the activities listed in RCW 90.16.090(1), and the expenditures need not be proportional to fee revenue sources.

(12) \$77,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5343 (anaerobic digesters). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

~~((44))~~ (13) \$1,000,000 of the state toxics control account--state appropriation is for the department to provide technical training regarding the benefits of low-impact development including, but not limited to, when the use of low-impact development is appropriate and feasible, and the design, installation, maintenance, and best practices of low-impact development. The department will consult with Washington State University extension low-impact development technical center and others in the development of the low-impact technical training. As appropriate, the department may contract with the Washington State University

extension low-impact development technical center, private sector vendors, associations, and others to deliver the technical training. The technical training must be provided free of cost to phase II permittees and the private development community including builders, engineers, and other industry professionals. The training must be sequenced geographically and provided in time for local jurisdictions to comply with RCW 90.48.260 and 36.70A.130(5).

~~((45))~~ (14) \$188,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1302. 2012 2nd sp.s. c 7 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2012)	\$8,955,000
General Fund--State Appropriation (FY 2013)	\$8,379,000
General Fund--Federal Appropriation	\$5,905,000
Winter Recreation Program Account--State	
Appropriation.....	(\$1,759,000)
.....	\$2,034,000
ORV and Nonhighway Vehicle Account--State Appropriation	
.....	\$224,000
Snowmobile Account--State Appropriation	\$4,844,000
Aquatic Lands Enhancement Account--State	
Appropriation.....	\$4,363,000
Parks Renewal and Stewardship Account--State	
Appropriation.....	\$106,505,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation.....	\$300,000
TOTAL APPROPRIATION	(\$141,234,000)
.....	\$141,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,876,000 of the general fund--state appropriation for fiscal year 2012, \$8,300,000 of the general fund--state appropriation for fiscal year 2013, and \$4,000,000 of the aquatic lands enhancement account--state appropriation are provided solely to operate and maintain state parks as the commission implements a new fee structure. The goal of this structure is to make the parks system self-supporting. By August 1, 2012, state parks must submit a report to the office of financial management detailing its progress toward this goal and outlining any additional statutory changes needed for successful implementation.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2012 and \$79,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$44,528,000 of the parks renewal and stewardship account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.

(5) The state parks and recreation commission, in cooperation with the Fort Worden lifelong learning center public development authority authorized under RCW 35.21.730 shall provide a report to the governor and appropriate committees of the legislature no later than October 15, 2012, to create a lifelong learning center at Fort Worden state park. This plan shall support and be based upon the Fort Worden state park long-range plan adopted by the state parks

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and recreation commission in September 2008. The report shall include a business and governance plan and supporting materials that provide options and recommendations on the long-term governance of Fort Worden state park, including building maintenance and restoration. While the commission may transfer full or partial operations to the public development authority the state shall retain title to the property. The state parks and recreation commission and the public development authority will agree on the scope and content of the report including the business and governance plan. In preparing this report the state parks and recreation commission and the public development authority shall provide ample opportunity for the public and stakeholders to participate in the development of the business and governance plan. The state parks and recreation commission shall review the report and if it is consistent with the 2008 Fort Worden state park long-range plan shall take action on a long-term governance and business plan no later than December 31, 2012.

(6) Within the appropriations contained in this section, the commission shall review the removal of trees from Brooks memorial state park that have been killed or damaged by fire in order to determine the recovery value from the sale of any timber that is surplus to the needs of the park. The commission shall remove such trees, if the commission determines that the recovery value from the sale of any timber is at least cost neutral and the removal is in a manner consistent with RCW 79A.05.035.

Sec. 1303. 2012 2nd sp.s. c 7 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2012)	\$34,098,000
General Fund--State Appropriation (FY 2013)	(((\$23,618,000))
.....	\$26,051,000
General Fund--Federal Appropriation	(((\$105,481,000))
.....	\$105,725,000
General Fund--Private/Local Appropriation.....	(((\$56,923,000))
.....	\$57,107,000
ORV and Nonhighway Vehicle Account--State Appropriation	
.....	\$391,000
Aquatic Lands Enhancement Account--State	
Appropriation.....	(((\$12,113,000))
.....	\$12,125,000
Recreational Fisheries Enhancement--State	
Appropriation.....	(((\$2,794,000))
.....	\$2,809,000
Warm Water Game Fish Account--State Appropriation	
.....	(((\$2,841,000))
.....	\$2,842,000
Eastern Washington Pheasant Enhancement Account--State	
Appropriation.....	\$849,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation.....	\$204,000
Aquatic Invasive Species Prevention Account--State	
Appropriation.....	\$848,000
State Wildlife Account--State Appropriation	(((\$100,742,000))
.....	\$95,241,000
Special Wildlife Account--State Appropriation.....	\$2,382,000
Special Wildlife Account--Federal Appropriation.....	\$500,000
Special Wildlife Account--Private/Local Appropriation.....	\$3,415,000
Wildlife Rehabilitation Account--State Appropriation.....	\$259,000
Regional Fisheries Enhancement Salmonid Recovery	
Account--Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account--State Appropriation.....	\$883,000
Oyster Reserve Land Account--State Appropriation.....	\$919,000
Recreation Resources Account--State Appropriation.....	\$3,300,000
Hydraulic Project Approval Account--State Appropriation	
.....	\$337,000

TOTAL APPROPRIATION	(((\$357,900,000))
.....	\$355,286,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$294,000 of the aquatic lands enhancement account--state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(2) \$355,000 of the general fund--state appropriation for fiscal year 2012 and \$355,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the department to continue a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:

(a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(3) Prior to submitting its 2013-2015 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(4) \$400,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for removal of derelict gear in Washington waters.

(6) \$100,000 of the eastern Washington pheasant enhancement account--state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and

must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

(7) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(8) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of natural resources concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(9) Prior to opening game management unit 490 to public hunting, the department shall complete an environmental impact statement that includes an assessment of how public hunting activities will impact the ongoing protection of the public water supply.

(10) \$18,514,000 of the state wildlife account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5385 (state wildlife account). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) ~~(\$9,418,000)~~ \$3,764,000 of the state wildlife account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) \$50,000 of the state wildlife account--state appropriation is provided solely for mitigation, claims, and assessment costs for injury or loss of livestock caused by wolves, black bears, and cougars.

(13) \$552,000 of the aquatic lands enhancement account--state appropriation is provided solely for increased law enforcement capacity to reduce the occurrence of geoduck poaching and illegal harvest activities. With these additional funds, the department shall deploy two new fish and wildlife officers and one detective within Puget Sound to address on-the-water and marketplace geoduck harvest compliance.

(14) \$337,000 of the hydraulic project approval--state appropriation is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1304. 2012 2nd sp.s. c 7 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2012)	\$30,907,000
General Fund--State Appropriation (FY 2013)	(\$35,791,000)
.....	\$67,782,000
General Fund--Federal Appropriation	\$27,873,000
General Fund--Private/Local Appropriation.....	\$2,372,000
Forest Development Account--State Appropriation. (\$46,254,000)	
.....	\$44,116,000
ORV and Nonhighway Vehicle Account--State	
Appropriation.....	\$4,373,000
Surveys and Maps Account--State Appropriation.....	\$2,118,000
Aquatic Lands Enhancement Account--State	
Appropriation.....	\$69,000
Resources Management Cost Account--State	
Appropriation.....	\$90,131,000
Surface Mining Reclamation Account--State	
Appropriation.....	\$3,467,000
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation ..	\$9,784,000
Aquatic Land Dredged Material Disposal Site	

Account--State Appropriation.....	\$838,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation.....	\$34,000
State Toxics Control Account--State Appropriation.....	\$80,000
Air Pollution Control Account--State Appropriation	\$540,000
NOVA Program Account--State Appropriation	\$635,000
Derelict Vessel Removal Account--State Appropriation.	\$1,761,000
Agricultural College Trust Management Account--State	
Appropriation.....	\$1,848,000
Forest Practices Application Account--State Appropriation	
.....	\$780,000
Marine Resources Stewardship Trust Account--State	
Appropriation.....	\$2,100,000
TOTAL APPROPRIATION	(\$262,782,000)
.....	\$296,608,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$710,000 of the general fund--state appropriation for fiscal year 2012 and \$915,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$8,030,000 of the general fund--state appropriation for fiscal year 2012, ~~(\$10,037,000)~~ \$43,737,000 of the general fund--state appropriation for fiscal year 2013, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$4,500,000 of the forest and fish support account--state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded in fiscal year 2013 may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$518,000 of the forest and fish support account--state appropriation is provided solely for outcome-based performance contracts with nongovernmental organizations to participate in the implementation of the forest practices program. Contracts awarded in fiscal year 2013 may only contain indirect cost set at or below a rate of eighteen percent.

(5) During the 2011-2013 fiscal biennium, \$717,000 of the forest and fish support account--state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$1,000,000 of the general fund--federal appropriation and \$1,000,000 of the forest and fish support account--state appropriation are provided solely for continuing scientific studies already underway as part of the adaptive management process. Funds may not be used to initiate new studies unless the department secures new federal funding for the adaptive management process.

(7) The department is authorized to increase the silviculture burning permit fee in the 2011-2013 biennium by up to eighty

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dollars plus fifty cents per ton for each ton of material burned in excess of one hundred tons.

(8) \$440,000 of the state general fund--state appropriation for fiscal year 2012 and \$440,000 of the state general fund--state appropriation for fiscal year 2013 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(9) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of fish and wildlife concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(10) In partnership with the department of ecology, the departments shall deliver a report to the governor, the appropriate committees of the legislature, and the forest practices board by September 1, 2012, documenting forest practices adaptive management program reforms implemented, or recommended, that streamline existing processes to increase program efficiencies and effectiveness. The departments shall collaborate with interested adaptive management program participants in the development of the report.

(11)(a) \$2,100,000 of the marine resources stewardship account--state appropriation is provided solely for the implementation of chapter 252, Laws of 2012 (marine management planning) and 43.372 RCW. The department will work with the marine interagency team, tribes, and the Washington state marine resource committee to develop a spending plan consistent with the priorities in chapter 252, Laws of 2012, for conducting ecosystem assessments and mapping activities related to marine resources use and potential economic development, developing marine management plans for the state's coastal waters, and otherwise aiding in the implementation of marine planning in the state. As appropriate, the team shall develop a competitive process for projects to be funded by the department in fiscal year 2013.

(b) The department, in consultation with the marine interagency team, shall submit to the office of financial management and the appropriate legislative committees by September 1, 2012, a prioritized list of projects and activities for funding consideration through the marine resources stewardship account in the 2013-2015 fiscal biennium.

~~((13))~~ (12) \$780,000 of the forest practices application account--state appropriation, \$18,000 of the forest development account--state appropriation, \$23,000 of the resources management cost account--state appropriation, and \$2,000 of the surface mining reclamation account--state appropriation are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

Sec. 1305. 2012 2nd sp.s. c 7 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2012)	\$2,273,000
General Fund--State Appropriation (FY 2013)	\$2,253,000
General Fund--Federal Appropriation	\$12,428,000
General Fund--Private/Local Appropriation.....	\$25,000
Aquatic Lands Enhancement Account--State Appropriation.....	\$493,000
State Toxics Control Account--State Appropriation.....	\$658,000
TOTAL APPROPRIATION	\$18,130,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$658,000)~~ \$658,000 of the state toxics control account--state appropriation is provided solely for activities that contribute to Puget Sound protection and recovery, including

provision of independent advice and assessment of the state's oil spill prevention, preparedness, and response programs, including review of existing activities and recommendations for any necessary improvements. The partnership may carry out this function through an existing committee, such as the ecosystem coordination board or the leadership council, or may appoint a special advisory council. Because this is a unique statewide program, the partnership may invite participation from outside the Puget Sound region.

(2) Within the amounts appropriated in this section, the Puget Sound partnership shall facilitate an ongoing monitoring consortium to integrate monitoring efforts for storm water, water quality, watershed health, and other indicators to enhance monitoring efforts in Puget Sound.

(End of part)

**PART XIV
TRANSPORTATION**

Sec. 1401. 2012 2nd sp.s. c 7 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2012)	\$35,395,000
General Fund--State Appropriation (FY 2013)	(\$32,323,000)
.....	\$42,175,000
General Fund--Federal Appropriation	\$16,081,000
General Fund--Private/Local Appropriation.....	\$3,021,000
Death Investigations Account--State Appropriation.....	\$5,537,000
County Criminal Justice Assistance Account--State Appropriation.....	\$3,207,000
Municipal Criminal Justice Assistance Account--State Appropriation.....	\$1,286,000
Fire Service Trust Account--State Appropriation.....	\$131,000
Disaster Response Account--State Appropriation	\$8,002,000
Fire Service Training Account--State Appropriation	\$9,386,000
Aquatic Invasive Species Enforcement Account--State Appropriation.....	\$54,000
State Toxics Control Account--State Appropriation.....	\$505,000
Fingerprint Identification Account--State Appropriation.....	\$10,067,000
Vehicle License Fraud Account--State Appropriation	\$437,000
TOTAL APPROPRIATION	(\$125,432,000)
.....	\$135,284,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$400,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

(4) In accordance with RCW 43.43.742 the state patrol is authorized to increase the following fees in fiscal year ~~((2012))~~ 2013 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Notary service fee.

(5) \$59,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1776 (child care center licensing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$6,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1494 (vulnerable adult referrals). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) \$1,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 6296 (background checks). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(8) \$9,896,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for fire mobilization costs.

(End of part)

**PART XV
EDUCATION**

Sec. 1501. 2012 2nd sp.s. c 7 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2012)	\$25,322,000
General Fund--State Appropriation (FY 2013)	(\$27,133,000))
.....	\$27,543,000
General Fund--Federal Appropriation	(\$77,011,000))
.....	\$82,011,000
General Fund--Private/Local Appropriation.....	\$4,000,000
TOTAL APPROPRIATION	(\$133,466,000))
.....	\$138,876,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$16,056,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$14,875,000))~~ \$15,276,000 of the general fund--state appropriation for fiscal year 2013 is for state agency operations.

(a) \$9,692,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$8,169,000))~~ \$8,160,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection (1)(a), the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) By January 1, 2012, the office of the superintendent of public instruction shall issue a report to the legislature with a timeline and an estimate of costs for implementation of the common core standards. The report must incorporate feedback from an open public forum for recommendations to enhance the standards, particularly in math.

(iii) Within the amounts provided, and in consultation with the public school employees of Washington and the Washington school counselors' association, the office of the superintendent of public instruction shall develop a model policy that further defines the recommended roles and responsibilities of graduation coaches and identifies best practices for how graduation coaches work in

coordination with school counselors and in the context of a comprehensive school guidance and counseling program.

(iv) The office of the superintendent of public instruction shall, no later than August 1, 2011, establish a standard statewide definition of unexcused absence. The definition shall be reported to the ways and means committees of the senate and house of representatives for legislative review in the 2012 legislative session. Beginning no later than January 1, 2012, districts shall report to the office of the superintendent of public instruction, daily student unexcused absence data by school.

(b) \$1,964,000 of the general fund--state appropriation for fiscal year 2012 and \$1,017,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c) \$851,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$851,000))~~ \$1,022,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of these amounts, \$171,000 of the general fund--state appropriation for fiscal year 2013 is provided for implementation of Initiative Measure No. 1240 (charter schools).

(d) \$1,744,000 of the general fund--state appropriation for fiscal year 2012 and \$1,387,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to the professional educator standards board for the following:

(i) \$1,050,000 in fiscal year 2012 and \$1,050,000 in fiscal year 2013 are for the operation and expenses of the Washington professional educator standards board; and

(ii) \$694,000 of the general fund--state appropriation for fiscal year 2012 and \$312,000 of the general fund--state appropriation for fiscal year 2013 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling to teach conditional loan programs. Funding within this subsection (1)(d)(ii) is also provided for the recruiting Washington teachers program. Funding reductions in this subsection (1)(d)(ii) in the 2011-2013 fiscal biennium are intended to be one-time; and

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use.

(e) \$133,000 of the general fund--state appropriation for fiscal year 2012 and \$133,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

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(g) \$45,000 of the general fund--state appropriation for fiscal year 2012 and \$45,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$159,000 of the general fund--state appropriation for fiscal year 2012 and \$93,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 185, Laws of 2011 (bullying prevention), which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities.

(i) \$1,227,000 of the general fund--state appropriation for fiscal year 2012 and \$1,227,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2012 and \$25,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(k) \$166,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the implementation of chapter 192, Laws of 2011 (school district insolvency). Funding is provided to develop a clear legal framework and process for dissolution of a school district.

(l) \$1,500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of House Bill No. 2799 (collaborative schools). If such legislation is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(m) \$128,000 of the general fund--state appropriation for fiscal year 2013 is provided solely pursuant to Substitute House Bill No. 2254 (foster care outcomes). The office of the superintendent of public instruction shall report on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth. The first report is due December 1, 2012, and annually thereafter through 2015. If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(n) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of House Bill No. 2337 (open K-12 education resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(o) \$239,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of Initiative Measure No. 1240 (charter schools).

(2) \$9,267,000 of the general fund--state appropriation for fiscal year 2012 and \$12,267,000 of the general fund--state appropriation for fiscal year 2013 are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2012 and \$2,541,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a nonviolence and

leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

\$1,221,000 of the general fund--state appropriation for fiscal year 2012 and \$1,221,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$675,000 of the general fund--state appropriation for fiscal year 2012 and \$675,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(iii) \$2,808,000 of the general fund--state appropriation for fiscal year 2012 and \$2,808,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(iv) \$337,000 of the general fund--state appropriation for fiscal year 2012 and \$337,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of the building bridges statewide program for comprehensive dropout prevention, intervention, and reengagement strategies.

(v) \$135,000 of the general fund--state appropriation for fiscal year 2012 and \$135,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for dropout prevention programs at the office of the superintendent of public instruction, including the jobs for America's graduates (JAG) program.

(vi) \$500,000 of the general fund--state appropriation for fiscal year 2012 and \$1,400,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 340, Laws of 2011 (assessment of students in state-funded full-day kindergarten classrooms), including the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS). Of the amounts in this subsection, \$1,000,000 of the fiscal year 2013 appropriation is for the implementation of House Bill No. 2586 (kindergarten inventory). If the bill is not enacted by June 30, 2012, this amount shall lapse.

(vii) \$2,000,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an urban school turnaround initiative as follows:

(A) The office of the superintendent of public instruction shall select two schools in the largest urban school district in the state.

The selected schools shall be among the state's lowest-performing schools; be located within the same community and form a continuum of education for the students in that community; have significant educational achievement gaps; and include a mix of elementary, middle, or high schools.

(B) The office shall allocate the funds under this subsection (vii) to the school district to be used exclusively in the selected schools. The district may not charge an overhead or indirect fee for the allocated funds or supplant other state, federal, or local funds in the selected schools. The school district shall use the funds for intensive supplemental instruction, services, and materials in the selected schools in the 2012-13 school year, including but not limited to professional development for school staff; updated curriculum, materials, and technology; extended learning opportunities for students; reduced class size; summer enrichment activities; school-based health clinics; and other research-based initiatives to dramatically turn around the performance and close the achievement gap in the schools. Priorities for the expenditure of the funds shall be determined by the leadership and staff of each school.

(C) The office shall monitor the activities in the selected schools and the expenditure of funds to ensure the intent of this subsection (vii) is met, and submit a report to the legislature by December 1, 2013, including outcomes resulting from the urban school turnaround initiative. The report submitted to the legislature must include a comparison of student learning achievement in the selected schools with schools of comparable demographics that have not participated in the grant program.

(D) Funding provided in this subsection (vii) is intended to be one-time.

(viii) \$100,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to subsidize advanced placement exam fees and international baccalaureate class fees and exam fees for low-income students. To be eligible for the subsidy, a student must be either enrolled or eligible to participate in the federal free or reduced price lunch program, and the student must have maximized the allowable federal contribution. The office of the superintendent of public instruction shall set the subsidy in an amount so that the advanced placement exam fee does not exceed \$15.00 and the combined class and exam fee for the international baccalaureate does not exceed \$14.50.

Sec. 1502. 2012 2nd sp.s. c 7 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2012)	\$5,241,233,000
General Fund--State Appropriation (FY 2013) ...(((\$5,170,854,000))	
.....	\$5,139,496,000
General Fund--Federal Appropriation	\$22,327,000
TOTAL APPROPRIATION	(((\$10,434,414,000))
.....	\$10,403,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2011-12 and 2012-13 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2011 to August 31, 2011, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 504, chapter 564, Laws of 2009, as amended through sections 1402 and 1403 of this act.

(d) The appropriations in this section include federal funds provided through section 101 of P.L. No. 111-226 (education jobs fund), which shall be used to support general apportionment program funding. In distributing general apportionment allocations under this section for the 2011-12 school year, the superintendent shall include the additional amount of \$3,327,000 allocated by the United States department of education on September 16, 2011, provided through 101 of P.L. No. 111-226 (education jobs fund) as part of each district's general apportionment allocation.

(e) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2011-12 and 2012-13 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:		
Grade		RCW 28A.150.260
Grades K-3	.....	25.23
Grade 4	.....	27.00
Grades 5-6	.....	27.00
Grades 7-8	.....	28.53
Grades 9-12	.....	28.74

The superintendent shall base allocations for career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty school:		
Grades K-3	.....	24.10
Grade 4	.....	27.00
Grades 5-6	.....	27.00
Grades 7-8	.....	28.53
Grades 9-12	.....	28.74

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Laboratory science, advanced placement, and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 students:

Career and Technical Education students	.....	2.02 per 1000 student FTE's
Skill Center students	.....	2.36 per 1000 student FTE's

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2011-12 and 2012-13 school years for general education students are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on a district's annual average full-time equivalent student enrollment in each grade.

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that exceed the general education rate in (a) of this subsection by the following percentages:

Career and Technical Education students	.....	2.5 percent
Skill Center students	.....	19.75 percent

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2011-12 and 2012-13 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2011-12 and 2012-13 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 3.69 percent for career and technical education students, and 21.92 percent for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 16.33 percent in the 2011-12 school year and 16.34 percent in the 2012-13 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 18.73 percent in the 2011-12 school year and 18.73 percent in the 2012-13 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2011-12 SCHOOL YEAR	2012-13 SCHOOL YEAR
Technology	\$57.42	\$58.28
Utilities and Insurance	\$156.03	\$158.37
Curriculum and Textbooks	\$61.65	\$62.58
Other Supplies and Library Materials	\$130.89	\$132.85
Instructional Professional Development for Certificated and Classified Staff	\$9.53	\$9.68
Facilities Maintenance	\$77.30	\$78.46
Security and Central Office	\$53.55	\$54.35
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$546.37	\$554.57

(b) Students in approved skill center programs generate per student FTE MSOC allocations which equal the rate for general education students calculated in (a) of this subsection, multiplied by a factor of 2.171.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation that is equal to the rate for general education students calculated in (a) of this subsection, multiplied by a factor of 2.442.

(d) Students in laboratory science courses generate per student FTE MSOC allocations which equal the per student FTE rate for general education students established in (a) of this subsection.

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2011-12 and 2012-13 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section are adjusted to reflect provisions of House Bill No. 2065 (allocation of funding for funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) VOLUNTARY FULL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary full day kindergarten programs in qualifying high poverty schools, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary full-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides full-day kindergarten programs for 21 percent of kindergarten enrollment in the 2011-12 school year, and 22 percent in the 2012-13 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced price lunch eligibility rates in each school. Funding in this section is sufficient to fund voluntary full day kindergarten programs for July and August of the 2010-11 school year.

(12) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five

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students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under subsection (12) of this section shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided

section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(13) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(14) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2012 and 2013 as follows:

(a) \$589,000 of the general fund--state appropriation for fiscal year 2012 and \$598,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund--state appropriation for fiscal year 2012 and \$436,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(c) Funding in this section is sufficient to fund adjustments to school districts' allocations resulting from the implementation of the prototypical school funding formula, pursuant to chapter 236, Laws of 2010 (K-12 education funding). The funding in this section is intended to hold school districts harmless in total for funding changes resulting from conversion to the prototypical school formula in the general apportionment program, the learning assistance program, the transitional bilingual program, and the highly capable program, after adjustment for changes in enrollment and other caseload adjustments.

(15) \$208,000 of the general fund--state appropriation for fiscal year 2012 and \$211,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Beginning in the 2011-12 school year, students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment. In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the higher education coordinating board, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(18) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(19)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

Sec. 1503. 2012 2nd sp.s. c 7 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC
INSTRUCTION--BASIC EDUCATION EMPLOYEE
COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.280 and under section 503 of this act:

(a) Salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on May 23, 2011, at 16:10 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 23, 2011, at 16:10 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 15.69 percent for school year 2011-12 and 15.70 percent for school year 2012-13 for certificated instructional and certificated administrative staff and 15.23 percent for school year 2011-12 and 15.23 percent for the 2012-13 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2011-12

Education Experience

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	33,401	34,303	35,238	36,175	39,180	41,116	40,045	43,051	44,989
1	33,851	34,765	35,712	36,690	39,727	41,652	40,490	43,527	45,452
2	34,279	35,202	36,159	37,212	40,241	42,186	40,938	43,966	45,912
3	34,720	35,653	36,620	37,706	40,729	42,722	41,363	44,384	46,377
4	35,153	36,127	37,099	38,224	41,264	43,271	41,808	44,849	46,857
5	35,600	36,578	37,561	38,748	41,777	43,824	42,261	45,291	47,339
6	36,060	37,017	38,032	39,279	42,293	44,352	42,725	45,740	47,797
7	36,868	37,839	38,868	40,182	43,241	45,356	43,594	46,652	48,768
8	38,050	39,074	40,127	41,550	44,651	46,844	44,961	48,063	50,254
9		40,353	41,459	42,933	46,106	48,373	46,343	49,518	51,785
10			42,806	44,387	47,602	49,945	47,798	51,014	53,356
11				45,883	49,169	51,558	49,295	52,581	54,969
12				47,332	50,777	53,238	50,850	54,188	56,650
13					52,425	54,959	52,460	55,836	58,370
14					54,081	56,745	54,117	57,600	60,157
15					55,488	58,221	55,523	59,098	61,721
16 or more					56,597	59,385	56,634	60,279	62,955

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2012-13

Education Experience

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	33,401	34,303	35,238	36,175	39,180	41,116	40,045	43,051	44,989
1	33,851	34,765	35,712	36,690	39,727	41,652	40,490	43,527	45,452
2	34,279	35,202	36,159	37,212	40,241	42,186	40,938	43,966	45,912
3	34,720	35,653	36,620	37,706	40,729	42,722	41,363	44,384	46,377
4	35,153	36,127	37,099	38,224	41,264	43,271	41,808	44,849	46,857

5	35,600	36,578	37,561	38,748	41,777	43,824	42,261	45,291	47,339
6	36,060	37,017	38,032	39,279	42,293	44,352	42,725	45,740	47,797
7	36,868	37,839	38,868	40,182	43,241	45,356	43,594	46,652	48,768
8	38,050	39,074	40,127	41,550	44,651	46,844	44,961	48,063	50,254
9		40,353	41,459	42,933	46,106	48,373	46,343	49,518	51,785
10			42,806	44,387	47,602	49,945	47,798	51,014	53,356
11				45,883	49,169	51,558	49,295	52,581	54,969
12				47,332	50,777	53,238	50,850	54,188	56,650
13					52,425	54,959	52,460	55,836	58,370
14					54,081	56,745	54,117	57,600	60,157
15					55,488	58,221	55,523	59,098	61,721
16 or more					56,597	59,385	56,634	60,279	62,955

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 1504. 2012 2nd sp.s. c 7 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS
 General Fund--Federal Appropriation\$2,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act. Allocations for these salary adjustments shall be provided to

all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 504(2)(b) of this act.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at 15.69 percent for the 2011-12 school year and 15.70 percent for the 2012-13 school year for certificated instructional and certificated administrative staff and 15.23 percent for the 2011-12 school year and 15.23 percent for the 2012-13 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 503 and 504 of this act.

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) The maintenance rate for insurance benefit allocations is \$768.00 per month for the 2011-12 and 2012-13 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$768.00 per month for the 2011-12 school year and \$768.00 per month for the 2012-13 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 1505. 2012 2nd sp.s. c 7 s 505 (uncodified) is amended to read as follows:

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FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2012)	\$322,243,000
General Fund--State Appropriation (FY 2013)	(((\$273,642,000))
.....	\$273,893,000
TOTAL APPROPRIATION	(((\$595,885,000))
.....	\$596,136,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for the transportation of students as provided in RCW 28A.160.192.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 564, Laws of 2009, as amended through section 1404 of this act.

(3) Any amounts appropriated for maintenance level funding for pupil transportation that exceed actual maintenance level expenditures as calculated under the funding formula that takes effect September 1, 2011, shall be distributed to districts according to RCW 28A.160.192(2)(b).

(4) A maximum of \$892,000 of this fiscal year 2012 appropriation and a maximum of \$892,000 of the fiscal year 2013 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) Starting with the 2012-13 school year, the office of the superintendent of public instruction shall disburse payments for bus depreciation in August.

Sec. 1506. 2011 2nd sp.s. c 9 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2012)	\$7,111,000
General Fund--State Appropriation (FY 2013)	\$7,111,000
General Fund--Federal Appropriation	(((\$436,400,000))
.....	\$506,000,000
TOTAL APPROPRIATION	(((\$450,622,000))
.....	\$520,222,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund--state appropriation for fiscal year 2012 and \$7,111,000 of the general fund--state appropriation

for fiscal year 2013 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in (a), (b), and (c) of this subsection.

Sec. 1507. 2012 2nd sp.s. c 7 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2012)	\$648,369,000
General Fund--State Appropriation (FY 2013)	(((\$679,832,000))
.....	\$659,919,000
General Fund--Federal Appropriation	(((\$486,922,000))
.....	\$499,922,000
Education Legacy Trust Account--State Appropriation	\$756,000
TOTAL APPROPRIATION	(((\$1,815,879,000))
.....	\$1,808,966,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(c) Beginning with the 2010-11 school year award cycle, the office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$8,914,000 of the general fund--state appropriation for fiscal year 2012, (~~(\$34,200,000)~~ \$9,469,000 of the general fund--state appropriation for fiscal year 2013, and (~~(\$29,574,000)~~ \$32,574,000 of the general fund--federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2011-12 and 2012-13 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) From July 1, 2011 to August 31, 2011, the superintendent shall operate the safety net oversight committee and shall award safety net funds as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(8) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$251,000 of the general fund--state appropriation for fiscal year 2012 and \$251,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2012, \$50,000 of the general fund--state appropriation for fiscal year 2013, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education

ombudsman program within the office of superintendent of public instruction.

Sec. 1508. 2012 2nd sp.s. c 7 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS	
General Fund--State Appropriation (FY 2012)	\$7,894,000
General Fund--State Appropriation (FY 2013)	(\$7,912,000)
.....	\$7,895,000
TOTAL APPROPRIATION	(\$15,806,000)
.....	\$15,789,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 1509. 2012 2nd sp.s. c 7 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE	
General Fund--State Appropriation (FY 2012)	\$300,768,000
General Fund--State Appropriation (FY 2013)	(\$298,166,000)
.....	\$299,537,000
General Fund--Federal Appropriation	\$4,400,000
TOTAL APPROPRIATION	(\$603,334,000)
.....	\$604,705,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3 percent from the 2010-11 school year to the 2011-12 school year and 5 percent from the 2011-12 school year to the 2012-13 school year.

Sec. 1510. 2012 2nd sp.s. c 7 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS	
General Fund--State Appropriation (FY 2012)	\$16,694,000
General Fund--State Appropriation (FY 2013)	(\$15,867,000)
.....	\$14,547,000
TOTAL APPROPRIATION	(\$32,561,000)
.....	\$31,241,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

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(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$586,000 of the general fund--state appropriation for fiscal year 2012 and \$549,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 1511. 2012 2nd sp.s. c 7 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2012)	\$8,745,000
General Fund--State Appropriation (FY 2013)	(\$8,788,000)
.....	\$9,159,000
TOTAL APPROPRIATION	(\$17,533,000)
.....	\$17,904,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 564, Laws of 2009, as amended through section 1409 of this act.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2012 and \$85,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the centrum program at Fort Worden state park.

Sec. 1512. 2012 2nd sp.s. c 7 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2012)	\$58,078,000
General Fund--State Appropriation (FY 2013)	(\$103,655,000)

.....	\$103,455,000
General Fund--Federal Appropriation	(\$219,147,000)
.....	\$221,147,000
General Fund--Private/Local Appropriation.....	\$4,000,000
Education Legacy Trust Account--State Appropriation ..	\$1,596,000
TOTAL APPROPRIATION	(\$386,476,000)
.....	\$388,276,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,822,000 of the general fund--state appropriation for fiscal year 2012, \$41,614,000 of the general fund--state appropriation for fiscal year 2013, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund-- federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (a) Development and implementation of retake assessments for high school students who are not successful in one or more content areas and (b) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State funding shall be limited to one collection of evidence payment per student, per content-area assessment.

(2) \$356,000 of the general fund--state appropriation for fiscal year 2012 and \$356,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$980,000 of the general fund--state appropriation for fiscal year 2012 and \$980,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(4) \$3,852,000 of the general fund--state appropriation for fiscal year 2012 and \$2,624,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for continued implementation of chapter 235, Laws of 2010 (education reform) including development of new performance-based evaluation systems for certificated educators.

(5)(a) \$39,296,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,090 per teacher in the 2011-12 and 2012-13 school years, adjusted for inflation in each school year in which Initiative 732 cost of living adjustments are provided;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for

federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner. Beginning in the 2011-12 school year, all bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(i) and (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2011-12 and 2012-13 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(6) \$477,000 of the general fund--state appropriation for fiscal year 2012 and \$477,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(7) \$950,000 of the general fund--state appropriation for fiscal year 2012 and \$950,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(8) \$810,000 of the general fund--state appropriation for fiscal year 2012 and \$810,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(9) \$3,234,000 of the general fund--state appropriation for fiscal year 2012 and \$3,234,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school

districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible.

(10) \$1,500,000 of the general fund--state appropriation for fiscal year 2012 and \$1,500,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 288, Laws of 2011 (actual student success program), including allocations to the opportunity internship program, the jobs for America's graduates program, the building bridges program, services provided by a college scholarship organization. Funding shall not be used in the 2011-2013 fiscal biennium to provide awards for schools and school districts.

(11) \$859,000 of the general fund--state appropriation for fiscal year 2012, \$808,000 of the general fund--state appropriation for fiscal year 2013, and \$248,000 of the education legacy trust account--state appropriation are for administrative support of education reform programs.

(12) \$2,000,000 of the general fund--state appropriation for fiscal year 2012 and \$2,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(13) \$977,000 of the general fund--state appropriation for fiscal year 2012 and \$1,077,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$300,000 of the 2012 appropriation and \$300,000 of the 2013 appropriation shall be used to support FIRST robotics programs. Of the amounts in this subsection, \$100,000 of the fiscal year 2013 appropriation is provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(14) \$125,000 of the general fund--state appropriation for fiscal year 2012 and \$125,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(15) \$135,000 of the general fund--state appropriation for fiscal year 2012 and \$135,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

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(17) \$5,767,000 of the general fund--state appropriation for fiscal year 2013 is provided solely pursuant to Engrossed Substitute Senate Bill No. 5895 (certificated employee evaluations). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

~~((19))~~ (18) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding, a high school must have offered a foundational project lead the way course during the 2011-12 school year. The funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2012-13 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

~~((20))~~ (19) \$150,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for aerospace and manufacturing technical programs housed at two skill centers. The one-time funding is provided for start-up equipment and curriculum purchases. To be eligible for funding, the skill center must agree to provide regional high schools with access to a technology laboratory, expand manufacturing certificate and course offerings at the skill center, and provide a laboratory space for local high school teachers to engage in professional development in the instruction of courses leading to student employment certification in the aerospace and manufacturing industries. The office of the superintendent of public instruction shall administer the grants in consultation with the center for excellence for aerospace and advanced materials manufacturing.

~~((21))~~ (20) \$300,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for start-up grants to twelve high schools to implement the aerospace assembler program. Participating high schools must agree to offer the aerospace assembler training program to students by spring semester of school year 2012-13. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

Sec. 1513. 2012 2nd sp.s. c 7 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2012)	\$79,575,000
General Fund--State Appropriation (FY 2013)	(\$80,666,000)
.....	\$83,896,000
General Fund--Federal Appropriation	\$71,001,000
TOTAL APPROPRIATION	(\$231,242,000)
.....	\$234,472,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs as provided in RCW 28A.150.260(10)(b). In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student; (ii) fifteen transitional bilingual program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff

mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 564, Laws of 2009, as amended through section 1411 of this act.

(c) The allocations in this section reflect the implementation of a new funding formula for the transitional bilingual instructional program, effective September 1, 2011, as specified in RCW 28A.150.260(10)(b).

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 2.79 percent for school year 2011-12 and 2.11 percent for school year 2012-13.

(4) The general fund--federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) In preparing its 2013-15 biennial budget request, the office of the superintendent of public instruction shall ~~((prepare for implementation of))~~ propose a funding model for the transitional bilingual program, beginning in school year 2013-14, that is scaled to provide more support to students requiring most intensive intervention, (students with beginning levels of English language proficiency) and less support to students requiring less intervention. The ~~((funding model))~~ proposal shall also provide up to two years of bonus funding upon successful exit from the bilingual program to facilitate successful transition to a standard program of education.

\$35,000 of the general fund--state appropriation for fiscal year 2012 and \$35,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to track current and former transitional bilingual program students.

Sec. 1514. 2012 2nd sp.s. c 7 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2012)	\$102,619,000
General Fund--State Appropriation (FY 2013)	(\$128,779,000)
.....	\$127,422,000
General Fund--Federal Appropriation	(\$492,207,000)
.....	\$506,207,000
Education Legacy Trust Account--State	
Appropriation	\$23,990,000
TOTAL APPROPRIATION	(\$747,595,000)
.....	\$760,238,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 1.51560 hours per week per funded learning assistance program student; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 564, Laws of 2009, as amended through section 1412 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund-state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) The office of the superintendent of public instruction shall research and recommend options for an adjustment factor for middle school and high school free and reduced price lunch eligibility reporting rates pursuant to RCW 28A.150.260(12)(a), and submit a report to the fiscal committees of the legislature by June 1, 2012. For the 2011-12 and 2012-13 school years, the adjustment factor is 1.0.

Sec. 1515. 2012 2nd sp.s. c 7 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, (~~2012~~) 2013, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year (~~2012~~) 2013 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to

approving any allotment modifications or transfers under this section.

(End of part)

**PART XVI
HIGHER EDUCATION**

Sec. 1601. 2012 2nd sp.s. c 7 s 602 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2012)	\$201,226,000
General Fund--State Appropriation (FY 2013)	\$201,612,000
Education Legacy Trust Account--State Appropriation	\$18,579,000
Economic Development Strategic Reserve Account--	
State Appropriation	\$1,500,000
Biotoxin Account--State Appropriation.....	(\$450,000))
.....	\$350,000
Accident Account--State Appropriation	\$6,681,000
Medical Aid Account--State Appropriation	\$6,488,000
TOTAL APPROPRIATION	(\$436,536,000))
.....	\$436,436,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2012 and \$150,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the development of integrated medical curriculum for the Washington/Wyoming/Alaska/Montana/Idaho (WWAMI) medical education program in Spokane and eastern Washington. Funding is contingent on appropriations being provided to Washington State University for WWAMI program expansion in Spokane and eastern Washington.

(3) \$52,000 of the general fund--state appropriation for fiscal year 2012 and \$52,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the center for international trade in forest products in the college of forest resources.

(4) \$88,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5485 (state's natural resources). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) \$143,000 of the general fund--state appropriation for fiscal year 2012 and \$144,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the ongoing management of the Washington park arboretum.

(6) \$3,800,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an expansion in engineering enrollments, including enrollments in the field of computer science. Amounts provided in this subsection may be used only to cover direct costs of instruction associated with this enrollment expansion. By June 30, 2012, the university shall provide a report to the legislature that provides specific detail on how these amounts will be spent. Each September 1st thereafter, the university shall provide an updated report that provides specific detail on how these amounts were spent in the preceding twelve months.

(7) Amounts appropriated in this section are sufficient for the university to conduct a comprehensive review of its tuition waiver policies. The resulting report shall include an overview of tuition waiver uses and costs (forgone revenue) and outcomes and any recommendations for changes to tuition waiver policy and shall be provided to the legislature no later than December 1, 2012.

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(8) \$610,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to expand health sciences capacity at the University of Washington for Washington, Wyoming, Alaska, Montana, Idaho (WWAMI) and \$190,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to expand health sciences capacity at the University of Washington for Regional Initiatives in Dental Education (RIDE) for the WWAMI-RIDE program expansion to achieve full ramp-up of first-year medical students and dental students each year of the four-year programs.

(9) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(10) Amounts appropriated in this section are sufficient to cover the costs associated with the implementation of Engrossed Substitute Senate Bill No. 6486 (collective bargaining for post-doctoral researchers).

Sec. 1602. 2012 2nd sp.s. c 7 s 613 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL--OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund--State Appropriation (FY 2013)	\$247,034,000
General Fund--Federal Appropriation	\$5,812,000
Washington Opportunity Pathways Account--State Appropriation.....	\$73,500,000
Aerospace Training Student Loan Account--State Appropriation.....	\$12,000
TOTAL APPROPRIATION	(((\$326,346,000))
.....	\$326,358,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$237,018,000 of the general fund--state appropriation for fiscal year 2013, and \$73,500,000 of the opportunity pathways account--state appropriation are provided solely for student financial aid payments under the state need grant and the state work study programs including up to a four percent administrative allowance for the state work study program.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. The higher education coordinating board shall report to the legislature by December 1, 2013, regarding the number of students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits, and their academic progress including degree completion. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(3) \$1,250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of the aerospace training scholarship and student loan program as specified in Engrossed Substitute House Bill No. 1846 (aerospace student loans). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(4) For fiscal year 2013, the board shall defer loan or conditional scholarship repayments to the future teachers

conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(5) \$1,000,000 of the education legacy trust account--state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the leadership 1000 program.

(7) \$2,436,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal year 2013 for this purpose.

(8) In addition to the entities listed in RCW 28B.122.010, the aerospace student loan program may provide loans to students attending an aerospace training program at Renton technical college.

(9) The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office of student financial assistance shall coordinate with the department of social and health services to effectively incorporate these conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies.

(10) \$50,000 of the amount provided in this section shall be used to convene the higher education loan program work group. The work group shall develop methods for funding the loan program in the future, as well as recommendations regarding the best loan program structure for providing financial aid to underserved populations. The work group shall seek out technical advice from the housing finance commission. At a minimum, the recommendations regarding the proposed loan program must take into account the following: Whether students could benefit from the creation of a new student loan program; the relationship between the student loan program and the state need grant program and the state need grant qualified student population; mechanisms to achieve interest rates that are below those offered in federally guaranteed and private bank student loans; sources of initial and on-going funding for loans and program operation; and default risks, reserve requirements, and other conditions required for the student loan program. The work group shall provide a report to the legislature no later than December 1, 2012.

Sec. 1603. 2012 2nd sp.s. c 7 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2012)	\$25,497,000
General Fund--State Appropriation (FY 2013)	(((\$27,190,000))
.....	\$27,379,000
General Fund--Federal Appropriation	\$280,619,000
Opportunity Pathways Account--State Appropriation....	\$78,000,000
Home Visiting Services Account--Federal Appropriation .	\$300,000
Children's Trust Account--State Appropriation	\$142,000
TOTAL APPROPRIATION	(((\$411,606,000))
.....	\$411,937,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,028,000 of the general fund--state appropriation for fiscal year 2012, \$18,028,000 of the general fund--state appropriation of fiscal year 2013, \$78,000,000 of the opportunity pathways account appropriation, and \$2,256,000 of the general fund--federal appropriation are provided solely for the early childhood education assistance program services. Of these amounts, \$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) In accordance to RCW 43.215.255(2) and 43.135.055, the department is authorized to increase child care center and child care family home licensure fees in fiscal years 2012 and 2013 for costs to the department for the licensure activity, including costs of necessary inspection. These increases are necessary to support expenditures authorized in this section.

(3) \$64,000 of the general fund--state appropriation for fiscal year 2012, \$638,000 of the general fund--state appropriation for fiscal year 2013, and \$574,000 of the general fund--federal appropriation are provided solely for child care resource and referral network services.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2012 and \$200,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(5) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(6) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

(7) \$934,000 of the general fund--state appropriation for fiscal year 2012, \$934,000 of the general fund--state appropriation for fiscal year 2013, and \$2,400,000 of the general fund--federal appropriation are provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds.

(a) All federal funds received by the department for home visiting activities must be deposited into the home visiting services account.

(b) The department must consult with stakeholders during the development of the Washington home visiting plan and any future proposals for federal funding.

(c) No more than \$300,000 of the home visiting services account--federal appropriation may be expended for program administration for fiscal year 2013 pursuant to RCW 43.215.130. No other funds may be expended for that purpose.

(8)(a) \$153,558,000 of the general fund--federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

(9)(a) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$1,050,000 of the general fund--state appropriation

for fiscal year 2013 are provided solely for implementation and administration of an electronic benefit transfer system. The system shall include electronic time keeping, integrated with an eligibility information technology system, and an electronic payment system. The department shall coordinate implementation of this system with the department of social and health services.

(b) \$100,000 of the general fund--state appropriation in this subsection is provided solely for the department to contract for an independent consultant to evaluate and recommend the optimum system for the eligibility determination process. The evaluation must include an analysis of lean management processes that, if adopted, could improve the cost effectiveness and delivery of eligibility determination. The department shall coordinate with the department of social and health services for this evaluation. The department must report to the office of financial management and the appropriate fiscal and policy committees of the legislature by December 1, 2012.

(10) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(11) \$1,025,000 of the general fund--state appropriation for fiscal year 2013 and \$6,712,000 of the general fund--federal appropriation are provided solely for the seasonal child care program in fiscal year 2013.

(12) \$2,522,000 of the general fund--state appropriation for fiscal year 2012, \$2,522,000 of the general fund--state appropriation for fiscal year 2013, and \$4,304,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

(13)(a) The department shall establish a birth-to-three subcommittee of the early learning advisory council. The subcommittee will be cochaired by the department and nongovernmental private-public partnership created in RCW 43.215.070. The subcommittee shall include at least one representative from each of the following:

(i) The early learning advisory council;

(ii) The office of the superintendent of public instruction;

(iii) The department of social and health services;

(iv) The department of early learning;

(v) The nongovernmental private-public partnership created in RCW 43.215.070;

(vi) The early learning action alliance; and

(vii) Additional stakeholders with expertise in birth-to-three policy and programs and quality child care, as designated by the early learning advisory council.

(b) The subcommittee may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(c) The subcommittee shall be monitored and overseen by the early learning advisory council created in RCW 43.215.090.

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(d) The subcommittee shall develop a birth-to-three implementation proposal, which shall include further development of the Washington state birth-to-three plan.

(e) The subcommittee must include recommendations on the following in its birth-to-three proposal:

- (i) Eligibility criteria for providers and programs;
- (ii) The level of funding necessary to implement birth-to-three programs, including an option which makes available funding equivalent to thirty percent of the funding provided for the program of early learning established in RCW 43.215.141;
- (iii) Options for funding sources for birth-to-three programs;
- (iv) Governance responsibilities for the department of early learning; and
- (v) A timeline for implementation that is concurrent with the expansion to the early learning program outlined in RCW 43.215.142.

The subcommittee must present its recommendations to the early learning advisory council and the appropriate committees of the legislature by December 1, 2012.

(14) \$300,000 of the general fund--federal appropriation is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

Sec. 1604. 2012 2nd sp.s. c 7 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2012)	.....	\$5,776,000
General Fund--State Appropriation (FY 2013)	.....	(\$5,671,000))
.....	.....	\$5,691,000
TOTAL APPROPRIATION	.....	(\$11,447,000))
.....	.....	\$11,467,000

Sec. 1605. 2012 2nd sp.s. c 7 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund--State Appropriation (FY 2012)	.....	\$8,439,000
General Fund--State Appropriation (FY 2013)	.....	(\$8,335,000))
.....	.....	\$8,431,000
TOTAL APPROPRIATION	.....	(\$16,774,000))
.....	.....	\$16,870,000

(End of part)

**PART XVII
SPECIAL APPROPRIATIONS**

Sec. 1701. 2012 2nd sp.s. c 7 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2012)	.....	\$911,643,000
General Fund--State Appropriation (FY 2013)	.....	(\$949,349,000))
.....	.....	\$936,965,000
State Building Construction Account--State Appropriation	.....	(\$3,866,000))
.....	.....	\$5,016,000
Columbia River Basin Water Supply Development Account--State Appropriation	.....	(\$121,000))
.....	.....	\$220,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	.....	(\$4,000))
.....	.....	\$5,000
State Taxable Building Construction Account--State		

Appropriation	.....	(\$90,000))
.....	.....	\$71,000
Gardner-Evans Higher Education Construction Account--State Appropriation	.....	(\$13,000))
.....	.....	\$23,000
Debt-Limit Reimbursable Bond Retire Account--State Appropriation	.....	(\$2,300,000))
.....	.....	\$2,299,000
TOTAL APPROPRIATION	.....	(\$1,867,386,000))
.....	.....	\$1,856,242,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2012 shall be expended into the debt-limit general fund bond retirement account by June 30, 2012.

Sec. 1702. 2012 2nd sp.s. c 7 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2012)	.....	\$27,400,000
General Fund--State Appropriation (FY 2013)	.....	\$30,572,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation	.....	(\$140,128,000))
.....	.....	\$137,290,000
TOTAL APPROPRIATION	.....	(\$198,100,000))
.....	.....	\$195,262,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2012 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2012.

Sec. 1703. 2011 2nd sp.s. c 9 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2012)	.....	\$1,357,000
General Fund--State Appropriation (FY 2013)	.....	(\$1,357,000))
.....	.....	\$616,000
State Building Construction Account--State Appropriation	.....	(\$356,000))
.....	.....	\$697,000
Columbia River Basin Water Supply Development Account--State Appropriation	.....	\$21,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	.....	\$1,000
State Taxable Building Construction Account--State Appropriation	.....	(\$25,000))
.....	.....	\$31,000
Gardner-Evans Higher Education Construction Account--State Appropriation	.....	(\$2,000))
.....	.....	\$3,000
TOTAL APPROPRIATION	.....	(\$3,119,000))
.....	.....	\$2,726,000

Sec. 1704. 2012 2nd sp.s. c 7 s 707 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2012, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be

disbursed on vouchers approved by the director of financial management, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) Clint L. Powell, Jr., claim number 99970048\$58,155.10
- (2) Chance L. Hawkins, claim number 99970049\$28,838.95
- (3) Edgar L. Hawkins, claim number 99970050\$25,507.00
- (4) James Abbott, claim number 99970051\$9,880.00
- (5) Richard Frisk, claim number 99970052\$32,788.50
- (6) Brian Barnd-Spjut, claim number 99970053\$122,821.79
- (7) Dwijen Buckendorf, claim number 99970059\$2,100.00
- (8) Todd Chism, claim number 99970061\$56,183.26
- (9) James Glasco, claim number 99970062\$18,800.00
- (10) David Holtzclaw, claim number 99970057\$15,154.52
- (11) Gary Richey, claim number 99970063\$9,020.00
- (12) Shelly Porter, claim number 99970054\$12,525.72
- (13) Yakov Topik, claim number 99970047\$28,500.00
- (14) Luther Wallace, claim number 99970060\$76,256.93
- (15) Mark Fenton, claim number 99970064\$27,637.50
- (16) Reid Woods, claim number 99970065\$7,296.38
- (17) Thurman Young, claim number 99970066\$62,399.42
- (18) James Daniel Emmett, claim number 99970067\$9,000.00

NEW SECTION. Sec. 1705. A new section is added to 2011

1st sp.s. c 50 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2013)\$728,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute \$545,000 to Grant County and \$183,000 to Yakima County for extraordinary criminal justice costs.

(End of part)

**PART XVIII
 OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 1801. 2012 2nd sp.s. c 7 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

- General Fund Appropriation for fire insurance premium distributions(((\$8,289,000))
\$7,773,000
- General Fund Appropriation for public utility district excise tax distributions(((\$44,078,000))
\$49,883,000
- General Fund Appropriation for prosecuting attorney distributions(((\$6,281,000))
\$5,805,000
- General Fund Appropriation for boating safety and education distributions\$4,000,000
- General Fund Appropriation for other tax distributions(((\$58,000))
\$63,000
- General Fund Appropriation for habitat conservation program distributions\$3,000,000
- Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies\$2,960,000
- Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution\$160,000
- Timber Tax Distribution Account Appropriation for distribution to "timber" counties(((\$58,229,000))
\$61,983,000

- County Criminal Justice Assistance Appropriation..(((\$69,566,000))
\$69,532,000
- Municipal Criminal Justice Assistance Appropriation(((\$26,843,000))
\$26,833,000
- City-County Assistance Account Appropriation for local government financial assistance distribution(((\$12,159,000))
\$14,922,000
- Liquor Excise Tax Account Appropriation for liquor excise tax distribution(((\$25,617,000))
\$25,889,000
- Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes\$49,309,000
- Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation(((\$7,478,000))
\$7,481,000
- Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians(((\$4,794,000))
\$4,795,000
- Liquor Revolving Account Appropriation for liquor profits distribution(((\$85,132,000))
\$96,456,000
- TOTAL APPROPRIATION**(((\$407,953,000))
\$430,844,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1802. 2012 2nd sp.s. c 7 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation(((\$2,439,000))
\$2,422,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1803. 2012 2nd sp.s. c 7 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation(((\$1,626,000))
\$1,615,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is

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provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1804. 2011 1st sp.s. c 50 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Table with 2 columns: Description and Amount. Includes rows for General Fund Appropriation for federal flood control funds distribution, General Fund Appropriation for federal grazing fees distribution, Forest Reserve Fund Appropriation for federal forest reserve fund distribution, and TOTAL APPROPRIATION.

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1805. 2012 2nd sp.s. c 7 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Table with 2 columns: Description and Amount. Includes rows for State Treasurer's Service Account, Waste Reduction, Recycling, and Litter Control Account, Aquatics Lands Enhancement Account, Savings Incentive Account, Distinguished Professorship Trust Fund, Washington Graduate Fellowship Trust Fund, College Faculty Awards Trust Fund, Data Processing Revolving Account, Drinking Water Assistance Account, and Economic Development Strategic Reserve Account.

Table with 2 columns: Description and Amount. Includes rows for year 2013, General Fund: For transfer to the streamlined sales and use tax account, Public Works Assistance Account: For transfer to the water pollution control revolving account, The Charitable, Educational, Penal, and Reformatory Institutions Account, Thurston County Capital Facilities Account, Public Works Assistance Account: For transfer to the drinking water assistance account, Liquor Control Board Construction and Maintenance Account, Education Savings Account, Department of Retirement Systems Expense Account, Education Construction Account, Public Works Assistance Account: For transfer to the state general fund, Foster Care Endowed Scholarship Trust Fund, Affordable Housing For All Account, Tobacco Settlement Account, Tobacco Settlement Account: For transfer to the basic health plan stabilization account, and Tobacco Settlement Account: For transfer to the basic health plan stabilization account.

Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2013\$6,000,000

The transfer to the life sciences discovery fund is subject to the following conditions: All new grants awarded during the 2011-2013 fiscal biennium shall support and accelerate the commercialization of an identifiable product.

Financial Services Regulation Fund: For transfer to the state general fund, \$4,000,000 for fiscal year 2012.....\$4,000,000

State Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2012 and \$250,000 for fiscal year 2013\$500,000

Washington State Heritage Center Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2013.....\$2,000,000

Local Toxics Control Account: For transfer to the state toxics control account, \$15,000,000 for fiscal year 2012 and \$16,000,000 for fiscal year 2013.....\$31,000,000

Coastal Protection Account: For transfer to the state general fund, \$500,000 for fiscal year 2012 and \$500,000 for fiscal year 2013\$1,000,000

((Multimodal Transportation Account--State: For transfer to the Public Transportation Grant Program Account for the purposes of distributions of \$3,000,000 on each of the last working days of December, March, and June in fiscal year 2013.....\$9,000,000))

Aquatic Lands Enhancement Account: For transfer to the marine resources stewardship trust account, \$2,100,000 for fiscal year 2013\$2,100,000

PART XIX MISCELLANEOUS

Sec. 1901. 2011 1st sp.s. c 41 s 3 (uncodified) is amended to read as follows:

Upon implementation of the expansion directed in RCW 74.09.659, the office of financial management shall reduce general fund--state allotments for the medical assistance program by one million five hundred thousand dollars for fiscal year 2012 ((and by two million three hundred fifty thousand dollars for fiscal year 2013)). The amounts reduced from allotments shall be placed in reserve status and remain unexpended.

NEW SECTION. Sec. 1902. 2011 c 41 s 3 (uncodified) is repealed.

NEW SECTION. Sec. 1903. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1904. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately except for sections 964, 971, and 981 of this act which take effect July 28,2013.

NEW SECTION. Sec. 1905. Section 972 of this act expires June 30, 2016.

(End of bill)

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WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD 151"

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Hill and Braun to Engrossed Substitute Senate Bill No. 5034.

The motion by Senator Hill carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 2.68.020, 13.40.466, 18.04.105, 18.43.150, 18.85.061, 19.28.351, 28B.15.069, 28B.67.030, 28B.95.160, 28B.105.110, 28C.04.535, 28C.10.082, 38.52.540, 41.26.802, 43.08.190, 43.09.475, 43.24.150, 43.24.150, 43.71.030, 43.79.445, 43.79.480, 43.101.200, 43.155.050, 43.185.050, 43.185.020, 46.66.080, 46.68.340, 70.42.090, 70.93.180, 70.119.150, 70.148.020, 74.09.215, 74.09.215, 77.12.201, 77.12.203, 79.64.040, 82.08.160, 82.14.310, and 86.26.007; reenacting and amending RCW 41.60.050, 41.80.010, 41.80.020, 43.325.040, 70.105D.070, and 79.105.150; amending 2012 2nd sp.s. c 7 ss 111, 112, 114, 115, 118, 121, 127, 129, 131, 132, 136, 139, 142, 144, 149, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 218, 219, 220, 221, 302, 303, 307, 308, 311, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 602, 613, 615, 616, 617, 701, 702, 707, 801, 802, 803, and 804 (uncodified); amending 2011 2nd sp.s. c 9 ss 506, and 703 (uncodified); amending 2011 1st sp.s. c 50 s 804 (uncodified); amending 2011 1st sp.s. c 41 s 3 (uncodified); adding a new section to 2011 1st sp.s. c 50 (uncodified); creating new sections; repealing 2011 c 41 s 3 (uncodified); making appropriations; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Fain, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Pearson, Ericksen and Baumgartner spoke in favor of passage of the bill.

Senators Hargrove, Darneille, Frockt, Nelson, Murray, Mullet and Ranker spoke against passage of the bill.

POINT OF ORDER

Senator Nelson: "I object to what was just said as far as outside political considerations. I believe that was trying to impugn this body."

Senator Hasegawa spoke against passage of the bill.

Senators Murray and Frockt again spoke against passage of the bill.

Senator Baumgartner again spoke in favor of passage of the bill.

POINT OF ORDER

Senator Benton: "I'm happy to listen to debate on the budget all day long, but let's have a debate on the budget. When

TWENTY SEVENTH DAY, JUNE 8, 2013

2013 1ST SPECIAL SESSION

or when the Governor did or did not call us back is irrelevant to the bill before us and I'd like the President to ask the speakers to keep their comments germane to the bill before us. Thank you Mr. President."

Senator Fain spoke in favor of passage of the bill.

MOTION

Senator Fain demanded that the previous question be put.

The President Pro Tempore declared that at least two additional senators joined the demand and the demand was sustained.

POINT OF ORDER

Senator Keiser: "My point of order is, may I please ask or pose a question to the gentleman from the Forty-seventh district?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Sheldon: "The question has been called for and that is not debatable."

The President Pro Tempore declared the question before the Senate to be: "Shall the main question be now put?"

The motion by Senator Fain that the previous question be put carried by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Hobbs

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Fain moved that the Senate adjourn until 1:00 p.m. Sunday, June 9, 2013.

PARLIAMENTARY INQUIRY

Senator Frockt: "Senator Frockt: "Mr. President, may I speak to the motion?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Sheldon: "President Pro Tempore Sheldon: "It is a debatable motion, you may speak Senator. Senator Frockt, you may speak. Excuse me. Excuse me. Just a second Senator Fain while we find out if it is a debatable motion or not. Senator Fain it is not a debatable motion but the President informs me that it has been the practice, custom of the Senate to have one speech on either side. So you may proceed with your short speech."

Senator Frockt demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Frockt spoke against the motion to adjourn.

Senator Fain spoke in favor of the motion to adjourn.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Fain that Senate adjourn until Sunday, June 9, 2013 at 1:00 p.m.

The Secretary called the roll on the motion by Senator Fain and the motion carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Hobbs

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY EIGHTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, June 9, 2013

The Senate was called to order at 1:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Cleveland, Ericksen, Hobbs, Mullet and Rolfes.

The Sergeant at Arms Color Guard consisting of Senate Staff Judy Rogers-LaVinge and Colleen Rust, presented the Colors. Senator Schlicher offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5947 by Senators Smith and Baumgartner

AN ACT Relating to providing funds for the US 395/North Spokane corridor projects; adding a new section to 2013 c 306 (uncodified); and making appropriations.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate reverted to the third order of business.

**MESSAGE FROM GOVERNOR
GUBERNATORIAL APPOINTMENTS**

Office of the Governor
P.O. Box 40002
Olympia, Washington 98504-0002

April 28, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I request the following gubernatorial nominee be removed from their respective Senate nomination:

David Jennings, Fish & Wildlife Commission

I am grateful for Mr. Jennings service to the state of Washington.

Very truly yours,
Jay Inslee

Governor

CC: Senator Kirk Pearson, Chair, Natural Resources and Parks Committee

Senator Christine Rolfes, Ranking Member, Natural Resources and Parks Committee.

MOTION

Senator Fain moved that the Senate grant the request of the Governor.

Senator Fraser spoke on the motion.

The President declared the question before the Senate to be that the Senate grant the request of the Governor to remove from gubernatorial nomination David Jennings, Gubernatorial Appointment No. 9123, appointed June 18, 2009, for a term ending December 31, 2014, as a Member of the Fish and Wildlife Commission.

The motion by Senator Fain that the Senate grant the request of the Governor carried and David Jennings, Gubernatorial Appointment No. 9123 was removed from gubernatorial nomination by voice vote.

PERSONAL PRIVILEGE

Senator Pearson: "Thank you Mr. President, I just want for the record to know that we're very grateful for Mr. Jennings service to the State of Washington and wish him the very best. Thank you Mr. President."

MOTION

At 1:10 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:23 p.m. by President Owen.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through June 9, 2013."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through June 9, 2013 by voice vote.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

**THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

TWENTY EIGHTH DAY, JUNE 9, 2013

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Senator Pearson moved that Jay Kehne, Gubernatorial Appointment No. 9232, be confirmed as a member of the Fish and Wildlife Commission.

Senator Pearson spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senators Cleveland, Hobbs, Mullet and Rolfes were excused.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

APPOINTMENT OF JAY KEHNE

The President declared the question before the Senate to be the confirmation of Jay Kehne, Gubernatorial Appointment No. 9232, as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Jay Kehne, Gubernatorial Appointment No. 9232, as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 31; Nays, 13; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Becker, Billig, Braun, Chase, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Parlette, Pearson, Rivers, Schlicher, Shin and Tom

Voting nay: Senators Baumgartner, Benton, Brown, Hatfield, Holmquist Newbry, Honeyford, King, Padden, Ranker, Roach, Schoesler, Sheldon and Smith

Excused: Senators Cleveland, Ericksen, Hobbs, Mullet and Rolfes

Jay Kehne, Gubernatorial Appointment No. 9232, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on Commerce & Labor (originally sponsored by Senators Holmquist Newbry, Tom, King, Sheldon, Baumgartner, Ericksen, Rivers, Litzow, Benton, Dammeier, Carrell, Braun, Bailey, Honeyford, Becker, Hill, Roach, Schoesler, Parlette, Padden and Hewitt).

Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. Revised for 1st Substitute: Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. (REVISED FOR ENGROSSED: Amending provisions governing structured settlements by lowering age barriers and clarifying legislative intent.)

The bill was read on Third Reading.

Senators Holmquist Newbry, Sheldon, Schoesler, Smith, Padden, Baumgartner and Becker spoke in favor of passage of the bill.

Senators Keiser, Murray, Conway, Kline, Kohl-Welles, Hargrove, Hasegawa and Frockt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5127.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Eide, Ericksen, Fain, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Conway, Darneille, Fraser, Frockt, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Schlicher and Shin

Excused: Senators Cleveland, Hobbs, Mullet and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hasegawa: "As a brevity impaired member on the floor here which I understand is a fairly common affliction and since, which is why we have the three minute rule. It would be very helpful to me personally and maybe to other members of this body if it would be possible to get a timer placed on the board or something so that I can help monitor myself as we go along. Thank you Mr. President."

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentleman of the Senate. The President is going to ask for your attention for just a moment and the reason for it is I have an approach by both sides recently about complaints about the ranker that is starting to come about in debate. As I said, I got complaints from both sides, when I receive complaints like that the President believes that at this time he must more directly to adhere to your rules. So, I'm going to read your rule for you on debate: 'Whenever any Senator is about to speak in debate or submit to any matter to the Senate the Senator shall rise and standing in place respectfully address the President and when recognized and in a curtsey matter speak to the question under debate avoiding personalities. And then it goes on. I have seen that we are slipping outside of those rules a little bit. The President has allowed a little liberty in that area at times but when you raise the question to me then I feel an obligation to more strictly adhere to your rules so, as I see you slipping across the line if you hear this you might jump back but I did want to bring that up because these are difficult times. They are very difficult issues and they generate very strong opinions and emotions and so please try to adhere to your rules so that we can continue the debate in a curtsey matter. Thank you very much.'

THIRD READING

SUBSTITUTE SENATE BILL NO. 5242, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Litzow, Dammeier, Tom, Hobbs, Hatfield, Delvin, Hewitt, Padden and Schoesler).

Requiring policies regarding assignment of certificated instructional staff.

The bill was read on Third Reading.

MOTION

On motion of Senator Litzow, the rules were suspended and Substitute Senate Bill No. 5242 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5242, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Litzow, Dammeier, Tom, Hobbs, Hatfield, Delvin, Hewitt, Padden and Schoesler)

Requiring policies regarding assignment of certificated instructional staff.

The measure was read the second time.

MOTION

Senator Litzow moved that the following striking amendment by Senator Litzow be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.657 RCW to read as follows:

(1) In addition to the accountability processes implemented under this chapter, the state board of education must use the Washington achievement index to identify all the school districts that during the previous two school years did not make progress in closing the opportunity gaps in any of the individual subgroups of students or did not make progress in closing the overall opportunity gap within the district. The state board of education shall provide the list of school districts to the office of the superintendent of public instruction by December 1st of each year. The superintendent shall notify each school district of the identification by January 1st of each year.

(2) School districts identified under subsection (1) of this section must implement staff assignment policies pursuant to section 2 of this act even if not identified in subsequent years.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.405 RCW to read as follows:

(1) School districts identified and notified pursuant to section 1 of this act must implement the staff assignment policy in this section.

(2) For the purposes of this section:

(a) "Certificated instructional staff" means classroom teachers and educational staff associates;

(b) "Displaced" means a certificated instructional staff member assigned to a particular school no longer has an assignment to that school as a result of a request for reassignment by the certificated instructional staff member, a principal, or the district administration; change in program; change in enrollment; or implementation of a state or federal accountability intervention model. As provided under RCW 28A.405.100(4)(b), a certificated instructional staff member may not be displaced during a probationary period to the supervision of an individual other than the original evaluator; and

(c) "Nonprovisional" means a certificated instructional staff member who does not fall under the provisions of RCW 28A.405.220.

(3) A nonprovisional certificated instructional staff member may be assigned to a particular school only with the agreement of the principal and the staff member being assigned. The principal shall receive input on assignment decisions from at least two teachers employed at the school and chosen by the faculty of teachers at the school to represent them in the hiring process. As provided under RCW 28A.405.100(8), evaluation results must be used as one of multiple factors in the consideration of an agreement to an assignment beginning with the 2015-16 school year. A district superintendent or the district superintendent's designee may override up to two staff assignment agreements in a given school year.

(4) If an assignment cannot be found, the superintendent or designee may assign the displaced nonprovisional certificated instructional staff member to a temporary position, including a substitute assignment, an instructional support position, a position in a district office, or other position.

(5) If a displaced nonprovisional certificated instructional staff member is not assigned to a nontemporary position by May 15th of the school year following the displacement, the school district shall place the displaced nonprovisional certificated instructional staff member on unpaid leave until such time as the displaced nonprovisional certificated instructional staff member is able to secure an assignment. If the displaced nonprovisional certificated instructional staff member secures an assignment while placed on unpaid leave that is substantially similar to their assignment prior to their displacement, the school district shall reinstate the displaced nonprovisional certificated instructional staff member's salary and benefits at the level they would have been if the nonprovisional certificated instructional staff member had not been placed on unpaid leave.

NEW SECTION. Sec. 3. A new section is added to chapter 41.59 RCW to read as follows:

Sections 1 and 2 of this act do not affect or impair any collective bargaining agreements between an employer and educational employees or employee organization under this chapter in effect on the effective date of this section. All collective bargaining agreements entered into between a school district employer and school district employees under this chapter after the effective date of this section, and bargaining agreements existing on the effective date of this section but renewed or extended after the effective date of this section, must be consistent with sections 1 and 2 of this act.

NEW SECTION. Sec. 4. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Litzow to Substitute Senate Bill No. 5242.

The motion by Senator Litzow carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "to" strike the remainder of the title and insert "principal empowerment; adding a new section to chapter 28A.657 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.59 RCW; and providing for submission of this act to a vote of the people."

MOTION

TWENTY EIGHTH DAY, JUNE 9, 2013

2013 1ST SPECIAL SESSION

On motion of Senator Litzow, the rules were suspended, Engrossed Substitute Senate Bill No. 5242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and Baumgartner spoke in favor of passage of the bill.

Senators McAuliffe, Billig, Schlicher, Kohl-Welles and Shin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5242.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5242 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 19; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Schlicher and Shin

Excused: Senators Cleveland, Hobbs, Mullet and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 5242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5895, by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove).

Funding education.

The bill was read on Third Reading.

MOTION

On motion of Senator Hill, the rules were suspended and Engrossed Substitute Senate Bill No. 5895 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5895, by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove)

Funding education.

The measure was read the second time.

MOTION

Senator Hill moved that the following striking amendment by Senator Hill be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that it is the paramount duty of the state under Article IX of the state Constitution to provide for the education of the citizens of the state. The state supreme court ruled the legislature has not provided adequate state funding from dependable and regular sources to comply with the paramount duty. It is the intent of the legislature, therefore, through section 2 of this act to modify the state expenditure limit to ensure a limit is placed on the remainder of state government expenditures that will enable the state to commit an increasing proportion of state tax dollars and the state budget to the education of our citizens in fulfillment of the state's paramount duty.

Sec. 2. RCW 43.135.025 and 2009 c 479 s 35 are each amended to read as follows:

(1) The state shall not expend from the general fund or related fund during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.

(2) Except pursuant to a declaration of emergency under RCW ~~((43.135.035))~~ 43.135.034 or pursuant to an appropriation under RCW 43.135.045(2), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund or related fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300. After July 1, 2015, and prior to July 1, 2023, the state expenditure limit established by this section does not apply to:

(a) State allocations to school districts and educational service districts;

(b) Appropriations to the state's institutions of higher education or appropriations to state student financial aid programs;

(c) Appropriations for the early learning program under RCW 43.215.141 and 43.215.142 and other licensed child care programs under chapter 43.215 RCW that promote positive child outcomes through curriculum, learning, and training;

(d) The costs of court rulings imposing new state costs issued after July 1, 2015, and prior to July 1, 2023;

(e) Expenditures of extraordinary revenue growth, as defined in Article 7, section 12 of the state Constitution, to the extent that the extraordinary revenue growth is not deposited to the budget stabilization account; or

(f) The cost of extraordinary growth in the caseloads of state entitlement programs to the extent that total biennial entitlement caseload costs exceed by one-third the average biennial percentage growth over the prior five fiscal biennia, not including the cost of new entitlements or the expansion of existing entitlements after January 1, 2013, or the expansion of medicaid eligibility under the federal affordable care act.

The exceptions established in (a) through (f) of this subsection shall be calculated by the state expenditure limit committee.

(3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.

(4)(a) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, ~~((2009))~~ 2013, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund ~~((the public safety and education account, the health services account, the violence reduction and drug enforcement account, the student achievement fund, the water quality account, and the equal justice subaccount))~~, not including federal funds, for the fiscal year beginning July 1, ~~((2008))~~ 2012, plus the fiscal growth factor.

(b) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 2015, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund and related funds plus the fiscal growth

factor, excluding expenditures for the purposes of subsection (2)(a), (b), and (c) of this section.

(c) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 2023, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund and related funds for the fiscal year beginning July 1, 2022, plus the fiscal growth factor, including expenditures for the purposes of subsection (2)(a) through (f) of this section.

(5) A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state expenditure limit committee are the director of financial management, the attorney general or the attorney general's designee, and the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on ways and means. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least four members.

(6) Each November, the state expenditure limit committee shall adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.

(7)(a) "Fiscal growth factor," after July 1, 2015, and prior to July 1, 2023, means the average of the sum of inflation and population change for each of the prior three fiscal years.

(b) "Inflation" means the percentage change in the implicit price deflator for the United States for each fiscal year as published by the federal bureau of labor statistics.

(c) "Population change" means the percentage change in state population for each fiscal year as reported by the office of financial management.

(d) "Fiscal growth factor," prior to July 1, 2015, and after July 1, 2023, means the average growth in state personal income for the prior ten fiscal years.

(8) "General fund" means the state general fund and related funds.

(9) "Related funds" means the Washington opportunity pathways account, the education legacy trust account, and the pension funding stabilization account.

NEW SECTION. Sec. 3. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with RCW 43.135.035."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hill to Engrossed Substitute Senate Bill No. 5895.

The motion by Senator Hill carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "43.135.025" strike the remainder of the title and insert "; creating a new section; and providing for a submission of this act to a vote of the people."

MOTION

On motion of Senator Hill, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Baumgartner spoke in favor of passage of the bill.

Senators Hargrove and Darneille spoke against passage of the bill.

POINT OF INQUIRY

Senator Conway: "Would Senator Hill yield to a question? The question I have really, you know this bill is obviously new here. I don't believe that the good member of the Ways & Means committee that I have seen this two percent limit and I have a couple of questions. One is that I see that I see that we've changed the education funding bill considerably and I thought yesterday's budget presumed that we would pass that education funding bill and the second question I have is that I'm a little bit concerned about the impact of this spending limit on our bond rating and whether this spending limit approach will impact state bond records? And, finally, I guess, those are the two major questions that I have Senator. Again this is a major bill, I wish we could have seen some of the provisions in Ways & Means so that we could have heard from everyone on this bill and I guess appealing to you to explain to me how we passed the budget yesterday assuming the passage of this education bill and now we've changed it? Thank you."

Senator Hill: "Yeah, be happy to answer your question. The first question was, have we seen this in Ways & Means? We actually have seen this in Ways & Means at a hearing on April 5th. This is bill 5895. The striker simply skinnies the bill down so the components that you see about, really the, about controlling that general government and non-education growth is the same that we heard on April 5th in Ways & Means. It passed out of Ways & Means and I believe, what was your second question? The bond rating. Have not had a discussion with the Treasurer. Since we did have a hearing on this bill you know couple months ago, I have not seen any concerns from the Treasurer's office."

Senators Nelson, Frockt, Fraser, Hasegawa, Kohl-Welles and Chase spoke against passage of the bill.

Senators King and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 20; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Schlicher and Shin

Excused: Senators Cleveland, Hobbs, Mullet and Rolfes

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SECOND ENGROSSED SUBSTITUTE SENATE BILL
NO. 5895, having received the constitutional majority, was
declared passed. There being no objection, the title of the bill was
ordered to stand as the title of the act.

MOTION

At 3:57 p.m., on motion of Senator Fain, the Senate adjourned
until 10:00 a.m. Monday, June 10, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWENTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, June 10, 2013

The Senate was called to order at 10:00 o'clock a.m. by President Owen.

[Editor's Note: The Senate convened a memorial session this day in memory of and to pay tribute to the late Senator Michael J. Carrell (April 10, 1944 – May 29, 2013) of the 28th Legislative District who passed away while holding office. Members of the House of Representatives were present at seats within the Senate Chamber. His Excellency, Governor and Mrs. Jay Inslee and other invited speakers were seated at the rostrum.]

The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senators Bailey, Baumgartner, Benton, Billig, Hobbs, McAuliffe, Murray, Nelson and Roach.

The Washington State Patrol Honor Guard consisting of Lt. Zach Elmore; Lt. Johnny Alexander; Trooper Pete Stock; Trooper Makayla Morgan and Trooper Russ Sanders presented the Colors. Rev. Bill Johnson, Christ Lutheran Church, Lakewood and pastor of Senator Mike Carrell, offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5948 by Senators Braun, Chase, O'Ban, Keiser, Padden, Hill, Holmquist Newbry, Becker and Brown

AN ACT Relating to state procurement of goods and services; and amending RCW 39.26.200.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Schoesler moved adoption of the following resolution:

**SENATE RESOLUTION
8664**

By Senators Schoesler, Hargrove, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Sheldon, Shin, Smith, and Tom

WHEREAS, Mike Carrell was first elected to the Washington State House of Representatives in 1994, and spent ten years in the House before being elected to the Washington State Senate in 2004, again in 2008, and again in 2012, comprising a distinguished 19-year career dedicated to public service; and

WHEREAS, Mike Carrell authored the state's "Becca" laws, which help identify at-risk youth who skip school so they can be given the assistance they need to keep from becoming juvenile – and later adult – offenders; and

WHEREAS, Mike Carrell spearheaded the landmark prison and supervision reform bill, changing the criminal justice system in Washington and better protecting the public by assuring that no single community is overburdened by returning felons; and

WHEREAS, Balancing the care and treatment needs of the mentally ill with the protection of the public and employees of the state's mental health facilities was always a priority for Mike Carrell, who worked tirelessly to reform the state's mental health system; and

WHEREAS, Mike Carrell was a vigilant watchdog of state government operation, constantly working to identify and eliminate areas of fraud, waste, or abuse of programs and services, drafting the first real reforms to the state's welfare laws since the program's creation; and

WHEREAS, Mike Carrell's fight to ensure those in management within state agencies were held to the highest ethical standard culminated with his Ethics in Public Service Act, which provides whistleblower protections to state employees who file ethics complaints; and

WHEREAS, Mike Carrell was a stalwart defender of the United States and Washington State Constitutions, successfully shepherding two separate state constitutional amendments through the legislative and electoral process; and

WHEREAS, Mike Carrell was as staunch a supporter of our country's military men, women, and families as ever could be found, sponsoring dozens of bills and resolutions honoring their service and sacrifice; and

WHEREAS, Mike Carrell was an ardent pro-life supporter, each year speaking to crowds of thousands gathered on the Capitol steps for the annual March for Life in Olympia; and

WHEREAS, Mike Carrell could see history that needed preservation where others saw only dilapidation, driving his efforts to restore the grounds of Western State Hospital, identify the occupants of thousands of unmarked graves in its nearby cemetery, protect Fort Steilacoom's historic parade grounds, and restore DuPont's historic narrow-gauge dynamite train; and

WHEREAS, Mike Carrell – a self-professed "car buff" – spent his free time working under the hood restoring his three Triumph automobiles; and

WHEREAS, Mike Carrell was also a lover of animals, sponsoring bills to combat animal neglect, cruelty, and abuse, and spending his weekends training and playing with his beloved German Shepherds; and

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WHEREAS, Mike Carrell was also a master gardener, often spending his evenings in his backyard greenhouse cultivating lemons, grapefruits, and hibiscus; and

WHEREAS, Mike Carrell had a lifelong career in science and math education, retiring from the Franklin Pierce School District after having taught at Keithley Middle School, Franklin Pierce High School, and the district's GATES alternative school, as well as at the collegiate level; and

WHEREAS, Of Mike Carrell's many titles, such as "teacher," "mentor," "advocate," and "senator," perhaps his most cherished roles were as "husband" to his loving wife, "dad" to his four children, and "grandpa" to his five grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and remember the life and legacy of Senator Mike Carrell – a true statesman, devoted husband and father, and unwaveringly loyal friend who always put the needs of others before his own – who will be missed by his family, constituents, friends, and colleagues more than this resolution can convey; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mike Carrell's wife, Charlotte Carrell, his three sons, Matthew, Larry, and Carlton, the commanding officers of Camp Murray and Joint Base Lewis-McChord, Pierce County's executive and councilmembers, and representatives of each city in Washington's 28th Legislative District.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8664.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

REMARKS BY SENATOR HARGROVE

Senator Hargrove: “Well Mike was a good friend and it goes back a long time. When I first met Mike Carrell when he was lobbying for POPS an organization, father’s rights organization when I was in the House. I think about twenty nine years ago. Got to know him a little bit then and then when he got elected to the legislature and I came to the senate. We worked hand in hand on the states Becca Laws which I think is still our proudest moment as far as how it has changed our juvenile crime rate is this state and has actually reducing our adult crime rate too. It was land mark legislation. It was sweeping juvenile justice change and it was complicated legislation also. And then we worked together on the Hope Act because of his concern of at-risk youth and street kids extended beyond just Becca. Then when he came to the Senate he had a little bit of reputation of being a bomb thrower in the House. I think they’d gone into the minority but when he came to the Senate he was, quickly we found out that he was a statesman. We worked hard together on our Human Services & Corrections Committee which I think I can proudly say was the most bi-partisan committee in the legislature over the last two decades. Virtually every bill passed out of there unanimously in two decades. Obviously we had other Senators that were involved. Senator Jeanine Long was a good friend of mine also and Val Stevens but Mike Carrell was instrumental. He was maybe a little bit more conservative than some of the rest of us but he still worked to find solutions. I’m very happy to see retired Senator Debbie Regala setting next to me to because she worked with him. In fact, we thought he was brother and sister with her because their hair color as they worked on offender re-entry. They attended numerous meetings and worked with community groups and all sorts of advocates realizing as Senator Carrell did,

if we don’t make a way for a future for people coming out of prison that they are going to re-offend and that’s going to be a public safety risk again so he was able to see through to that. He was always very interested in the safety of the workers at Western State Hospital, introduced legislation and worked on that continually. And then of course, we all remember his reputation of Mr. Science. I mean he always was giving us an explanation as a former science teacher on the floor of some chemical something that none of us could understand and I’m sure he was totally accurate but that all rolled up to the session when he came in front of the Natural Resources Committee and was explaining the problem with a lake near Western State and we had a twenty minute explanation of all the chemical dynamics in that lake and why this bill needed to pass and help fix that. Again, it was all Greek to us but he understood it very well. Something that I didn’t mention when we talked a week ago that I wanted to get in here is that he was also really Mr. Data. He actually loved WSIPP, the Institute for Public Policy. Every time we were considering a criminal justice bill he would be on the phone with Steve Aos over there going, ‘How is going to affect our crime rate and how many people are going to recidivate if we do this? Is this program going to benefit or is this just a good idea that doesn’t have any evidence behind it?’ He was very into doing things that scientifically made sense and had real good research behind it. Well, there was other times too besides the work we did together where we’d sit around and talk about sports cars. When I was in college I owned an Alfa Romeo and he had Triumphs and he was convinced that his Triumphs were way faster and way better and we talked about that. Actually I enjoyed that quite a bit. I’ve moved from sports cars to motorcycles but none the less we just had a great time talking about those things too. So, it was a good friend as well as a great colleague and I have a few things for Charlotte and the family because I know that this is a very hard time and I have a scripture I’d like to read here. I read it when we did this last week and I think it’s still appropriate. Mr. President, if that is ok. Its Romans 8:35 and then 38 and 39.

‘Who shall separate us from the love of Christ, shall tribulation or distress or percussion or famine or nakedness or peril or sword.’ And verse 38 and 39:

‘For I am persuaded that neither death nor life nor angels nor principalities nor powers nor things present nor things to come, nor heights nor depth nor any other created things shall be able to separate us from the love of God which is in Jesus Christ our Lord.’

So we know that Mike is not separated from God. In fact he’s in a far better place but this love is here for the family and people that miss him so much and I wanted people to know that. There’s one more scripture that I’d like to read and that is Proverbs 22 verse 1:

‘A good name is to be chosen rather than great riches, Loving favor rather than silver and gold.’ Mike Carrell has a good name. Nobody is going to think of Mike Carrell with anything but the goodness that was in him. There’s not going to be any part of his memory that people are going, there was some scandal that something negative to think about him. Mike Carrell passed with a good name and I hope that’s a comfort to his family also. Thank you Mr. President.”

REMARKS BY SENATOR SCHOESLER

Senator Schoesler: “Thank you Mr. President. Thank you Charlotte for asking that I be a part of this today for my good friend and colleague Mike. Thank you to Michelle, his aide, who stood with us through all of Mike’s difficult times. I said in a Point of Personal Privilege a week ago that this might be the most

difficult speech I've given in my career, not much has changed. My confidence was brimming that Mike would be back here with us. Mike had the best medical care in the world available to him, the perfect match, the love and prayers of so many of us here and around the state that I just didn't see anything else but Mike being here in November with us next year but he's home with the Lord and that's as it should be I guess. Had it not been for 1992 Mike's career and mine would have been the same number of years together in the House and the Senate, an exact match. Mike had a passion here and will be talked about a lot for welfare reform. When he came that we all like to take credit for the savings now, improving people's lives. His passion for corrections, Eastern State Hospital and others and how he cared about those people that worked there. The year before Mike came and started working the Becca bill I had a phone call a woman in my district who said, 'Becca Hedman I think is my daughter.' Found out for her sake it wasn't but it could have been her, could have been my district. Mike took charge of that and he worked and worked for those passions. We've talked about his passion for his cars, his dogs and I really didn't realize the extent of his gardening expertise and knowledge. That was really difficult for me because I had that passion and I never talked to him about it. And the 'Mr. Science. 'Well, we all talked about physics, geology, astronomy, agronomy, he could talk to me like a farmer. That was really good. You know, all those kids out there that had Mike for a teacher, they benefited. I pray all the children in this state have teachers of science as enthusiastic and knowledgeable as Mike Carrell. Afterwards we found out that one of the members of the Third House was one of Mike's students. She never talked about it but she said, 'Boy, did I learn.' That's what it's most important about is learning. The bi-partisan work on corrections, the famous coin toss with Debbie Regala about who would sponsor a bill. That's what this place is about. What it should be about anyway. Never forgetting the taxpayer, whether it's what happened at DOC or EBT cards, Mike never forgot about the taxpayers that's setting here. We in the Majority Coalition Caucus knew that no matter what happened with the Human Services & Corrections Committee, whether it was Co-Chairs, Chairs he could work with a tied committee and move policy and that's important about this place in making it work, people that can work in any situation we ask them to serve in. So critical to the success of this state. We got to the cut off, you know for those of you that are not members of this body, we get a little growly at cut off time. My members are a little growly that there not getting what they want. Your members a little growly they don't get everything they want and as we stepped off the floor that evening Mike walked up to me and he said, 'Mark, thank you for the greatest session I ever had' and I put it in perspective. A man with serious health risk said this is the greatest session ever. It really made you stop and realize what was important and it did for me. The other thing was, we're voting on a budget, we didn't know how the budget would turn out, what was going to happen that day. A little bird in the wings told me Mike wants to come down here and vote. He had no business being here and his nurse and angel Charlotte made sure he didn't try to come down here and do that because above all we wanted Mike back and we would have never risked Mike's health for any gain here. So, his dedication was to the end. A man of character, hard work and love. He'll leave a whole in my heart and that of many others. Thank you."

REMARKS BY SENATOR DAMMEIER

Senator Dammeier: "Thank you Mr. President. I rise in strong support of this resolution. I'm confident that Mike Carrell is the type of citizen legislator that our fore fathers had in mind when they created this government and that our citizens want us

to be. He was extremely hard working, started on the campaign trail. For those of you who aren't familiar, I grew up in Mike's legislative district and currently have the privilege of serving in the district right next to him so we have a lot of things in common in Pierce County. Being from a swing district he was a very hard campaigner. It started as many members from Pierce County know the folks from the Twenty Eighth District are very familiar with, he had some not too subtle campaign signs that were all variety shades of fluorescent colors with the name Carrell in there so they got your attention. He was also know for door belling very hard and he wanted people to know that he didn't take their vote for granted, that he was out there earning their vote every time even through the times that he served here he continued to door bell and get out there on the door step and earn their vote. He also understood that there are things you can only learn about your district by walking the streets and talking to people on their door step, that if you're going to represent them well down here you have to know your community and that's how you do that. There's been a lot of talk already about the fact that he was a very hard working legislator. This session alone besides being a chair of a major committee with I don't know how many bills going through it. He prime-sponsored thirty nine pieces of legislation. Seventeen of which passed the senate, eight of which were signed into law. Those of you who may not be familiar with this place, that is an incredible testament to the respect to this institution both here and across the rotunda that have for Mike that when he wasn't even here his bills moved forward. That's because he worked very hard on policy, we've heard a lot of talk about the work with Senator Regala and Senator Hargrove. He wanted to get it right for the citizens of this state, for the citizens of his community, for the taxpayers of the State of Washington. He wanted to do the right thing for the right reasons. He also, and some of you may have noticed in the slide show we have up there, occasionally there's been more than one picture where Mike would stand on the senate floor with the red book in his hand. Now, for the people down here they all understand what that means but for the people up there may not appreciate the significance of that. While he was extremely collaborative, he was always looking solutions. If anybody is standing on the floor with this book in their hands, this is our rules, and you only pull this out when there's some vigorous and spirited debate going on on the senate floor. So, he would always rise to that challenge as well. He was not one that would shy away from a good dust up on the senate floor. I'll close with a kind of personal story of Mike and I. In typical Senator Carrell fashion he offered a bill in 2009 he thought struck that important balance of helping our felons re-enter life successfully, get back on the right track and become constructive members of our society and balancing tax payer's needs, saving some money. He offered that bill. It passed. I was in the House at the time, voted against it, probably a mistake on my part maybe at this time. He reminded me of that on more than one occasion but there was a situation that came up in my community around a half-way house that had to do with that bill. I was proposing that we make some adjustments to that bill. Now, there are many legislators, none on this floor I'm sure, that treat their legislation kind of like their babies and if you were to challenge the cuteness or the perfectness of their legislation some legislators would take great offense at that and rise in defense. There's no way it could ever get better. This is my legislation and it passed and all that. So, when I was approaching Senator Carrell about this situation in my community in this legislation I was hoping to offer I was a little concerned he might take that kind of approach and I could understand that because, like I said, I had opposed the bill in the House. That wasn't Mike Carrell. Mike Carrell wanted to get it right all the time. He was perfectly open. He understood the situation in my community. He was always

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open trying to make the bill, make the legislation better. If there was a way to do it, he was open to it. He didn't have that pride of ownership that can become counterproductive. We worked on that bill so, despite the fact that he had thirty nine of his own bills to look after, despite the fact that he had a committee to look after with very significant legislation going through it and despite the fact that this legislation I was proposing was delicate. It had a lot of interest groups and a lot of different ways and it was a challenging bill to work your way through. We went through I believe twelve revisions of the bill in the Senate. Took an incredible amount of work on Mike's behalf. Again, when he had a ton of work load and at a time when he was ill. He took the time to work with me to help me pass that bill despite all the reasons why he could have very easily chosen not to. He invested a lot of time in me and a lot of time in that legislation. That legislation passed both houses unanimously and when Mike was ill and I would call him in the hospital the first thing out of his mouth was always, 'What's the status of that bill? What's the status of 5105?' Always thinking about me, always thinking about others first. So, I guess I would close with the fact that Mike Carrell sets a tremendous example for all of us to emulate. I am going to do my best to live up to that example. Thank you Mr. President."

REMARKS BY SENATOR O'BAN

Senator O'Ban: "This is my first speech on this floor, what an honor. No one felt the honor of this place greater than Mike Carrell, No one lived the honor of this place better than Senator Mike Carrell. Mike Carrell now belongs to the ages but we preferred it when he belonged to us here. We admired him. We admired his tenaciousness, his diligence, his conscientiousness. We admired his statesmanship, the way he would reach across the aisle and get things done. We respected his natural inquisitiveness and for about his love of science and we admired the way he valued anyone with any idea to get good legislation passed for the good of this state. Mike said that every day when he stepped onto this campus he told me he would thank the Lord for the privilege of being here. He was famous for responding to constituents calls so promptly that it would make the constituents shocked. I can't tell you how many times I would be on the phone with Mike about something important, as far as I was concerned and he would say, 'Oh, I got to take this call from a constituent.' I had a chance to sit in Mike's office when I was preparing my remarks. I looked around his office, there's the photograph of Becca Hedman, the name sake for perhaps his most important bill. On the other wall was full of awards he'd received from interest groups that crossed the political spectrum. There was a photo of him with his beloved caucus smiling. And then there was that plague of Freedom Bridge which he had renamed in honor of those men and women who marched across that bridge to Iraq and Afghanistan. Mike was, as has been mentioned a prodigious campaigner. No one had the science of campaigning down better than Mike Carrell. He showed me the precise manner in which you were to pound a campaign sign into the ground and when I thought I got it all and I was pounding my first sign into the ground to show him I can still see the flash of disappointment that crossed his face. You can tell a lot about a man by the amount of loyalty that he evokes in others. Mike and I this last election cycle had a chance to run for public office at the same time and when we each put out a call for volunteers they all gravitated over to Mike's campaign to put up his signs, wave his signs and lick his envelopes. But I wanted to say what I regard and I think everyone in this body would regard was the most admirable trait of my friend Mike Carrell and that's Charlotte, the love of his life. They met in 1976 and married within months. What a team. What a

partnership. You can tell about the character of a man by the intensity of the love of those closest to him. Charlotte, the pain is always greater when we risk the most to love fully but one is not possible without the other. The greatest tribute to Mike is the devotion he evoked in you, the love of his life. Charlotte told me that on the day of Mike's death that it was her greatest honor to be Mike's wife. My endearing memory of Mike is when I came over from the House after hearing that he'd been diagnosed with this illness and I wanted to talk with him. We sat over there on one of the couches. His scientific detail, methodically explained what was happening inside his body and then for a moment his voice broke and he turned to me and he said, 'Steve, I put my hands in the Almighty God' and then he recovered his composure and greeted his senators who came up to him and wished him well. A great life like the one Mike lived leaves a great hole but big lives illustrate something, that our lives have tremendous meaning, that our lives have tremendous significance. Mike was a Christian and the Almighty God that he entrusted his life to will raise him up to the great last day and on that day, redeemed from sin and his body whole, I will see my friend again. His weariness will be gone. He'll have a sound mind and we'll greet each other with a smile and the sorrow of this fading parting will be gone. Precious in the eyes of the Lord are the death of the saints."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced His Excellency, Governor and Trudi Inslee who were seated at the rostrum.

REMARKS BY GOVERNOR INSLEE

Governor Inslee: "On behalf of the people of the State of Washington and the entire state wants to extend our condolences to the family and friends, colleagues of Senator Carrell. We know that this is so difficult for Charlotte and sons and five grandchildren but I do hope we can attempt to assuage them from that grief by reflecting on the twin legacies of Senator Carrell. And when I say twin legacies because I think there are two equally important parts of his public service, legacy. The first being his time as a science teacher and I just want to note that legacy and part because I have some sense of what it means to our community. I'm the son of a science teacher myself and I know that there's three things that I want to note about his public education legacy. First, we know he spent hours grading papers late at night. I know what that means. I want to show the respect for that part of his legacy. Second, I want to thank him for his sharing science with our community. It's nice to know that in the state of Washington there are people out there who understand the problems of the acidification of our lakes and oceans now in part because of his commitment to the legacy of teaching science. Third, most importantly I know that there are people out there today who have heard of the Senator's passing who thinks you know I remember my teacher Mr. Carrell and I'm a doctor because of that or a teacher or I'm a nurse and it's because of that legacy. There are people all across the state of Washington walking that legacy. His legacy is as much in his pupils as it is in his legislation. But I also want to remark on a very significant public career as a legislator. We know his commitment as protecting at-risk youth from harm and exploitation that was translated to the Becca Bill and that was as Senator Hargrove said a major achievement. It was not easy. It was not a slam dunk. It was something that took some gracious legislative work and that happened because of his leadership. I didn't get to know the Senator as well as anyone else in this chamber because I came late to this in his legislative career but it was amazing to me as I

was signing bills this year I think every other bill was Senator Carrell's bill. And I got to give a lot of pens to his staff. He did as much during his illness as we do in our health, in the last few weeks of his legislative career. The last bill of his I signed Senate Bill No. 5282 was a continuation of his recognition of the importance of mental health. That bill will allow law enforcement to access a complete list of individuals who should be prevented from owning firearms due to mental illness. It passed the House and Senate unanimously. He had twin legacies. We should celebrate them both and for that we want to honor his legacy and public service."

The President introduced former Representative Gigi Talcott for a reading of the Scriptures

REMARKS BY FORMER REPRESENTATIVE TALCOTT

Representative Talcott: "Thank you. Our memorial to Mike will be closing with a word of thanks, a prayer and a musical tribute by current Representative Maureen Walsh. Senator Carrell's family would like to thank each and every one of you on the floor of the chamber and up in the galleries for making the time to join them in this special place to pay tribute to their loving husband, father, grandfather and loved one. Please join me in prayer:

Father, we thank you for the precious freedom to gather in this special place and all places of worship. As we grieve the loss of our loved one and special friend Mike Carrell, may we each remember Mike's legacy of integrity, passion, teamwork, devotion to his loved ones and equal dedication to our representative republic that he so loved. May each of us take a piece of Mike's amazing legacy or legacies with us to add to our own and as we go our separate ways we ask that the peace of God, the Father, and the love of Christ, His Son will strengthen Mike's loved ones in each of us as we continue our own life journeys."

Representative Walsh performed 'I Can See Clearly Now.'

The President offered his thanks and the appreciation of the Senate and the Carrell family to all who attended and participated in the day's memorial for Senator Carrell.

INTRODUCTION OF SPECIAL GUESTS

The President recognized Senator Carrell's widow, Charlotte Carrell and the Carrell family as well as friends who were present in the gallery

MOTION

At 10:49 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:35 p.m. by President Owen.

MOTION

Senator Ranker moved adoption of the following resolution:

SENATE RESOLUTION 8663

By Senators Ranker, Eide, King, Bailey, Hasegawa, Padden, Hewitt, Billig, Dammeier, Chase, Keiser, Tom, Honeyford, Kohl-Welles, Hobbs, Nelson, Fraser, Pearson, Becker, Holmquist Newbry, Braun, Kline, Brown, Smith, Litzow, Ericksen, Conway, Frockt, Parlette, Hargrove, Roach, Hill, Fain, Rivers, Schoesler, Baumgartner, Darneille, Murray, Schlicher, McAuliffe, Shin, Harper, Hatfield, Benton, Cleveland, O'Ban, Sheldon, Rolfes, and Mullet

WHEREAS, Sean M. O'Connell Jr. was born September 10, 1974, in West Islip, New York and graduated from Pawling High School in Pawling, New York; and

WHEREAS, Sean M. O'Connell Jr. served our country honorably in the United States Navy from October 13, 1992, to June 24, 1997, receiving numerous commendations and service medals; and

WHEREAS, Sean M. O'Connell Jr. was commissioned on March 1, 1999, with the 82nd Trooper Basic Training Class as a Washington State Patrol Trooper and assigned to Marysville; and

WHEREAS, Trooper Sean M. O'Connell Jr. became a strong and vital link between the work of the Washington State Patrol and the community he served; and

WHEREAS, Trooper Sean M. O'Connell Jr. fully embodied the Washington State Patrol's motto of "Service with Humility" by performing his duties professionally with a positive attitude, a ubiquitous smile, and a deep respect for the community he served; and

WHEREAS, Trooper Sean M. O'Connell Jr. honored Washington State Patrol Badge #1076 on his chest and on his patrol car license plate through years of selfless and courageous service; and

WHEREAS, Trooper Sean M. O'Connell Jr. was tragically killed in the line of duty on May 31, 2013, after preserving the safety of others for nearly 15 years with the Washington State Patrol; and

WHEREAS, Trooper Sean M. O'Connell Jr. will be missed dearly by his brothers and sisters in the State Patrol family and law enforcement, and his spirit of service will continue through the lives he impacted as well as those he touched throughout the community; and

WHEREAS, Trooper Sean M. O'Connell Jr. was not only a loving son and brother but also a devoted husband to his wife Alissa for more than 12 years and an adoring father to his 7 year old son Kian and 5 year old daughter Miley;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its deepest condolences to the family, friends, colleagues, and community that have lost Trooper Sean M. O'Connell Jr.; and

BE IT FURTHER RESOLVED, That the Senate join the people of the State of Washington in commending, saluting, and honoring Trooper Sean M. O'Connell Jr. for his exemplary and exceptional service; and

BE IT FURTHER RESOLVED, That the Senate express profound appreciation and enduring gratitude to the brave men and women who protect our state every day as members of the Washington State Patrol; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the surviving family members of Trooper Sean M. O'Connell Jr., Washington State Patrol Chief John R. Batiste, and Washington State Patrol Marysville District Commander Jeffrey R. Sass.

Senators Ranker, Eide and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8663.

TWENTY NINTH DAY, JUNE 10, 2013

2013 1ST SPECIAL SESSION

The motion by Senator Ranker carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President recognized Trooper O'Connell's widow, Alissa O'Connell and their children, Kian and Miley as well as Trooper O'Connell's father and stepmother; his mother-in-law and stepfather-in-law; WSP Chief John Batiste and Trooper Dian Glover; and other Troopers and representatives of the Washington State Patrol who were present in the gallery.

MOTION

At 1:50 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 a.m. Tuesday, June 11, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, June 11, 2013

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hatfield and Hobbs.

The Sergeant at Arms Color Guard consisting of Committee Services staff Ariel LeMoine and Lindsey Lasher, presented the Colors. Senator Pearson offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 11:09 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:39 p.m. by President Owen.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

June 11, 2013

SB 5866 Prime Sponsor, Senator Hargrove: Extending the sales and use tax exemption for hog fuel used to produce electricity, steam, heat, or biofuel. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

June 11, 2013

SB 5871 Prime Sponsor, Senator Hill: Relating to fiscal matters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5871 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Bailey; Conway; Dammeier; Fraser; Hasegawa; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Ranker; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hewitt and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Braun; Padden and Parlette.

Passed to Committee on Rules for second reading.

June 11, 2013

SB 5873 Prime Sponsor, Senator Hill: Relating to state government. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5873 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

June 11, 2013

SB 5876 Prime Sponsor, Senator Hill: Relating to health care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5876 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

June 11, 2013

SB 5946 Prime Sponsor, Senator Dammeier: Strengthening student educational outcomes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5946 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Hasegawa; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

June 11, 2013

SB 5948 Prime Sponsor, Senator Braun: Concerning state procurement of goods and services. Reported by Committee on Ways & Means

THIRTIETH DAY, JUNE 11, 2013

2013 1ST SPECIAL SESSION

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

Passed to Committee on Rules for second reading.

PERSONAL PRIVILEGE

June 11, 2013

ESHB 1947 Prime Sponsor, Committee on Appropriations: Concerning the operating expenses of the Washington health benefit exchange. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Parlette; Ranker; Rivers; Schoesler and Tom.

Senator Murray: "Thank you Mr. President. I set on your or I had passed out on your desk an article from this morning's New York Times about June 11, 1963. June 11, 1963 was a day that George Wallace stood on the school steps but this article in front of us in the stories in the last few days has pointed out that on June 11, 1963 the speech that really over the last several decades has been underestimated has proven to be one of the most important speeches as the New York Times called it in the twentieth century. That night 8:00 p.m. East Coast time President John F. Kennedy went on TV and spoke about civil rights. In many ways as the article reflects his speech echoed themes that would be heard later that summer by Martin Luther King on the mall in Washington. It was the first time a President had gone on record for civil rights introducing a piece of legislation that would become law some months after his assassination. An important day in the history of our country, June 11, 1963. Thank you Mr. President."

MINORITY recommendation: Do not pass. Signed by Senator Fraser.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Hasegawa; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member and Padden.

Passed to Committee on Rules for second reading.

MOTION

June 11, 2013

SHB 1961 Prime Sponsor, Committee on Appropriations: Extending the expiration date for judicial stabilization trust account surcharges. Reported by Committee on Ways & Means

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Bailey; Braun; Conway; Dammeier; Fraser; Hasegawa; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Parlette; Ranker; Schoesler and Tom.

MESSAGE FROM THE HOUSE

June 10, 2013

MINORITY recommendation: Do not pass. Signed by Senators Padden and Rivers.

MR. PRESIDENT:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

MESSAGE FROM THE HOUSE

Passed to Committee on Rules for second reading.

MR. PRESIDENT:
The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 4408,
HOUSE CONCURRENT RESOLUTION NO. 4409,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

June 11, 2013

HB 2042 Prime Sponsor, Representative Cody: Modifying the nursing facility medicaid payment system by delaying the rebase of certain rate components and extending certain rate add-ons. Reported by Committee on Ways & Means

MOTION

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers; Schoesler and Tom.

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4408 by Representatives Sullivan and Kretz

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Returning bills to their house of origin.

Passed to Committee on Rules for second reading.

HCR 4409 by Representatives Sullivan and Kretz

Adjourning sine die.

June 11, 2013

MOTION

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4408 and House Concurrent Resolution No. 4409 were placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4408, by Representatives Sullivan and Kretz

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of adoption of the resolution.

The President declared the question before the senate to be the adoption of House Concurrent Resolution No. 4408.

HOUSE CONCURRENT RESOLUTION NO. 4408 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Sullivan and Kretz

Adjourning sine die.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of adoption of the resolution.

The President declared the question before the senate to be the adoption of House Concurrent Resolution No. 4409.

HOUSE CONCURRENT RESOLUTION NO. 4409 having received a majority was adopted by voice vote.

MOTION

On motion of Senator Fain and without objections, all measures on the second and third reading calendars were returned to the Committee on Rules.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4408,
HOUSE CONCURRENT RESOLUTION NO. 4409,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4408,
HOUSE CONCURRENT RESOLUTION NO. 4409.

MOTION

On motion of Senator Fain, the reading of the Journal for the 30th day of the First Special Session of the 63rd legislature was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

June 11, 2013

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4408, the following Senate bills are returned to the Senate:

SECONDDD ENGROSSED SUBSTITUTE SENATE BILL NO. 5034,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5127,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5242,

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5895,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4408, the following House bills are returned to the House:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,

SUBSTITUTE HOUSE BILL NO. 1961,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1971,

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2034,

ENGROSSED HOUSE BILL NO. 2036,

HOUSE BILL NO. 2042,

SUBSTITUTE HOUSE BILL NO. 2064,

HOUSE BILL NO. 2068,

SUBSTITUTE HOUSE E BILL NO. 2069.

MOTION

THIRTIETH DAY, JUNE 11, 2013

2013 1ST SPECIAL SESSION

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4408, the following House Bills was returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947.

MOTION

At 3:48 p.m., on motion of Senator Fain, the 2013 First Special Session of the Sixty-Third Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

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SENATE JOURNAL
SIXTY-THIRD LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2013 Second Special Session Convened June 12, 2013
Adjourned Sine Die June 29, 2013

Official Record of All Senate Actions Compiled, Edited and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of
Washington, by Hunter Goodman, Secretary of the Senate



Linda Jansson,
Minute and Journal Clerk

Lieutenant Governor Brad Owen, *President of the Senate*
Senator Tim Sheldon, *President Pro Tempore*
Senator Paull Shin, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

2013

MAJORITY COALITION CAUCUS

Majority Coalition Leader.....Rodney Tom
Republican Leader.....Mark Schoesler
Majority Caucus Chair.....Linda Evans Parlette
Majority Floor Leader.....Joe Fain
Majority Whip.....Ann Rivers
Majority Caucus Deputy Leader.....Don Benton
Majority Caucus Vice Chair.....Bruce Dammeier
Majority Assistant Floor Leader.....Jim Honeyford
Majority Assistant Whip.....John Braun

DEMOCRATIC CAUCUS

Democratic Leader.....Ed Murray
Democratic Caucus Chair.....Karen Fraser
Democratic Floor Leader.....David Frockt
Democratic Whip.....Andy Billig
Democratic Deputy Leader.....Nick Harper
Democratic Assistant Floor Leader.....Annette Cleveland
Democratic Assistant Floor Leader.....Kevin Ranker
Democratic Assistant Whip.....Mark Mullet

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Secretary of the Senate Hunter Goodman
Deputy Secretary Brad Hendrickson
Minute and Journal Clerk Linda Jansson
Readers Kenneth Edmonds and Paul Campos

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FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, June 12, 2013

In accordance with Gubernatorial Proclamation issued pursuant to Article III, Section VII of the State Constitution and state law, the Senate of the 2013 Second Special Session of the Sixty-Third Legislature assembled in the Senate Chamber at the State Capitol. The Senate was called to order at 9:00 o'clock a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM GOVERNOR

PROCLAMATION BY THE GOVERNOR
13-05

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2013 regular session on April 28, 2013, the 105th day of the session; and

WHEREAS, the Legislature reconvened on May 13, 2013, to continue work on the 2013-2015 operating budget, 2013-2015 capital budget, 2013-2015 transportation budget, and related bills; and

WHEREAS, the legislature has failed to approve a 2013-2015 operating budget, a 2013-2015 capital budget, and the bills necessary to implement those budgets; and

WHEREAS, the State enters a new fiscal biennium on July 1, 2013; and

WHEREAS, State law requires the adoption of a budget providing appropriations for the operation of state government prior to the beginning of the fiscal biennium; and

WHEREAS, work remains to be done with respect to the 2013-2015 biennial operating and capital budgets and bills necessary to implement those budgets; and

WHEREAS, work remains to be done with respect to approving critical transportation infrastructure projects; and

WHEREAS, the Speaker of the House, House Minority Leader, Senate Majority Coalition Caucus Leader, Senate Democratic Leader, and Senate Republican Leader working together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

NOW, THEREFORE, I Jay Inslee, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Wednesday, June 12, 2013, at 9:00 a.m. for the purpose of enacting legislation addressing the 2013-2015 operating and capital budgets, and critical transportation infrastructure projects.

Signed and sealed with the official seal of the state of Washington this 11th day of June, A. D. Two-thousand and Thirteen at Olympia, Washington.

Seal

JAY INSLEE, Governor of Washington

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

June 12, 2013

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4410, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4410 by Representatives Sullivan and Kretz

Specifying the status of bills, resolutions, and memorials.

MOTION

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4410 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4410, by Representatives Sullivan and Kretz

Specifying the status of bills, resolutions, and memorials.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4410.

HOUSE CONCURRENT RESOLUTION NO. 4410 having received a majority was adopted by voice vote.

MOTION

FIRST DAY, JUNE 12, 2013

2013 2ND SPECIAL SESSION

At 9:13 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:49 p.m. by President Owen.

MOTION

At 1:49 p.m., on motion of Senator Fain, the Senate adjourned until 1:30 p.m. Thursday, June 13, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SECOND DAY**AFTERNOON SESSION**

Senate Chamber, Olympia, Thursday, June 13, 2013

The Senate was called to order at 1:30 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Hobbs.

The Sergeant at Arms Color Guard consisting of Senate Staff Kim Cusick and Kevin Black, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 1:37 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 10:23 p.m. by the President Pro Tempore, Senator Tim Sheldon presiding.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

June 13, 2013

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4410.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 13, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2075,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2075 by Representatives Carlyle and Roberts

AN ACT Relating to preserving funding deposited into the education legacy trust account used to support common schools and access to higher education by restoring the application of the Washington estate and transfer tax to certain property transfers while modifying the estate and transfer tax to provide tax relief for certain estates; amending RCW 83.100.020, 83.100.040, 83.100.047, 83.100.047, 83.100.120, and 83.100.210; adding a new section to chapter 83.100 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed House Bill No. 2075 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5946, by Senators Dammeier and Frockt
Strengthening student educational outcomes.

MOTION

On motion of Senator Dammeier, Substitute Senate Bill No. 5946 was substituted for Senate Bill No. 5946 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Dammeier moved that the following striking amendment by Senator Dammeier be adopted:

Strike everything after the enacting clause and insert the following:

"PART I**LEARNING TO READ, READING TO LEARN**

NEW SECTION. Sec. 101. A new section is added to chapter 28A.300 RCW to read as follows:

In support of reading and early literacy, the office of the superintendent of public instruction is responsible for:

(1) Continuing to work collaboratively with state and regional partners such as the department of early learning and the educational service districts to establish early literacy benchmarks and standards and to implement the Washington state comprehensive literacy plan;

SECOND DAY, JUNE 13, 2013

2013 2ND SPECIAL SESSION

(2) Disseminating research and information to school districts about evidence-based programs and practices in reading readiness skills, early literacy, and reading instruction;

(3) Providing statewide models to support school districts that are implementing response to intervention initiatives, positive behavior intervention support systems, or other similar comprehensive models of data-based identification and early intervention; and

(4) Within available funds and in partnership with the educational service districts, providing technical assistance and professional development opportunities for school districts.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.320 RCW to read as follows:

School districts are responsible for providing a comprehensive system of instruction and services in reading and early literacy to kindergarten through fourth grade students that is based on the degree of student need for additional support. Reading and early literacy systems provided by school districts must include:

(1) Annual use of screening assessments and other tools to identify at-risk readers in kindergarten through fourth grade, such as the Washington kindergarten inventory of developing skills, the Washington state early learning and development guidelines for birth through third grade, the second grade reading assessment under RCW 28A.300.310, and locally used assessments and other tools; and

(2) Research-based family involvement and engagement strategies, including strategies to help families and guardians assist in improving students' reading and early literacy skills at home.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.415 RCW to read as follows:

(1) High-quality professional development is essential for educators to keep abreast of the important advances in research that are occurring regarding instructional strategies and curriculum. Professional development in early literacy is especially important to support the instruction of young readers since reading proficiency is a crucial element for student academic success.

(2) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall create partnerships with the educational service districts and public or private institutions of higher education with approved educator preparation programs to develop and deliver research-based professional development learning opportunities in reading instruction and early literacy for teachers of kindergarten through fourth grade students.

NEW SECTION. Sec. 104. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Each school district shall require that report cards for students in kindergarten through fourth grade include information regarding how the student is progressing on acquiring reading skills and whether the student is at grade level in reading.

(2) If a student is not reading at or above grade level, the teacher, with the support of other school personnel as appropriate, must explain to the parent or guardian which interventions and strategies will be used to help improve the student's reading skills and must provide strategies for parents or guardians to assist with improving the student's reading skills at home.

(3) Each school shall report to the school district the number of students in grades kindergarten through four who are reading below grade level and the interventions that are being provided to improve the reading skills of the students, with the information disaggregated by subgroups of students. The school district shall aggregate the reports from the schools and provide the reports to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall submit a statewide report annually to the education committees of the legislature and the

educational opportunity gap oversight and accountability committee.

NEW SECTION. Sec. 105. A new section is added to chapter 28A.655 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section and section 106 of this act unless the context clearly requires otherwise.

(a) "Basic" means a score on the statewide student assessment at a level two in a four-level scoring system.

(b) "Below basic" means a score on the statewide student assessment at a level one in a four-level scoring system.

(c) "Not meet the state standard" means a score on the statewide student assessment at either a level one or a level two in a four-level scoring system.

(2) Beginning in the 2014-15 school year, for any student who receives a score of below basic on the third grade statewide student assessment in English language arts, a meeting must be scheduled before the end of the school year between the student's parent or guardian, teacher, and the principal of the school the student attends or the principal's designee to discuss appropriate grade placement and recommended intensive strategies to improve the student's reading skills. For students to be placed in fourth grade, the strategies discussed must include an intensive improvement strategy provided, supported, or contracted by the school district that includes a summer program or other option identified by the parents, teacher, principal, or principal's designee as appropriately meeting the student's need to prepare for fourth grade. The parents or guardians must be fully informed about the strategies and the parent's or guardian's consent must be obtained regarding the appropriate grade placement and the intensive improvement strategy to be implemented. The school district must implement the strategy selected in consultation with the student's parents or guardians.

(3) If a student does not have a score in English language arts on the third grade statewide student assessment but the district determines, using district or classroom-based diagnostic assessments or another standardized assessment, that the student's performance is equivalent to below basic in English language arts, the policy in subsection (2) of this section applies.

(4) Students participating in the transitional bilingual instruction program are exempt from the policy in subsection (2) of this section, unless the student has participated in the transitional bilingual instruction program for three school years and receives a score of below basic on the third grade statewide student assessment in English language arts.

(5) Students with disabilities whose individualized education program includes specially designed instruction in reading or English language arts are exempt from subsections (2), (3), and (4) of this section. Communication and consultation with parents or guardians of such students shall occur through the individualized education program process required under chapter 28A.155 RCW and associated administrative rules.

NEW SECTION. Sec. 106. A new section is added to chapter 28A.655 RCW to read as follows:

(1)(a) Beginning in the 2015-16 school year, except as otherwise provided in this subsection (1), for any student who received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section.

(b) Reading and literacy improvement strategies for students with disabilities whose individualized education program includes

specially designed instruction in reading or English language arts shall be as provided in the individualized education program.

(2)(a) Also beginning in the 2015-16 school year, in any school where more than forty percent of the tested students received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, as calculated under this subsection (2), the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section for all students in grades kindergarten through four at the school.

(b) For the purposes of this subsection (2), the office of the superintendent of public instruction shall exclude the following from the calculation of a school's percentage of tested students receiving a score of basic or below basic on the third grade statewide student assessment:

(i) Students enrolled in the transitional bilingual instruction program unless the student has participated in the transitional bilingual instruction program for three school years;

(ii) Students with disabilities whose individualized education program specifies a different standard to measure reading performance than is required for the statewide student assessment; and

(iii) Schools with fewer than ten students in third grade.

(3) The office of the superintendent of public instruction shall convene a panel of experts to develop a state menu of best practices and strategies for intensive reading and literacy improvement designed to assist struggling students in reaching grade level in reading by the end of fourth grade. The state menu must also include best practices and strategies to improve the reading and literacy of students who are English language learners and for system improvements that schools and school districts can implement to improve reading instruction for all students. The office of the superintendent of public instruction shall publish the state menu by July 1, 2014, and update the state menu by each July 1st thereafter.

(4) School districts may use an alternative practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction must approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate an increase in improved outcomes for participating students.

PART II

REQUIRING THE LEARNING ASSISTANCE PROGRAM TO BE EVIDENCE-BASED

Sec. 201. RCW 28A.165.005 and 2009 c 548 s 701 are each amended to read as follows:

(1) This chapter is designed to: ~~((4))~~ (a) Promote the use of ~~((assessment))~~ data when developing programs to assist underachieving students and reduce disruptive behaviors in the classroom; and ~~((2))~~ (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist underachieving students and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance program shall focus first on addressing the needs of students in grades

kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy.

Sec. 202. RCW 28A.165.015 and 2009 c 548 s 702 are each amended to read as follows:

Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) ("Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2)) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

~~((3))~~ (2) "Participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level using multiple measures of performance, including on the statewide student assessments or other assessments and performance measurement tools administered by the school or district and who is identified ~~((in))~~ by the ((approved plan)) district to receive services.

~~((4))~~ (3) "Statewide student assessments" means one or more of the ~~((several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas))~~ assessments administered by ((local)) school districts as required under RCW 28A.655.070.

~~((5))~~ (4) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by ~~((the))~~ statewide, school, or district assessments or other performance measurement tools.

Sec. 203. RCW 28A.165.035 and 2008 c 321 s 4 are each amended to read as follows:

(1) Beginning in the 2015-16 school year, expenditure of funds from the learning assistance program must be consistent with the provisions of section 106 of this act.

(2) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or section 106 of this act, the following are services and activities that may be supported by the learning assistance program:

~~((1))~~ (a) Extended learning time opportunities occurring:

~~((a))~~ (i) Before or after the regular school day;

~~((b))~~ (ii) On Saturday; and

~~((c))~~ (iii) Beyond the regular school year;

~~((2))~~ (b) Services under RCW 28A.320.190;

~~((3))~~ (c) Professional development for certificated and classified staff that focuses on:

~~((a))~~ (i) The needs of a diverse student population;

~~((b))~~ (ii) Specific literacy and mathematics content and instructional strategies; and

~~((c))~~ (iii) The use of student work to guide effective instruction and appropriate assistance;

~~((4))~~ (d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

~~((5))~~ (e) Tutoring support for participating students; and

~~((6))~~ (f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators.

(3) In addition to the state menu developed under section 106 of this act, the office of the superintendent of public instruction shall convene a panel of experts including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom.

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The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(4)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (3) of this section or section 106 of this act.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(5) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and section 106 of this act before the use is required.

NEW SECTION. Sec. 204. A new section is added to chapter 28A.165 RCW to read as follows:

(1) Beginning with the 2014-15 school year, school districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2) By August 1, 2014, and each August 1st thereafter, school districts shall report to the office of the superintendent of public instruction, using a common format prepared by the office:

(a) The amount of academic growth gained by students participating in the learning assistance program;

(b) The number of students who gain at least one year of academic growth; and

(c) The specific practices, activities, and programs used by each school building that received learning assistance program funding.

(3) The office of the superintendent of public instruction shall compile the school district data and report annual and longitudinal gains for the specific practices, activities, and programs used by the school districts to show which are the most effective. The data must be disaggregated by student subgroups.

Sec. 205. RCW 28A.165.055 and 2009 c 548 s 703 are each amended to read as follows:

((Each school district with an approved program is eligible for state funds provided for the learning assistance program.)) The funds for the learning assistance program shall be appropriated ((for the learning assistance program)) in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065 and section 106 of this act.

Sec. 206. RCW 28A.165.065 and 2004 c 20 s 7 are each amended to read as follows:

To ensure that school districts are meeting the requirements of ~~((an approved program))~~ this chapter, the superintendent of public instruction shall monitor ~~((such))~~ learning assistance programs no less than once every four years. ~~((Individual student records shall be maintained at the school district.))~~ The primary purpose of program monitoring is to evaluate the effectiveness of a district's allocation and expenditure of resources and monitor school district fidelity in implementing best practices. The office of the superintendent of public instruction may provide technical

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assistance to school districts to improve the effectiveness of a learning assistance program.

PART III STUDENT DISCIPLINE

NEW SECTION. Sec. 301. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor's office of Indian affairs, the office of the education ombudsman, school districts, and other education and advocacy organizations.

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year.

Sec. 302. RCW 28A.600.015 and 2006 c 263 s 701 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: **PROVIDED**, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

(3) Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

Sec. 303. RCW 28A.600.020 and 2006 c 263 s 706 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5)(a) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

((a)) (i) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, 9A.41.280, or 28A.320.140; or

((b)) (ii) Engages in one or more of the offenses listed in RCW 13.04.155.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

(6) Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than one calendar year from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in returning to an educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school may petition the superintendent of the school district or the superintendent's designee, pursuant to policies and procedures adopted by the school district board of directors outlining the limited circumstances in which a school may petition to exceed the one calendar year limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school.

(7) Nothing in this section prevents a public school district, educational service district, the Washington state center for childhood deafness and hearing loss, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis.

Sec. 304. RCW 28A.600.410 and 1992 c 155 s 1 are each amended to read as follows:

The state of Washington excludes tens of thousands of students from school each year due to out-of-school suspensions and expulsions. Out-of-school suspensions and expulsions contribute to poor academic achievement, lower graduation rates, and higher dropout rates. It is the intent of the legislature to minimize the use of out-of-school suspension and expulsion and its impact on student achievement by reducing the number of days that students are excluded from school due to disciplinary action. Student behavior should not result in the loss of educational opportunity in the public school system.

School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services. Consistent with current law, the conditioning of a student's suspension does not obligate the school district to pay for the counseling or other treatment services except for those stipulated and agreed to by the district at the inception of the suspension.

Sec. 305. RCW 28A.600.460 and 1997 c 266 s 9 are each amended to read as follows:

(1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.

(2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.

(3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.

(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.

(5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public (~~upon request. This collection of~~), but public release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address.

Sec. 306. RCW 28A.300.046 and 2011 c 288 s 10 are each amended to read as follows:

(1)(a) The superintendent of public instruction shall adopt rules establishing a standard definition of student absence from school. In adopting the definition, the superintendent shall review current practices in Washington school districts, definitions used in other states, and any national standards or definitions used by the national center for education statistics or other national groups. The

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superintendent shall also consult with the building bridges work group established under RCW 28A.175.075.

(b) Using the definition of student absence adopted under this section, the superintendent shall establish an indicator for measuring student attendance in high schools for purposes of the PASS program under RCW 28A.175.130.

(2)(a) The K-12 data governance group under RCW 28A.300.507 shall establish the parameters and an implementation schedule for statewide collection through the comprehensive education and data research system of: (i) Student attendance data using the definitions of student absence adopted under this section; and (ii) student discipline data with a focus on suspensions and expulsions from school.

(b) ~~(At a minimum,)~~ Student suspension and expulsion data collected for the purposes of this subsection (2) must be:

(i) Made publicly available and easily accessible on the superintendent of public instruction's web site; and

(ii) Disaggregated and cross-tabulated as established under RCW 28A.300.042.

(c) School districts must collect and submit student attendance data and student discipline data for high school students through the comprehensive education and data research system for purposes of the PASS program under RCW 28A.175.130 beginning in the 2012-13 school year.

Sec. 307. RCW 28A.300.042 and 2009 c 468 s 4 are each amended to read as follows:

(1) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

(2) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;
- (e) School;
- (f) Grade level;
- (g) Behavior infraction code, including:
 - (i) Bullying;
 - (ii) Tobacco;
 - (iii) Alcohol;
 - (iv) Illicit drug;
 - (v) Fighting without major injury;
 - (vi) Violence without major injury;
 - (vii) Violence with major injury;
 - (viii) Possession of a weapon; and
- (ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;

(h) Intervention applied, including:

- (i) Short-term suspension;
- (ii) Long-term suspension;
- (iii) Emergency expulsion;
- (iv) Expulsion;
- (v) Interim alternative education settings;
- (vi) No intervention applied; and
- (vii) Other intervention applied that is not described in this subsection (2)(h);

(i) Number of days a student is suspended or expelled, to be counted in half or full days; and

(j) Any other categories added at a future date by the data governance group.

(3) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

(a) School and district;

(b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;

(c) Behavior infraction code; and

(d) Intervention applied.

NEW SECTION. Sec. 308. A new section is added to chapter 28A.600 RCW to read as follows:

(1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts should convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

NEW SECTION. Sec. 309. Nothing in chapter . . . , Laws of 2013 2nd sp. sess. (this act) prevents a public school district, law enforcement agencies, or law enforcement personnel from enforcing laws protecting health and human safety.

PART IV EDUCATOR SUPPORT PROGRAM

NEW SECTION. Sec. 401. A new section is added to chapter 28A.415 RCW to read as follows:

(1) The educator support program is established to provide professional development and mentor support for beginning educators and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section.

(2)(a) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team on a competitive basis to individual school districts or consortia of districts. School districts are encouraged to include educational service districts in creating regional consortia. In allocating funds, the office of the superintendent of public instruction shall give priority to school districts with low-performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement. A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional

development through the office of the superintendent of public instruction.

(b) A beginning educator support team must include the following components:

(i) A paid orientation or individualized assistance before the start of the school year for beginning educators;

(ii) Assignment of a trained and qualified mentor for the first three years for beginning educators, with intensive support in the first year and decreasing support over the following years depending on the needs of the beginning educator;

(iii) Professional development for beginning educators that is designed to meet their unique needs for supplemental training and skill development;

(iv) Professional development for mentors;

(v) Release time for mentors and their designated educators to work together, as well as time for educators to observe accomplished peers; and

(vi) A program evaluation using a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills, and positive impact on student learning for program participants.

(3) Subject to funds separately appropriated for this specific purpose, the beginning educator support team components under subsection (2) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100.

Sec. 402. RCW 28A.415.010 and 2006 c 263 s 807 are each amended to read as follows:

It shall be the responsibility of each educational service district board to establish a center for the improvement of teaching. The center shall administer, coordinate, and act as fiscal agent for such programs related to the recruitment and training of certificated and classified K-12 education personnel as may be delegated to the center by the superintendent of public instruction under RCW 28A.310.470. To assist in these activities, each educational service district board shall establish an improvement of teaching coordinating council to include, at a minimum, representatives as specified in RCW 28A.415.040. An existing in-service training task force, established pursuant to RCW 28A.415.040, may serve as the improvement of teaching coordinating council. The educational service district board shall ensure coordination of programs established pursuant to RCW 28A.415.030, 28A.410.060, and ~~((28A.415.250))~~ section 401 of this act.

The educational service district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for professional staff preparation and in-service training in such manner and at such time as the board believes will be of benefit to the teachers and other professional staff of school districts within the educational service district and shall comply with rules of the professional educator standards board pursuant to RCW 28A.410.060 or the superintendent of public instruction ~~((pursuant to RCW 28A.415.250))~~. The board may provide such additional means of teacher and other professional staff preparation and in-service training as it may deem necessary or appropriate and there shall be a proper charge against the educational service district general expense fund when approved by the educational service district board.

Educational service district boards of contiguous educational service districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the educational service districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers and other professional staff, the school district superintendent may hold a teachers' institute of one or more days in

such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this title and rules relating to teachers' institutes held by educational service district superintendents.

PART V PROFESSIONAL DEVELOPMENT

NEW SECTION. Sec. 501. A new section is added to chapter 28A.320 RCW to read as follows:

(1)(a) The legislature finds that the school district board of directors sets the vision and provides direction and oversight for the school district. The legislature further finds that the school district superintendent is key to the day-to-day administration of the school district. The legislature intends to provide additional professional development opportunities for school district directors and superintendents to focus on research-based governance strategies to improve student achievement.

(b) The Washington state school directors' association shall develop and annually implement a professional development program for first-time school directors and school district superintendents and for on-going development of school directors and superintendents. The program must focus on research-based governance strategies to improve student achievement.

(2)(a) The legislature recognizes that there have been many recent changes in state educational policies that affect students, educators, school employees, and school district personnel, including the adoption of the common core standards and the new evaluation system. The legislature further recognizes that those important changes are intended to improve the performance of the educational system and student achievement. The legislature understands that the importance of providing adequate training and professional development for the changes in policy to have the successful outcomes that are intended. The legislature further intends the training to be responsive to the needs of local school districts.

(b) For the 2013-14 and 2014-15 school years, for any adjustments made to compensation provided by the school district beyond an adjustment for inflation must be in the form of targeted professional development, as determined to be appropriate by the school district. For the purpose of this section, "inflation" shall be determined in each year using the Seattle consumer price index for the most recently completed calendar year. The targeted professional development provided to instructional staff, as determined by the school district, is to assist the individual to improve student achievement, which may include but must not be limited to professional development regarding the common core state standards and the teacher and principal evaluations. The targeted professional development provided to noninstructional staff, as determined by the school district, is to improve skills necessary for the individual's assignment. This subsection (2)(b) does not affect or impair any collective bargaining agreements in effect on June 17, 2013, between an employer and educational employees or employee organization under chapter 41.59 RCW. Any collective bargaining agreement entered into or renewed after June 17, 2013, shall be consistent with this subsection.

(c) The office of the superintendent of public instruction must conduct an analysis of K-12 professional development. The purpose of the analysis is to improve the baseline understanding of policymakers regarding the level of public school resources currently expended to support professional development, the sources of funds, and the type and content of professional development purchased. The office of the superintendent of public instruction shall report the analysis to the education committees of the senate and house of representatives by December 31, 2013. As an extension of the study and to facilitate ongoing understanding of

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resources expended to support professional development, beginning in the 2013-14 school year, each school district shall annually report to the superintendent of public instruction the amounts and purposes of locally bargained compensation provided by the school district, including the type and content of the professional development purchased and the personnel positions that receive the professional development. For the purposes of reporting, "professional development" includes both traditional forms such as seminars, conferences, courses, or training sessions and nontraditional, job-embedded forms such as dedicated time for instructional teams to examine student data, coaching and mentoring, and professional learning communities. The office of the superintendent of public instruction shall annually report the information to the legislature and the governor. The superintendent of public instruction may adopt rules to implement the ongoing reporting by the school districts.

policy and rules adopted by the superintendent of public instruction for alternative learning experiences.

(b) "In-person" means face-to-face instructional contact in a physical classroom environment.

(c) "Instructional contact time" means instructional time with a certificated teacher. Instructional contact time must be for the purposes of actual instruction, review of assignments, testing, evaluation of student progress, or other learning activities or requirements identified in the student's written student learning plan. Instructional contact time must be related to an alternative learning experience course identified in the student's written student learning plan. Instructional contact time may occur in a group setting between the teacher and multiple students and may be delivered either in-person or remotely using technology.

(d) "Online course" means an alternative learning experience course that has the same meaning as provided in RCW 28A.250.010.

(e) "Remote course" means an alternative learning experience course that is not an online course where the student has in-person instructional contact time for less than twenty percent of the total weekly time for the course. No minimum in-person instructional contact time is required.

(f) "Site-based course" means an alternative learning experience course where the student has in-person instructional contact time for at least twenty percent of the total weekly time for the course.

(g) "Total weekly time" means the estimated average hours per school week the student will engage in learning activities to meet the requirements of the written student learning plan.

(2) ((The broad categories of alternative learning experience programs include, but are not limited to:

(a) Online programs as defined in RCW 28A.150.262;

(b) Parent partnership programs that include significant participation and partnership by parents and families in the design and implementation of a student's learning experience; and

(c) Contract-based learning programs)) School districts may claim state funding under section 603 of this act, to the extent otherwise allowed by state law including the provisions of RCW 28A.250.060, for students enrolled in remote, site-based, or online alternative learning experience courses. High school courses must meet district or state graduation requirements and be offered for high school credit.

(3) School districts that offer alternative learning experience ((~~programs~~) courses) may not provide any compensation, reimbursement, gift, reward, or gratuity to any parents, guardians, or students for participation in the courses. School district employees are prohibited from receiving any compensation or payment as an incentive to increase student enrollment of out-of-district students in ((~~an~~) alternative learning experience ((~~program~~) courses). This prohibition includes, but is not limited to, providing funds to parents, guardians, or students for the purchase of educational materials, supplies, experiences, services, or technological equipment. A district may purchase educational materials, equipment, or other nonconsumable supplies for students' use in alternative learning experience ((~~programs~~) courses) if the purchase is consistent with the district's approved curriculum, conforms to applicable laws and rules, and is made in the same manner as such purchases are made for students in the district's regular instructional program. Items so purchased remain the property of the school district upon program completion. School districts may not purchase or contract for instructional or cocurricular experiences and services that are included in an alternative learning experience written student learning plan, including but not limited to lessons, trips, and other activities, unless substantially similar experiences and services are available to students enrolled in the district's regular instructional program. School districts that purchase or contract for

**PART VI
ALTERNATIVE LEARNING EXPERIENCES**

Sec. 601. 2011 1st sp.s. c 34 s 1 (uncodified) is amended to read as follows:

(1) Under Article IX of the Washington state Constitution, all children are entitled to an opportunity to receive a basic education. Although the state must assure that students in public schools have opportunities to participate in the instructional program of basic education, there is no obligation for either the state or school districts to provide that instruction using a particular delivery method or through a particular program.

(2) The legislature finds ample evidence of the need to examine and reconsider policies under which alternative learning that occurs outside the classroom using an individual student learning plan may be considered equivalent to full-time attendance in school, including for funding purposes. Previous legislative studies have raised questions about financial practices and accountability in alternative learning experience ((~~programs~~) courses). Since 2005, there has been significant enrollment growth in alternative learning experience online ((~~programs~~) courses), with evidence of unexpected financial impact when large numbers of nonresident students enroll in ((~~programs~~) courses). Based on this evidence, there is a rational basis on which to conclude that there are different costs associated with providing ((~~a program~~) courses) not primarily based on full-time, daily contact between teachers and students and not primarily occurring on-site in a classroom.

(3) For these reasons, the legislature intends to allow for continuing review and revision of the way in which state funding allocations are used to support alternative learning experience ((~~programs~~) courses).

Sec. 602. RCW 28A.150.325 and 2011 1st sp.s. c 34 s 2 are each amended to read as follows:

(1) ((~~For purposes of this chapter,~~) The definitions in this subsection apply throughout this chapter unless the context clearly requires otherwise.

(a) "Alternative learning experience ((~~program~~) course)" means a course ((~~or set of courses~~)), or for grades kindergarten through eight grade-level coursework, that is a delivery method for the program of basic education and is:

((~~(a)~~) (i) Provided in whole or in part independently from a regular classroom setting or schedule, but may include some components of direct instruction;

((~~(b)~~) (ii) Supervised, monitored, assessed, evaluated, and documented by a certificated teacher employed by the school district or under contract as permitted by applicable rules; and

((~~(c)~~) (iii) Provided in accordance with a written student learning plan that is implemented pursuant to the school district's

such experiences and services for students enrolled in an alternative learning experience ((~~program~~) course) must submit an annual report to the office of the superintendent of public instruction detailing the costs and purposes of the expenditures. These requirements extend to contracted providers of alternative learning experience ((~~programs~~) courses), and each district shall be responsible for monitoring the compliance of its providers with these requirements. However, nothing in this ((~~section~~) subsection) shall prohibit school districts from contracting with school district employees to provide services or experiences to students, or from contracting with online providers approved by the office of the superintendent of public instruction pursuant to chapter 28A.250 RCW.

(4) (Part-time enrollment in alternative learning experiences is subject to the provisions of RCW 28A.150.350.

(5) The superintendent of public instruction shall adopt rules defining minimum requirements and accountability for alternative learning experience programs)) Each school district offering or contracting to offer alternative learning experience courses must:

(a) Report annually to the superintendent of public instruction regarding the course types and offerings, and number of students participating in each;

(b) Document the district of residence for each student enrolled in an alternative learning experience course; and

(c) Beginning in the 2013-14 school year and continuing through the 2016-17 school year, pay costs associated with a biennial measure of student outcomes and financial audit of the district's alternative learning experience courses by the office of the state auditor.

(5) A school district offering or contracting to offer an alternative learning experience course to a nonresident student must inform the resident school district if the student drops out of the course or is otherwise no longer enrolled.

(6) School districts must assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students must also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW. The rules must address how students who reside outside the geographic service area of the school district are to be assessed.

(7) Beginning with the 2013-14 school year, school districts must designate alternative learning experience courses as such when reporting course information to the office of the superintendent of public instruction under RCW 28A.300.500.

(8)(a) The superintendent of public instruction shall adopt rules necessary to implement this section.

(b) Rules adopted for weekly direct personal contact requirements and monthly progress evaluation must be flexible and reflect the needs of the student and the student's individual learning plan rather than specifying an amount of time. In addition, the rules must reduce documentation requirements, particularly for students making satisfactory progress, based on the unique aspects of the alternative learning experience course types defined in this section and taking into consideration the technical and system capabilities associated with the different course types.

(c) The rules must establish procedures that address how the counting of students must be coordinated by resident and nonresident districts for state funding so that no student is counted for more than one full-time equivalent in the aggregate.

NEW SECTION. Sec. 603. The superintendent of public instruction shall separately calculate and allocate moneys appropriated under RCW 28A.150.260 to school districts for each

full-time equivalent student enrolled in an alternative learning experience course. The calculation shall be based on the estimated statewide annual average allocation per full-time equivalent student in grades nine through twelve in general education, excluding small high school enhancements, and including applicable rules and provisions of the omnibus appropriations act.

Sec. 604. RCW 28A.250.010 and 2011 1st sp.s. c 34 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Multidistrict online provider" means:

(i) A private or nonprofit organization that enters into a contract with a school district to provide online courses or programs to K-12 students from more than one school district;

(ii) A private or nonprofit organization that enters into contracts with multiple school districts to provide online courses or programs to K-12 students from those districts; or

(iii) Except as provided in (b) of this subsection, a school district that provides online courses or programs to students who reside outside the geographic boundaries of the school district.

(b) "Multidistrict online provider" does not include a school district online learning program in which fewer than ten percent of the students enrolled in the program are from other districts under the interdistrict student transfer provisions of RCW 28A.225.225. "Multidistrict online provider" also does not include regional online learning programs that are jointly developed and implemented by two or more school districts or an educational service district through an interdistrict cooperative program agreement that addresses, at minimum, how the districts share student full-time equivalency for state basic education funding purposes and how categorical education programs, including special education, are provided to eligible students.

(2)(a) "Online course" means a course or grade-level coursework where:

(i) More than half of the course content is delivered electronically using the internet or other computer-based methods; ~~(and)~~

(ii) More than half of the teaching is conducted from a remote location through an online course learning management system or other online or electronic tools;

(iii) A certificated teacher has the primary responsibility for the student's instructional interaction. Instructional interaction between the teacher and the student includes, but is not limited to, direct instruction, review of assignments, assessment, testing, progress monitoring, and educational facilitation; and

(iv) Students have access to the teacher synchronously, asynchronously, or both.

(b) "Online school program" means a school program that(:

(i) Offers courses or grade-level coursework that is delivered primarily electronically using the internet or other computer-based methods;

(ii) Offers courses or grade-level coursework that is taught by a teacher primarily from a remote location using online or other electronic tools. Students enrolled in an online program may have access to the teacher synchronously, asynchronously, or both;

(iii)) offers a sequential set of online courses or grade-level coursework that may be taken in a single school term or throughout the school year in a manner that could provide a full-time basic education program if so desired by the student. Students may enroll in the program as part-time or full-time students(;

(iv) Has an online component of the program (with online lessons and tools for student and data management)).

(c) An online course or online school program may be delivered to students at school as part of the regularly scheduled school day. An online course or online school program also may be delivered to students, in whole or in part, independently from a regular

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classroom schedule, but such courses or programs must comply with RCW ((~~28A.150.262~~) 28A.150.325 (as recodified by this act) and associated rules adopted by the superintendent of public instruction to qualify for state basic education funding.

(3) "Online provider" means any provider of an online course or program, including multidistrict online providers, all school district online learning programs, and all regional online learning programs.

Sec. 605. RCW 28A.250.020 and 2011 1st sp.s. c 34 s 6 are each amended to read as follows:

(1) The superintendent of public instruction, in collaboration with the state board of education, shall develop and implement approval criteria and a process for approving online providers; a process for monitoring and if necessary rescinding the approval of courses or programs offered by an online provider; and an appeals process. The criteria and processes for multidistrict online providers shall be adopted by rule by December 1, 2009.

(2) When developing the approval criteria, the superintendent of public instruction shall require that providers offering online courses or programs have accreditation, or are candidates for accreditation, through the Northwest accreditation commission or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction ((after consultation with the Washington coalition for online learning)). In addition to other criteria, the approval criteria shall include the degree of alignment with state academic standards and require that all teachers be certificated in accordance with Washington state law. When reviewing online providers that offer high school courses, the superintendent of public instruction shall assure that the courses offered by the provider are eligible for high school credit. However, final decisions regarding whether credit meets the school district's graduation requirements shall remain the responsibility of the school districts.

(3) Initial approval of online providers by the superintendent of public instruction shall be for four years. The superintendent of public instruction shall develop a process for the renewal of approvals and for rescinding approvals based on noncompliance with approval requirements. Any multidistrict online provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before July 26, 2009, and that meets the teacher certification requirements of subsection (2) of this section, is exempt from the initial approval process under this section until August 31, 2012, but must comply with the process for renewal of approvals and must comply with approval requirements.

(4) The superintendent of public instruction shall make the first round of decisions regarding approval of multidistrict online providers by April 1, 2010. The first round of decisions regarding approval of online providers that are not multidistrict online providers shall be made by April 1, 2013. Thereafter, the superintendent of public instruction shall make annual approval decisions no later than November 1st of each year.

(5) The superintendent of public instruction shall establish an online learning advisory committee within existing resources that shall provide advice to the superintendent regarding the approval criteria, major components of the web site, the model school district policy, model agreements, and other related matters. The committee shall include a representative of each of the following groups: Private and public online providers, parents of online students, accreditation organizations, educational service districts, school principals, teachers, school administrators, school board members, institutions of higher education, and other individuals as determined by the superintendent. Members of the advisory committee shall be selected by the superintendent based on nominations from statewide organizations, shall serve three-year

terms, and may be reappointed. The superintendent shall select the chair of the committee.

Sec. 606. RCW 28A.250.050 and 2011 1st sp.s. c 34 s 11 are each amended to read as follows:

(1) By August 31, 2010, all school district boards of directors shall develop policies and procedures regarding student access to online courses and online learning programs. The policies and procedures shall include but not be limited to: Student eligibility criteria; the types of online courses available to students through the school district; the methods districts will use to support student success, which may include a local advisor; when the school district will and will not pay course fees and other costs; the granting of high school credit; and a process for students and parents or guardians to formally acknowledge any course taken for which no credit is given. The policies and procedures shall take effect beginning with the 2010-11 school year. School districts shall submit their policies to the superintendent of public instruction by September 15, 2010. By December 1, 2010, the superintendent of public instruction shall summarize the school district policies regarding student access to online courses and submit a report to the legislature.

(2) School districts must award credit and grades for online high school courses successfully completed by a student that meet the school district's graduation requirements and are provided by an approved online provider.

(3) School districts shall provide students with information regarding online courses that are available through the school district. The information shall include the types of information described in subsection (1) of this section.

(4) When developing local or regional online learning programs, school districts shall incorporate into the program design the approval criteria developed by the superintendent of public instruction under RCW 28A.250.020.

Sec. 607. RCW 28A.250.060 and 2011 1st sp.s. c 34 s 8 are each amended to read as follows:

(1) Beginning with the 2011-12 school year, school districts may claim state funding under ((~~RCW 28A.150.260~~) section 603 of this act, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are:

(a) Offered by a multidistrict online provider approved under RCW 28A.250.020 by the superintendent of public instruction;

(b) Offered by a school district online learning program if the program serves students who reside within the geographic boundaries of the school district, including school district programs in which fewer than ten percent of the program's students reside outside the school district's geographic boundaries; or

(c) Offered by a regional online learning program where courses are jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative program agreement.

(2) Beginning with the 2013-14 school year, school districts may claim state funding under ((~~RCW 28A.150.260~~) section 603 of this act, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are offered by an online provider approved under RCW 28A.250.020 by the superintendent of public instruction.

(3) Criteria shall be established by the superintendent of public instruction to allow online courses that have not been approved by the superintendent of public instruction to be eligible for state funding if the course is in a subject matter in which no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements.

Sec. 608. RCW 28A.250.070 and 2009 c 542 s 8 are each amended to read as follows:

Nothing in this chapter is intended to diminish the rights of students to attend a nonresident school district in accordance with RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in online courses or online school programs. The office of online learning under RCW 28A.250.030 shall develop a standard form, which must be used by all school districts, for releasing a student to a nonresident school district for the purposes of enrolling in an online course or online school program.

NEW SECTION. Sec. 609. A new section is added to chapter 28A.250 RCW to read as follows:

An online school program may request a waiver from the office of the superintendent of public instruction to administer one or more sections of the statewide student assessment for grades three through eight for some or all students enrolled in the program on alternate days or on an alternate schedule, as long as the administration is within the testing period established by the office. The office may deny a request for a waiver if the online school program's proposal does not maintain adequate test security or would reduce the reliability of the assessment results by providing an inequitable advantage for some students.

Sec. 610. RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2 are each reenacted and amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school, and may charge the adults reasonable tuition.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district or the request of a parent or guardian for his or her child to transfer as a student receiving home-based instruction.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition; or

(d) The purpose of the transfer is for the student to enroll in an online course or online school program offered by an online provider approved under RCW 28A.250.020.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) Beginning with the 1993-94 school year, school districts may not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

Sec. 611. RCW 28A.225.225 and 2013 c 192 s 2 are each amended to read as follows:

(1) Except for students who reside out-of-state and students under RCW 28A.225.217, a district shall accept applications from nonresident students who are the children of full-time certificated and classified school employees, and those children shall be permitted to enroll:

(a) At the school to which the employee is assigned;

(b) At a school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or

(c) At a school in the district that provides early intervention services pursuant to RCW 28A.155.065 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.

(2) A district may reject applications under this section if:

(a) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;

(b) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (2)(b) must apply uniformly to both resident and nonresident applicants; ~~((e))~~

(c) Enrollment of a child under this section would displace a child who is a resident of the district, except that if a child is admitted under subsection (1) of this section, that child shall be permitted to remain enrolled at that school, or in that district's kindergarten through twelfth grade continuum, until he or she has completed his or her schooling; or

(d) The student has repeatedly failed to comply with requirements for participation in an online school program, such as participating in weekly direct contact with the teacher or monthly progress evaluations.

(3) A nonhigh district that is participating in an innovation academy cooperative may not accept an application from a high school student that conflicts with RCW 28A.340.080.

(4) Except as provided in subsection (1) of this section, all districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:

(a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;

(b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;

(c) Accepting of the nonresident student would conflict with RCW 28A.340.080; or

(d) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (4)(d) must apply uniformly to both resident and nonresident applicants.

For purposes of subsections (2)(a) and (4)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(5) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

Sec. 612. RCW 28A.150.100 and 2011 1st sp.s. c 34 s 10 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" means all full-time equivalent classroom teachers, teacher librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff in the following programs as defined for statewide school district accounting

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purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full-time equivalent students. This requirement does not apply to that portion of a district's annual average full-time equivalent enrollment that is enrolled in alternative learning experience ((programs)) courses as defined in RCW 28A.150.325 (as recodified by this act).

Sec. 613. RCW 28A.525.162 and 2012 c 244 s 2 are each amended to read as follows:

(1) Funds appropriated to the superintendent of public instruction from the common school construction fund shall be allotted by the superintendent of public instruction in accordance with this chapter.

(2) No allotment shall be made to a school district until such district has provided local funds equal to or greater than the difference between the total approved project cost and the amount of state funding assistance to the district for financing the project computed pursuant to RCW 28A.525.166, with the following exceptions:

(a) The superintendent of public instruction may waive the local requirement for state funding assistance for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015.

(b) No such local funds shall be required as a condition to the allotment of funds from the state for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state funding assistance percentage under RCW 28A.525.166 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after May 11, 1989:

(i) For districts which have been designated as serving high school districts under RCW 28A.540.110, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW 28A.540.110, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool students with disabilities included in the enrollment count shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the district's resident high school students served by the high school district;

(c) The number of kindergarten students included in the enrollment count shall be counted as one headcount student; and

(d) The number of students residing outside the school district who are enrolled in alternative learning experience ((programs))

courses under RCW 28A.150.325 (as recodified by this act) shall be excluded from the total.

(4) In lieu of the exclusion in subsection (3)(d) of this section, a district may submit an alternative calculation for excluding students enrolled in alternative learning experience ((programs)) courses. The alternative calculation must show the student headcount use of district classroom facilities on a regular basis for a regular duration by out-of-district alternative learning experience ((program)) students subtracted by the headcount of in-district alternative learning experience ((program)) students not using district classroom facilities on a regular basis for a reasonable duration. The alternative calculation must be submitted in a form approved by the office of the superintendent of public instruction. The office of the superintendent of public instruction must develop rules to define "regular basis" and "reasonable duration."

(5) The superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall prescribe such rules as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

(6) For the purposes of this section, "preschool students with disabilities" means children of preschool age who have developmental disabilities who are entitled to services under RCW 28A.155.010 through 28A.155.100 and are not included in the kindergarten enrollment count of the district.

Sec. 614. RCW 28A.525.166 and 2012 c 244 s 3 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.525.162 through 28A.525.180 shall be made by the superintendent of public instruction and the amount of state funding assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the superintendent.

(2) The state funding assistance percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

	District adjusted	Total state	
	3-valuation	÷ adjusted valuation	
Computed	per pupil	per pupil	State
State =	<hr style="width: 50%; margin: 0 auto;"/>		=- % Funding
Ratio	District adjusted	Total state	Assistance
	3+valuation	÷ adjusted valuation	
	per pupil	per pupil	

PROVIDED, That in the event the state funding assistance percentage to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state funding assistance under RCW 28A.525.162 through 28A.525.180, the superintendent may establish for such district a state funding assistance percentage not in excess of twenty percent of the approved cost of the project, if the superintendent finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed state funding assistance percentage developed in subsection (2) of this section, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed state funding assistance percentage for each percent of growth, with a maximum of twenty percent.

(4) In computing the state funding assistance percentage in subsection (2) of this section and adjusting the percentage under subsection (3) of this section, students residing outside the school district who are enrolled in alternative learning experience ~~((programs))~~ courses under RCW 28A.150.325 ~~(as recodified by this act)~~ shall be excluded from the count of total pupils. In lieu of the exclusion in this subsection, a district may submit an alternative calculation for excluding students enrolled in alternative learning experience ~~((programs))~~ courses. The alternative calculation must show the student headcount use of district classroom facilities on a regular basis for a reasonable duration by out-of-district alternative learning experience ~~((program))~~ students subtracted by the headcount of in-district alternative learning experience ~~((program))~~ students not using district classroom facilities on a regular basis for a reasonable duration. The alternative calculation must be submitted in a form approved by the office of the superintendent of public instruction. The office of the superintendent of public instruction must develop rules to define "regular basis" and "reasonable duration."

(5) The approved cost of the project determined in the manner prescribed in this section multiplied by the state funding assistance percentage derived as provided for in this section shall be the amount of state funding assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the superintendent: PROVIDED, FURTHER, That additional state funding assistance may be allowed if it is found by the superintendent, considering policy recommendations from the school facilities citizen advisory panel that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from projects of statewide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state funding assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state funding assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d), and (e) of this subsection, creating a like emergency.

NEW SECTION. Sec. 615. (1) The office of financial management shall conduct a study, in consultation with, at minimum, one representative each from school districts that administer remote, site- based, and online alternative learning experience courses; the office of the superintendent of public instruction; the Washington state institute for public policy; individuals with expertise in outcome-based public school funding models; a Washington state nonprofit organization with expertise in alternative learning education; and the legislative evaluation and accountability program committee.

(2) The purpose of the study is to create a proposal for efficiently and sustainably funding alternative learning experience courses and to recommend steps to increase the focus on educational outcomes. The study may recommend the funding method established in section 603 of this act or another method of funding. The study shall review alternative learning funding models used in other states and consider the advantages and disadvantages of applying state policies, including funding policies, differentially depending on the type of alternative learning experience course. The study should also include but not be limited to, recommendations for establishing baseline data regarding alternative learning experience student proficiency and achievement in relation to students in a comparable demographic, identifying outcome targets and methods to measure progress toward targets, identifying methods to ensure ongoing evaluation of outcomes that account for the student demographics being served, and improving alternative learning experience accountability.

(3) The office of financial management shall report its findings from the study to the quality education council by November 1, 2013. The quality education council shall review the findings and make recommendations to the education and fiscal committees of the legislature by December 15, 2013.

NEW SECTION. Sec. 616. RCW 28A.150.262 (Defining full-time equivalent student--Students receiving instruction through alternative learning experience online programs--Requirements) and 2011 1st sp.s. c 34 s 3, 2009 c 542 s 9, & 2005 c 356 s 2 are each repealed.

NEW SECTION. Sec. 617. (1) RCW 28A.150.325 is recodified as a section in chapter 28A.-- RCW (the new chapter created in section 618 of this act).

(2) 2011 1st sp.s. c 34 s 1 is codified as a section in chapter 28A.-- RCW (the new chapter created in section 618 of this act).

NEW SECTION. Sec. 618. Sections 601 and 603 of this act constitute a new chapter in Title 28A RCW.

PART VII MISCELLANEOUS

NEW SECTION. Sec. 701. The following acts or parts of acts are each repealed:

(1) RCW 28A.165.025 (School district program plan) and 2009 c 556 s 1 & 2004 c 20 s 3;

(2) RCW 28A.165.045 (Plan approval process) and 2009 c 556 s 2 & 2004 c 20 s 5;

(3) RCW 28A.415.250 (Teacher assistance program--Provision for mentor teachers) and 2009 c 539 s 5, 1993 c 336 s 401, 1991 c 116 s 19, 1990 c 33 s 403, 1987 c 507 s 1, & 1985 c 399 s 1; and

(4) RCW 28A.415.260 (Pilot program using full-time mentor teachers) and 1998 c 245 s 12 & 1993 c 336 s 402.

NEW SECTION. Sec. 702. Section 603 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 703. If any provision of this act or its application to any person or circumstance is held invalid, the

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remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Rolfes moved that the following amendment by Senators Rolfes and Billig to the striking amendment be adopted:

Beginning on page 22, after line 27 of the amendment, strike all of sections 601 through 618

Renumber the remaining part and sections consecutively and correct any internal references accordingly.

On page 42, beginning on line 16 of the amendment, strike section 702

Renumber the remaining section consecutively.

On page 43, beginning on line 1 of the title amendment, after "28A.300.042," strike all material through "28A.225.220" on line 5 and insert "and 28A.415.010"

On page 43, beginning on line 9 of the title amendment, after "28A.600 RCW;" strike all material through "28A.150.262," on line 11 and insert "creating a new section; and repealing RCW"

On page 43, line 12 of the title amendment, after "28A.415.260" strike all material through "emergency"

Senator Rolfes spoke in favor of adoption of the amendment to the striking amendment.

Senator Dammeier spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Rolfes and Billig on page 22, after line 27 to the striking amendment to Substitute Senate Bill No. 5946.

The motion by Senator Rolfes failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes and others to the striking amendment be adopted:

On page 42, after line 2 of the amendment, insert the following:

"PART VII

FUNDING ENHANCEMENTS TO THE PROTOTYPICAL SCHOOL ALLOCATION MODEL

NEW SECTION. Sec. 701. The Washington supreme court order from December 2012 directed the 2013 legislature to establish a phase-in plan that addresses "all areas of K-12 education identified in ESHB 2261." While Substitute House Bill No. 2776 established the end goal enhancements for portions of the new basic education obligations under Engrossed Substitute House Bill No. 2261, that legislation did not establish the plan in which those enhancements would be phased-in over time. The legislature intends to establish a linear phase-in plan for funding the enhancements identified in Substitute House Bill No. 2776 but acknowledges that future legislatures may consider alternate phase-in schedules to reflect legislative priorities and emerging research. The legislature also recognizes that Substitute House Bill No. 2776 did not establish 2018 enhancement values for the many other components of the new prototypical funding formula and did not address how funding for the increased instructional hours and credit hours would be phased-in. It is the intent of the legislature to have end-goal values and a complete phase-in plan for all the 2018 basic education enhancements by the end of the 2013-2015 biennium after reviewing the relevant work and recommendations of the quality education council, the office of the superintendent of public

instruction, the compensation technical working group, and the educational opportunity gap oversight and accountability committee. As a first step, additional initial enhancements are included that are beyond those identified in Substitute House Bill No. 2776 and that are targeted to those areas that support legislative reforms to provide students the opportunity to be career and college ready. It is the legislature's intent that the final 2018 values for the additional enhancements also be adopted by the legislature by the end of the 2013-2015 biennium.

Sec. 702. RCW 28A.150.220 and 2013 c 323 s 2 are each amended to read as follows:

(1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature(~~(, but not before the 2014-15 school year)~~). Beginning in the 2013-2015 biennium, the legislature shall begin a linear phase-in of the funding enhancements necessary to accomplish the district-wide eighty hour increase in instructional hours for students in grades seven through twelve by 2018; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, subject to a phased-in implementation of the twenty-four credits as established by the legislature. Beginning in the 2013-2015 biennium, the legislature shall begin a linear phase-in of the funding enhancements necessary to allow students the opportunity to graduate with twenty-four credits by 2018. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. However, schools administering the Washington kindergarten inventory of developing skills may use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory. In addition, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(6) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 703. RCW 28A.150.260 and 2011 1st sp.s. c 27 s 2 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that

schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education average class size	
Grades K-3	25.23
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(b) ~~(During)~~ Beginning with the ~~((2011-2013))~~ 2013-2015 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced ~~((until the))~~ in a linear fashion each biennium in order to achieve an average class size funded under this subsection (4) ~~((is))~~ of no more than 17.0 full-time equivalent students per teacher ~~((beginning in))~~ by the 2017-18 school year.

(c) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction	22.76

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

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(ii) A specialty average class size for laboratory science, advanced placement, and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers.....	0.042	0.006	0.015
Psychologists.....	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	((1.116)) <u>1.216</u>	((1.909)) <u>2.009</u>
Teaching assistance, including any aspect of educational instructional services provided by classified employees.....	0.936	0.700	0.652
Office support and other noninstructional aides.....	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety.....	0.079	0.092	0.141
((Parent involvement)) <u>Family and community engagement</u> coordinators.....	((0.00)) <u>0.10</u>	0.00	0.00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000 K-12 students	
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs, to be adjusted for inflation from the 2008-09 school year:

Per annual average full-time equivalent student in grades K-12	
Technology	\$54.43
Utilities and insurance	\$147.90

Curriculum and textbooks	\$58.44
Other supplies and library materials	\$124.07
Instructional professional development for certified and classified staff	\$9.04
Facilities maintenance	\$73.27
Security and central office	\$50.76

(b) ~~((During))~~ Beginning with the ((2011-2013)) 2013-2015 biennium, the minimum allocation for maintenance, supplies, and operating costs shall be increased ~~((as specified in the omnibus appropriations act))~~ in a linear fashion each biennium in order to achieve the 2015-16 allocation values by the 2015-16 school year. The following allocations, adjusted for inflation from the 2007-08 school year, are provided in the 2015-16 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average full-time equivalent student in grades K-12	
Technology	\$113.80
Utilities and insurance	\$309.21
Curriculum and textbooks	\$122.17
Other supplies and library materials	\$259.39
Instructional professional development for certificated and classified staff	\$18.89
Facilities maintenance	\$153.18
Security and central office administration	\$106.12

(9) In addition to the amounts provided in subsection (8) of this section, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Laboratory science courses for students in grades nine through twelve;

(c) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(d) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, ~~((4.5156))~~ two hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4,7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher in elementary school, six hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher in middle school, and eight hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher in high school. An additional three hours per week of transition support shall be provided for each student for two years after exiting the transitional bilingual instructional program. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2,1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(d) To provide additional allocations to support the increased instructional hours requirements established under RCW 28A.150.220(2)(a), allocations must be based on the full-time equivalent student enrollment in grades seven through twelve. The minimum allocation for the programs must provide resources to provide, on a statewide average, 2,220 hours per week in extra instruction with fifteen eligible students per teacher.

(11) The allocations under subsections (4)(a) and (b), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and

reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 704. RCW 28A.150.315 and 2012 c 51 s 1 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. ~~((During))~~ Beginning with the ((2011-2013)) 2013-2015 biennium, funding enhancements shall ~~((continue to))~~ be phased-in each year ~~((until))~~ in a linear fashion each biennium in order to achieve full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

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(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2)(a) It is the intent of the legislature that administration of the Washington kindergarten inventory of developing skills as required in this subsection (2) and RCW 28A.655.080 replace administration of other assessments being required by school districts or that other assessments only be administered if they seek to obtain information not covered by the Washington kindergarten inventory of developing skills.

(b) In addition to the requirements in subsection (1) of this section and to the extent funds are available, beginning with the 2011-12 school year on a voluntary basis, schools must identify the skills, knowledge, and characteristics of kindergarten students at the beginning of the school year in order to support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction. Kindergarten teachers shall administer the Washington kindergarten inventory of developing skills, as directed by the superintendent of public instruction in consultation with the department of early learning and in collaboration with the nongovernmental private-public partnership designated in RCW 43.215.070, and report the results to the superintendent. The superintendent shall share the results with the director of the department of early learning.

(c) School districts shall provide an opportunity for parents and guardians to excuse their children from participation in the Washington kindergarten inventory of developing skills.

(3) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

Sec. 705. RCW 28A.160.192 and 2011 1st sp.s. c 27 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall (~~begin no later than the 2011-2013 biennium and~~) be fully implemented by the end of the 2013-2015 biennium.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors must include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis. Only factors that are statistically significant shall be used in the regression analysis. Employee compensation costs included in the allowable transportation expenditures used for the purpose of establishing each school district's independent variable in the regression analysis shall be limited to the base salary or hourly wage rates, fringe benefit rates, and applicable health care rates provided in the omnibus appropriations act.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the federal restricted indirect rate as calculated in the district annual financial report;

(b) Annually, the amount identified in (a) of this subsection shall be adjusted for any budgeted increases provided in the omnibus appropriations act for salaries or fringe benefits;

(c) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) adjusted by (b) of this subsection and the amount determined under the formula in RCW 28A.160.180; and

(d) Allocations provided to recognize the cost of depreciation to districts contracting with private carriers for student transportation shall be deducted from the allowable transportation expenditures in (a) of this subsection.

Sec. 706. RCW 28A.405.106 and 2012 c 35 s 5 are each amended to read as follows:

(1) (~~Subject to funds appropriated for this purpose,)~~ The office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

(a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;

(b) Orientation to and use of instructional frameworks;

(c) Orientation to and use of the leadership frameworks;

(d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;

(e) Strategies for achieving maximum rater agreement;

(f) Evaluator feedback protocols in the evaluation systems;

(g) Examples of high quality teaching and leadership; and

(h) Methods to link the evaluation process to ongoing educator professional development.

(3) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

(4) The professional development program must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner.

(5) The office of the superintendent of public instruction must maintain a web site that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective

bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

(6) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

(7) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

(8) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria.

(9) The training program must be funded at a level that allows for training of both principals and teachers on both an initial and ongoing basis and provides for the development of a small team of staff from each district on the appropriate use of student growth measures. The training program must provide eight hours of training for every teacher in the state.

NEW SECTION. Sec. 707. A new section is added to chapter 28A.310 RCW to read as follows:

(1) An English language arts instructional coach program is authorized, which shall consist of an English language arts instructional coach at each educational service district. The purpose of the English language arts instructional coach program is to build statewide capacity at the regional levels for implementing the new common core standards in English language arts and enable all educators within all programs to successfully support strong teaching and learning in English language arts.

(2) Educational service districts shall carefully select the individuals to perform the role of English language arts instructional coach. Characteristics to be considered for a successful coach include:

- (a) Expertise in content area;
- (b) Expertise in various instructional methodologies and personalizing learning;
- (c) Personal skills that include skilled listening, questioning, trust building, and problem solving;
- (d) Understanding and appreciation for the differences in adult learners and student learners; and
- (e) Capacity for strategic planning and quality program implementation.

(3) The role of the English language arts instructional coach is focused on supporting teachers as they apply knowledge, develop skills, polish techniques, and deepen their understanding of content and instructional practices. This work takes a number of forms including: Individualized professional development, department-wide and school-wide professional development, guidance in student data interpretation, and using assessments to guide instruction.

(4) The English language arts instructional coach program in this section shall be implemented to the extent funds are available for that purpose.

NEW SECTION. Sec. 708. (1) Beginning in the 2013-14 school year, the legislature shall provide the following average state salary allocations for one full-time equivalent certificated administrative staff and classified staff recognized in the prototypical school model in RCW 28A.150.260 or the certificated administrative and classified salary allocation amounts shown on

LEAP Document 2 for the 2010-11 school year, whichever is higher:

2013-14	
School	
Year	
Certificated administrative staff	\$63,261
Classified staff	\$32,847
2014-15	
School Year	
Certificated administrative staff	\$68,536
Classified staff	\$33,830

(2) For the purposes of this section, "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 23, 2011, at 16:10 hours.

(3) The allocations established in subsection (1) of this section shall be adjusted for Initiative 732 cost-of-living increases as provided in the omnibus appropriations act.

(4) The allocations established in subsection (1) of this section are intended to be only the initial step in enhancing salary allocations.

(5) This section expires August 1, 2015.

NEW SECTION. Sec. 709. (1) The sum of one million two hundred eighty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2014, from the general fund to the office of the superintendent of public instruction to be distributed to the educational service districts for the purposes of section 707 of this act.

(2) The sum of one million two hundred eighty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2015, from the general fund to the office of the superintendent of public instruction to be distributed to the educational service districts for the purposes of section 707 of this act.

Renumber the remaining part and sections consecutively.

On page 42, after line 19 of the amendment, insert the following: "**NEW SECTION. Sec. 703.** Section 709 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013."

Renumber the remaining section consecutively.

On page 43, beginning on line 3 of the title amendment, after "28A.525.162," strike "and 28A.525.166" and insert "28A.525.166, 28A.150.220, 28A.150.260, 28A.150.315, 28A.160.192, and 28A.405.106;"

On page 43, line 9 of the title amendment, after "28A.250 RCW;" insert "adding a new section to chapter 28A.310 RCW;"

On page 43, line 12 of the title amendment, after "28A.415.260;" insert "making appropriations; providing an effective date; providing an expiration date;"

Senators Rolfes and Frockt spoke in favor of adoption of the amendment to the striking amendment.

Senator Dammeier spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rolfes and others on page 42, after line 2 to the striking amendment to Substitute Senate Bill No. 5946.

The motion by Senator Rolfes failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Billig, Senator Hobbs was excused.

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The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Dammeier to Substitute Senate Bill No. 5946.

Senator Dammeier spoke in favor of adoption of the striking amendment.

The motion by Senator Dammeier carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "outcomes;" strike the remainder of the title and insert "amending RCW 28A.165.005, 28A.165.015, 28A.165.035, 28A.165.055, 28A.165.065, 28A.600.015, 28A.600.020, 28A.600.410, 28A.600.460, 28A.300.046, 28A.300.042, 28A.415.010, 28A.150.325, 28A.250.010, 28A.250.020, 28A.250.050, 28A.250.060, 28A.250.070, 28A.225.225, 28A.150.100, 28A.525.162, and 28A.525.166; amending 2011 1st sp.s. c 34 s 1 (uncodified); reenacting and amending RCW 28A.225.220; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.320 RCW; adding new sections to chapter 28A.415 RCW; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.165 RCW; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.250 RCW; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28A.150.325; repealing RCW 28A.150.262, 28A.165.025, 28A.165.045, 28A.415.250, and 28A.415.260; and declaring an emergency."

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Substitute Senate Bill No. 5946 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Roach spoke in favor of passage of the bill.

Senator McAuliffe, Frockt, Hargrove and Hasegawa spoke against passage of the bill.

Senators Conway and Mullet spoke on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5946.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5946 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Hobbs

ENGROSSED SUBSTITUTE SENATE BILL NO. 5946, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5296, by Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Ericksen, Baumgartner, Rivers, Bailey, Delvin and Honeyford).

Concerning the model toxics control act.

The bill was read on Third Reading.

MOTION

On motion of Senator Ericksen, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5296 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5296, by Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Ericksen, Baumgartner, Rivers, Bailey, Delvin and Honeyford)

Concerning the model toxics control act.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following striking amendment by Senators Ericksen and Ranker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there are a large number of toxic waste sites that have been identified in the department of ecology's priority list as ready for immediate cleanup. The legislature further finds that addressing the cleanup of these toxic waste sites will provide needed jobs to citizens of Washington state. It is the intent of the legislature to prioritize the spending of revenues under chapter 70.105D RCW, the model toxics control act, on cleaning up the most toxic sites, while also providing jobs in communities around the state.

Sec. 2. RCW 70.105D.020 and 2007 c 104 s 18 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agreed order" means an order issued by the department under this chapter with which the potentially liable person or prospective purchaser receiving the order agrees to comply. An agreed order may be used to require or approve any cleanup or other remedial actions but it is not a settlement under RCW 70.105D.040(4) and shall not contain a covenant not to sue, or provide protection from claims for contribution, or provide eligibility for public funding of remedial actions under RCW 70.105D.070 ~~((2)(d)(iii))~~ (3)(k) and (q).

(2) "Department" means the department of ecology.

(3) "Director" means the director of ecology or the director's designee.

(4) "Environmental covenant" has the same meaning as defined in RCW 64.70.020.

(5) "Facility" means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

(6) "Federal cleanup law" means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

(7)(a) "Fiduciary" means a person acting for the benefit of another party as a bona fide trustee; executor; administrator; custodian; guardian of estates or guardian ad litem; receiver; conservator; committee of estates of incapacitated persons; trustee in bankruptcy; trustee, under an indenture agreement, trust agreement, lease, or similar financing agreement, for debt securities, certificates of interest or certificates of participation in debt securities, or other forms of indebtedness as to which the trustee is not, in the capacity of trustee, the lender. Except as provided in subsection (17)(b)(iii) of this section, the liability of a fiduciary under this chapter shall not exceed the assets held in the fiduciary capacity.

(b) "Fiduciary" does not mean:

(i) A person acting as a fiduciary with respect to a trust or other fiduciary estate that was organized for the primary purpose of, or is engaged in, actively carrying on a trade or business for profit, unless the trust or other fiduciary estate was created as part of, or to facilitate, one or more estate plans or because of the incapacity of a natural person;

(ii) A person who acquires ownership or control of a facility with the objective purpose of avoiding liability of the person or any other person. It is prima facie evidence that the fiduciary acquired ownership or control of the facility to avoid liability if the facility is the only substantial asset in the fiduciary estate at the time the facility became subject to the fiduciary estate;

(iii) A person who acts in a capacity other than that of a fiduciary or in a beneficiary capacity and in that capacity directly or indirectly benefits from a trust or fiduciary relationship;

(iv) A person who is a beneficiary and fiduciary with respect to the same fiduciary estate, and who while acting as a fiduciary receives benefits that exceed customary or reasonable compensation, and incidental benefits permitted under applicable law;

(v) A person who is a fiduciary and receives benefits that substantially exceed customary or reasonable compensation, and incidental benefits permitted under applicable law; or

(vi) A person who acts in the capacity of trustee of state or federal lands or resources.

(8) "Fiduciary capacity" means the capacity of a person holding title to a facility, or otherwise having control of an interest in the facility pursuant to the exercise of the responsibilities of the person as a fiduciary.

(9) "Foreclosure and its equivalents" means purchase at a foreclosure sale, acquisition, or assignment of title in lieu of foreclosure, termination of a lease, or other repossession, acquisition of a right to title or possession, an agreement in satisfaction of the obligation, or any other comparable formal or informal manner, whether pursuant to law or under warranties, covenants, conditions, representations, or promises from the borrower, by which the holder acquires title to or possession of a facility securing a loan or other obligation.

(10) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 ~~((5) and (6))~~ (1) and (7), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010 ~~((44))~~ (10) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on March 1, 1989, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

(11) "Holder" means a person who holds indicia of ownership primarily to protect a security interest. A holder includes the initial holder such as the loan originator, any subsequent holder such as a successor-in-interest or subsequent purchaser of the security interest on the secondary market, a guarantor of an obligation, surety, or any other person who holds indicia of ownership primarily to protect a security interest, or a receiver, court-appointed trustee, or other person who acts on behalf or for the benefit of a holder. A holder can be a public or privately owned financial institution, receiver, conservator, loan guarantor, or other similar persons that loan money or guarantee repayment of a loan. Holders typically are banks or savings and loan institutions but may also include others such as insurance companies, pension funds, or private individuals that engage in loaning of money or credit.

(12) "Independent remedial actions" means remedial actions conducted without department oversight or approval, and not under an order, agreed order, or consent decree.

(13) "Indicia of ownership" means evidence of a security interest, evidence of an interest in a security interest, or evidence of an interest in a facility securing a loan or other obligation, including any legal or equitable title to a facility acquired incident to foreclosure and its equivalents. Evidence of such interests includes, mortgages, deeds of trust, sellers interest in a real estate contract, liens, surety bonds, and guarantees of obligations, title held pursuant to a lease financing transaction in which the lessor does not select initially the leased facility, or legal or equitable title obtained pursuant to foreclosure and their equivalents. Evidence of such interests also includes assignments, pledges, or other rights to or other forms of encumbrance against the facility that are held primarily to protect a security interest.

(14) "Industrial properties" means properties that are or have been characterized by, or are to be committed to, traditional industrial uses such as processing or manufacturing of materials, marine terminal and transportation areas and facilities, fabrication, assembly, treatment, or distribution of manufactured products, or storage of bulk materials, that are either:

(a) Zoned for industrial use by a city or county conducting land use planning under chapter 36.70A RCW; or

(b) For counties not planning under chapter 36.70A RCW and the cities within them, zoned for industrial use and adjacent to properties currently used or designated for industrial purposes.

(15) "Institutional controls" means measures undertaken to limit or prohibit activities that may interfere with the integrity of a remedial action or result in exposure to or migration of hazardous

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substances at a site. "Institutional controls" include environmental covenants.

(16) "Operating a facility primarily to protect a security interest" occurs when all of the following are met: (a) Operating the facility where the borrower has defaulted on the loan or otherwise breached the security agreement; (b) operating the facility to preserve the value of the facility as an ongoing business; (c) the operation is being done in anticipation of a sale, transfer, or assignment of the facility; and (d) the operation is being done primarily to protect a security interest. Operating a facility for longer than one year prior to foreclosure or its equivalents shall be presumed to be operating the facility for other than to protect a security interest.

(17) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment;

The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control through a drug forfeiture action under RCW 69.50.505, or involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility;

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility. Holders after foreclosure and its equivalent and holders who engage in any of the activities identified in subsection (18)(e) through (g) of this section shall not lose this exemption provided the holder complies with all of the following:

(A) The holder properly maintains the environmental compliance measures already in place at the facility;

(B) The holder complies with the reporting requirements in the rules adopted under this chapter;

(C) The holder complies with any order issued to the holder by the department to abate an imminent or substantial endangerment;

(D) The holder allows the department or potentially liable persons under an order, agreed order, or settlement agreement under this chapter access to the facility to conduct remedial actions and does not impede the conduct of such remedial actions;

(E) Any remedial actions conducted by the holder are in compliance with any preexisting requirements identified by the department, or, if the department has not identified such requirements for the facility, the remedial actions are conducted consistent with the rules adopted under this chapter; and

(F) The holder does not exacerbate an existing release. The exemption in this subsection (17)(b)(ii) does not apply to holders who cause or contribute to a new release or threatened release or who are otherwise liable under RCW 70.105D.040(1) (b), (c), (d), and (e); provided, however, that a holder shall not lose this exemption if it establishes that any such new release has been remediated according to the requirements of this chapter and that any hazardous substances remaining at the facility after remediation of the new release are divisible from such new release;

(iii) A fiduciary in his, her, or its personal or individual capacity. This exemption does not preclude a claim against the assets of the estate or trust administered by the fiduciary or against a nonemployee agent or independent contractor retained by a fiduciary. This exemption also does not apply to the extent that a person is liable under this chapter independently of the person's ownership as a fiduciary or for actions taken in a fiduciary capacity

which cause or contribute to a new release or exacerbate an existing release of hazardous substances. This exemption applies provided that, to the extent of the fiduciary's powers granted by law or by the applicable governing instrument granting fiduciary powers, the fiduciary complies with all of the following:

(A) The fiduciary properly maintains the environmental compliance measures already in place at the facility;

(B) The fiduciary complies with the reporting requirements in the rules adopted under this chapter;

(C) The fiduciary complies with any order issued to the fiduciary by the department to abate an imminent or substantial endangerment;

(D) The fiduciary allows the department or potentially liable persons under an order, agreed order, or settlement agreement under this chapter access to the facility to conduct remedial actions and does not impede the conduct of such remedial actions;

(E) Any remedial actions conducted by the fiduciary are in compliance with any preexisting requirements identified by the department, or, if the department has not identified such requirements for the facility, the remedial actions are conducted consistent with the rules adopted under this chapter; and

(F) The fiduciary does not exacerbate an existing release.

The exemption in this subsection (17)(b)(iii) does not apply to fiduciaries who cause or contribute to a new release or threatened release or who are otherwise liable under RCW 70.105D.040(1) (b), (c), (d), and (e); provided however, that a fiduciary shall not lose this exemption if it establishes that any such new release has been remediated according to the requirements of this chapter and that any hazardous substances remaining at the facility after remediation of the new release are divisible from such new release. The exemption in this subsection (17)(b)(iii) also does not apply where the fiduciary's powers to comply with this subsection (17)(b)(iii) are limited by a governing instrument created with the objective purpose of avoiding liability under this chapter or of avoiding compliance with this chapter; or

(iv) Any person who has any ownership interest in, operates, or exercises control over real property where a hazardous substance has come to be located solely as a result of migration of the hazardous substance to the real property through the groundwater from a source off the property, if:

(A) The person can demonstrate that the hazardous substance has not been used, placed, managed, or otherwise handled on the property in a manner likely to cause or contribute to a release of the hazardous substance that has migrated onto the property;

(B) The person has not caused or contributed to the release of the hazardous substance;

(C) The person does not engage in activities that damage or interfere with the operation of remedial actions installed on the person's property or engage in activities that result in exposure of humans or the environment to the contaminated groundwater that has migrated onto the property;

(D) If requested, the person allows the department, potentially liable persons who are subject to an order, agreed order, or consent decree, and the authorized employees, agents, or contractors of each, access to the property to conduct remedial actions required by the department. The person may attempt to negotiate an access agreement before allowing access; and

(E) Legal withdrawal of groundwater does not disqualify a person from the exemption in this subsection (17)(b)(iv).

(18) "Participation in management" means exercising decision-making control over the borrower's operation of the facility, environmental compliance, or assuming or manifesting responsibility for the overall management of the enterprise encompassing the day-to-day decision making of the enterprise.

The term does not include any of the following: (a) A holder with the mere capacity or ability to influence, or the unexercised right to control facility operations; (b) a holder who conducts or requires a borrower to conduct an environmental audit or an environmental site assessment at the facility for which indicia of ownership is held; (c) a holder who requires a borrower to come into compliance with any applicable laws or regulations at the facility for which indicia of ownership is held; (d) a holder who requires a borrower to conduct remedial actions including setting minimum requirements, but does not otherwise control or manage the borrower's remedial actions or the scope of the borrower's remedial actions except to prepare a facility for sale, transfer, or assignment; (e) a holder who engages in workout or policing activities primarily to protect the holder's security interest in the facility; (f) a holder who prepares a facility for sale, transfer, or assignment or requires a borrower to prepare a facility for sale, transfer, or assignment; (g) a holder who operates a facility primarily to protect a security interest, or requires a borrower to continue to operate, a facility primarily to protect a security interest; and (h) a prospective holder who, as a condition of becoming a holder, requires an owner or operator to conduct an environmental audit, conduct an environmental site assessment, come into compliance with any applicable laws or regulations, or conduct remedial actions prior to holding a security interest is not participating in the management of the facility.

(19) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

(20) "Policing activities" means actions the holder takes to ensure that the borrower complies with the terms of the loan or security interest or actions the holder takes or requires the borrower to take to maintain the value of the security. Policing activities include: Requiring the borrower to conduct remedial actions at the facility during the term of the security interest; requiring the borrower to comply or come into compliance with applicable federal, state, and local environmental and other laws, regulations, and permits during the term of the security interest; securing or exercising authority to monitor or inspect the facility including on-site inspections, or to monitor or inspect the borrower's business or financial condition during the term of the security interest; or taking other actions necessary to adequately police the loan or security interest such as requiring a borrower to comply with any warranties, covenants, conditions, representations, or promises from the borrower.

(21) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040. The department shall give notice to any such person and allow an opportunity for comment before making the finding, unless an emergency requires otherwise.

(22) "Prepare a facility for sale, transfer, or assignment" means to secure access to the facility; perform routine maintenance on the facility; remove inventory, equipment, or structures; properly maintain environmental compliance measures already in place at the facility; conduct remedial actions to cleanup releases at the facility; or to perform other similar activities intended to preserve the value of the facility where the borrower has defaulted on the loan or otherwise breached the security agreement or after foreclosure and its equivalents and in anticipation of a pending sale, transfer, or assignment, primarily to protect the holder's security interest in the facility. A holder can prepare a facility for sale, transfer, or assignment for up to one year prior to foreclosure and its equivalents and still stay within the security interest exemption in subsection (17)(b)(ii) of this section.

(23) "Primarily to protect a security interest" means the indicia of ownership is held primarily for the purpose of securing payment or performance of an obligation. The term does not include indicia

of ownership held primarily for investment purposes nor indicia of ownership held primarily for purposes other than as protection for a security interest. A holder may have other, secondary reasons, for maintaining indicia of ownership, but the primary reason must be for protection of a security interest. Holding indicia of ownership after foreclosure or its equivalents for longer than five years shall be considered to be holding the indicia of ownership for purposes other than primarily to protect a security interest. For facilities that have been acquired through foreclosure or its equivalents prior to July 23, 1995, this five-year period shall begin as of July 23, 1995.

(24) "Public notice" means, at a minimum, adequate notice mailed to all persons who have made timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

(25) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

(26) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(27) "Security interest" means an interest in a facility created or established for the purpose of securing a loan or other obligation. Security interests include deeds of trusts, sellers interest in a real estate contract, liens, legal, or equitable title to a facility acquired incident to foreclosure and its equivalents, and title pursuant to lease financing transactions. Security interests may also arise from transactions such as sale and leasebacks, conditional sales, installment sales, trust receipt transactions, certain assignments, factoring agreements, accounts receivable financing arrangements, easements, and consignments, if the transaction creates or establishes an interest in a facility for the purpose of securing a loan or other obligation.

(28) "Workout activities" means those actions by which a holder, at any time prior to foreclosure and its equivalents, seeks to prevent, cure, or mitigate a default by the borrower or obligor; or to preserve, or prevent the diminution of, the value of the security. Workout activities include: Restructuring or renegotiating the terms of the security interest; requiring payment of additional rent or interest; exercising forbearance; requiring or exercising rights pursuant to an assignment of accounts or other amounts owed to an obligor; requiring or exercising rights pursuant to an escrow agreement pertaining to amounts owed to an obligor; providing specific or general financial or other advice, suggestions, counseling, or guidance; and exercising any right or remedy the holder is entitled to by law or under any warranties, covenants, conditions, representations, or promises from the borrower.

(29) "Areawide groundwater contamination" means groundwater contamination on multiple adjacent properties with different ownerships consisting of hazardous substances from multiple sources that have resulted in commingled plumes of contaminated groundwater that are not practicable to address separately.

(30) "Brownfield property" means previously developed and currently abandoned or underutilized real property and adjacent surface waters and sediment where environmental, economic, or community reuse objectives are hindered by the release or threatened release of hazardous substances that the department has

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determined requires remedial action under this chapter or that the United States environmental protection agency has determined requires remedial action under the federal cleanup law.

(31) "City" means a city or town.

(32) "Local government" means any political subdivision of the state, including a town, city, county, special purpose district, or other municipal corporation, including brownfield renewal authority created under section 5 of this act.

(33) "Model remedy" or "model remedial action" means a set of technologies, procedures, and monitoring protocols identified by the department for use in routine types of clean-up projects at facilities that have common features and lower risk to human health and the environment.

(34) "Prospective purchaser" means a person who is not currently liable for remedial action at a facility and who proposes to purchase, redevelop, or reuse the facility.

(35) "Redevelopment opportunity zone" means a geographic area designated under section 4 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 70.105D RCW to read as follows:

(1) The brownfield redevelopment trust fund account is created in the state treasury. All receipts from the sources identified in subsection (2) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as identified in subsection (4) of this section.

(2) The following receipts must be deposited into the brownfield redevelopment trust fund account:

(a) Moneys appropriated by the legislature to the account for a specific redevelopment opportunity zone established under section 4 of this act or a specific brownfield renewal authority established under section 5 of this act;

(b) Moneys voluntarily deposited in the account for a specific redevelopment opportunity zone or a specific brownfield renewal authority; and

(c) Receipts from settlements or court orders that direct payment to the account for a specific redevelopment opportunity zone to resolve a person's liability or potential liability under this chapter.

(3) If a settlement or court order does not direct payment of receipts described in subsection (2)(c) of this section into the brownfield redevelopment trust fund account, then the receipts from any payment to the state must be deposited into the state toxics control account established under RCW 70.105D.070.

(4) Expenditures from the brownfield redevelopment trust fund account may only be used for the purposes of remediation and cleanup at the specific redevelopment opportunity zone or specific brownfield renewal authority for which the moneys were deposited in the account.

(5) The department shall track moneys received, interest earned, and moneys expended separately for each facility.

(6) The account must retain its interest earnings in accordance with RCW 43.84.092.

(7) The local government designating the redevelopment opportunity zone under section 4 of this act or the associated brownfield renewal authority created under section 5 of this act must be the beneficiary of the deposited moneys.

(8) All expenditures must be used to conduct remediation and cleanup consistent with a plan for the remediation and cleanup of the properties or facilities approved by the department under this chapter. All expenditures must meet the eligibility requirements for the use by local governments under the rules for remedial action grants adopted by the department under this chapter, including requirements for the expenditure of nonstate match funding.

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(9) Beginning October 31, 2015, the department must provide a biennial report to the office of financial management and the legislature regarding the activity for each specific redevelopment opportunity zone or specific brownfield renewal authority for which specific legislative appropriation was provided in the previous two fiscal years.

(10) After the department determines that all remedial actions within the redevelopment opportunity zone identified in the plan approved under subsection (8) of this section are completed, including payment of all cost reasonably attributable to the remedial actions and cleanup, any remaining moneys must be transferred to the state toxics control account established under RCW 70.105D.070.

(11) If the department determines that substantial progress has not been made on the plan approved under subsection (8) of this section for a redevelopment opportunity zone or specific brownfield renewal authority for which moneys were deposited in the account within six years, or that the brownfield renewal authority is no longer a viable entity, then all remaining moneys must be transferred to the state toxics control account established under RCW 70.105D.070.

(12) The department is authorized to adopt rules to implement this section.

NEW SECTION. Sec. 4. A new section is added to chapter 70.105D RCW to read as follows:

(1) A city or county may designate a geographic area within its jurisdiction as a redevelopment opportunity zone if the zone meets the criteria in this subsection and the city or county adopts a resolution that includes the following determinations and commitments:

(a) At least fifty percent of the upland properties in the zone are brownfield properties whether or not the properties are contiguous;

(b) The upland portions of the zone are comprised entirely of parcels of property either owned by the city or county or whose owner has provided consent in writing to have their property included within the zone;

(c) The cleanup of brownfield properties will be integrated with planning for the future uses of the properties and is consistent with the comprehensive land use plan for the zone; and

(d) The proposed properties lie within the incorporated area of a city or within an urban growth area designated under RCW 36.70A.110.

(2) A port district may designate a redevelopment opportunity zone when:

(a) The port district adopts a resolution that includes the determinations and commitments required under subsection (1)(a), (c), and (d) of this section and (c) of this subsection;

(b) The zone meets the criteria in subsection (1)(a), (c), and (d) of this section; and

(c) The port district either:

(i) Owns in fee all of the upland properties within the zone; or

(ii) Owns in fee at least fifty percent of the upland property in the zone, the owners of other parcels of upland property in the zone have provided consent in writing to have their property included in the zone, and the governing body of the city and county in which the zone lies approves of the designation by resolution.

NEW SECTION. Sec. 5. A new section is added to chapter 70.105D RCW to read as follows:

(1) A city, county, or port district may establish by resolution a brownfield renewal authority for the purpose of guiding and implementing the cleanup and reuse of properties within a designated redevelopment opportunity zone. Any combination of cities, counties, and port districts may establish a brownfield renewal authority through an interlocal agreement under chapter 39.34 RCW, and the brownfield renewal authority may exercise

those powers as are authorized under chapter 39.34 RCW and under this chapter.

(2) A brownfield renewal authority must be governed by a board of directors selected as determined by the resolution or interlocal agreement establishing the authority.

(3) A brownfield renewal authority must be a separate legal entity and be deemed a municipal corporation. It has the power to: Sue and be sued; receive, account for, and disburse funds; employ personnel; and acquire or dispose of any interest in real or personal property within a redevelopment opportunity zone in the furtherance of the authority purposes. A brownfield renewal authority has the power to contract indebtedness and to issue and sell general obligation bonds pursuant to and in the manner provided for general county bonds in chapters 36.67 and 39.46 RCW and other applicable statutes, and to issue revenue bonds pursuant to and in the manner provided for revenue bonds in chapter 36.67 RCW and other applicable statutes.

(4) If the department determines that substantial progress has not been made on the plan approved under section 3 of this act by the brownfield renewal authority within six years of a city, county, or port district establishing a brownfield renewal authority, the department may require dissolution of the brownfield renewal authority. Upon dissolution of the brownfield renewal authority, except as provided in section 3 of this act, all assets and liabilities transfer to the city, town, or port district establishing the brownfield renewal authority.

Sec. 6. RCW 70.105D.030 and 2009 c 560 s 10 are each amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection

that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(17)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance. The department must track the number of requests for reviews of planned or completed independent remedial actions and establish performance measures to track how quickly the department is able to respond to those requests. By November 1, 2015, the department must submit to the governor and the appropriate legislative fiscal and policy committees a report on achieving the performance measures and provide recommendations for improving performance, including staffing needs; ((and))

(j) In fulfilling the objectives of this chapter, the department shall allocate staffing and financial assistance in a manner that considers both the reduction of human and environmental risks and the land reuse potential and planning for the facilities to be cleaned up. This does not preclude the department from allocating resources to a facility based solely on human or environmental risks;

(k) Establish model remedies for common categories of facilities, types of hazardous substances, types of media, or geographic areas to streamline and accelerate the selection of remedies for routine types of cleanups at facilities;

(i) When establishing a model remedy, the department shall:

(A) Identify the requirements for characterizing a facility to select a model remedy, the applicability of the model remedy for use at a facility, and monitoring requirements;

(B) Describe how the model remedy meets clean-up standards and the requirements for selecting a remedy established by the

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department under this chapter; and

(C) Provide public notice and an opportunity to comment on the proposed model remedy and the conditions under which it may be used at a facility;

(ii) When developing model remedies, the department shall solicit and consider proposals from qualified persons. The proposals must, in addition to describing the model remedy, provide the information required under (k)(i)(A) and (B) of this subsection;

(iii) If a facility meets the requirements for use of a model remedy, an analysis of the feasibility of alternative remedies is not required under this chapter. For department-conducted and department-supervised remedial actions, the department must provide public notice and consider public comments on the proposed use of a model remedy at a facility. The department may waive collection of its costs for providing a written opinion under (i) of this subsection on a cleanup that qualifies for and appropriately uses a model remedy; and

(l) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum clean-up standards for remedial actions at least as stringent as the clean-up standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall ~~((prioritize sufficient funding))~~ plan to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes ~~((, and create financing tools to clean up large-scale hazardous waste sites~~

~~requiring multiyear commitments))~~ at a pace that matches the estimated cash resources in the state and local toxics control accounts and the environmental legacy stewardship account created in section 10 of this act. Estimated cash resources must consider the annual cash flow requirements of major projects that receive appropriations expected to cross multiple biennia. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) By November 1, 2016, the department must submit to the governor and the appropriate legislative committees a report on the status of developing model remedies and their use under this chapter. The report must include: The number and types of model remedies identified by the department under subsection (1)(k) of this section; the number and types of model remedy proposals prepared by qualified private sector engineers, consultants, or contractors that were accepted or rejected under subsection (1)(k) of this section and the reasons for rejection; and the success of model remedies in accelerating the cleanup as measured by the number of jobs created by the cleanup, where this information is available to the department, acres of land restored, and the number and types of hazardous waste sites successfully remediated using model remedies.

(5) Before ~~((December))~~ September 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the state and local toxics control account and the environmental legacy stewardship account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local ~~((toxics control account))~~ and ~~((the))~~ state toxics control account and the environmental legacy stewardship account, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts ~~((, and~~ ~~((e)))~~. The submittal must also identify separate budget estimates for large, multi-biennia clean-up projects that exceed ten million dollars. The department shall prepare its ten-year capital budget plan that is submitted to the office of financial management to reflect the separate budget estimates for these large clean-up projects and include information on the anticipated private and public funding obligations for completion of the relevant projects.

(6) By December 1st of each odd-numbered year, the department must provide the legislature and the public ~~((each year with an accounting))~~ a report of the department's activities supported by appropriations from the state and local toxics control accounts ~~((, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its waste management priorities under RCW 70.105.150, and all funds expended under this chapter))~~ and the environmental legacy stewardship account. The report must be prepared and displayed in a manner that allows the legislature and the public to easily determine the statewide and local progress made in cleaning up hazardous waste sites under this chapter. The report must

include, at a minimum:

(a) The name, location, hazardous waste ranking, and a short description of each site on the hazardous sites list, and the date the site was placed on the hazardous waste sites list; and

(b) For sites where there are state contracts, grants, loans, or direct investments by the state;

(i) The amount of money from the state and local toxics control accounts and the environmental legacy stewardship account used to conduct remedial actions at the site and the amount of that money recovered from potentially liable persons;

(ii) The actual or estimated start and end dates and the actual or estimated expenditures of funds authorized under this chapter for the following project phases:

(A) Emergency or interim actions, if needed;

(B) Remedial investigation;

(C) Feasibility study and selection of a remedy;

(D) Engineering design and construction of the selected remedy;

(E) Operation and maintenance or monitoring of the constructed remedy; and

(F) The final completion date.

~~((5))~~ (7) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

~~((6))~~ (8) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department

has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Sec. 7. RCW 70.105D.040 and 1997 c 406 s 4 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the following persons are liable with respect to a facility:

(a) The owner or operator of the facility;

(b) Any person who owned or operated the facility at the time of disposal or release of the hazardous substances;

(c) Any person who owned or possessed a hazardous substance and who by contract, agreement, or otherwise arranged for disposal or treatment of the hazardous substance at the facility, or arranged with a transporter for transport for disposal or treatment of the hazardous substances at the facility, or otherwise generated hazardous wastes disposed of or treated at the facility;

(d) Any person (i) who accepts or accepted any hazardous substance for transport to a disposal, treatment, or other facility selected by such person from which there is a release or a threatened release for which remedial action is required, unless such facility, at the time of disposal or treatment, could legally receive such substance; or (ii) who accepts a hazardous substance for transport to such a facility and has reasonable grounds to believe that such facility is not operated in accordance with chapter 70.105 RCW; and

(e) Any person who both sells a hazardous substance and is responsible for written instructions for its use if (i) the substance is used according to the instructions and (ii) the use constitutes a release for which remedial action is required at the facility.

(2) Each person who is liable under this section is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the releases or threatened releases of hazardous substances. The attorney general, at the request of the department, is empowered to recover all costs and damages from persons liable therefor.

(3) The following persons are not liable under this section:

(a) Any person who can establish that the release or threatened release of a hazardous substance for which the person would be otherwise responsible was caused solely by:

(i) An act of God;

(ii) An act of war; or

(iii) An act or omission of a third party (including but not limited to a trespasser) other than (A) an employee or agent of the person asserting the defense, or (B) any person whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the person asserting this defense to liability. This defense only applies where the person asserting the defense has exercised the utmost care with respect to the hazardous substance, the foreseeable acts or omissions of the third party, and the foreseeable consequences of those acts or omissions;

(b) Any person who is an owner, past owner, or purchaser of a facility and who can establish by a preponderance of the evidence that at the time the facility was acquired by the person, the person had no knowledge or reason to know that any hazardous substance, the release or threatened release of which has resulted in or contributed to the need for the remedial action, was released or disposed of on, in, or at the facility. This subsection (3)(b) is limited as follows:

(i) To establish that a person had no reason to know, the person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property, consistent with good commercial or customary practice in an effort to minimize liability. Any court interpreting this subsection (3)(b)

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shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection;

(ii) The defense contained in this subsection (3)(b) is not available to any person who had actual knowledge of the release or threatened release of a hazardous substance when the person owned the real property and who subsequently transferred ownership of the property without first disclosing such knowledge to the transferee;

(iii) The defense contained in this subsection (3)(b) is not available to any person who, by any act or omission, caused or contributed to the release or threatened release of a hazardous substance at the facility;

(c) Any natural person who uses a hazardous substance lawfully and without negligence for any personal or domestic purpose in or near a dwelling or accessory structure when that person is: (i) A resident of the dwelling; (ii) a person who, without compensation, assists the resident in the use of the substance; or (iii) a person who is employed by the resident, but who is not an independent contractor;

(d) Any person who, for the purpose of growing food crops, applies pesticides or fertilizers without negligence and in accordance with all applicable laws and regulations.

(4) There may be no settlement by the state with any person potentially liable under this chapter except in accordance with this section.

(a) The attorney general may agree to a settlement with any potentially liable person only if the department finds, after public notice and any required hearing, that the proposed settlement would lead to a more expeditious cleanup of hazardous substances in compliance with clean-up standards under RCW 70.105D.030(2)(e) and with any remedial orders issued by the department. Whenever practicable and in the public interest, the attorney general may expedite such a settlement with persons whose contribution is insignificant in amount and toxicity. A hearing shall be required only if at least ten persons request one or if the department determines a hearing is necessary.

(b) A settlement agreement under this section shall be entered as a consent decree issued by a court of competent jurisdiction.

(c) A settlement agreement may contain a covenant not to sue only of a scope commensurate with the settlement agreement in favor of any person with whom the attorney general has settled under this section. Any covenant not to sue shall contain a reopener clause which requires the court to amend the covenant not to sue if factors not known at the time of entry of the settlement agreement are discovered and present a previously unknown threat to human health or the environment.

(d) A party who has resolved its liability to the state under this section shall not be liable for claims for contribution regarding matters addressed in the settlement. The settlement does not discharge any of the other liable parties but it reduces the total potential liability of the others to the state by the amount of the settlement.

(e) If the state has entered into a consent decree with an owner or operator under this section, the state shall not enforce this chapter against any owner or operator who is a successor in interest to the settling party unless under the terms of the consent decree the state could enforce against the settling party, if:

(i) The successor owner or operator is liable with respect to the facility solely due to that person's ownership interest or operator status acquired as a successor in interest to the owner or operator with whom the state has entered into a consent decree; and

(ii) The stay of enforcement under this subsection does not apply if the consent decree was based on circumstances unique to the settling party that do not exist with regard to the successor in interest, such as financial hardship. For consent decrees entered into before July 27, 1997, at the request of a settling party or a potential successor owner or operator, the attorney general shall issue a written opinion on whether a consent decree contains such unique circumstances. For all other consent decrees, such unique circumstances shall be specified in the consent decree.

(f) Any person who is not subject to enforcement by the state under (e) of this subsection is not liable for claims for contribution regarding matters addressed in the settlement.

(5)(a) In addition to the settlement authority provided under subsection (4) of this section, the attorney general may agree to a settlement with a ~~((person not currently liable for remedial action at a facility who proposes to purchase, redevelop, or reuse the facility))~~ prospective purchaser, provided that:

(i) The settlement will yield substantial new resources to facilitate cleanup;

(ii) The settlement will expedite remedial action at the facility consistent with the rules adopted under this chapter; and

(iii) Based on available information, the department determines that the redevelopment or reuse of the facility is not likely to contribute to the existing release or threatened release, interfere with remedial actions that may be needed at the ~~((site))~~ facility, or increase health risks to persons at or in the vicinity of the ~~((site))~~ facility.

(b) The legislature recognizes that the state does not have adequate resources to participate in all property transactions involving contaminated property. The primary purpose of this subsection (5) is to promote the cleanup and reuse of ~~((vacant or abandoned commercial or industrial contaminated))~~ brownfield property. The attorney general and the department may give priority to settlements that will provide a substantial public benefit ~~((, including, but not limited to the reuse of a vacant or abandoned manufacturing or industrial facility, or the development of a facility by a governmental entity to address an important public purpose))~~ in addition to cleanup.

(c) A settlement entered under this subsection is governed by subsection (4) of this section.

(6) As an alternative to a settlement under subsection (5) of this section, the department may enter into an agreed order with a prospective purchaser of a property within a designated redevelopment opportunity zone. The agreed order is subject to the limitations in RCW 70.105D.020(1), but stays enforcement by the department under this chapter regarding remedial actions required by the agreed order as long as the prospective purchaser complies with the requirements of the agreed order.

(7) Nothing in this chapter affects or modifies in any way any person's right to seek or obtain relief under other statutes or under common law, including but not limited to damages for injury or loss resulting from a release or threatened release of a hazardous substance. No settlement by the department or remedial action ordered by a court or the department affects any person's right to obtain a remedy under common law or other statutes.

Sec. 8. RCW 70.105D.050 and 2005 c 211 s 2 are each amended to read as follows:

(1) With respect to any release, or threatened release, for which the department does not conduct or contract for conducting remedial action and for which the department believes remedial action is in the public interest, the director shall issue orders or agreed orders requiring potentially liable persons to provide the remedial action. Any liable person, or prospective purchaser who has entered into an agreed order under RCW 70.105D.040(6), who refuses, without

sufficient cause, to comply with an order or agreed order of the director is liable in an action brought by the attorney general for:

(a) Up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to twenty-five thousand dollars for each day the party refuses to comply.

The treble damages and civil penalty under this subsection apply to all recovery actions filed on or after March 1, 1989.

(2) Any person who incurs costs complying with an order issued under subsection (1) of this section may petition the department for reimbursement of those costs. If the department refuses to grant reimbursement, the person may within thirty days thereafter file suit and recover costs by proving that he or she was not a liable person under RCW 70.105D.040 and that the costs incurred were reasonable.

(3) The attorney general shall seek, by filing an action if necessary, to recover the amounts spent by the department for investigative and remedial actions and orders, and agreed orders, including amounts spent prior to March 1, 1989.

(4) The attorney general may bring an action to secure such relief as is necessary to protect human health and the environment under this chapter.

(5)(a) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(b) Civil actions under this section and RCW 70.105D.060 may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

(6) Any person who fails to provide notification of releases consistent with RCW 70.105D.110 or who submits false information is liable in an action brought by the attorney general for a civil penalty of up to five thousand dollars per day for each day the party refuses to comply.

(7) Any person who owns real property or lender holding a mortgage on real property that is subject to a lien filed under RCW 70.105D.055 may petition the department to have the lien removed or the amount of the lien reduced. If, after consideration of the petition and the information supporting the petition, the department decides to deny the request, the person may, within ninety days after receipt of the department's denial, file suit for removal or reduction of the lien. The person is entitled to removal of a lien filed under RCW 70.105D.055(2)(a) if they can prove by a preponderance of the evidence that the person is not a liable party under RCW 70.105D.040. The person is entitled to a reduction of the amount of the lien if they can prove by a preponderance of the evidence:

(a) For liens filed under RCW 70.105D.055(2)(a), the amount of the lien exceeds the remedial action costs the department incurred related to cleanup of the real property; and

(b) For liens filed under RCW 70.105D.055(2)(c), the amount of the lien exceeds the remedial action costs the department incurred related to cleanup of the real property or exceeds the increase of the fair market value of the real property solely attributable to the remedial action conducted by the department.

(8) The expenditure of moneys under the state and local toxics control accounts created in RCW 70.105D.070 and the environmental legacy stewardship account created in section 10 of this act does not alter the liability of any person under this chapter, or the authority of the department under this chapter, including the authority to recover those moneys.

Sec. 9. RCW 70.105D.070 and 2012 2nd sp.s. c 7 s 920 and 2012 2nd sp.s. c 2 s 6005 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) ((The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship;

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(xiii) During the 2009-2011 and 2011-2013 fiscal biennia, shoreline update technical assistance;

(xiv) During the 2009-2011 fiscal biennium, multijurisdictional permitting teams;

(xv) During the 2011-2013 fiscal biennium, actions for reducing public exposure to toxic air pollution, and actions taken through the family forest fish passage program to correct barriers to fish passage on privately owned small forest lands; and

(xvi) During the 2011-2013 fiscal biennium, the department of ecology's water quality, shorelands and environmental assessment, hazardous waste, waste to resources, nuclear waste, and air quality programs.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105

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(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(d) To facilitate and expedite cleanups using funds from the local toxics control account, during the 2009-2011 fiscal biennium the director may establish grant-funded accounts to hold and disperse local toxics control account funds and funds from local governments to be used for remedial actions.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) Except during the 2011-2013 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended

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at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2011-2013 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as reflect excess fund balance in the account.

(9) During the 2011-2013 fiscal biennium, the local toxics control account may also be used for local government shoreline update grants and actions for reducing public exposure to toxic air pollution; funding to local governments for flood levee improvements; and grants to local governments for brownfield redevelopment.) (a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in section 10 of this act.

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and

terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Storm water pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under section 4 of this act;

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in section 10 of this act, if the legislature determines that priorities for spending exceed available funds in those accounts.

(4)(a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under (c)(i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under (c)(iv) of this subsection. The department must prioritize funding of remedial actions at:

(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a department-approved remedial action work plan or equivalent document under the federal cleanup law;

(iii) Storm water pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in section 10 of this act, if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent

with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(c) To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to areawide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under (c)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

(d) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance.

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics

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control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies, construction, maintenance, or operation; or after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

(7) Except during the 2011-2013 fiscal biennium, one percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement this act using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in this act effects the ability of a potentially liable person to receive public funding.

NEW SECTION. Sec. 10. A new section is added to chapter 70.105D RCW to read as follows:

(1) The environmental legacy stewardship account is created in the state treasury. Beginning July 1, 2013, and every fiscal year thereafter, the annual amount received from the tax imposed by RCW 82.21.030 that exceeds one hundred forty million dollars must be deposited into the environmental legacy stewardship account. The state treasurer may make periodic deposits into the environmental legacy stewardship account based on forecasted revenue. Moneys in the account may only be spent after appropriation.

(2) Moneys in the environmental legacy stewardship account may be spent on performance and outcome based projects, model remedies, demonstrated technologies, procedures, contracts, and project management and oversight that result in significant reductions in the time to complete compared to baseline averages for:

- (a) Purposes authorized under RCW 70.105D.070 (3) and (4);
- (b) Storm water low-impact retrofit projects and other projects with significant environmental benefits that reduce storm water pollution from existing infrastructure and development;
- (c) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment; and

(d) Appropriations to the state and local toxics control accounts created in RCW 70.105D.070 if the legislature determines that priorities for spending exceed available funds in those accounts.

(3) Except as provided under RCW 70.105D.070(3) (k) and (q), nothing in this act expands the ability of a potentially liable person to receive public funding.

NEW SECTION. Sec. 11. (1) For the biennium ending June 30, 2015, the state treasurer must transfer forty-five million dollars from the state toxics control account to the environmental legacy stewardship account created in section 10 of this act.

(2) For the biennium ending June 30, 2015, the state treasurer must transfer forty-five million dollars from the local toxics control account to the environmental legacy stewardship account.

NEW SECTION. Sec. 12. A new section is added to chapter 70.105 RCW to read as follows:

The radioactive mixed waste account is created within the state treasury. All receipts received from facilities assessed service charges established under RCW 70.105.280 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for carrying out the department's powers and duties under this chapter related to the regulation of facilities that treat, store, or dispose of mixed waste or mixed waste facilities that are undergoing closure.

NEW SECTION. Sec. 13. By October 1, 2013, the state treasurer must transfer the fund balance of the mixed waste fees within the state toxics control account to the radioactive mixed waste account created in section 12 of this act. The department of ecology shall report the fund balance amount to the state treasurer for transfer into the radioactive mixed waste account.

Sec. 14. RCW 70.105.280 and 1989 c 376 s 2 are each amended to read as follows:

(1) The department may assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component or which are undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility. Service charges may not exceed the costs to the department in carrying out the duties of this section.

(2) Program elements or activities for which service charges may be assessed include:

(a) Office, staff, and staff support for the purposes of facility or unit permit development, review, and issuance; and

(b) Actions taken to determine and ensure compliance with the state's hazardous waste management act.

(3) Moneys collected through the imposition of such service charges shall be deposited in the ~~((state toxics control))~~ radioactive mixed waste account created in section 12 of this act.

(4) The department shall adopt rules necessary to implement this section. Facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component shall not be subject to service charges prior to such rule making. Facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal shall not be subject to service charges prior to such rule making.

Sec. 15. RCW 43.84.092 and 2013 c 251 s 3 and 2013 c 96 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account,

the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state

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treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 16. RCW 43.84.092 and 2013 c 251 s 4 and 2013 c 96 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the Columbia river crossing project account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the

education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the

water pollution control revolving administration account, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 17. Section 15 of this act expires on the date the requirements set out in section 7, chapter 36, Laws of 2012 are met.

NEW SECTION. Sec. 18. Section 16 of this act takes effect on the date the requirements set out in section 7, chapter 36, Laws of 2012 are met.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Ericksen and Ranker to Engrossed Second Substitute Senate Bill No. 5296.

The motion by Senator Ericksen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 70.105D.020, 70.105D.030, 70.105D.040, 70.105D.050, and 70.105.280; reenacting and amending RCW 70.105D.070, 43.84.092, and 43.84.092; adding new sections to chapter 70.105D RCW; adding a new section to chapter 70.105 RCW; creating new sections; providing an effective date; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency."

MOTION

On motion of Senator Ericksen, the rules were suspended, Second Engrossed Second Substitute Senate Bill No. 5296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Second Substitute Senate Bill No. 5296.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5296 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Ericksen, Fain, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, King, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Conway, Darneille, Eide, Fraser, Frockt, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray and Nelson

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Second Engrossed Second Substitute Senate Bill No. 5296 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Fain, Engrossed Substitute Senate Bill No. 5946 was immediately transmitted to the House of Representatives.

MOTION

At 11:09 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:36 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2075, by Representatives Carlyle and Roberts

Preserving funding deposited into the education legacy trust account used to support common schools and access to higher education by restoring the application of the Washington estate and transfer tax to certain property transfers while modifying the estate and transfer tax to provide tax relief for certain estates.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed House Bill No. 2075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Hargrove spoke in favor of passage of the bill.

SECOND DAY, JUNE 13, 2013

2013 2ND SPECIAL SESSION

Senator Padden spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Honeyford: "Thank you Mr. President. Well, I noticed tonight that several people have addressed the President of the Senate as 'President Pro Tempore' and I noticed and past the tradition of the Senate has been that we address the President Pro Tempore as 'President' and when we had the Vice President Pro Tempore we addressed him as 'President.' Would you give us some direction please?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore:: "Well, thank you for asking Senator Honeyford. I believe the correct address to the presiding officer is 'Mr. President.' The President Pro Tempore is elected by all the members of the Senate and in the absence of the Lt. Governor serves in the role as President. So, I believe the correct address to the presiding officer is 'Mr. President.' Thank you for inquiring Senator Honeyford."

MOTION

On motion of Senator Fain, Rule 15 was retroactively suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senators Brown, Baumgartner spoke against passage of the bill.

Senators Nelson, Tom and Braun spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 2075.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2075 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher, Shin and Tom

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Brown, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Smith

ENGROSSED HOUSE BILL NO. 2075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Engrossed House Bill No. 2075 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 13, 2013

MR. PRESIDENT:
The House has passed:
SECOND ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5296,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:
SECOND ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5296.

MOTION

At 11:58 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

MORNING SESSION

The Senate was called to order at 12:19 a.m. by President Pro Tempore.

MESSAGE FROM THE HOUSE

June 13, 2013

MR. PRESIDENT:
The Speaker has signed:
ENGROSSED HOUSE BILL NO. 2075,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 13, 2013

MR. PRESIDENT:
The Speaker has signed:
SECOND ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5296,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:
ENGROSSED HOUSE BILL NO. 2075.

PERSONAL PRIVILEGE

Senator Hasegawa: “Thank you Mr. President. Well, you may have noticed I wore purple today and I’ve got my UW alumni pen on and I was hoping to have been able to go up to the Evans School of Public Affairs Commencement ceremony this evening which obviously was not able to. I would like to offer congratulations to my friends who are going through that Commencement or who have tonight and, in particular, my good friend Rich Gurtiza, who was a fellow union activist, but I helped convince him that he needed to go through their program and I just wanted to offer my congratulations to the graduating class. Thank you Mr. President.”

MOTION

At 12:25 a.m., on motion of Senator Fain, the Senate adjourned until 1:00 p.m. Friday, June 14, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRD DAY, JUNE 14, 2013

2013 2ND SPECIAL SESSION

THIRD DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Friday, June 14, 2013

The Senate was called to order at 1:00 o'clock p.m. by the Acting President Pro Tempore, Senator Rodney Tom presiding.

The President Pro Tempore called on the Secretary to read the Journal of the Senate.

MOTION

On motion of Senator Parlette the reading of the Journal of the previous day was dispensed with and it was approved.

The President assumed the Chair, Lieutenant Governor Brad Owen presiding.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4410.

The Acting President Pro Tempore resumed the Chair, Senator Rodney Tom presiding.

MOTION

At 1:01 p.m., on motion of Senator Parlette, the Senate adjourned until 1:00 p.m. Monday, June 17, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Monday, June 17, 2013

The Senate was called to order at 1:00 p.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 1:01 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:09 p.m. by President Owen.

MOTION

At 1:10 p.m., on motion of Senator Fain, the Senate adjourned until 2:00 p.m. Wednesday, June 19, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wednesday, June 19, 2013

The Senate was called to order at 2:00 p.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 2:01 p.m., on motion of Senator Fain, the Senate adjourned until 2:00 p.m. Thursday, June 20, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

NINTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Thursday, June 20, 2013

The Senate was called to order at 2:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Nelson.

The Sergeant at Arms Color Guard consisting of Senate Staff Michaela Kier and Gina Bull, presented the Colors. Reverend Jim Erlandson of Community of Christ Church of Olympia offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Honorable Dr. Askin Asan, Deputy Minister of Family and Social Policies for the Republic of Turkey and Dr. Habip Asan, former Professor at Karadeniz Technical University, Trabzon, Turkey and President of the Turkish Patent Institute affiliated with the Ministry of Industry and Trade, Republic of Turkey, Ankara, Turkey who were present in the gallery and recognized by the Senate.

MOTION

At 2:07 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:56 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5157, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Pearson, Schoesler, Hill and Fain).

Regulating provision of child care. Revised for 1st Substitute: Regulating provision of child care. (REVISED FOR ENGROSSED: Regulating child care subsidies.)

The bill was read on Third Reading.

MOTION

On motion of Senator Pearson, the rules were suspended and Engrossed Substitute Senate Bill No. 5157 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5157, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Pearson, Schoesler, Hill and Fain)

Regulating provision of child care. Revised for 1st Substitute: Regulating provision of child care. (REVISED FOR ENGROSSED: Regulating child care subsidies.)

The measure was read the second time.

MOTION

Senator Pearson moved that the following striking amendment by Senator Pearson be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that child care providers positively contribute to local communities by offering important services that support the well-being of children and their families. The legislature further recognizes that most child care providers make every effort to ensure that subsidy payments received are correct and align with agency rules. When a child care provider is found to have fraudulently accepted subsidy payments, however, it is the legislature's intent to prohibit such a provider from receiving future child care subsidy payments.

NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW to read as follows:

(1) The department must refer all suspected incidents of child care subsidy fraud to the department of social and health services office of fraud and accountability for appropriate investigation and action.

(2) For the purposes of this section, "fraud" has the definition in RCW 74.04.004.

(3) This section does not limit or preclude the department or the department of social and health services from establishing and collecting overpayments consistent with federal regulation or seek other remedies that may be legally available, including but not limited to criminal investigation or prosecution."

Senator Pearson spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pearson to Engrossed Substitute Senate Bill No. 5157.

The motion by Senator Pearson carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "adding a new section to chapter 43.215 RCW; and creating a new section."

MOTION

On motion of Senator Pearson, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Darneille spoke in favor of passage of the bill.

NINTH DAY, JUNE 20, 2013

2013 2ND SPECIAL SESSION

MOTION

On motion of Senator Mullet, Senator Nelson was excused.

POINT OF ORDER

Senator Fain: "Thank you Mr. President. I just wanted to make sure that members are speaking to legislation at hand."

REPLY BY THE PRESIDENT

President Owen: "That is true. Members must speak to the legislation alone. Senator Darneille."

POINT OF ORDER

Senator Frockt: "Mr. President, is it appropriate, is it permissible for members to speak about legislation in context of where it fits into other parts of the debate that we having about issues we're having facing the legislature?"

REPLY BY THE PRESIDENT

President Owen: "Well, the President would have to take the comments as they are given, in context, to determine whether or not it is appropriate. To make a carte blanche statement would be very difficult on my part to do so but they must be relative to the issue before us, at any rate."

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5157.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5157 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Nelson

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5718, by Senate Committee on Trade & Economic Development (originally sponsored by Senators Brown, Chase, Smith, Braun, Carrell, Schlicher and Frockt).

Providing monitoring of the development of a one-stop portal for Washington businesses.

The bill was read on Third Reading.

Senators Brown, Chase and Rolfes spoke in favor of passage of the bill.

MOTION

On motion of Senator Harper, Senator Murray was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5718.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Murray and Nelson

SUBSTITUTE SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5904, by Senators Hill, Hargrove, Litzow and Billig.

Concerning high quality early learning.

The bill was read on Third Reading.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5904 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, O'Ban, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Padden and Smith

Excused: Senator Nelson

SENATE BILL NO. 5904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5679, by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Chase, King, Litzow, Dammeier, Schoesler, Rivers, Smith, Braun, Hewitt, Sheldon and Tom).

Improving the business climate and stimulating job creation by requiring certain agencies to establish a formal review process of existing rules.

The bill was read on Third Reading.

Senator Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5679.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5679 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Nelson

SUBSTITUTE SENATE BILL NO. 5679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5804, by Senate Committee on Ways & Means (originally sponsored by Senators Baumgartner and Hill).

Addressing federal receipts reporting requirements.

The bill was read on Third Reading.

Senators Baumgartner, Schlicher and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5804.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5804 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, O'Ban, Padden, Parlette, Pearson,

Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Nelson

SUBSTITUTE SENATE BILL NO. 5804, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:27 p.m., on motion of Senator Fain, the Senate adjourned until 1 p.m. Friday, June 21, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TENTH DAY, JUNE 21, 2013

2013 2ND SPECIAL SESSION

TENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Friday, June 21, 2013

The Senate was called to order at 1:00 p.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 1:01 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:03 p.m. by President Owen.

MOTION

At 5:04 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon Saturday, June 22, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Saturday, June 22, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 12:01 p.m., on motion of Senator Fain, the Senate adjourned until 1:00 p.m. Sunday, June 23, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

TWELFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, June 23, 2013

The Senate was called to order at 1:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Mullet.

The Sergeant at Arms Color Guard consisting of Senate Staff Jennifer Arnold and Kathleen McGowen, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 1:06 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:18 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

June 23, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947,
 SUBSTITUTE HOUSE BILL NO. 1961,
 HOUSE BILL NO. 2042,
 SUBSTITUTE HOUSE BILL NO. 2069,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1947 by House Committee on Appropriations (originally sponsored by Representatives Cody, Hunter, Jinkins and Harris)

AN ACT Relating to ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by providing a financing mechanism sufficient to defray the exchange's operating expenses; amending RCW 43.71.010, 43.71.060, 48.14.0201, 48.14.020, and 48.41.090; adding a new section to chapter 43.71 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.04

RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1961 by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Rodne, Hudgins, Hunter and Ryu)

AN ACT Relating to judicial stabilization trust account surcharges; amending RCW 3.62.060, 36.18.018, and 36.18.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2042 by Representatives Cody, Hunter and Sullivan

AN ACT Relating to modifying the nursing facility medicaid payment system by delaying the rebase of certain rate components and extending certain rate add-ons; amending RCW 74.46.431 and 74.46.501; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2069 by House Committee on Appropriations (originally sponsored by Representatives Hunter and Sullivan)

AN ACT Relating to continuation of safety net benefits for persons determined to have a physical or mental disability which makes them eligible for the aged, blind, and disabled program under RCW 74.62.030 or the essential needs and housing program under RCW 43.185C.220; amending RCW 74.62.030, 74.62.030, 43.185C.220, and 43.185C.230; reenacting and amending RCW 74.09.510, 74.09.035, and 74.09.010; adding a new section to chapter 74.04 RCW; and providing effective dates.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed Substitute House Bill No. 1947, Substitute House Bill No. 1961, House Bill No. 2042 and Substitute House Bill No. 2069 were placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5897, by Senate Committee on Ways & Means (originally sponsored by Senator Pearson).

Concerning state parks.

The bill was read on Third Reading.

MOTION

On motion of Senator Billig, Senator Mullet was excused.

MOTION

On motion of Senator Hargrove, the rules were suspended and Substitute Senate Bill No. 5897 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5897, by Senate Committee on Ways & Means (originally sponsored by Senator Pearson)

Concerning state parks.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Pearson be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.80.020 and 2012 c 261 s 2 are each amended to read as follows:

(1) Except as otherwise provided in (~~RCW 79A.80.050, 79A.80.060, and 79A.80.070~~) this chapter, a discover pass is required for any motor vehicle to:

~~(a) Park ((or operate on)) at any recreation site or lands((except for short term parking as may be authorized under RCW 79A.80.070)); or~~

~~(b) Operate on any recreation site or lands.~~

(2) Except as provided in section 4 of this act, the cost of a discover pass is thirty dollars. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.

(3) A discover pass is valid for one year beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.

(4) Sales of discover passes must be consistent with RCW 79A.80.100.

(5) The discover pass must contain space for two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.

(6) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency-sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.

Sec. 2. RCW 79A.80.030 and 2012 c 261 s 3 are each amended to read as follows:

(1) A person may purchase a day-use permit to meet the requirements of RCW 79A.80.080. Except as provided in section 4 of this act, a day-use permit is ten dollars per day and must be

available for purchase from each agency. A day-use permit is valid for one calendar day.

(2) The agencies may provide short-term parking under RCW 79A.80.070 where a day-use permit is not required.

(3) Every four years the office of financial management must review the cost of the day-use permit and, if necessary, recommend to the legislature an adjustment to the cost of the day-use permit to account for inflation.

(4) Sales of day-use permits must be consistent with RCW 79A.80.100.

Sec. 3. RCW 79A.80.080 and 2012 c 261 s 7 are each amended to read as follows:

(1) A discover pass, vehicle access pass, or day-use permit must be visibly displayed in the front windshield, or otherwise in a prominent location for motor vehicles without a windshield, of any motor vehicle (~~or otherwise in a prominent location for vehicles without a windshield~~):

(a) Operating on ~~((a))~~ any recreation site or lands; or

(b) Parking at ~~((a))~~ any recreation site or lands.

(2) The discover pass, the vehicle access pass, or the day-use permit is not required;

~~(a) On private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted((~~

~~(3) The discover pass, the vehicle access pass, or the day-use permit is not required for:~~

~~((a))~~;

~~(b) For persons who use, possess, or enter lands owned or managed by the agencies for nonrecreational purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements; ((or~~

~~(b))~~ (c) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW 79A.80.040; or

(d) When operating on a road managed by the department of natural resources or the department of fish and wildlife, including a forest or land management road, that is not blocked by a gate.

~~((4))~~ (3)(a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

~~((5))~~ (4) Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.

~~((6))~~ (5) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty must be reduced to fifty-nine dollars if an individual provides proof of purchase of a discover pass to the court within fifteen days after the issuance of the notice of violation.

NEW SECTION. **Sec. 4.** A new section is added to chapter 79A.80 RCW to read as follows:

(1) By mutual agreement, the agencies may sell discounted discover passes at a rate below that established under RCW 79A.80.020 or discounted day-use permits at a rate below that established under RCW 79A.80.030 for purposes of bulk sales to

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retailers, agency license and permit product bundling, and partnership opportunities to expand accessibility and visibility of the discover pass and recreational opportunities on agency-managed lands.

(2) In exercising this authority, the agencies must prioritize opportunities for discounted sales that result in a net revenue gain.

Sec. 5. RCW 82.19.040 and 2001 c 118 s 6 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Taxes collected under this chapter shall be ~~((deposited in))~~ distributed as follows: (a) Five million dollars per fiscal year must be deposited in equal monthly amounts to the state parks renewal and stewardship account under RCW 79A.05.215; and (b) the remainder to the waste reduction, recycling, and litter control account under RCW 70.93.180.

Sec. 6. RCW 70.93.180 and 2011 1st sp.s. c 50 s 963 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All ~~((taxes imposed in RCW 82.19.010))~~ moneys directed to the waste reduction, recycling, and litter control account under RCW 82.19.040 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the ~~((waste reduction, recycling, and litter control))~~ account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

~~((4))~~ During the 2009-2011 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control

account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2009-2011 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.

(5) During the 2011-2013 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2011-2013 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.)

Sec. 7. RCW 79A.05.215 and 2011 c 320 s 22 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under RCW 46.16A.090(3), and other state park-based activities shall be deposited into the account. The proceeds from the recreation access pass account created in RCW 79A.80.090 ~~((must))~~ and amounts received under RCW 82.19.040 may only be used for the purpose of operating and maintaining state parks. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

NEW SECTION. **Sec. 8.** Sections 5 through 7 of this act expire June 30, 2017.

NEW SECTION. **Sec. 9.** Sections 5 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2013."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Pearson to Substitute Senate Bill No. 5897.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "parks;" strike the remainder of the title and insert "amending RCW 79A.80.020, 79A.80.030, 79A.80.080, 82.19.040, 70.93.180, and 79A.05.215; adding a new section to chapter 79A.80 RCW; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5897 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5897.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5897 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Mullet

ENGROSSED SUBSTITUTE SENATE BILL NO. 5897, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5948, by Senators Braun, Chase, O'Ban, Keiser, Padden, Hill, Holmquist Newbry, Becker and Brown

Concerning state procurement of goods and services.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5948 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5948.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5948 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Mullet

SENATE BILL NO. 5948, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5910, by Senators Hill, Murray, Nelson, Baumgartner and Hargrove.

Providing that a quarterly revenue forecast is due on February 20th during both a long and short legislative session year.

The bill was read on Third Reading.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5910.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Mullet

PARLIAMENTARY INQUIRY

Senator Nelson: "I don't believe the bill was moved for adoption and it is an important piece of legislation so I just wanted to make that inquiry."

REPLY BY THE PRESIDENT

President Owen: "The bill was appropriately before us on third reading."

SENATE BILL NO. 5910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Kline).

Reducing corrections costs.

The bill was read on Third Reading.

MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Substitute Senate Bill No. 5892 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Kline)

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Reducing corrections costs.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Hill be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.517 and 2002 c 290 s 8 are each amended to read as follows:

(1)

TABLE 3

DRUG OFFENSE SENTENCING GRID

Seriousness Level	Offender Score 0 to 2	Offender Score 3 to 5	Offender Score 6 to 9 or more
III	51 to 68 months	68+ to 100 months	100+ to 120 months
II	12+ to 20 months	20+ to 60 months	60+ to 120 months
I	0 to 6 months	6+ to (48) <u>12</u> months	12+ to 24 months

References to months represent the standard sentence ranges. 12+ equals one year and one day.

(2) The court may utilize any other sanctions or alternatives as authorized by law, including but not limited to the special drug offender sentencing alternative under RCW 9.94A.660 or drug court under RCW 2.28.170.

(3) Nothing in this section creates an entitlement for a criminal defendant to any specific sanction, alternative, sentence option, or substance abuse treatment.

Sec. 2. RCW 9.94A.729 and 2011 1st sp.s. c 40 s 4 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the ~~((amount))~~ number of days of ~~((earned))~~ early release ~~((time))~~ credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates ~~((earned))~~ early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities. However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or

present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) For each offender who is the recipient of a rental voucher, the department shall include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

Sec. 3. RCW 70.48.130 and 2011 1st sp.s. c 15 s 85 are each amended to read as follows:

(1) It is the intent of the legislature that all jail inmates receive appropriate and cost-effective emergency and necessary medical care. Governing units, the health care authority, and medical care providers shall cooperate to achieve the best rates consistent with adequate care.

(2) Payment for emergency or necessary health care shall be by the governing unit, except that the health care authority shall directly reimburse the provider pursuant to chapter 74.09 RCW, in accordance with the rates and benefits established by the authority, if the confined person is eligible under the authority's medical care programs as authorized under chapter 74.09 RCW. After payment by the authority, the financial responsibility for any remaining balance, including unpaid client liabilities that are a condition of eligibility or participation under chapter 74.09 RCW, shall be borne by the medical care provider and the governing unit as may be mutually agreed upon between the medical care provider and the governing unit. In the absence of mutual agreement between the medical care provider and the governing unit, the financial responsibility for any remaining balance shall be borne equally between the medical care provider and the governing unit. Total payments from all sources to providers for care rendered to confined persons (~~eligible under chapter 74.09 RCW~~) shall not exceed the amounts that would be paid by the authority for similar services provided under Title XIX medicaid, unless additional resources are obtained from the confined person.

(3) Providers of hospital services that are hospitals licensed under chapter 70.41 RCW shall contract with a correctional facility for inpatient, outpatient, and ancillary services if deemed appropriate by the correctional facility. Except in a county in which there is a single hospital with which the local correctional facilities may contract and with a state correctional facility housing more than one thousand five hundred offenders, the correctional facility may only reimburse a provider of hospital services at a rate no more than the amount payable under the medicaid reimbursement structure, plus any additional amount provided specifically for this purpose in the state omnibus appropriations act, regardless of whether the hospital is located within or outside of Washington. In a county in which there is a single hospital with which the local correctional facilities may contract and with a state

correctional facility housing more than one thousand five hundred offenders, the department of corrections shall pay the difference between the medicaid reimbursement and the amount agreed to by the correctional facility and the provider of hospital services. A correctional facility may participate, at the correctional facility's expense, in the provider one system operated by the Washington state health care authority for payment of hospital services through a process coordinated by the department of corrections pursuant to this section.

(4) As part of the screening process upon booking or preparation of an inmate into jail, general information concerning the inmate's ability to pay for medical care shall be identified, including insurance or other medical benefits or resources to which an inmate is entitled. This information shall be made available to the authority, the governing unit, and any provider of health care services.

~~((4))~~ (5) The governing unit or provider may obtain reimbursement from the confined person for the cost of health care services not provided under chapter 74.09 RCW, including reimbursement from any insurance program or from other medical benefit programs available to the confined person. Nothing in this chapter precludes civil or criminal remedies to recover the costs of medical care provided jail inmates or paid for on behalf of inmates by the governing unit. As part of a judgment and sentence, the courts are authorized to order defendants to repay all or part of the medical costs incurred by the governing unit or provider during confinement.

~~((5))~~ (6) To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for the authority's medical care programs under chapter 74.09 RCW, or for coverage from private sources, and in the absence of an interlocal agreement or other contracts to the contrary, the governing unit may obtain reimbursement for the cost of such medical services from the unit of government whose law enforcement officers initiated the charges on which the person is being held in the jail: PROVIDED, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility.

~~((6))~~ (7) There shall be no right of reimbursement to the governing unit from units of government whose law enforcement officers initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

~~((7))~~ (8) Under no circumstance shall necessary medical services be denied or delayed because of disputes over the cost of medical care or a determination of financial responsibility for payment of the costs of medical care provided to confined persons.

~~((8))~~ (9) Nothing in this section shall limit any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided.

NEW SECTION. Sec. 4. A new section is added to chapter 70.41 RCW to read as follows:

As a condition of licensure, a hospital must contract with a correctional facility as defined in RCW 70.48.020.

Sec. 5. RCW 9.92.151 and 2009 c 28 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction. Any program established pursuant to

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this section shall allow an offender to earn early release credits for presentence incarceration. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(2) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

(3) If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned.

NEW SECTION. Sec. 6. Pursuant to RCW 9.94A.729, the department shall recalculate the earned release date for any offender currently serving a term in a facility or institution either operated by the state or utilized under contract. The earned release date shall be recalculated whether the offender is currently incarcerated or is sentenced after the effective date of this section, and regardless of the offender's date of offense. For offenders whose offense was committed prior to the effective date of this section, the recalculation shall not extend a term of incarceration beyond that to which an offender is currently subject.

NEW SECTION. Sec. 7. The legislature declares that section 6 of this act does not create any liberty interest. The department is authorized to take the time reasonably necessary to complete the recalculations of section 6 of this act after the effective date of this section.

NEW SECTION. Sec. 8. Section 1 of this act applies to sentences imposed on or after July 1, 2013, regardless of the date of offense.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 and 2 and 5 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2013."

MOTION

Senator Hargrove moved that the following amendment by Senators Hewitt and Hargrove to the striking amendment be adopted:

On page 5, line 26, after "there" strike "is" and insert: "are
(1)"

On page 5, line 29, after "offenders" insert: ";"

(2) two hospitals with which the local correctional facilities may contract and with a state correctional facility housing more than two thousand offenders"

On page 5, line 37, after "offenders" insert: "or in a county in which there are two hospitals with the local correctional facilities may contract and with a state correctional facility housing more than two thousand offenders"

Senator Hargrove spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hewitt and Hargrove on page 5, line 26 to the striking amendment to Second Engrossed Substitute Senate Bill No. 5892.

The motion by Senator Hargrove carried and the amendment to the striking amendment was adopted by voice vote.

Senator Hargrove spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Hill as amended to Engrossed Substitute Senate Bill No. 5892.

The motion by Senator Hargrove carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "costs;" strike the remainder of the title and insert "amending RCW 9.94A.517, 9.94A.729, 70.48.130, and 9.92.151; adding a new section to chapter 70.41 RCW; creating new sections; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5892 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5892.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5892 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Chase, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Parlette, Ranker, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Benton, Brown, Cleveland, Holmquist Newbry, Padden, Pearson, Rivers, Roach, Rolfes and Smith

Excused: Senator Mullet

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2042, by Representatives Cody, Hunter and Sullivan

Modifying the nursing facility medicaid payment system by delaying the rebase of certain rate components and extending certain rate add-ons.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, House Bill No. 2042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2042.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2042 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Parlette, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Shin and Tom

Voting nay: Senators Brown, Holmquist Newbry, Padden, Pearson, Roach, Sheldon and Smith

Excused: Senator Mullet

HOUSE BILL NO. 2042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1961, by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Rodne, Hudgins, Hunter and Ryu)

Extending the expiration date for judicial stabilization trust account surcharges.

The measure was read the second time.

MOTION

Senator Padden moved that the following amendment by Senator Padden be adopted:

On page 3, line 1, after "~~((2013))~~" strike "2017" and insert "2015"

On page 3, line 3, after "of" strike "thirty" and insert "~~((thirty))~~ twenty-five"

On page 3, line 23, after "~~((2013))~~" strike "2017" and insert "2015"

On page 3, line 24, after "surcharge of" strike "forty" and insert "~~((forty))~~ thirty-five"

On page 5, line 11, after "~~((2013))~~" strike "2017" and insert "2015"

On page 5, line 18, after "surcharge of" strike "thirty" and insert "~~((thirty))~~ twenty-five"

On page 5, line 21, after "of" strike "forty" and insert "~~((forty))~~ thirty-five"

Senators Padden and Roach spoke in favor of adoption of the amendment.

Senators Kline and Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 3, line 1 to Substitute House Bill No. 1961.

The motion by Senator Padden failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Hill, the rules were suspended, Substitute House Bill No. 1961 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1961.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1961 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Ranker, Rolfes, Shin and Tom

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon and Smith

Excused: Senator Mullet

SUBSTITUTE HOUSE BILL NO. 1961, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:10 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon Monday, June 24, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

THIRTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, June 24, 2013

The Senate was called to order at 12:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Mullet, Murray and Schlicher.

The Sergeant at Arms Color Guard consisting of Senate Staff Shawn O'Neill and Donald Gribbons, presented the Colors. Senator Kline offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 12:08 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:10 p.m. by President Owen.

MOTION

At 5:11 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon Tuesday, June 25, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FOURTEENTH DAY

 NOON SESSION

Senate Chamber, Olympia, Tuesday, June 25, 2013

The Senate was called to order at 12:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Cleveland, Kline, McAuliffe, Mullet, Murray, O'Ban, Ranker and Schlicher.

The Sergeant at Arms Color Guard consisting of Senate Staff Jennifer Arnold and Kathleen McGowan, presented the Colors. Senator Fraser offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

June 24, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5897,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 24, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1961,
HOUSE BILL NO. 2042,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5897.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1961,
HOUSE BILL NO. 2042.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5949 by Senators Fraser and Kline

AN ACT Relating to creating a liquor tax for alcohol and drug treatment; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 12:08 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:37 p.m. by the acting President Pro Tempore, Senator Rolfe presiding.

MOTION

At 5:38 p.m., on motion of Senator Fain, the Senate adjourned until 2:00 p.m. Wednesday, June 26, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTEENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wednesday, June 26, 2013

June 26, 2013

The Senate was called to order at 2:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Kline, Mullet and Murray.

The Sergeant at Arms Color Guard consisting of Senate Assistant Sergeant at Arms Terry Kampling and Paul Henden, presented the Colors. Senator Dammeier offered the prayer.

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. I would just like to let Senator Dammeier know that the late Senator West had a saying he often used down here was, 'These are tremendous jobs. You wake up in the morning and your shoes are still warm.'"

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

June 25, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,
SUBSTITUTE HOUSE BILL NO. 1986,
HOUSE BILL NO. 1988,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 25, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1872,

HOUSE BILL NO. 2079,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 2:07 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:41 p.m. by President Owen.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1306,

SUBSTITUTE HOUSE BILL NO. 1866,
ENGROSSED HOUSE BILL NO. 2068,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5912, by Senators Padden, Kline and Conway

Modifying provisions that address impaired driving. Revised for 2nd Substitute: Concerning driving under the influence of intoxicating liquor or drugs.

MOTION

On motion of Senator Padden, Second Substitute Senate Bill No. 5912 was substituted for Senate Bill No. 5912 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following striking amendment by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.21 RCW to read as follows:

(1) When any person charged with or arrested for a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release, that person to (a) have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or (b) comply with 24/7 sobriety program monitoring, as defined in section 26 of this act; or both.

(2) Upon acquittal or dismissal of all pending or current charges relating to a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, or equivalent local ordinance, the court shall authorize removal of the ignition interlock device and lift any requirement to comply with electronic alcohol/drug monitoring imposed under

subsection (1) of this section. Nothing in this section limits the authority of the court or department under RCW 46.20.720.

Sec. 2. RCW 2.28.175 and 2013 c 257 s 6 are each amended to read as follows:

(1) Jurisdictions and municipalities may establish and operate DUI courts. Municipalities may enter into cooperative agreements with counties or other municipalities that have DUI courts to provide DUI court services.

(2) For the purposes of this section, "DUI court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism of impaired driving among nonviolent, alcohol abusing offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic testing for alcohol use and, if applicable, drug use; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a DUI court program must first:

(i) Exhaust all federal funding that is available to support the operations of its DUI court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for DUI court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for DUI court operations and associated services. However, until June 30, 2014, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a DUI court established as of January 1, 2011.

(b) Any jurisdiction that establishes a DUI court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The DUI court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from alcohol treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030, vehicular homicide under RCW 46.61.520, vehicular assault under RCW 46.61.522, or an equivalent out-of-state offense; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) That is vehicular homicide or vehicular assault;

(D) During which the defendant used a firearm; or

(E) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 3. RCW 3.66.067 and 2001 c 94 s 1 are each amended to read as follows:

After a conviction, the court may impose sentence by suspending all or a portion of the defendant's sentence or by deferring the sentence of the defendant and may place the defendant on probation for a period of no longer than two years and prescribe the conditions thereof. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw the plea of guilty and to enter a plea of not guilty, and the court may dismiss the charges. A court shall not defer sentence for an offense sentenced under RCW 46.61.5055.

Sec. 4. RCW 3.66.068 and 2010 c 274 s 405 are each amended to read as follows:

(1) A court has continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines for a period not to exceed:

(a) Five years after imposition of sentence for a defendant sentenced for a domestic violence offense or under RCW 46.61.5055; and

(b) Two years after imposition of sentence for all other offenses(~~(-the)~~).

(2)(a) Except as provided in (b) of this subsection, a court has continuing jurisdiction and authority to (~~suspend or~~) defer the execution of all or any part of its sentence upon stated terms, including installment payment of fines for a period not to exceed:

(i) Five years after imposition of sentence for a defendant sentenced for a domestic violence offense; and

(ii) Two years after imposition of sentence for all other offenses.

(b) A court shall not defer sentence for an offense sentenced under RCW 46.61.5055.

(3) A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record.

(4) However, the court's jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720.

(5) For the purposes of this section, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

Sec. 5. RCW 3.50.320 and 2001 c 94 s 4 are each amended to read as follows:

After a conviction, the court may impose sentence by suspending all or a portion of the defendant's sentence or by deferring the sentence of the defendant and may place the defendant on probation for a period of no longer than two years and prescribe the conditions thereof. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw the plea of guilty, permit the defendant to enter a plea of not guilty, and dismiss the charges. A court shall not defer sentence for an offense sentenced under RCW 46.61.5055.

Sec. 6. RCW 3.50.330 and 2010 c 274 s 406 are each amended to read as follows:

(1) A court has continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines for a period not to exceed:

(a) Five years after imposition of sentence for a defendant sentenced for a domestic violence offense or under RCW 46.61.5055; and

(b) Two years after imposition of sentence for all other offenses(~~(-the)~~).

(2)(a) Except as provided in (b) of this subsection, a court shall have continuing jurisdiction and authority to (~~suspend or~~) defer the execution of all or any part of the sentence upon stated terms, including installment payment of fines for a period not to exceed:

(i) Five years after imposition of sentence for a defendant sentenced for a domestic violence offense; and

(ii) Two years after imposition of sentence for all other offenses.

(b) A court shall not defer sentence for an offense sentenced under RCW 46.61.5055.

(3) A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation

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when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record.

(4) However, the court's jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720.

(5) Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence.

(6) For the purposes of this section, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

Sec. 7. RCW 35.20.255 and 2010 c 274 s 407 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, judges of the municipal court, in their discretion, shall have the power in all criminal proceedings within their jurisdiction including violations of city ordinances, to defer imposition of any sentence, suspend all or part of any sentence including installment payment of fines, fix the terms of any such deferral or suspension, and provide for such probation as in their opinion is reasonable and necessary under the circumstances of the case, but in no case shall it extend for more than five years from the date of conviction for a defendant to be sentenced for a domestic violence offense or under RCW 46.61.5055 and two years from the date of conviction for all other offenses. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. However, the jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720. Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence. For the purposes of this subsection, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

(2)(a) If a defendant whose sentence has been deferred requests permission to travel or transfer to another state, the director of probation services or a designee thereof shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the director or designee shall:

(i) Notify the department of corrections of the defendant's request;

(ii) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(iii) Notify the defendant of the fee due to the department of corrections for processing an application under the compact;

(iv) Cease supervision of the defendant while another state supervises the defendant pursuant to the compact;

(v) Resume supervision if the defendant returns to this state before the period of deferral expires.

(b) The defendant shall receive credit for time served while being supervised by another state.

(c) If the probationer is returned to the state at the request of the receiving state under rules of the interstate compact for adult offender supervision, the department of corrections is responsible for the cost of returning the probationer.

(d) The state of Washington, the department of corrections and its employees, and any city and its employees are not liable for civil damages resulting from any act or omission authorized or required under this section unless the act or omission constitutes gross negligence.

(3) Judges of the municipal court shall not defer sentence for an offense sentenced under RCW 46.61.5055.

Sec. 8. RCW 9.94A.525 and 2011 c 166 s 3 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a ~~((felony))~~ conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), ~~((prior convictions of felony driving while under the influence of intoxicating liquor or any drug, felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and serious traffic offenses shall be included in the offender score if: (i) The prior convictions were committed within five years since the last date of release from confinement (including full time residential treatment) or entry of judgment and sentence; or (ii) the prior convictions would be considered "prior offenses within ten years" as defined in RCW 46.61.5055))~~ all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences

provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary

conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section;

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however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was plead and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was plead and proven after August 1, 2011, for the following offenses: A violation of a no-contact order that is a felony offense, a violation of a protection order that is a felony offense, a felony domestic violence harassment offense, a felony domestic violence stalking offense, a domestic violence Burglary 1 offense, a domestic violence Kidnapping 1 offense, a domestic violence Kidnapping 2 offense, a domestic violence unlawful imprisonment offense, a domestic violence Robbery 1 offense, a domestic violence Robbery 2 offense, a domestic violence Assault 1 offense, a domestic violence Assault 2 offense, a domestic violence Assault 3 offense, a domestic violence Arson 1 offense, or a domestic violence Arson 2 offense;

(b) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was plead and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

(c) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was plead and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

Sec. 9. RCW 43.43.395 and 2012 c 183 s 16 are each amended to read as follows:

(1) The state patrol shall by rule provide standards for the certification, installation, repair, maintenance, monitoring, inspection, and removal of ignition interlock devices, as defined under RCW 46.04.215, and equipment as outlined under this section, and may inspect the records and equipment of manufacturers and vendors during regular business hours for compliance with statutes and rules and may suspend or revoke certification for any noncompliance. ~~((The state patrol may only inspect ignition interlock devices in the vehicles of customers for proper installation and functioning when installation is being done at the vendors' place of business.))~~

(2)(a) When a certified service provider or individual installer of ignition interlock devices is found to be out of compliance, the installation privileges of that certified service provider or individual installer may be suspended or revoked until the certified service provider or individual installer comes into compliance. During any suspension or revocation period, the certified service provider or

individual installer is responsible for notifying affected customers of any changes in their service agreement.

(b) A certified service provider or individual installer whose certification is suspended or revoked for noncompliance has a right to an administrative hearing under chapter 34.05 RCW to contest the suspension or revocation, or both. For the administrative hearing, the procedure and rules of evidence are as specified in chapter 34.05 RCW, except as otherwise provided in this chapter. Any request for an administrative hearing must be made in writing and must be received by the state patrol within twenty days after the receipt of the notice of suspension or revocation.

(3)(a) An ignition interlock device must employ fuel cell technology. For the purposes of this subsection, "fuel cell technology" consists of the following electrochemical method: An electrolyte designed to oxidize the alcohol and release electrons to be collected by an active electrode; a current flow is generated within the electrode proportional to the amount of alcohol oxidized on the fuel cell surface; and the electrical current is measured and reported as breath alcohol concentration. Fuel cell technology is highly specific for alcohols.

(b) When reasonably available in the area, as determined by the state patrol, an ignition interlock device must employ technology capable of taking a photo identification of the user giving the breath sample and recording on the photo the time the breath sample was given.

(c) To be certified, an ignition interlock device must:

(i) Meet or exceed the minimum test standards according to rules adopted by the state patrol. Only a notarized statement from a laboratory that is certified by the international organization of standardization and is capable of performing the tests specified will be accepted as proof of meeting or exceeding the standards. The notarized statement must include the name and signature of the person in charge of the tests under the ~~((following statement:~~

~~"Two samples of (model name) , manufactured by (manufacturer) were tested by (laboratory) certified by the Internal Organization of Standardization. They do meet or exceed all specifications listed in the Federal Register, Volume 71, Number 31 (57 FR 11772), Breath Alcohol Ignition Interlock Devices (BAIID), NHTSA 2005 23470.")~~ certification statement. The state patrol must adopt by rule the required language of the certification statement that must, at a minimum, outline that the testing meets or exceeds all specifications listed in the federal register adopted in rule by the state patrol; and

(ii) Be maintained in accordance with the rules and standards adopted by the state patrol.

Sec. 10. RCW 46.25.090 and 2011 c 227 s 4 are each amended to read as follows:

(1) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if a report has been received by the department pursuant to RCW 46.20.308 or 46.25.120, or if the person has been convicted of a first violation, within this or any other jurisdiction, of:

(a) Driving a motor vehicle under the influence of alcohol or any drug;

(b) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more or any measurable amount of THC concentration, or driving a noncommercial motor vehicle while the alcohol concentration in the person's system is 0.08 or more, or is 0.02 or more if the person is under age twenty-one, or with a THC concentration of 5.00 nanograms per milliliter of whole blood or more, or a THC concentration above 0.00 if the person is under the age of twenty-one, as determined by any testing methods approved by law in this state or any other state or jurisdiction;

(c) Leaving the scene of an accident involving a motor vehicle driven by the person;

(d) Using a motor vehicle in the commission of a felony;

(e) Refusing to submit to a test or tests to determine the driver's alcohol concentration or the presence of any drug while driving a motor vehicle;

(f) Driving a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle;

(g) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular homicide and negligent homicide.

If any of the violations set forth in this subsection occurred while transporting hazardous material, the person is disqualified for a period of not less than three years.

(2) A person is disqualified for life if it has been determined that the person has committed or has been convicted of two or more violations of any of the offenses specified in subsection (1) of this section, or any combination of those offenses, arising from two or more separate incidents.

(3) The department may adopt rules, in accordance with federal regulations, establishing guidelines, including conditions, under which a disqualification for life under subsection (2) of this section may be reduced to a period of not less than ten years.

(4) A person is disqualified from driving a commercial motor vehicle for life who uses a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, as defined by chapter 69.50 RCW, or possession with intent to manufacture, distribute, or dispense a controlled substance, as defined by chapter 69.50 RCW.

(5)(a) A person is disqualified from driving a commercial motor vehicle for a period of:

(i) Not less than sixty days if:

(A) Convicted of or found to have committed a second serious traffic violation while driving a commercial motor vehicle; or

(B) Convicted of reckless driving, where there has been a prior serious traffic violation; or

(ii) Not less than one hundred twenty days if:

(A) Convicted of or found to have committed a third or subsequent serious traffic violation while driving a commercial motor vehicle; or

(B) Convicted of reckless driving, where there has been two or more prior serious traffic violations.

(b) The disqualification period under (a)(ii) of this subsection must be in addition to any other previous period of disqualification.

(c) For purposes of determining prior serious traffic violations under this subsection, each conviction of or finding that a driver has committed a serious traffic violation while driving a commercial motor vehicle or noncommercial motor vehicle, arising from a separate incident occurring within a three-year period, must be counted.

(6) A person is disqualified from driving a commercial motor vehicle for a period of:

(a) Not less than one hundred eighty days nor more than one year if convicted of or found to have committed a first violation of an out-of-service order while driving a commercial vehicle;

(b) Not less than two years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed two violations of out-of-service orders while driving a commercial motor vehicle in separate incidents;

(c) Not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed three or more violations of out-of-service orders while driving commercial motor vehicles in separate incidents;

(d) Not less than one hundred eighty days nor more than two years if the person is convicted of or is found to have committed a first violation of an out-of-service order while transporting hazardous materials, or while operating motor vehicles designed to transport sixteen or more passengers, including the driver. A person is disqualified for a period of not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials, or while operating motor vehicles designed to transport sixteen or more passengers, including the driver.

(7) A person is disqualified from driving a commercial motor vehicle if a report has been received by the department under RCW 46.25.125 that the person has received a verified positive drug test or positive alcohol confirmation test as part of the testing program conducted under 49 C.F.R. 40. A disqualification under this subsection remains in effect until the person undergoes a drug and alcohol assessment by a substance abuse professional meeting the requirements of 49 C.F.R. 40, and the person presents evidence of satisfactory participation in or successful completion of a drug or alcohol treatment and/or education program as recommended by the substance abuse professional, and until the person has met the requirements of RCW 46.25.100. The substance abuse professional shall forward a diagnostic evaluation and treatment recommendation to the department of licensing for use in determining the person's eligibility for driving a commercial motor vehicle. Persons who are disqualified under this subsection more than twice in a five-year period are disqualified for life.

(8)(a) A person is disqualified from driving a commercial motor vehicle for the period of time specified in (b) of this subsection if he or she is convicted of or is found to have committed one of the following six offenses at a railroad-highway grade crossing while operating a commercial motor vehicle in violation of a federal, state, or local law or regulation:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement officer at the crossing;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(b) A person is disqualified from driving a commercial motor vehicle for a period of:

(i) Not less than sixty days if the driver is convicted of or is found to have committed a first violation of a railroad-highway grade crossing violation;

(ii) Not less than one hundred twenty days if the driver is convicted of or is found to have committed a second railroad-highway grade crossing violation in separate incidents within a three-year period;

(iii) Not less than one year if the driver is convicted of or is found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents within a three-year period.

(9) A person is disqualified from driving a commercial motor vehicle for not more than one year if a report has been received by the department from the federal motor carrier safety administration that the person's driving has been determined to constitute an imminent hazard as defined by 49 C.F.R. 383.5. A person who is simultaneously disqualified from driving a commercial motor

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vehicle under this subsection and under other provisions of this chapter, or under 49 C.F.R. 383.52, shall serve those disqualification periods concurrently.

(10) Within ten days after suspending, revoking, or canceling a commercial driver's license or disqualifying a driver from operating a commercial motor vehicle, the department shall update its records to reflect that action.

Sec. 11. RCW 46.25.110 and 1989 c 178 s 13 are each amended to read as follows:

(1) Notwithstanding any other provision of Title 46 RCW, a person may not drive, operate, or be in physical control of a commercial motor vehicle while having alcohol or THC in his or her system.

(2) Law enforcement or appropriate officials shall issue an out-of-service order valid for twenty-four hours against a person who drives, operates, or is in physical control of a commercial motor vehicle while having alcohol or THC in his or her system or who refuses to take a test to determine his or her alcohol content or THC concentration as provided by RCW 46.25.120.

Sec. 12. RCW 46.25.120 and 2006 c 327 s 5 are each amended to read as follows:

(1) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to take a test or tests of that person's blood or breath for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(2) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system or while under the influence of any drug.

(3) The law enforcement officer requesting the test under subsection (1) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person being disqualified from operating a commercial motor vehicle under RCW 46.25.090.

(4) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.04 or more or any measurable amount of THC concentration, the law enforcement officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (1) of this section and that the person refused to submit to testing, or submitted to a test that disclosed an alcohol concentration of 0.04 or more or any measurable amount of THC concentration.

(5) Upon receipt of the sworn report of a law enforcement officer under subsection (4) of this section, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090, subject to the hearing provisions of RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle within this state while having alcohol in the person's system or while under the influence of any drug, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the disqualification of the person from driving a commercial motor vehicle, and, if the test was administered, whether the results indicated an alcohol concentration of 0.04 percent or more or any measurable amount of THC concentration. The department shall order that the disqualification of the person either be rescinded or sustained. Any decision by the department disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent

appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the disqualification of the person is sustained after the hearing, the person who is disqualified may file a petition in the superior court of the county of arrest to review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

(6) If a motor carrier or employer who is required to have a testing program under 49 C.F.R. 382 knows that a commercial driver in his or her employ has refused to submit to testing under this section and has not been disqualified from driving a commercial motor vehicle, the employer may notify law enforcement or his or her medical review officer or breath alcohol technician that the driver has refused to submit to the required testing.

(7) The hearing provisions of this section do not apply to those persons disqualified from driving a commercial motor vehicle under RCW 46.25.090(7).

Sec. 13. RCW 46.61.5055 and 2012 c 183 s 12, 2012 c 42 s 2, and 2012 c 28 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended (~~or deferred~~) unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended (~~or deferred~~), the court shall state in writing the reason for granting the suspension (~~or deferral~~) and the facts upon which the suspension (~~or deferral~~) is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended (~~or deferred~~) unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. (~~Two consecutive days~~) Forty-eight consecutive hours of the imprisonment may not be suspended (~~or deferred~~) unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended (~~or deferred~~), the court shall state in writing the reason for granting the suspension (~~or deferral~~) and the facts upon which the suspension (~~or deferral~~) is

based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended (~~(or deferred)~~) unless the court finds the offender to be indigent.

(2) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory minimum term of sixty days electronic home monitoring, the court may order at least an additional four days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to sections 23 through 32 of this act, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended (~~(or deferred)~~) unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended (~~(or deferred)~~), the court shall state in writing the reason for granting the suspension (~~(or deferral)~~) and the facts upon which the suspension (~~(or deferral)~~) is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended (~~(or deferred)~~) unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of ninety days electronic home monitoring, the court may order at least an additional six days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to sections 23 through 32 of this act, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol

monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended (~~(or deferred)~~) unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended (~~(or deferred)~~), the court shall state in writing the reason for granting the suspension (~~(or deferral)~~) and the facts upon which the suspension (~~(or deferral)~~) is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended (~~(or deferred)~~) unless the court finds the offender to be indigent.

(3) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to sections 23 through 32 of this act, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. (~~Ninety~~) One hundred days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended (~~(or deferred)~~) unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended (~~(or deferred)~~), the court shall state in writing the reason for granting the suspension (~~(or deferral)~~) and the facts upon which the suspension (~~(or deferral)~~) is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended (~~(or deferred)~~) unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to sections 23 through 32 of this act, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall

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determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended (~~(or deferred)~~) unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended (~~(or deferred)~~), the court shall state in writing the reason for granting the suspension (~~(or deferral)~~) and the facts upon which the suspension (~~(or deferral)~~) is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended (~~(or deferred)~~) unless the court finds the offender to be indigent.

(4) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5)(a) The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(6) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order (~~(a penalty by)~~) an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended (~~(or deferred)~~) unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order (~~(a penalty by)~~) an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended (~~(or deferred)~~) unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order (~~(a penalty by)~~) an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended (~~(or deferred)~~) unless the court finds the offender to be indigent.

(7) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; (~~(and)~~)

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon

receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (ii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), or (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not

limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(3).

(14) For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; ~~((viii))~~

(ix) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(x) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the

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subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means alcohol or drug treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

~~((e))~~ (d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

NEW SECTION. Sec. 14. Funds from the ignition interlock device revolving account may, subject to appropriation, be used for effective strategies to reduce motor vehicle-related deaths and serious injuries, such as those found in the Washington state strategic highway safety plan: Target Zero.

Sec. 15. RCW 9.94A.501 and 2011 1st sp.s. c 40 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

- (i) Sexual misconduct with a minor second degree;
- (ii) Custodial sexual misconduct second degree;
- (iii) Communication with a minor for immoral purposes; and
- (iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been plead and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e) Has a current conviction for a domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670; ~~((e))~~

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

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(5) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(6) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

Sec. 16. RCW 46.61.5249 and 2012 c 183 s 13 are each amended to read as follows:

(1)(a) A person is guilty of negligent driving in the first degree if he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and exhibits the effects of having consumed liquor or marijuana or ~~((an illegal))~~ any drug or exhibits the effects of having inhaled or ingested any chemical, whether or not a legal substance, for its intoxicating or hallucinatory effects.

(b) It is an affirmative defense to negligent driving in the first degree by means of exhibiting the effects of having consumed ~~((an illegal))~~ any drug that must be proved by the defendant by a preponderance of the evidence, that the driver has a valid prescription for the drug consumed, and has been consuming it according to the prescription directions and warnings.

(c) Negligent driving in the first degree is a misdemeanor.

(2) For the purposes of this section:

(a) "Negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

(b) "Exhibiting the effects of having consumed liquor, marijuana, or any drug" means that a person has the odor of liquor, marijuana, or any drug on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, marijuana, or any drug, and either:

(i) Is in possession of or in close proximity to a container that has or recently had liquor, marijuana, or any drug in it; or

(ii) Is shown by other evidence to have recently consumed liquor, marijuana, or any drug.

(c) ~~((("Exhibiting the effects of having consumed an illegal drug" means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed an illegal drug and either:~~

~~((i) Is in possession of an illegal drug; or~~

~~((ii) Is shown by other evidence to have recently consumed an illegal drug.~~

~~((d))) "Exhibiting the effects of having inhaled or ingested any chemical, whether or not a legal substance, for its intoxicating or hallucinatory effects" means that a person by speech, manner, appearance, behavior, or lack of coordination or otherwise exhibits that he or she has inhaled or ingested a chemical and either:~~

~~((i) Is in possession of the canister or container from which the chemical came; or~~

~~((ii) Is shown by other evidence to have recently inhaled or ingested a chemical for its intoxicating or hallucinatory effects.~~

~~((e) "Illegal drug" means a controlled substance under chapter 69.50 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings, or a legend drug under chapter 69.41 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings.))~~

(3) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of

prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.

(4) A person convicted of negligent driving in the first degree who has one or more prior offenses as defined in RCW 46.61.5055(14) within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person.

Sec. 17. RCW 46.20.270 and 2010 c 249 s 11 are each amended to read as follows:

(1) ((Whenever any person is convicted of any offense for which this title makes mandatory the withholding of the driving privilege of such person by the department, the court in which such conviction is had shall forthwith mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department. A valid driver's license or permit to drive marked under this subsection shall remain in effect until the person's driving privilege is withheld by the department pursuant to notice given under RCW 46.20.245, unless the license or permit expires or otherwise becomes invalid prior to the effective date of this action. Perfection of notice of appeal shall stay the execution of sentence including the withholding of the driving privilege.

(2))) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in this title which occur on federal installations within this state, shall immediately forward to the department a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine, penalty, or court cost, a plea of guilty or nolo contendere or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

((~~(3)~~)) (2) Every state agency or municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a state or local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, parking, or civil penalties issued under RCW 46.63.160 has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that two or more violations of laws governing standing, stopping, and parking or one or more civil penalties issued under RCW 46.63.160 have been committed and indicating the nature of the defendant's failure to act. Such violations or infractions may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

((~~(4)~~)) (3) For the purposes of this title and except as defined in RCW 46.25.010, "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in this title which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in

court, the payment of a fine or court cost, a plea of guilty or nolo contendere, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

(4) Perfection of a notice of appeal shall stay the execution of the sentence pertaining to the withholding of the driving privilege.

(5) For the purposes of this title, "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

Sec. 18. RCW 46.61.5058 and 2009 c 479 s 38 are each amended to read as follows:

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, based upon probable cause to believe that a person has violated RCW 46.20.740, 46.61.502, or 46.61.504 or any similar municipal ordinance, if such person has a prior offense within seven years as defined in RCW 46.61.5055, and where the person has been provided written notice that any transfer, sale, or encumbrance of such person's interest in the vehicle over which that person was actually driving or had physical control when the violation occurred, is unlawful pending either acquittal, dismissal, sixty days after conviction, or other termination of the charge, such person shall be prohibited from encumbering, selling, or transferring his or her interest in such vehicle, except as otherwise provided in (a), (b), and (c) of this subsection, until either acquittal, dismissal, sixty days after conviction, or other termination of the charge. The prohibition against transfer of title shall not be stayed pending the determination of an appeal from the conviction.

(a) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party;

(b) A leased or rented vehicle may be transferred to the lessor, rental agency, or to a person designated by the lessor or rental agency; and

(c) A vehicle may be transferred to a third party or a vehicle dealer who is a bona fide purchaser or may be subject to a bona fide security interest in the vehicle unless it is established that (i) in the case of a purchase by a third party or vehicle dealer, such party or dealer had actual notice that the vehicle was subject to the prohibition prior to the purchase, or (ii) in the case of a security interest, the holder of the security interest had actual notice that the vehicle was subject to the prohibition prior to the encumbrance of title.

(2) On conviction for a violation of either RCW 46.20.740, 46.61.502, or 46.61.504 or any similar municipal ordinance where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055, the motor vehicle the person was driving or over which the person had actual physical control at the time of the offense, if the person has a financial interest in the vehicle, ~~((is subject to seizure and forfeiture pursuant to this section))~~ the court shall consider at sentencing whether the vehicle shall be seized and forfeited pursuant to this section if a seizure or forfeiture has not yet occurred.

(3) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) Seizure under subsection (3) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to

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be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected on a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020, the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the legal owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present legal owner under this title (~~46 RCW~~) or is lawfully entitled to possession of the vehicle.

(7) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title; provided, however, that the agency shall first satisfy any bona fide security interest to which the vehicle is subject under subsection (1)(a) or (c) of this section.

(8) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(9) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(10) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(11) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(12) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the state general fund.

(13) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(14) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may, but need not, use an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

Sec. 19. RCW 46.20.720 and 2012 c 183 s 9 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

(2) Under RCW 46.61.5055 and subject to the exceptions listed in that statute, the court shall order any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person. The court shall order any person participating in a deferred prosecution program under RCW 10.05.020 for a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to have a functioning ignition interlock device installed on all motor vehicles operated by the person.

(3)(a) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance. The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of a violation of RCW 46.61.5249 or 46.61.500 and is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person.

((The department may waive the requirement for the use of such a device if it concludes that such devices are not reasonably available in the local area.))

(b)(i) Except as provided in (b)(ii) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary

responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. ~~((However,))~~

(ii) The employer exemption does not apply:

~~(A) When the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment~~~~((the employer exemption does not apply));~~

(B) For the first thirty days after an ignition interlock device has been installed as the result of a first conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(C) For the first three hundred sixty-five days after an ignition interlock device has been installed as the result of a second or subsequent conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance.

(c) The ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more. Subject to the provisions of subsections (4) and (5) of this section, the period of time of the restriction will be no less than:

~~((a))~~ (i) For a person who has not previously been restricted under this section, a period of one year;

~~((b))~~ (ii) For a person who has previously been restricted under ~~((a))~~ (c)(i) of this subsection, a period of five years;

~~((c))~~ (iii) For a person who has previously been restricted under ~~((b))~~ (c)(ii) of this subsection, a period of ten years.

(4) A restriction imposed under subsection (3) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the four consecutive months prior to the date of release:

(a) ~~((A))~~ Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take ~~((or pass))~~ any ~~((required retest))~~ random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test; ~~((or))~~

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) For a person required to install an ignition interlock device pursuant to RCW 46.61.5249(4) or 46.61.500(3), the period of time of the restriction shall be for six months and shall be subject to subsection (4) of this section.

(6) In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department to be deposited into the ignition interlock device revolving account.

Sec. 20. RCW 46.20.385 and 2012 c 183 s 8 are each amended to read as follows:

(1)(a) Beginning January 1, 2009, any person licensed under this chapter who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or a violation of RCW 46.61.520(1)(a) or 46.61.522(1)(b), or who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied. A person receiving an ignition interlock driver's license waives his or her right to a hearing or appeal under RCW 46.20.308.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial. Subject to the provisions of RCW 46.20.720(3)(b)(ii), the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. ~~((However, when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment, the employer exemption does not apply.))~~

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 and 46.61.5055. Beginning with incidents occurring on or after September 1, 2011, when calculating the period of time for the restriction under RCW 46.20.720(3), the department must also give the person a day-for-day credit for the time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates. For the purposes of this subsection (1)(c)(iii), the term "all vehicles" does not include vehicles that would be subject to the employer exception under RCW 46.20.720(3).

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation

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goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department.

(b) The department shall deposit the proceeds of the twenty dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter (~~46.20 RCW~~) and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

Sec. 21. RCW 10.05.140 and 2011 c 293 s 8 are each amended to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the

periods provided for in RCW 46.20.720(3) (~~(a), (b), and (c)~~). As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec. 22. RCW 10.31.100 and 2013 c 278 s 4 and 2013 c 84 s 32 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.-- (the new chapter created in section 33, chapter 84, Laws of 2013), 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or

household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse; or

(d) The person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

((#)) (g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(13) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

NEW SECTION. Sec. 23. There is created a 24/7 sobriety program to be administered by the Washington traffic safety commission in conjunction with the Washington association of sheriffs and police chiefs. The program shall coordinate efforts among various local government entities for the purpose of implementing alternatives to incarceration for offenders convicted under RCW 46.61.502 or 46.61.504 with one or more prior convictions under RCW 46.61.502 or 46.61.504.

NEW SECTION. Sec. 24. The Washington association of sheriffs and police chiefs shall conduct a 24/7 sobriety program pilot project.

(1) Pilot project sites shall be established in no more than three counties and two cities. Local jurisdictions outside of the pilot project sites are encouraged to establish a 24/7 sobriety program as soon as practicable.

(2) The Washington association of sheriffs and police chiefs must, to the greatest extent possible, select pilot project sites from diverse geographic areas. The cities selected for participation in the project must not be from within a county selected for the program.

(3) The Washington association of sheriffs and police chiefs shall develop criteria for participation in the 24/7 sobriety program pilot project including, but not limited to:

(a) Geographic diversity;

(b) Sufficient volume of eligible participants to provide useable data for the pilot;

(c) County or city commitment to administration of the program; and

(d) Capability of the county or city law enforcement agency to effectively accommodate and administer the program.

(4) The Washington association of sheriffs and police chiefs shall provide a study of the 24/7 sobriety program project measuring changes in recidivism and related county or city savings or costs.

(5) The Washington association of sheriffs and police chiefs shall report preliminary findings and final results of the study to the governor and the legislature on an annual basis. It is the intent of the legislature that the 24/7 sobriety program shall achieve the goal of implementation statewide by January 1, 2017.

NEW SECTION. Sec. 25. There is hereby established in the state treasury the 24/7 sobriety account. The account shall be maintained and administered by the Washington traffic safety commission to reimburse the state for costs associated with establishing the program and the Washington association of sheriffs and police chiefs for ongoing program administration costs. The Washington traffic safety commission may accept for deposit in the account money from donations, gifts, grants, participation fees, and user fees or payments. Expenditures from the account shall be budgeted through the normal budget process.

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NEW SECTION. Sec. 26. The definitions in this section apply throughout sections 23 through 32 of this act unless the context clearly requires otherwise.

(1) "24/7 electronic alcohol/drug monitoring" means the monitoring by the use of any electronic instrument that is capable of determining and monitoring the presence of alcohol or drugs in a person's body and includes any associated equipment a participant needs in order for the device to properly perform. Monitoring may also include mandatory urine analysis tests as ordered by the court.

(2) "Participant" means a person who has one or more prior convictions for a violation of RCW 46.61.502 or 46.61.504 and who has been ordered by a court to participate in the 24/7 sobriety program.

(3) "Participating agency" means a sheriff's office or a designated entity named by a sheriff that has agreed to participate in the 24/7 sobriety program by enrolling participants, administering one or more of the tests, and submitting reports to the Washington association of sheriffs and police chiefs.

(4) "Participation agreement" means a written document executed by a participant agreeing to participate in the 24/7 sobriety program in a form approved by the Washington association of sheriffs and police chiefs that contains the following information:

- (a) The type, frequency, and time period of testing;
- (b) The location of testing;
- (c) The fees and payment procedures required for testing; and
- (d) The responsibilities and obligations of the participant under the 24/7 sobriety program.

(5) "24/7 sobriety program" means a twenty-four hour and seven day a week sobriety program in which a participant submits to the testing of the participant's blood, breath, urine, or other bodily substances in order to determine the presence of alcohol, marijuana, or any controlled substance in the participant's body.

NEW SECTION. Sec. 27. Each county or city, through its sheriff or chief, may participate in the 24/7 sobriety program. If a sheriff or chief is unwilling or unable to participate in the 24/7 sobriety program, the sheriff or chief may designate an entity willing to provide the service.

NEW SECTION. Sec. 28. The court may condition any bond or pretrial release upon participation in the 24/7 sobriety program and payment of associated costs and expenses, if available.

NEW SECTION. Sec. 29. The Washington association of sheriffs and police chiefs may adopt policies and procedures for the administration of the 24/7 sobriety program to:

- (1) Provide for procedures and apparatus for testing;
- (2) Establish fees and costs for participation in the program to be paid by the participants;
- (3) Require the submission of reports and information by law enforcement agencies within this state.

NEW SECTION. Sec. 30. (1) Funds in the 24/7 sobriety account shall be distributed as follows:

(a) Any daily user fee, installation fee, deactivation fee, enrollment fee, or monitoring fee collected under the 24/7 sobriety program shall be collected by the sheriff or chief, or an entity designated by the sheriff or chief, and deposited with the county or city treasurer of the proper county or city, the proceeds of which shall be applied and used only to defray the recurring costs of the 24/7 sobriety program including maintaining equipment, funding support services, and ensuring compliance; and

(b) Any participation fee collected in the administration of testing under the 24/7 sobriety program to cover program administration costs incurred by the Washington association of sheriffs and police chiefs shall be collected by the sheriff or chief, or an entity designated by the sheriff or chief, and deposited in the 24/7 sobriety account.

(2) All applicable fees shall be paid by the participant contemporaneously or in advance of the time when the fee becomes due.

NEW SECTION. Sec. 31. The court shall not waive or reduce fees or associated costs charged for participation in the 24/7 sobriety program.

NEW SECTION. Sec. 32. (1) A participant who violates the terms of participation in the 24/7 sobriety program or does not pay the required fees or associated costs shall:

- (a) Receive a written warning notice for a first violation;
- (b) Serve a term of two days imprisonment for a second violation;
- (c) Serve a term of up to five days imprisonment for a third violation;
- (d) Serve a term of up to ten days imprisonment for a fourth violation; and
- (e) For a fifth violation, the participant shall serve the entire remaining sentence imposed by the court.

(2) A sheriff or chief, or the designee of a sheriff or chief, who has probable cause to believe that a participant has violated the terms of participation in the 24/7 sobriety program or has not paid the required fees or associated costs shall immediately take the participant into custody and cause him or her to be held until an appearance before a judge on the next judicial day.

Sec. 33. RCW 4.24.545 and 2006 c 130 s 3 are each amended to read as follows:

Local governments, their subdivisions and employees, the department of corrections and its employees, and the Washington association of sheriffs and police chiefs and its employees are immune from civil liability for damages arising from incidents involving offenders who are placed on electronic monitoring or who are participating in the 24/7 sobriety program, unless it is shown that an employee acted with gross negligence or bad faith.

NEW SECTION. Sec. 34. (1) Any funding provided during the 2013-2015 biennium for the ignition interlock program at the Washington state patrol that is in addition to any funding identified in chapter 306, Laws of 2013 (omnibus transportation appropriations act) may only be used to provide field officers to work directly with manufacturers, service centers, technicians, and participants in the program. This may include up to one full-time equivalent noncommissioned staff to provide administrative support for the program. Any funding provided as identified in this section must be used to supplement and not supplant other funds being used to fund the ignition interlock program.

(2) This section expires July 1, 2015.

NEW SECTION. Sec. 35. A new section is added to chapter 43.43 RCW to read as follows:

(1) Any officer conducting field inspections of ignition interlock devices under the ignition interlock program shall report violations by program participants to the court.

(2) The Washington state patrol may not be held liable for any damages resulting from any act or omission in conducting activities under the ignition interlock program, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

Sec. 36. RCW 46.20.308 and 2013 c 3 s 31 (Initiative Measure No. 502), 2012 c 183 s 7, and 2012 c 80 s 12 are each reenacted and amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath (~~or blood~~) for the purpose of determining the alcohol concentration, THC concentration, or presence of any drug in his or her breath (~~or blood~~) if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle

while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol or THC in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. ~~((However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(5).))~~ The officer shall inform the person of his or her right to refuse the breath ~~((or blood))~~ test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if:

(i) The driver is age twenty-one or over and the test indicates either that the alcohol concentration of the driver's breath ~~((or blood))~~ is 0.08 or more or that the THC concentration of the driver's blood is 5.00 or more; or

(ii) The driver is under age twenty-one and the test indicates either that the alcohol concentration of the driver's breath ~~((or blood))~~ is 0.02 or more or that the THC concentration of the driver's blood is above 0.00; or

(iii) The driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504; and

(d) If the driver's license, permit, or privilege to drive is suspended, revoked, or denied the driver may be eligible to immediately apply for an ignition interlock driver's license.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of felony driving under the influence of intoxicating liquor or drugs under RCW 46.61.502(6), felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6), vehicular homicide as provided in RCW 46.61.520, or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested pursuant to a search warrant, a valid waiver of the warrant requirement, or when exigent circumstances exist.

(4) ((Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this

section.

(5)) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath ~~((or blood))~~, no test shall be given except as authorized ~~((under subsection (3) or (4) of this section))~~ by a search warrant.

~~((6))~~ (5) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more, or the THC concentration of the person's blood is 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood is 0.02 or more, or the THC concentration of the person's blood is above 0.00, if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection ~~((7))~~ (6) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection ~~((8))~~ (7) of this section and that the person waives the right to a hearing if he or she receives an ignition interlock driver's license;

(c) ((Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d)) Serve notice in writing that the ~~((marked))~~ license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection ~~((8))~~ (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

~~((e))~~ (d) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol or THC concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her ~~((blood or))~~ breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

~~((7))~~ (6) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection ~~((6))~~ (5)(d) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective

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beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection ~~((8))~~ (7) of this section, whichever occurs first.

~~((8))~~ (7) A person receiving notification under subsection ~~((6))~~ (5)(b) of this section may, within twenty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of three hundred seventy-five dollars as part of the request. If the request is mailed, it must be postmarked within twenty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required three hundred seventy-five dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required three hundred seventy-five dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection ~~((6)(e))~~ (5) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person was age twenty-one or over at the time of the arrest, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of

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documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

~~((9))~~ (8) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

~~((4))~~ (9)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection ~~((7))~~ (6) of this section, other than as a result of a breath ~~(or blood)~~ test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection ~~((7))~~ (6) of this section, or notifies the department of licensing of the intent to seek such a deferred prosecution, then the license suspension or revocation shall be stayed pending entry of the deferred prosecution. The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license ~~(marked)~~ under subsection ~~((6))~~ (5) of this section, for the period of the stay. If a deferred prosecution treatment plan is not

recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

(b) A suspension, revocation, or denial imposed under this section, other than as a result of a breath (~~(or blood)~~) test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of a suspension, revocation, or denial and the cancellation of any suspension, revocation, or denial do not apply to the suspension, revocation, denial, or disqualification of a person's commercial driver's license or privilege to operate a commercial motor vehicle.

~~((4))~~ (10) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 37. RCW 9.94A.535 and 2013 c 256 s 2 and 2013 c 84 s 26 are each reenacted and amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The defendant was making a good faith effort to obtain or provide medical assistance for someone who is experiencing a drug-related overdose.

(j) The current offense involved domestic violence, as defined in RCW 10.99.020, and the defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous

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than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, or stalking, as defined in RCW 9A.46.110, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

(aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

(bb) The current offense involved paying to view, over the internet in violation of RCW 9.68A.075, depictions of a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (g).

(cc) The offense was intentionally committed because the defendant perceived the victim to be homeless, as defined in RCW 9.94A.030.

(dd) The current offense involved a felony crime against persons, except for assault in the third degree pursuant to RCW 9A.36.031(1)(k), that occurs in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. This subsection shall apply only: (i) During the times when a courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings; and (ii) if signage was posted in compliance with section 3, chapter 256, Laws of 2013 at the time of the offense.

(ee) During the commission of the current offense, the defendant was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater.

NEW SECTION. Sec. 38. (1) The legislature finds that Washington state has one of the weakest driving under the influence felony laws (in noninjury cases) in the nation. Of the forty-five states that have felony driving under the influence laws for convictions, Washington state and North Dakota were the only states where a convicted driving under the influence offender in a noninjury crash could be charged with a felony starting on the fifth offense. This year, North Dakota changed its law making a fourth time driving under the influence offender a felon, leaving Washington state with the dubious distinction as the state with the greatest number of prior convictions required to constitute a driving under the influence felony. The legislature further notes that there have been several high profile driving under the influence fatalities in Washington state committed by offenders with multiple prior driving under the influence offenses on their record or while waiting

to have their cases resolved pretrial. The Washington impaired driving work group is established to study effective strategies to reduce vehicle-related deaths and serious injuries that are a result of impaired driving incidents in Washington state.

(2) Members of the work group shall consist of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The chief of the Washington state patrol, or the chief's designee;

(d) The director of the liquor control board, or the director's designee;

(e) The director of the department of licensing, or the director's designee;

(f) The secretary of the department of corrections, or the secretary's designee;

(g) The secretary of the department of social and health services, or the secretary's designee;

(h) One member representing the Washington traffic safety commission;

(i) The executive director of the Washington association of sheriffs and police chiefs, or the executive director's designee;

(j) One member representing the superior court judges' association;

(k) One member representing the district and municipal court judges' association;

(l) One member representing the Washington state association of counties;

(m) One member representing the Washington association of prosecuting attorneys;

(n) One member representing the Washington defender's association or the Washington association of criminal defense lawyers;

(o) One member representing the Washington state association of drug court professionals;

(p) One member representing the ignition interlock industry;

(q) One member representing the Washington retail association;

(r) One member representing the Washington state association of cities;

(s) One member representing treatment providers;

(t) One representative representing driving under the influence victim impact panels; and

(u) Representatives, appointed by the governor, that shall include, but are not limited to:

(i) City law enforcement;

(ii) County law enforcement;

(iii) Court administrators; and

(iv) Driving under the influence victims or family members of a victim.

(3) The Washington traffic safety commission shall convene the initial meeting of the work group and provide staff support.

(4) Members of the work group shall select the chair of the work group.

(5) At a minimum, the work group shall research, review, and make recommendations on the following:

(a) Lowering the minimum number of previous impaired driving convictions that must be counted before constituting and being punishable as a felony offense;

(b) Providing effective strategies for reducing motor vehicle-related deaths and serious injuries due to impaired driving;

(c) Increasing mandatory minimum penalties and fines for repeat offenders;

(d) Promoting and monitoring the use of mandatory ignition interlocks;

(e) The advantages and disadvantages of creating sobriety checkpoints;

(f) Requiring mandatory arrests for a first offense for an impaired driving offense;

(g) Increasing treatment and rehabilitation for repeat offenders;

(h) Reviewing the penalties for refusing to take a breath or blood test for the purpose of determining the alcohol concentration or presence of any drugs;

(i) Increasing funding for prevention, intervention, suppression, and prosecution of impaired driving offenses;

(j) Prohibiting the sale of alcohol to offenders convicted of repeat impaired driving offenses;

(k) Improving prosecution and encouraging prosecutors to aggressively enforce impaired driving laws;

(l) Increasing the number of driving under the influence courts and court-related services;

(m) Creating state and local impaired driving enforcement task forces to increase the visibility of enforcement;

(n) Promoting education and prevention strategies; and

(o) Encouraging private sector collaboration.

(6) The work group shall compile its findings and recommendations into a final report and provide its report to the legislature and governor by December 1, 2013.

(7) The work group shall function within existing resources and no specific budget may be provided to complete the study. The participants of the study group are encouraged to donate their time to offset any costs.

(8) This section expires January 1, 2014.

NEW SECTION. Sec. 39. The sum of one hundred seventy-six thousand dollars of the state general fund for the fiscal year ending June 30, 2014, and one hundred seventy-six thousand dollars of the state general fund for the fiscal year ending June 30, 2015, or as much thereof as may be necessary, are appropriated to the Washington traffic safety commission solely for the purposes of section 25 of this act.

NEW SECTION. Sec. 40. The sum of two hundred seventy thousand dollars of the state general fund for the fiscal year ending June 30, 2014, and three hundred sixty thousand dollars of the state general fund for the fiscal year ending June 30, 2015, or as much thereof as may be necessary, are appropriated to the Washington traffic safety commission solely for allocation to counties for the increased incarceration costs incurred as a result of mandatory arrest of repeat offenders under RCW 10.31.100(2)(d).

NEW SECTION. Sec. 41. The sum of one million two hundred seventy thousand five hundred dollars of the general fund--state appropriation for the fiscal year ending June 30, 2014, and one million two hundred seventy thousand five hundred dollars of the general fund--state appropriation for the fiscal year ending June 30, 2015, are provided as a grant to the Washington association of prosecuting attorneys for funding up to eleven deputy prosecuting attorney positions focused upon rush filing charges against repeat DUI offenders. The new positions will be in addition to current resources and not supplant existing positions. The Washington association of prosecuting attorneys will provide a report by December 1, 2014, on the number of cases rush filed by the new positions and the overall effect on case processing within each jurisdiction.

NEW SECTION. Sec. 42. The sum of one hundred thousand dollars of the state general fund for the fiscal year ending June 30, 2014, and one hundred twenty-two thousand dollars of the state general fund for the fiscal year ending June 30, 2015, or as much thereof as may be necessary, are appropriated to the department of corrections solely for the increased supervision of offenders under RCW 9.94A.501(4)(h).

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NEW SECTION. Sec. 43. The sum of four hundred twenty-three thousand dollars of the state general fund for the fiscal year ending June 30, 2014, eight hundred fourteen thousand dollars of the state general fund for the fiscal year ending June 30, 2015, and one million four hundred seventy-eight thousand dollars of the state general fund federal appropriation, or as much thereof as may be necessary, are appropriated to the department of social and health services to provide court ordered chemical dependency assessment and treatment services for low-income or medicaid eligible repeat DUI offenders.

NEW SECTION. Sec. 44. Sections 27, 28, and 30 through 32 of this act take effect January 1, 2014.

NEW SECTION. Sec. 45. Sections 23 through 32 of this act are each added to chapter 36.28A RCW.

NEW SECTION. Sec. 46. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted:

On page 6, after line 37 of the amendment, insert the following:

"**Sec. 8.** RCW 9.94A.760 and 2011 c 106 s 3 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount. Upon receipt of an offender's monthly payment, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court:

(a) Shall require the offender to pay the actual cost of incarceration per day if the offender was sentenced for a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance;

(b) May require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the court may require the offender to pay the actual cost of incarceration per day of incarceration, if incarcerated in a county jail.

(3) In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

~~((3))~~ (4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll

deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

~~((4))~~ (5) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

~~((5))~~ (6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of

preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

~~((6))~~ (7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

~~((7))~~ (8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

~~((8))~~ (9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

~~((9))~~ (10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

~~((10))~~ (11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740.

~~((11))~~ (12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

~~((12))~~ (13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection ~~((4))~~ (5) of this section. The costs for collection services shall be paid by the offender.

~~((13))~~ (14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

~~((14))~~ (15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 9. RCW 10.01.160 and 2010 c 54 s 1 are each amended to read as follows:

(1) The court shall require a defendant sentenced for a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, to pay costs subject to subsection (3) of this section. In all other cases, the court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed two hundred fifty dollars. Costs for administering a pretrial supervision may not exceed one hundred fifty dollars. Costs for preparing and serving a warrant for failure to appear may not exceed one hundred dollars. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence

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over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not order a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been ordered to pay costs and who is not in contemptuous default in the payment thereof may at any time petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, or modify the method of payment under RCW 10.01.170.

(5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related to medical or mental health treatment or services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units. This section shall not prevent the secretary of the department of social and health services or other governmental units from imposing liability and seeking reimbursement from a defendant committed to an appropriate facility as provided in RCW 10.77.084 while criminal proceedings are stayed. This section shall also not prevent governmental units from imposing liability on defendants for costs related to providing medical or mental health treatment while the defendant is in the governmental unit's custody. Medical or mental health treatment and services a defendant receives at a state hospital or other facility are not a cost of prosecution and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and any other applicable statute."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 74, line 3 of the title amendment, after "35.20.255," insert "9.94A.760, 10.01.160,"

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Roach, the amendment by Senator Roach on page 6, line 37 to the striking amendment to Second Substitute Senate Bill No. 5912 was withdrawn.

MOTION

On motion of Senator Billig, Senators Kline, Mullet and Murray were excused.

MOTION

On motion of Senator Harper, Senator Hatfield was excused.

MOTION

Senator Padden moved that the following amendment by Senator Padden to the striking amendment be adopted:

On page 24, on line 31, after "home monitoring," strike "~~(Ninety)~~ One hundred" and insert "Ninety"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 24, line 31 to the striking amendment to Second Substitute Senate Bill No. 5912.

The motion by Senator Padden carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others to the striking amendment be adopted:

On page 29, line 16 of the amendment, after "higher" insert "unless the person is a qualifying patient possessing valid documentation under chapter 69.51A RCW"

Senators Kohl-Welles and Darneille spoke in favor of adoption of the amendment to the striking amendment.

Senator Padden spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and others on page 29, line 16 to the striking amendment to Second Substitute Senate Bill No. 5912.

The motion by Senator Kohl-Welles failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others to the striking amendment be adopted:

On page 32, beginning on line 16 of the amendment, strike all of section 14 and insert the following:

"**Sec. 14.** RCW 46.68.340 and 2008 c 282 s 3 are each amended to read as follows:

The ignition interlock device revolving account is created in the state treasury. All receipts from the fee assessed under RCW 46.20.385(6) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used (~~only~~) for administering and operating the ignition interlock device revolving account program and implementing effective strategies to reduce motor vehicle-related deaths and serious injuries, such as those found in the Washington state strategic highway safety plan: Target Zero."

Senators Kohl-Welles and Padden spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and others on page 32, line 16 to the striking amendment to Second Substitute Senate Bill No. 5912.

The motion by Senator Kohl-Welles carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Darneille to the striking amendment be adopted:

On page 53, line 7 of the amendment, after "fees" insert ", assessment,"

On page 53, line 28 of the amendment, after "participants" insert ", including an assessment to fund monetary costs associated with 24/7 electronic alcohol/drug monitoring of participants who are found by the court to be indigent as defined in RCW 10.101.010"

Senator Kohl-Welles spoke in favor of adoption of the amendment to the striking amendment.

Senators Padden and Sheldon spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Darneille on page 53, line 7 to the striking amendment to Second Substitute Senate Bill No. 5912.

The motion by Senator Kohl-Welles failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Padden as amended to Second Substitute Senate Bill No. 5912.

Senators Padden, Benton, Roach and Kohl-Welles spoke in favor of adoption of the striking amendment as amended.

The motion by Senator Padden carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "drugs;" strike the remainder of the title and insert "amending RCW 2.28.175, 3.66.067, 3.66.068, 3.50.320, 3.50.330, 35.20.255, 9.94A.525, 43.43.395, 46.25.090, 46.25.110, 46.25.120, 9.94A.501, 46.61.5249, 46.20.270, 46.61.5058, 46.20.720, 46.20.385, 10.05.140, and 4.24.545; reenacting and amending RCW 46.61.5055, 10.31.100, 46.20.308, and 9.94A.535; adding a new section to chapter 10.21 RCW; adding new sections to chapter 36.28A RCW; adding a new section to chapter 43.43 RCW; creating new sections; prescribing penalties; making appropriations; providing an effective date; and providing expiration dates."

On page 1, line ... of the title, after "...", insert "..."

On page 74, line 4 of the title amendment, after "46.25.120," insert "46.68.340,"

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5912 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Schlicher spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5912.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5912 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Kline, Mullet and Murray

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5912, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Engrossed Second Substitute Senate Bill No. 5912 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

SUBSTITUTE SENATE BILL NO. 5913, by Senate Committee on Ways & Means (originally sponsored by Senator Becker).

Concerning a hospital safety net assessment and quality incentive program for increased hospital payments.

The bill was read on Third Reading.

MOTION

On motion of Senator Braun, the rules were suspended and Substitute Senate Bill No. 5913 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5913, by Senate Committee on Ways & Means (originally sponsored by Senator Becker)

Concerning a hospital safety net assessment and quality incentive program for increased hospital payments.

The measure was read the second time.

MOTION

Senator Braun moved that the following striking amendment by Senator Hill be adopted:

Strike everything after the enacting clause and insert the following:

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"Sec. 1. RCW 74.60.005 and 2010 1st sp.s. c 30 s 1 are each amended to read as follows:

(1) The purpose of this chapter is to provide for a safety net assessment on certain Washington hospitals, which will be used solely to augment funding from all other sources and thereby ~~((obtain additional funds to restore recent reductions and to))~~ support additional payments to hospitals for medicaid services as specified in this chapter.

(2) The legislature finds that(:

(a) Washington hospitals, working with the department of social and health services, have proposed a hospital safety net assessment to generate additional state and federal funding for the medicaid program, which will be used to partially restore recent inpatient and outpatient reductions in hospital reimbursement rates and provide for an increase in hospital payments; and

(b)) federal health care reform will result in an expansion of medicaid enrollment in this state and an increase in federal financial participation. As a result, the hospital safety net assessment and hospital safety net assessment fund created in this chapter ((allows the state to generate additional federal financial participation for the medicaid program and provides for increased reimbursement to hospitals)) will begin phasing down over a four-year period beginning in fiscal year 2016 as federal medicaid expansion is fully implemented. The state will end its reliance on the assessment and the fund by the end of fiscal year 2019.

(3) In adopting this chapter, it is the intent of the legislature:

(a) To impose a hospital safety net assessment to be used solely for the purposes specified in this chapter;

(b) ((That funds generated by the assessment shall be used solely to augment all other funding sources and not as a substitute for any other funds;

(c)) To generate approximately four hundred forty-six million three hundred thirty-eight thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then phasing down in equal increments to zero by the end of fiscal year 2019, in new state and federal funds by disbursing all of that amount to pay for medicaid hospital services and grants to certified public expenditure hospitals, except costs of administration as specified in this chapter, in the form of additional payments to hospitals and managed care plans, which may not be a substitute for payments from other sources;

(c) To generate one hundred ninety-nine million eight hundred thousand dollars in the 2013-2015 biennium, phasing down to zero by the end of the 2017-2019 biennium, in new funds to be used in lieu of state general fund payments for medicaid hospital services;

(d) That the total amount assessed not exceed the amount needed, in combination with all other available funds, to support the ((reimbursement rates and other)) payments authorized by this chapter; and

~~((4))~~ (e) To condition the assessment on receiving federal approval for receipt of additional federal financial participation and on continuation of other funding sufficient to maintain ((hospital inpatient and outpatient reimbursement rates and small rural disproportionate share payments at least at the levels in effect on July 1, 2009)) aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the levels the state paid for those services on July 1, 2009, as adjusted for current enrollment and utilization, but without regard to payment increases resulting from chapter 30, Laws of 2010 1st sp. sess.

Sec. 2. RCW 74.60.010 and 2010 1st sp.s. c 30 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Base year" for medicaid payments for state fiscal year 2014

is state fiscal year 2011. For each following year's calculations, the base year must be updated to the next following year.

(3) "Bordering city hospital" means a hospital as defined in WAC 182-550-1050 and bordering cities as described in WAC 182-501-0175, or successor rules.

(4) "Certified public expenditure hospital" means a hospital participating in ~~((the department's))~~ or that at any point from the effective date of this section to July 1, 2019, has participated in the authority's certified public expenditure payment program as described in WAC ~~((388-550-4650))~~ 182-550-4650 or successor rule. For purposes of this chapter any such hospital shall continue to be treated as a certified public expenditure hospital for assessment and payment purposes through the date specified in RCW 74.60.901. The eligibility of such hospitals to receive grants under RCW 74.60.090 solely from funds generated under this chapter must not be affected by any modification or termination of the federal certified public expenditure program, or reduced by the amount of any federal funds no longer available for that purpose.

~~((2))~~ (5) "Critical access hospital" means a hospital as described in RCW 74.09.5225.

~~((3) "Department" means the department of social and health services.~~

~~—~~ (4)) (6) "Director" means the director of the health care authority.

(7) "Eligible new prospective payment hospital" means a prospective payment hospital opened after January 1, 2009, for which a full year of cost report data as described in RCW 74.60.030(2) and a full year of medicaid base year data required for the calculations in RCW 74.60.120(3) are available.

(8) "Fund" means the hospital safety net assessment fund established under RCW 74.60.020.

~~((5))~~ (9) "Hospital" means a facility licensed under chapter 70.41 RCW.

~~((6))~~ (10) "Long-term acute care hospital" means a hospital which has an average inpatient length of stay of greater than twenty-five days as determined by the department of health.

~~((7))~~ (11) "Managed care organization" means an organization having a certificate of authority or certificate of registration from the office of the insurance commissioner that contracts with the ~~((department))~~ authority under a comprehensive risk contract to provide prepaid health care services to eligible clients under the ~~((department's))~~ authority's medicaid managed care programs, including the healthy options program.

~~((8))~~ (12) "Medicaid" means the medical assistance program as established in Title XIX of the social security act and as administered in the state of Washington by the ~~((department of social and health services))~~ authority.

~~((9))~~ (13) "Medicare cost report" means the medicare cost report, form 2552~~((96))~~, or successor document.

~~((10))~~ (14) "Nonmedicare hospital inpatient day" means total hospital inpatient days less medicare inpatient days, including medicare days reported for medicare managed care plans, as reported on the medicare cost report, form 2552~~((96))~~, or successor forms, excluding all skilled and nonskilled nursing facility days, skilled and nonskilled swing bed days, nursery days, observation bed days, hospice days, home health agency days, and other days not typically associated with an acute care inpatient hospital stay.

~~((11))~~ (15) "Outpatient" means services provided classified as ambulatory payment classification services or successor payment methodologies as defined in WAC 182-550-7050 or successor rule and applies to fee-for-service payments and managed care encounter data.

(16) "Prospective payment system hospital" means a hospital reimbursed for inpatient and outpatient services provided to medicaid beneficiaries under the inpatient prospective payment

system and the outpatient prospective payment system as defined in WAC ~~((388-550-1050))~~ 182-550-1050 or successor rule. For purposes of this chapter, prospective payment system hospital does not include a hospital participating in the certified public expenditure program or a bordering city hospital located outside of the state of Washington and in one of the bordering cities listed in WAC ~~((388-501-0175))~~ 182-501-0175 or successor ~~((regulation))~~ rule.

~~((42))~~ (17) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

~~((13))~~ "Regional support network" has the same meaning as provided in RCW 71.24.025.

~~((14))~~ (18) "Rehabilitation hospital" means a medicare-certified freestanding inpatient rehabilitation facility.

~~((15))~~ "Secretary" means the secretary of the department of social and health services.

~~((16))~~ (19) "Small rural disproportionate share hospital payment" means a payment made in accordance with WAC ~~((388-550-5200))~~ 182-550-5200 or ~~((subsequently filed regulation))~~ successor rule.

(20) "Upper payment limit" means the aggregate federal upper payment limit on the amount of the medicaid payment for which federal financial participation is available for a class of service and a class of health care providers, as specified in 42 C.F.R. Part 47, as separately determined for inpatient and outpatient hospital services.

Sec. 3. RCW 74.60.020 and 2011 1st sp.s. c 35 s 1 are each amended to read as follows:

(1) A dedicated fund is hereby established within the state treasury to be known as the hospital safety net assessment fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the ~~((department))~~ authority on audit or otherwise shall be returned to the fund.

(a) Any unexpended balance in the fund at the end of a fiscal biennium shall carry over into the following biennium and shall be applied to reduce the amount of the assessment under RCW 74.60.050(1)(c).

(b) Any amounts remaining in the fund ~~((on))~~ after July 1, ~~((2013))~~ 2019, shall be ~~((used to make increased payments in accordance with RCW 74.60.090 and 74.60.120 for any outstanding claims with dates of service prior to July 1, 2013. Any amounts remaining in the fund after such increased payments are made shall be refunded to hospitals, pro rata according to the amount paid by the hospital, subject to the limitations of federal law))~~ refunded to hospitals, pro rata according to the amount paid by the hospital since July 1, 2013, subject to the limitations of federal law.

(2) All assessments, interest, and penalties collected by the ~~((department))~~ authority under RCW 74.60.030 and 74.60.050 shall be deposited into the fund.

(3) Disbursements from the fund ~~((may be made only as follows:~~

(a) Subject to appropriations and the continued availability of other funds in an amount sufficient to maintain the level of medicaid hospital rates in effect on July 1, 2009;

(b) Upon certification by the secretary that the conditions set forth in RCW 74.60.150(1) have been met with respect to the assessments imposed under RCW 74.60.030 (1) and (2), the payments provided under RCW 74.60.080, payments provided under RCW 74.60.120(2), and any initial payments under RCW 74.60.100 and 74.60.110, funds shall be disbursed in the amount necessary to make the payments specified in those sections;

(c) Upon certification by the secretary that the conditions set forth in RCW 74.60.150(1) have been met with respect to the

assessments imposed under RCW 74.60.030(3) and the payments provided under RCW 74.60.090 and 74.60.130, payments made subsequent to the initial payments under RCW 74.60.100 and 74.60.110, and payments under RCW 74.60.120(3), funds shall be disbursed periodically as necessary to make the payments as specified in those sections;

(d) To refund erroneous or excessive payments made by hospitals pursuant to this chapter;

(e) The sum of forty-nine million three hundred thousand dollars for the 2009-2011 fiscal biennium may be expended in lieu of state general fund payments to hospitals. An additional sum of seventeen million five hundred thousand dollars for the 2009-2011 fiscal biennium may be expended in lieu of state general fund payments to hospitals if additional federal financial participation under section 5001 of P.L. No. 111-5 is extended beyond December 31, 2010. The sum of one hundred ninety-nine million eight hundred thousand dollars for the 2011-2013 fiscal biennium may be expended in lieu of state general fund payments to hospitals;

(f) The sum of one million dollars per biennium may be disbursed for payment of administrative expenses incurred by the department in performing the activities authorized by this chapter;

(g) To repay the federal government for any excess payments made to hospitals from the fund if the assessments or payment increases set forth in this chapter are deemed out of compliance with federal statutes and regulations and all appeals have been exhausted. In such a case, the department may require hospitals receiving excess payments to refund the payments in question to the fund. The state in turn shall return funds to the federal government in the same proportion as the original financing. If a hospital is unable to refund payments, the state shall develop a payment plan and/or deduct moneys from future medicaid payments) are conditioned upon appropriation and the continued availability of other funds sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the levels the state paid for those services on July 1, 2009, as adjusted for current enrollment and utilization, but without regard to payment increases resulting from chapter 30, Laws of 2010 1st sp. sess.

(4) Disbursements from the fund may be made only:

(a) To make payments to hospitals and managed care plans as specified in this chapter;

(b) To refund erroneous or excessive payments made by hospitals pursuant to this chapter;

(c) For one million dollars per biennium for payment of administrative expenses incurred by the authority in performing the activities authorized by this chapter;

(d) For one hundred ninety-nine million eight hundred thousand dollars in the 2013-2015 biennium, phasing down to zero by the end of the 2017-2019 biennium to be used in lieu of state general fund payments for medicaid hospital services, provided that if the full amount of the payments required under RCW 74.60.120 and 74.60.130 cannot be distributed in a given fiscal year, this amount must be reduced proportionately;

(e) To repay the federal government for any excess payments made to hospitals from the fund if the assessments or payment increases set forth in this chapter are deemed out of compliance with federal statutes and regulations in a final determination by a court of competent jurisdiction with all appeals exhausted. In such a case, the authority may require hospitals receiving excess payments to refund the payments in question to the fund. The state in turn shall return funds to the federal government in the same proportion as the original financing. If a hospital is unable to refund payments, the state shall develop either a payment plan, or deduct moneys from future medicaid payments, or both;

(f) Beginning in state fiscal year 2015, to pay an amount sufficient, when combined with the maximum available amount of

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federal funds necessary to provide a one percent increase in medicaid hospital inpatient rates to hospitals eligible for quality improvement incentives under section 18 of this act.

Sec. 4. RCW 74.60.030 and 2010 1st sp.s. c 30 s 4 are each amended to read as follows:

(1) ((An assessment is imposed as set forth in this subsection effective after the date when the applicable conditions under RCW 74.60.150(1) have been satisfied through June 30, 2013, for the purpose of funding restoration of reimbursement rates under RCW 74.60.080(1) and 74.60.120(2)(a) and funding payments made subsequent to the initial payments under RCW 74.60.100 and 74.60.110. Payments under this subsection are due and payable on the first day of each calendar quarter after the department sends notice of assessment to affected hospitals. However, the initial assessment is not due and payable less than thirty calendar days after notice of the amount due has been provided to affected hospitals.

(a) For the period beginning on the date the applicable conditions under RCW 74.60.150(1) are met through December 31, 2010:

(i) Each prospective payment system hospital shall pay an assessment of thirty-two dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(b) For the period beginning on January 1, 2011, and ending on June 30, 2011:

(i) Each prospective payment system hospital shall pay an assessment of forty dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(c) For the period beginning July 1, 2011, through June 30, 2013:

(i) Each prospective payment system hospital shall pay an assessment of forty-four dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(d)(i) For purposes of (a) and (b) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare inpatient days for each hospital that is not exempt from the assessment as described in RCW 74.60.040 for the relevant state fiscal year 2008 portions included in the hospital's fiscal year end reports 2007 and/or 2008 cost reports. The department shall use nonmedicare hospital inpatient day data for each hospital taken from the centers for medicare and medicaid services' hospital 2552-96 cost report data file as of November 30, 2009, or equivalent data collected by the department.

(ii) For purposes of (c) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare hospital inpatient days for each hospital that is not exempt from the assessment under RCW 74.60.040, taken from the most recent publicly available hospital 2552-96 cost report data file or successor data file available through the centers for medicare and medicaid services, as of a date

to be determined by the department. If cost report data are unavailable from the foregoing source for any hospital subject to the assessment, the department shall collect such information directly from the hospital.

(2) An assessment is imposed in the amounts set forth in this section for the purpose of funding the restoration of the rates under RCW 74.60.080(2) and 74.60.120(2)(b) and funding the initial payments under RCW 74.60.100 and 74.60.110, which shall be due and payable within thirty calendar days after the department has transmitted a notice of assessment to hospitals. Such notice shall be transmitted immediately upon determination by the secretary that the applicable conditions established by RCW 74.60.150(1) have been met.

(a) Prospective payment system hospitals.

(i) Each prospective payment system hospital shall pay an assessment of thirty dollars for each annual nonmedicare hospital inpatient day up to sixty thousand per year, multiplied by a ratio, the numerator of which is the number of days between June 30, 2009, and the day after the applicable conditions established by RCW 74.60.150(1) have been met and the denominator of which is three hundred sixty-five.

(ii) Each prospective payment system hospital shall pay an assessment of one dollar for each annual nonmedicare hospital inpatient day over and above sixty thousand per year, multiplied by a ratio, the numerator of which is the number of days between June 30, 2009, and the day after the applicable conditions established by RCW 74.60.150(1) have been met and the denominator of which is three hundred sixty-five.

(b) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by a ratio, the numerator of which is the number of days between June 30, 2009, and the day after the applicable conditions established by RCW 74.60.150(1) have been met and the denominator of which is three hundred sixty-five.

(c) For purposes of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare inpatient days for each hospital that is not exempt from the assessment as described in RCW 74.60.040 for the relevant state fiscal year 2008 portions included in the hospital's fiscal year end reports 2007 and/or 2008 cost reports. The department shall use nonmedicare hospital inpatient day data for each hospital taken from the centers for medicare and medicaid services' hospital 2552-96 cost report data file as of November 30, 2009, or equivalent data collected by the department.

(3) An assessment is imposed as set forth in this subsection for the period February 1, 2010, through June 30, 2013, for the purpose of funding increased hospital payments under RCW 74.60.090 and 74.60.120(3), which shall be due and payable on the first day of each calendar quarter after the department has sent notice of the assessment to each affected hospital, provided that the initial assessment shall be transmitted only after the secretary has determined that the applicable conditions established by RCW 74.60.150(1) have been satisfied and shall be payable no less than thirty calendar days after the department sends notice of the amount due to affected hospitals. The initial assessment shall include the full amount due from February 1, 2010, through the date of the notice.

(a) For the period February 1, 2010, through December 31, 2010:

(i) Prospective payment system hospitals.

(A) Each prospective payment system hospital shall pay an assessment of one hundred nineteen dollars for each annual nonmedicare hospital inpatient day up to sixty thousand per year, multiplied by the number of days in the assessment period divided

by three hundred sixty-five.

(B) Each prospective payment system hospital shall pay an assessment of five dollars for each annual nonmedicare hospital inpatient day over and above sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each psychiatric hospital and each rehabilitation hospital shall pay an assessment of thirty-one dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(b) For the period beginning on January 1, 2011, and ending on June 30, 2011:

(i) Prospective payment system hospitals.

(A) Each prospective payment system hospital shall pay an assessment of one hundred fifty dollars for each annual nonmedicare inpatient day up to sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(B) Each prospective payment system hospital shall pay an assessment of six dollars for each annual nonmedicare inpatient day over and above sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five. The department may adjust the assessment or the number of nonmedicare hospital inpatient days used to calculate the assessment amount if necessary to maintain compliance with federal statutes and regulations related to medicaid program health care-related taxes.

(ii) Each psychiatric hospital and each rehabilitation hospital shall pay an assessment of thirty-nine dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(c) For the period beginning July 1, 2011, through June 30, 2013:

(i) Prospective payment system hospitals.

(A) Each prospective payment system hospital shall pay an assessment of one hundred fifty-six dollars for each annual nonmedicare hospital inpatient day up to sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(B) Each prospective payment system hospital shall pay an assessment of six dollars for each annual nonmedicare inpatient day over and above sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five. The department may adjust the assessment or the number of nonmedicare hospital inpatient days if necessary to maintain compliance with federal statutes and regulations related to medicaid program health care-related taxes.

(ii) Each psychiatric hospital and each rehabilitation hospital shall pay an assessment of thirty-nine dollars for each annual nonmedicare inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(d)(i) For purposes of (a) and (b) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare inpatient days for each hospital that is not exempt from the assessment as described in RCW 74.60.040 for the relevant state fiscal year 2008 portions included in the hospital's fiscal year end reports 2007 and/or 2008 cost reports. The department shall use nonmedicare hospital inpatient day data for each hospital taken from the centers for medicare and medicaid services' hospital 2552-96 cost report data file as of November 30, 2009, or equivalent data collected by the department.

(ii) For purposes of (c) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare hospital inpatient days for each hospital that is not exempt from the assessment under

RCW 74.60.040, taken from the most recent publicly available hospital 2552-96 cost report data file or successor data file available through the centers for medicare and medicaid services, as of a date to be determined by the department. If cost report data are unavailable from the foregoing source for any hospital subject to the assessment, the department shall collect such information directly from the hospital.

(4) Notwithstanding the provisions of RCW 74.60.070, nothing in chapter 30, Laws of 2010 1st sp. sess. is intended to prohibit a hospital from including assessment amounts paid in accordance with this section on their medicare and medicaid cost reports)) (a) Upon satisfaction of the conditions in RCW 74.60.150(1), and so long as the conditions in RCW 74.60.150(2) have not occurred, an assessment is imposed as set forth in this subsection, effective July 1, 2013. The authority shall calculate the amount due annually and shall issue assessments quarterly for one-fourth of the annual amount due from each hospital. Initial assessment notices must be sent to each hospital not earlier than thirty days after satisfaction of the conditions in RCW 74.60.150(1) and must include all amounts due from and after July 1, 2013. Payment is due not sooner than thirty days thereafter. Subsequent notices must be sent on or about thirty days prior to the end of each subsequent quarter and payment is due thirty days thereafter.

(b) Beginning July 1, 2013, and except as provided in RCW 74.60.050:

(i) Each prospective payment system hospital, except psychiatric and rehabilitation hospitals, shall pay a quarterly assessment. Each quarterly assessment shall be one quarter of three hundred forty-four dollars for each annual nonmedicare hospital inpatient day, up to a maximum of fifty-four thousand days per year. For each nonmedicare hospital inpatient day in excess of fifty-four thousand days, each prospective payment system hospital shall pay an assessment of one quarter of seven dollars for each such day;

(ii) Each critical access hospital shall pay a quarterly assessment of one quarter of ten dollars for each annual nonmedicare hospital inpatient day;

(iii) Each psychiatric hospital shall pay a quarterly assessment of one quarter of sixty-seven dollars for each annual nonmedicare hospital inpatient day; and

(iv) Each rehabilitation hospital shall pay a quarterly assessment of one quarter of sixty-seven dollars for each annual nonmedicare hospital inpatient day.

(2) The authority shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare hospital inpatient days for each hospital that is not exempt from the assessment under RCW 74.60.040, taken from the hospital's 2552 cost report data file or successor data file available through the centers for medicare and medicaid services, as of a date to be determined by the authority. For state fiscal year 2014, the authority shall use cost report data for hospitals' fiscal years ending in 2010. For subsequent years, the hospitals' next succeeding fiscal year cost report data must be used.

(a) With the exception of a prospective payment system hospital commencing operations after January 1, 2009, for any hospital without a cost report for the relevant fiscal year, the authority shall work with the affected hospital to identify appropriate supplemental information that may be used to determine annual nonmedicare hospital inpatient days.

(b) A prospective payment system hospital commencing operations after January 1, 2009, must be assessed in accordance with this section after becoming an eligible new prospective payment system hospital as defined in RCW 74.60.010.

Sec. 5. RCW 74.60.050 and 2010 1st sp.s. c 30 s 6 are each amended to read as follows:

(1) The ~~(department)~~ authority, in cooperation with the office of financial management, shall develop rules for determining the

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amount to be assessed to individual hospitals, notifying individual hospitals of the assessed amount, and collecting the amounts due. Such rule making shall specifically include provision for:

(a) Transmittal of ~~((quarterly))~~ notices of assessment by the ~~((department))~~ authority to each hospital informing the hospital of its nonmedicare hospital inpatient days and the assessment amount due and payable ~~((— Such quarterly notices shall be sent to each hospital at least thirty calendar days prior to the due date for the quarterly assessment payment.))~~;

(b) Interest on delinquent assessments at the rate specified in RCW 82.32.050(-); and

(c) Adjustment of the assessment amounts ((as follows):

(i) For each fiscal year beginning July 1, 2010, the assessment amounts under RCW 74.60.030 (1) and (3) may be adjusted as follows:

(A) If sufficient other funds for hospitals, excluding any extension of section 5001 of P.L. No. 111-5, are available to support the reimbursement rates and other payments under RCW 74.60.080, 74.60.090, 74.60.100, 74.60.110, or 74.60.120 without utilizing the full assessment authorized under RCW 74.60.030 (1) or (3), the department shall reduce the amount of the assessment for prospective payment system, psychiatric, and rehabilitation hospitals proportionately to the minimum level necessary to support those reimbursement rates and other payments.

(B) Provided that none of the conditions set forth in RCW 74.60.150(2) have occurred, if the department's forecasts indicate that the assessment amounts under RCW 74.60.030 (1) and (3), together with all other available funds, are not sufficient to support the reimbursement rates and other payments under RCW 74.60.080, 74.60.090, 74.60.100, 74.60.110, or 74.60.120, the department shall increase the assessment rates for prospective payment system, psychiatric, and rehabilitation hospitals proportionately to the amount necessary to support those reimbursement rates and other payments, plus a contingency factor up to ten percent of the total assessment amount.

(C) Any positive balance remaining in the fund at the end of the fiscal year shall be applied to reduce the assessment amount for the subsequent fiscal year.

(ii) Any adjustment to the assessment amounts pursuant to this subsection, and the data supporting such adjustment, including but not limited to relevant data listed in subsection (2) of this section, must be submitted to the Washington state hospital association for review and comment at least sixty calendar days prior to implementation of such adjusted assessment amounts. Any review and comment provided by the Washington state hospital association shall not limit the ability of the Washington state hospital association or its members to challenge an adjustment or other action by the department that is not made in accordance with this chapter.

(2) By November 30th of each year, the department shall provide the following data to the Washington state hospital association:

(a) The fund balance;

(b) The amount of assessment paid by each hospital;

(c) The annual medicaid fee-for-service payments for inpatient hospital services and outpatient hospital services; and

(d) The medicaid healthy options inpatient and outpatient payments as reported by all hospitals to the department on disproportionate share hospital applications. The department shall amend the disproportionate share hospital application and reporting instructions as needed to ensure that the foregoing data is reported by all hospitals as needed in order to comply with this subsection (2)(d).

(3) The department shall determine the number of nonmedicare hospital inpatient days for each hospital for each assessment period.

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(4) To the extent necessary, the department shall amend the contracts between the managed care organizations and the department and between regional support networks and the department to incorporate the provisions of RCW 74.60.120. The department shall pursue amendments to the contracts as soon as possible after April 27, 2010. The amendments to the contracts shall, among other provisions, provide for increased payment rates to managed care organizations in accordance with RCW 74.60.120)) in accordance with subsections (2) and (3) of this section.

(2) For state fiscal year 2015, the assessment amounts established under RCW 74.60.030 must be adjusted as follows:

(a) If sufficient other funds, including federal funds, are available to make the payments required under this chapter and fund the state portion of the quality incentive payments under section 18 of this act and RCW 74.60.020(4)(f) without utilizing the full assessment under RCW 74.60.030, the authority shall reduce the amount of the assessment to the minimum levels necessary to support those payments;

(b) If the total amount of inpatient or outpatient supplemental payments under RCW 74.60.120 is in excess of the upper payment limit and the entire excess amount cannot be disbursed by additional payments to managed care organizations under RCW 74.60.130, the authority shall proportionately reduce future assessments on prospective payment hospitals to the level necessary to generate additional payments to hospitals that are consistent with the upper payment limit plus the maximum permissible amount of additional payments to managed care organizations under RCW 74.60.130;

(c) If the amount of payments to managed care organizations under RCW 74.60.130 cannot be distributed because of failure to meet federal actuarial soundness or utilization requirements or other federal requirements, the authority shall apply the amount that cannot be distributed to reduce future assessments to the level necessary to generate additional payments to managed care organizations that are consistent with federal actuarial soundness or utilization requirements or other federal requirements;

(d) If required in order to obtain federal matching funds, the maximum number of nonmedicare inpatient days at the higher rate provided under RCW 74.60.030(1)(b)(i) may be adjusted in order to comply with federal requirements;

(e) If the number of nonmedicare inpatient days applied to the rates provided in RCW 74.60.030 will not produce sufficient funds to support the payments required under this chapter and the state portion of the quality incentive payments under section 18 of this act and RCW 74.60.020(4)(f), the assessment rates provided in RCW 74.60.030 may be increased proportionately by category of hospital to amounts no greater than necessary in order to produce the required level of funds needed to make the payments specified in this chapter and the state portion of the quality incentive payments under section 18 of this act and RCW 74.60.020(4)(f); and

(f) Any actual or estimated surplus remaining in the fund at the end of the fiscal year must be applied to reduce the assessment amount for the subsequent fiscal year.

(3) For each fiscal year after June 30, 2015, the assessment amounts established under RCW 74.60.030 must be adjusted as follows:

(a) In order to support the payments required in this chapter, the assessment amounts must be reduced in approximately equal yearly increments each fiscal year by category of hospital until the assessment amount is zero by July 1, 2019;

(b) If sufficient other funds, including federal funds, are available to make the payments required under this chapter and fund the state portion of the quality incentive payments under section 18 of this act and RCW 74.60.020(4)(f) without utilizing the full assessment under RCW 74.60.030, the authority shall reduce the

amount of the assessment to the minimum levels necessary to support those payments;

(c) If in any fiscal year the total amount of inpatient or outpatient supplemental payments under RCW 74.60.120 is in excess of the upper payment limit and the entire excess amount cannot be disbursed by additional payments to managed care organizations under RCW 74.60.130, the authority shall proportionately reduce future assessments on prospective payment hospitals to the level necessary to generate additional payments to hospitals that are consistent with the upper payment limit plus the maximum permissible amount of additional payments to managed care organizations under RCW 74.60.130;

(d) If the amount of payments to managed care organizations under RCW 74.60.130 cannot be distributed because of failure to meet federal actuarial soundness or utilization requirements or other federal requirements, the authority shall apply the amount that cannot be distributed to reduce future assessments to the level necessary to generate additional payments to managed care organizations that are consistent with federal actuarial soundness or utilization requirements or other federal requirements;

(e) If required in order to obtain federal matching funds, the maximum number of nonmedicare inpatient days at the higher rate provided under RCW 74.60.030(1)(b)(i) may be adjusted in order to comply with federal requirements;

(f) If the number of nonmedicare inpatient days applied to the rates provided in RCW 74.60.030 will not produce sufficient funds to support the payments required under this chapter and the state portion of the quality incentive payments under section 18 of this act and RCW 74.60.020(4)(f), the assessment rates provided in RCW 74.60.030 may be increased proportionately by category of hospital to amounts no greater than necessary in order to produce the required level of funds needed to make the payments specified in this chapter and the state portion of the quality incentive payments under section 18 of this act and RCW 74.60.020(4)(f); and

(g) Any actual or estimated surplus remaining in the fund at the end of the fiscal year must be applied to reduce the assessment amount for the subsequent fiscal year.

(4)(a) Any adjustment to the assessment amounts pursuant to this section, and the data supporting such adjustment, including, but not limited to, relevant data listed in (b) of this subsection, must be submitted to the Washington state hospital association for review and comment at least sixty calendar days prior to implementation of such adjusted assessment amounts. Any review and comment provided by the Washington state hospital association does not limit the ability of the Washington state hospital association or its members to challenge an adjustment or other action by the authority that is not made in accordance with this chapter.

(b) The authority shall provide the following data to the Washington state hospital association sixty days before implementing any revised assessment levels, detailed by fiscal year, beginning with fiscal year 2011 and extending to the most recent fiscal year, except in connection with the initial assessment under this chapter:

(i) The fund balance;

(ii) The amount of assessment paid by each hospital;

(iii) The state share, federal share, and total annual medicaid fee-for-service payments for inpatient hospital services made to each hospital under RCW 74.60.120, and the data used to calculate the payments to individual hospitals under that section;

(iv) The state share, federal share, and total annual medicaid fee-for-service payments for outpatient hospital services made to each hospital under RCW 74.60.120, and the data used to calculate annual payments to individual hospitals under that section;

(v) The annual state share, federal share, and total payments made to each hospital under each of the following programs: Grants to certified public expenditure hospitals under RCW

74.60.090, for critical access hospital payments under RCW 74.60.100; and disproportionate share programs under RCW 74.60.110;

(vi) The data used to calculate annual payments to individual hospitals under (b)(v) of this subsection; and

(vii) The amount of payments made to managed care plans under RCW 74.60.130, including the amount representing additional premium tax, and the data used to calculate those payments.

Sec. 6. RCW 74.60.070 and 2010 1st sp.s. c 30 s 8 are each amended to read as follows:

The incidence and burden of assessments imposed under this chapter shall be on hospitals and the expense associated with the assessments shall constitute a part of the operating overhead of hospitals. Hospitals shall not increase charges or billings to patients or third-party payers as a result of the assessments under this chapter. The ~~(department)~~ authority may require hospitals to submit certified statements by their chief financial officers or equivalent officials attesting that they have not increased charges or billings as a result of the assessments.

Sec. 7. RCW 74.60.080 and 2010 1st sp.s. c 30 s 9 are each amended to read as follows:

(Upon satisfaction of the applicable conditions set forth in RCW 74.60.150(1), the department shall:

(1) Restore medicaid inpatient and outpatient reimbursement rates to levels as if the four percent medicaid inpatient and outpatient rate reductions did not occur on July 1, 2009; and

(2) Recalculate the amount payable to each hospital that submitted an otherwise allowable claim for inpatient and outpatient medicaid-covered services rendered from and after July 1, 2009, up to and including the date when the applicable conditions under RCW 74.60.150(1) have been satisfied, as if the four percent medicaid inpatient and outpatient rate reductions did not occur effective July 1, 2009, and, within sixty calendar days after the date upon which the applicable conditions set forth in RCW 74.60.150(1) have been satisfied, remit the difference to each hospital.) In each fiscal year and upon satisfaction of the conditions in RCW 74.60.150(1), after deducting or reserving amounts authorized to be disbursed under RCW 74.60.020(4) (d), (e), and (f), disbursements from the fund must be made as follows:

(1) For grants to certified public expenditure hospitals in accordance with RCW 74.60.090;

(2) For payments to critical access hospitals in accordance with RCW 74.60.100;

(3) For small rural disproportionate share payments in accordance with RCW 74.60.110;

(4) For payments to hospitals under RCW 74.60.120; and

(5) For payments to managed care organizations under RCW 74.60.130 for the provision of hospital services.

Sec. 8. RCW 74.60.090 and 2011 1st sp.s. c 35 s 2 are each amended to read as follows:

(1) (Upon satisfaction of the applicable conditions set forth in RCW 74.60.150(1) and for services rendered on or after February 1, 2010, through June 30, 2011, the department shall increase the medicaid inpatient and outpatient fee-for-service hospital reimbursement rates in effect on June 30, 2009, by the percentages specified below:

(a) Prospective payment system hospitals:

(i) Inpatient psychiatric services: Thirteen percent;

(ii) Inpatient services: Thirteen percent;

(iii) Outpatient services: Thirty-six and eighty-three one-hundredths percent.

(b) Harborview medical center and University of Washington medical center:

(i) Inpatient psychiatric services: Three percent;

(ii) Inpatient services: Three percent;

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(iii) Outpatient services: Twenty-one percent.

(c) Rehabilitation hospitals:

(i) Inpatient services: Thirteen percent;

(ii) Outpatient services: Thirty-six and eighty-three one-hundredths percent.

(d) Psychiatric hospitals:

(i) Inpatient psychiatric services: Thirteen percent;

(ii) Inpatient services: Thirteen percent.

(2) Upon satisfaction of the applicable conditions set forth in RCW 74.60.150(1) and for services rendered on or after July 1, 2011, the department shall increase the medicaid inpatient and outpatient fee-for-service hospital reimbursement rates in effect on June 30, 2009, by the percentages specified below:

(a) Prospective payment system hospitals:

(i) Inpatient psychiatric services: Thirteen percent;

(ii) Inpatient services: Three and ninety-six one-hundredths percent;

(iii) Outpatient services: Twenty-seven and twenty-five one-hundredths percent.

(b) Harborview medical center and University of Washington medical center:

(i) Inpatient psychiatric services: Three percent;

(ii) Inpatient services: Three percent;

(iii) Outpatient services: Twenty-one percent.

(c) Rehabilitation hospitals:

(i) Inpatient services: Thirteen percent;

(ii) Outpatient services: Thirty-six and eighty-three one-hundredths percent.

(d) Psychiatric hospitals:

(i) Inpatient psychiatric services: Thirteen percent;

(ii) Inpatient services: Thirteen percent.

(3) For claims processed for services rendered on or after February 1, 2010, but prior to satisfaction of the applicable conditions specified in RCW 74.60.150(1), the department shall, within sixty calendar days after satisfaction of those conditions, calculate the amount payable to hospitals in accordance with this section and remit the difference to each hospital that has submitted an otherwise allowable claim for payment for such services.

(4) By December 1, 2012, the department will submit a study to the legislature with recommendations on the amount of the assessments necessary to continue to support hospital payments for the 2013-2015 biennium. The evaluation will assess medicaid hospital payments relative to medicaid hospital costs. The study should address current federal law, including any changes on scope of medicaid coverage, provisions related to provider taxes, and impacts of federal health care reform legislation. The study should also address the state's economic forecast. Based on the forecast, the department should recommend the amount of assessment needed to support future hospital payments and the departmental administrative expenses. Recommendations should be developed with the fiscal committees of the legislature, office of financial management, and the Washington state hospital association.)) In each fiscal year commencing upon satisfaction of the applicable conditions in RCW 74.60.150(1), funds must be disbursed from the fund and the authority shall make grants to certified public expenditure hospitals, which shall not be considered payments for hospital services, as follows:

(a) University of Washington medical center: Three million three hundred thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then reduced in approximately equal increments per fiscal year until the grant amount is zero by July 1, 2019;

(b) Harborview medical center: Seven million six hundred thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then reduced in approximately equal increments per fiscal year until the grant amount is zero by July 1, 2019;

(c) All other certified public expenditure hospitals: Four million seven hundred thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then reduced in approximately equal increments per fiscal year until the grant amount is zero by July 1, 2019. The amount of payments to individual hospitals under this subsection must be determined using a methodology that provides each hospital with a proportional allocation of the group's total amount of medicaid and state children's health insurance program payments determined from claims and encounter data using the same general methodology set forth in RCW 74.60.120 (3) and (4).

(2) Payments must be made quarterly, taking the total disbursement amount and dividing by four to calculate the quarterly amount. The initial payment, which must include all amounts due from and after July 1, 2013, to the date of the initial payment, must be made within thirty days after satisfaction of the conditions in RCW 74.60.150(1). The authority shall provide a quarterly report of such payments to the Washington state hospital association.

Sec. 9. RCW 74.60.100 and 2010 1st sp.s. c 30 s 11 are each amended to read as follows:

((Upon satisfaction of the applicable conditions set forth in RCW 74.60.150(1), the department shall pay critical access hospitals that do not qualify for or receive a small rural disproportionate share payment in the subject state fiscal year an access payment of fifty dollars for each medicaid inpatient day, exclusive of days on which a swing bed is used for subacute care, from and after July 1, 2009. Initial payments to hospitals, covering the period from July 1, 2009, to the date when the applicable conditions under RCW 74.60.150(1) are satisfied, shall be made within sixty calendar days after such conditions are satisfied. Subsequent payments shall be made to critical access hospitals on an annual basis at the time that disproportionate share eligibility and payment for the state fiscal year are established. These payments shall be in addition to any other amount payable with respect to services provided by critical access hospitals and shall not reduce any other payments to critical access hospitals.)) In each fiscal year commencing upon satisfaction of the conditions in RCW 74.60.150(1), the authority shall make access payments to critical access hospitals that do not qualify for or receive a small rural disproportionate share hospital payment in a given fiscal year in the total amount of five hundred twenty thousand dollars from the fund. The amount of payments to individual hospitals under this section must be determined using a methodology that provides each hospital with a proportional allocation of the group's total amount of medicaid and state children's health insurance program payments determined from claims and encounter data using the same general methodology set forth in RCW 74.60.120 (3) and (4). Payments must be made after the authority determines a hospital's payments under RCW 74.60.110. These payments shall be in addition to any other amount payable with respect to services provided by critical access hospitals and shall not reduce any other payments to critical access hospitals. The authority shall provide a report of such payments to the Washington state hospital association within thirty days after payments are made.

Sec. 10. RCW 74.60.110 and 2010 1st sp.s. c 30 s 12 are each amended to read as follows:

((Upon satisfaction of the applicable conditions set forth in RCW 74.60.150(1), small rural disproportionate share payments shall be increased to one hundred twenty percent of the level in effect as of June 30, 2009, for the period from and after July 1, 2009, until July 1, 2013. Initial payments, covering the period from July 1, 2009, to the date when the applicable conditions under RCW 74.60.150(1) are satisfied, shall be made within sixty calendar days after those conditions are satisfied. Subsequent payments shall be made directly to hospitals by the department on a periodic basis.)) In each fiscal year commencing upon satisfaction of the applicable

conditions in RCW 74.60.150(1), one million nine hundred nine thousand dollars must be distributed from the fund and, with available federal matching funds, paid to hospitals eligible for small rural disproportionate share payments under WAC 182-550-4900 or successor rule. Payments must be made directly to hospitals by the authority in accordance with that regulation. The authority shall provide a report of such payments to the Washington state hospital association within thirty days after payments are made.

Sec. 11. RCW 74.60.120 and 2010 1st sp.s. c 30 s 13 are each amended to read as follows:

((Subject to the applicable conditions set forth in RCW 74.60.150(1), the department shall:

(1) Amend medicaid-managed care and regional support network contracts as necessary in order to ensure compliance with this chapter;

(2) With respect to the inpatient and outpatient rates established by RCW 74.60.080:

(a) Upon satisfaction of the applicable conditions under RCW 74.60.150(1), increase payments to managed care organizations and regional support networks as necessary to ensure that hospitals are reimbursed in accordance with RCW 74.60.080(1) for services rendered from and after the date when applicable conditions under RCW 74.60.150(1) have been satisfied, and pay an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks due as a result of the payments under this section, and require managed care organizations and regional support networks to make payments to each hospital in accordance with RCW 74.60.080. The increased payments made to hospitals pursuant to this subsection shall be in addition to any other amounts payable to hospitals by managed care organizations or regional support networks and shall not affect any other payments to hospitals;

(b) Within sixty calendar days after satisfaction of the applicable conditions under RCW 74.60.150(1), calculate the additional amount due to each hospital to pay claims submitted for inpatient and outpatient medicaid-covered services rendered from and after July 1, 2009, through the date when the applicable conditions under RCW 74.60.150(1) have been satisfied, based on the rates required by RCW 74.60.080(2), make payments to managed care organizations and regional support networks in amounts sufficient to pay the additional amounts due to each hospital plus an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks due as a result of the payments under this subsection, and require managed care organizations and regional support networks to make payments to each hospital in accordance with the department's calculations within forty-five calendar days after the department disburses funds for those purposes;

(3) With respect to the inpatient and outpatient hospital rates established by RCW 74.60.090:

(a) Upon satisfaction of the applicable conditions under RCW 74.60.150(1), increase payments to managed care organizations and regional support networks as necessary to ensure that hospitals are reimbursed in accordance with RCW 74.60.090, and pay an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks due as a result of the payments under this section;

(b) Require managed care organizations and regional support networks to reimburse hospitals for hospital inpatient and outpatient services rendered after the date that the applicable conditions under RCW 74.60.150(1) are satisfied at rates no lower than the combined rates established by RCW 74.60.080 and 74.60.090;

(c) Within sixty calendar days after satisfaction of the applicable conditions under RCW 74.60.150(1), calculate the additional amount due to each hospital to pay claims submitted for inpatient and outpatient medicaid-covered services rendered from and after

February 1, 2010, through the date when the applicable conditions under RCW 74.60.150(1) are satisfied based on the rates required by RCW 74.60.090, make payments to managed care organizations and regional support networks in amounts sufficient to pay the additional amounts due to each hospital plus an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks, and require managed care organizations and regional support networks to make payments to each hospital in accordance with the department's calculations within forty-five calendar days after the department disburses funds for those purposes;

(d) Require managed care organizations that contract with health care organizations that provide, directly or by contract, health care services on a prepaid or capitated basis to make payments to health care organizations for any of the hospital payments that the managed care organizations would have been required to pay to hospitals under this section if the managed care organizations did not contract with those health care organizations, and require the managed care organizations to require those health care organizations to make equivalent payments to the hospitals that would have received payments under this section if the managed care organizations did not contract with the health care organizations;

(4) The department shall ensure that the increases to the medicaid fee schedules as described in RCW 74.60.090 are included in the development of healthy options premiums.

(5) The department may require managed care organizations and regional support networks to demonstrate compliance with this section.)) (1) Beginning in state fiscal year 2014, commencing thirty days after satisfaction of the applicable conditions in RCW 74.60.150(1), and for the period of state fiscal years 2014 through 2019, the authority shall make supplemental payments directly to Washington hospitals, separately for inpatient and outpatient fee-for-service medicaid services, as follows:

(a) For inpatient fee-for-service payments for prospective payment hospitals other than psychiatric or rehabilitation hospitals, twenty-nine million two hundred twenty-five thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund, plus federal matching funds;

(b) For outpatient fee-for-service payments for prospective payment hospitals other than psychiatric or rehabilitation hospitals, thirty million dollars per state fiscal year in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund, plus federal matching funds;

(c) For inpatient fee-for-service payments for psychiatric hospitals, six hundred twenty-five thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund, plus federal matching funds;

(d) For inpatient fee-for-service payments for rehabilitation hospitals, one hundred fifty thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund, plus federal matching funds;

(e) For inpatient fee-for-service payments for border hospitals, two hundred fifty thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund, plus federal matching funds; and

(f) For outpatient fee-for-service payments for border hospitals, two hundred fifty thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then amounts reduced in equal increments per

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fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund, plus federal matching funds.

(2) If the amount of inpatient or outpatient payments under subsection (1) of this section, when combined with federal matching funds, exceeds the upper payment limit, payments to each category of hospital must be reduced proportionately to a level where the total payment amount is consistent with the upper payment limit. Funds under this chapter unable to be paid to hospitals under this section because of the upper payment limit must be paid to managed care organizations under RCW 74.60.130, subject to the limitations in this chapter.

(3) The amount of such fee-for-service inpatient payments to individual hospitals within each of the categories identified in subsection (1)(a), (c), (d), and (e) of this section must be determined by:

(a) Applying the medicaid fee-for-service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to each hospital's inpatient fee-for-services claims and medicaid managed care encounter data for the base year;

(b) Applying the medicaid fee-for-service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to all hospitals' inpatient fee-for-services claims and medicaid managed care encounter data for the base year; and

(c) Using the amounts calculated under (a) and (b) of this subsection to determine an individual hospital's percentage of the total amount to be distributed to each category of hospital.

(4) The amount of such fee-for-service outpatient payments to individual hospitals within each of the categories identified in subsection (1)(b) and (f) of this section must be determined by:

(a) Applying the medicaid fee-for-service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to each hospital's outpatient fee-for-services claims and medicaid managed care encounter data for the base year;

(b) Applying the medicaid fee-for-service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to all hospitals' outpatient fee-for-services claims and medicaid managed care encounter data for the base year; and

(c) Using the amounts calculated under (a) and (b) of this subsection to determine an individual hospital's percentage of the total amount to be distributed to each category of hospital.

(5) Thirty days before the initial payments and sixty days before the first payment in each subsequent fiscal year, the authority shall provide each hospital and the Washington state hospital association with an explanation of how the amounts due to each hospital under this section were calculated.

(6) Payments must be made in quarterly installments on or about the last day of every quarter, except that the initial payment must be made within thirty days after satisfaction of the conditions in RCW 74.60.150(1) and must include all amounts due from July 1, 2013, to the date of the initial payment.

(7) A prospective payment system hospital commencing operations after January 1, 2009, is eligible to receive payments in accordance with this section after becoming an eligible new prospective payment system hospital as defined in RCW 74.60.010.

(8) Payments under this section are supplemental to all other payments and do not reduce any other payments to hospitals.

Sec. 12. RCW 74.60.130 and 2010 1st sp.s. c 30 s 14 are each amended to read as follows:

(1) ((The department, in collaboration with the health care authority, the department of health, the department of labor and industries, the Washington state hospital association, the Puget

Sound health alliance, and the forum, a collaboration of health carriers, physicians, and hospitals in Washington state, shall design a system of hospital quality incentive payments. The design of the system shall be submitted to the relevant policy and fiscal committees of the legislature by December 15, 2010. The system shall be based upon the following principles:

(a) Evidence-based treatment and processes shall be used to improve health care outcomes for hospital patients;

(b) Effective purchasing strategies to improve the quality of health care services should involve the use of common quality improvement measures by public and private health care purchasers, while recognizing that some measures may not be appropriate for application to specialty pediatric, psychiatric, or rehabilitation hospitals;

(c) Quality measures chosen for the system should be consistent with the standards that have been developed by national quality improvement organizations, such as the national quality forum, the federal centers for medicare and medicaid services, or the federal agency for healthcare research and quality. New reporting burdens to hospitals should be minimized by giving priority to measures hospitals are currently required to report to governmental agencies, such as the hospital compare measures collected by the federal centers for medicare and medicaid services;

(d) Benchmarks for each quality improvement measure should be set at levels that are feasible for hospitals to achieve, yet represent real improvements in quality and performance for a majority of hospitals in Washington state; and

(e) Hospital performance and incentive payments should be designed in a manner such that all noncritical access hospitals in Washington are able to receive the incentive payments if performance is at or above the benchmark score set in the system established under this section.

(2) Upon satisfaction of the applicable conditions set forth in RCW 74.60.150(1), and for state fiscal year 2013 and each fiscal year thereafter, assessments may be increased to support an additional one percent increase in inpatient hospital rates for noncritical access hospitals that meet the quality incentive benchmarks established under this section.) For state fiscal year 2014, commencing within thirty days after satisfaction of the conditions in RCW 74.60.150(1) and subsection (6) of this section, and for the period of state fiscal years 2014 through 2019, the authority shall increase capitation payments to managed care organizations by an amount at least equal to the amount available from the fund after deducting disbursements authorized by RCW 74.60.020(4) (c) through (f) and payments required by RCW 74.60.080 through 74.60.120. The capitation payment under this subsection must be no less than one hundred fifty-three million one hundred thirty-one thousand six hundred dollars per state fiscal year in fiscal years 2014 and 2015, and then the increased capitation payment amounts are reduced in equal increments per fiscal year until the increased capitation payment amount is zero by July 1, 2019, plus the maximum available amount of federal matching funds. The initial payment following satisfaction of the conditions in RCW 74.60.150(1) must include all amounts due from July 1, 2013. Subsequent payments shall be made quarterly.

(2) In fiscal years 2015, 2016, and 2017, the authority shall use any additional federal matching funds for the increased managed care capitation payments under subsection (1) of this section available from medicaid expansion under the federal patient protection and affordable care act to substitute for assessment funds which otherwise would have been used to pay managed care plans under this section.

(3) Payments to individual managed care organizations shall be determined by the authority based on each organization's or network's enrollment relative to the anticipated total enrollment in

each program for the fiscal year in question, the anticipated utilization of hospital services by an organization's or network's medicaid enrollees, and such other factors as are reasonable and appropriate to ensure that purposes of this chapter are met.

(4) If the federal government determines that total payments to managed care organizations under this section exceed what is permitted under applicable medicaid laws and regulations, payments must be reduced to levels that meet such requirements, and the balance remaining must be applied as provided in RCW 74.60.050. Further, in the event a managed care organization is legally obligated to repay amounts distributed to hospitals under this section to the state or federal government, a managed care organization may recoup the amount it is obligated to repay under the medicaid program from individual hospitals by not more than the amount of overpayment each hospital received from that managed care organization.

(5) Payments under this section do not reduce the amounts that otherwise would be paid to managed care organizations; PROVIDED, That such payments are consistent with actuarial soundness certification and enrollment.

(6) Before making such payments, the authority shall require medicaid managed care organizations to comply with the following requirements:

(a) All payments to managed care organizations under this chapter must be expended for hospital services provided by Washington hospitals, which for purposes of this section includes psychiatric and rehabilitation hospitals, in a manner consistent with the purposes and provisions of this chapter, and must be equal to all increased capitation payments under this section received by the organization or network, consistent with actuarial certification and enrollment, less an allowance for any estimated premium taxes the organization is required to pay under Title 48 RCW associated with the payments under this chapter;

(b) Before the end of the quarter in which funds are paid to them, managed care organizations shall expend the increased capitation payments under this section in a manner consistent with the purposes of this chapter;

(c) Providing that any delegation or attempted delegation of an organization's or network's obligations under agreements with the authority do not relieve the organization or network of its obligations under this section and related contract provisions.

(7) No hospital or managed care organizations may use the payments under this section to gain advantage in negotiations.

(8) No hospital has a claim or cause of action against a managed care organization for monetary compensation based on the amount of payments under subsection (6) of this section.

(9) If funds cannot be used to pay for services in accordance with this chapter the managed care organization or network must return the funds to the authority which shall return them to the hospital safety net assessment fund.

Sec. 13. RCW 74.09.522 and 2013 c 261 s 2 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(b) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their scope of practice, that does not have a written contract to participate in a

managed health care system's provider network, but provides health care services to enrollees of programs authorized under this chapter whose health care services are provided by the managed health care system.

(2) The authority shall enter into agreements with managed health care systems to provide health care services to recipients of temporary assistance for needy families under the following conditions:

(a) Agreements shall be made for at least thirty thousand recipients statewide;

(b) Agreements in at least one county shall include enrollment of all recipients of temporary assistance for needy families;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the authority may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed twelve months: AND PROVIDED FURTHER, That the authority shall not restrict a recipient's right to terminate enrollment in a system for good cause as established by the authority by rule;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except as authorized by the authority under federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e)(i) In negotiating with managed health care systems the authority shall adopt a uniform procedure to enter into contractual arrangements, to be included in contracts issued or renewed on or after January 1, 2015, including:

(A) Standards regarding the quality of services to be provided;

(B) The financial integrity of the responding system;

(C) Provider reimbursement methods that incentivize chronic care management within health homes, including comprehensive medication management services for patients with multiple chronic conditions consistent with the findings and goals established in section 1 of this act;

(D) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use;

(E) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training, unless the managed care system is an integrated health delivery system that has programs in place for chronic care management;

(F) Provider reimbursement methods within the medical billing processes that incentivize pharmacists or other qualified providers licensed in Washington state to provide comprehensive medication management services consistent with the findings and goals established in section 1 of this act; and

(G) Evaluation and reporting on the impact of comprehensive medication management services on patient clinical outcomes and total health care costs, including reductions in emergency department utilization, hospitalization, and drug costs.

(ii)(A) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(B) Contracts that include the items in (e)(i)(C) through (G) of this subsection must not exceed the rates that would be paid in the absence of these provisions;

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(f) The authority shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The authority shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the authority may enter into prepaid capitation contracts that do not include inpatient care;

(h) The authority shall define those circumstances under which a managed health care system is responsible for out-of-plan services and assure that recipients shall not be charged for such services;

(i) Nothing in this section prevents the authority from entering into similar agreements for other groups of people eligible to receive services under this chapter; and

(j) The authority must consult with the federal center for medicare and medicaid innovation and seek funding opportunities to support health homes.

(3) The authority shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate as managed health care systems are seriously considered as contractors. The authority shall coordinate its managed care activities with activities under chapter 70.47 RCW.

(4) The authority shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

(5) The legislature finds that competition in the managed health care marketplace is enhanced, in the long term, by the existence of a large number of managed health care system options for medicaid clients. In a managed care delivery system, whose goal is to focus on prevention, primary care, and improved enrollee health status, continuity in care relationships is of substantial importance, and disruption to clients and health care providers should be minimized. To help ensure these goals are met, the following principles shall guide the authority in its healthy options managed health care purchasing efforts:

(a) All managed health care systems should have an opportunity to contract with the authority to the extent that minimum contracting requirements defined by the authority are met, at payment rates that enable the authority to operate as far below appropriated spending levels as possible, consistent with the principles established in this section.

(b) Managed health care systems should compete for the award of contracts and assignment of medicaid beneficiaries who do not voluntarily select a contracting system, based upon:

(i) Demonstrated commitment to or experience in serving low-income populations;

(ii) Quality of services provided to enrollees;

(iii) Accessibility, including appropriate utilization, of services offered to enrollees;

(iv) Demonstrated capability to perform contracted services, including ability to supply an adequate provider network;

(v) Payment rates; and

(vi) The ability to meet other specifically defined contract requirements established by the authority, including consideration of past and current performance and participation in other state or federal health programs as a contractor.

(c) Consideration should be given to using multiple year contracting periods.

(d) Quality, accessibility, and demonstrated commitment to serving low-income populations shall be given significant weight in the contracting, evaluation, and assignment process.

(e) All contractors that are regulated health carriers must meet state minimum net worth requirements as defined in applicable state laws. The authority shall adopt rules establishing the minimum net

worth requirements for contractors that are not regulated health carriers. This subsection does not limit the authority of the Washington state health care authority to take action under a contract upon finding that a contractor's financial status seriously jeopardizes the contractor's ability to meet its contract obligations.

(f) Procedures for resolution of disputes between the authority and contract bidders or the authority and contracting carriers related to the award of, or failure to award, a managed care contract must be clearly set out in the procurement document.

(6) The authority may apply the principles set forth in subsection (5) of this section to its managed health care purchasing efforts on behalf of clients receiving supplemental security income benefits to the extent appropriate.

(7) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter to the system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state.

(8) For services covered under this chapter to medical assistance or medical care services enrollees and provided on or after August 24, 2011, nonparticipating providers must accept as payment in full the amount paid by the managed health care system under subsection (7) of this section in addition to any deductible, coinsurance, or copayment that is due from the enrollee for the service provided. An enrollee is not liable to any nonparticipating provider for covered services, except for amounts due for any deductible, coinsurance, or copayment under the terms and conditions set forth in the managed health care system contract to provide services under this section.

(9) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the ~~((department))~~ authority, including hospital-based physician services. The ~~((department))~~ authority will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the ~~((department))~~ authority will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

(10) Payments under RCW 74.60.130 are exempt from this section.

(11) Subsections (7) through (9) of this section expire July 1, 2016.

Sec. 14. RCW 74.60.140 and 2010 1st sp.s. c 30 s 16 are each amended to read as follows:

(1) If an entity owns or operates more than one hospital subject to assessment under this chapter, the entity shall pay the assessment for each hospital separately. However, if the entity operates multiple hospitals under a single medicaid provider number, it may pay the assessment for the hospitals in the aggregate.

(2) Notwithstanding any other provision of this chapter, if a hospital subject to the assessment imposed under this chapter ceases to conduct hospital operations throughout a state fiscal year, the assessment for the quarter in which the cessation occurs shall be adjusted by multiplying the assessment computed under RCW 74.60.030 ~~((1) and (3))~~ by a fraction, the numerator of which is the number of days during the year which the hospital conducts, operates, or maintains the hospital and the denominator of which is three hundred sixty-five. Immediately prior to ceasing to conduct, operate, or maintain a hospital, the hospital shall pay the adjusted assessment for the fiscal year to the extent not previously paid.

(3) (Notwithstanding any other provision of this chapter, in the case of a hospital that commences conducting, operating, or maintaining a hospital that is not exempt from payment of the assessment under RCW 74.60.040 and that did not conduct, operate, or maintain such hospital throughout the cost reporting year used to determine the assessment amount, the assessment for that hospital shall be computed on the basis of the actual number of nonmedicare inpatient days reported to the department by the hospital on a quarterly basis. The hospital shall be eligible to receive increased payments under this chapter beginning on the date it commences hospital operations.

(4)) Notwithstanding any other provision of this chapter, if a hospital previously subject to assessment is sold or transferred to another entity and remains subject to assessment, the assessment for that hospital shall be computed based upon the cost report data previously submitted by that hospital. The assessment shall be allocated between the transferor and transferee based on the number of days within the assessment period that each owned, operated, or maintained the hospital.

Sec. 15. RCW 74.60.150 and 2010 1st sp.s. c 30 s 17 are each amended to read as follows:

(1) The assessment, collection, and disbursement of funds under this chapter shall be conditional upon:

(a) ((Withdrawal of those aspects of any pending state plan amendments previously submitted to the centers for medicare and medicaid services that are inconsistent with this chapter, specifically any pending state plan amendment related to the four percent rate reductions for inpatient and outpatient hospital rates and elimination of the small rural disproportionate share hospital payment program as implemented July 1, 2009;

(b) Approval by the centers for medicare and medicaid services of any state plan amendments or waiver requests that are necessary in order to implement the applicable sections of this chapter;

(c)) Final approval by the centers for medicare and medicaid services of any state plan amendments or waiver requests that are necessary in order to implement the applicable sections of this chapter including, if necessary, waiver of the broad-based or uniformity requirements as specified under section 1903(w)(3)(E) of the federal social security act and 42 C.F.R. 433.68(e);

(b) To the extent necessary, amendment of contracts between the ((department)) authority and managed care organizations in order to implement this chapter; and

~~((d))~~ (c) Certification by the office of financial management that appropriations have been adopted that fully support the rates established in this chapter for the upcoming fiscal year.

(2) This chapter does not take effect or ceases to be imposed, and any moneys remaining in the fund shall be refunded to hospitals in proportion to the amounts paid by such hospitals, if and to the extent that any of the following conditions occur:

(a) ~~((An appellate court or the centers for medicare and medicaid services))~~ The federal department of health and human services and a court of competent jurisdiction makes a final determination, with all appeals exhausted, that any element of this chapter, other than RCW 74.60.100, cannot be validly implemented;

(b) (Medicaid inpatient or outpatient reimbursement rates for hospitals are reduced below the combined rates established by RCW 74.60.080 and 74.60.090;

(c) Except for payments to the University of Washington medical center and harborview medical center, payments to hospitals required under RCW 74.60.080, 74.60.090, 74.60.110, and 74.60.120 are not eligible for federal matching funds;

(d) Other funding available for the medicaid program is not sufficient to maintain medicaid inpatient and outpatient reimbursement rates at the levels set in RCW 74.60.080, 74.60.090, and 74.60.110)) Funds generated by the assessment for payments to prospective payment hospitals or managed care organizations are

determined to be not eligible for federal match;

(c) Other funding sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the levels the state paid for those services on July 1, 2009, as adjusted for current enrollment and utilization, but without regard to payment increases resulting from chapter 30, Laws of 2010 1st sp. sess., is not appropriated or available;

(d) Payments required by this chapter are reduced, except as specifically authorized in this chapter, or payments are not made in substantial compliance with the time frames set forth in this chapter; or

(e) The fund is used as a substitute for or to supplant other funds, except as authorized by RCW 74.60.020(~~((e))~~).

Sec. 16. RCW 74.60.900 and 2010 1st sp.s. c 30 s 18 are each amended to read as follows:

(1) The provisions of this chapter are not severable: If the conditions (~~(set forth))~~ in RCW 74.60.150(1) are not satisfied or if any of the circumstances (~~(set forth))~~ in RCW 74.60.150(2) should occur, this entire chapter shall have no effect from that point forward (~~(, except that if the payment under RCW 74.60.100, or the application thereof to any hospital or circumstances does not receive approval by the centers for medicare and medicaid services as described in RCW 74.60.150(1)(b) or is determined to be unconstitutional or otherwise invalid, the other provisions of this chapter or its application to hospitals or circumstances other than those to which it is held invalid shall not be affected thereby)).~~

(2) In the event that any portion of this chapter shall have been validly implemented and the entire chapter is later rendered ineffective under this section, prior assessments and payments under the validly implemented portions shall not be affected.

~~((3))~~ In the event that the payment under RCW 74.60.100, or the application thereof to any hospital or circumstances does not receive approval by the centers for medicare and medicaid services as described in RCW 74.60.150(1)(b) or is determined to be unconstitutional or otherwise invalid, the amount of the assessment shall be adjusted under RCW 74.60.050(1)(c).))

NEW SECTION. **Sec. 17.** A new section is added to chapter 74.60 RCW to read as follows:

(1) The legislature intends to provide the hospitals with an opportunity to contract with the authority each fiscal biennium to protect the hospitals from future legislative action during the biennium that could result in hospitals receiving less from supplemental payments, increased managed care payments, disproportionate share hospital payments, or access payments than the hospitals expected to receive in return for the assessment based on the biennial appropriations and assessment legislation.

(2) Each odd-numbered year after enactment of the biennial omnibus operating appropriations act, the authority shall offer to enter into a contract for the period of the fiscal biennium beginning July 1st with a hospital that is required to pay the assessment under this chapter. The contract must include the following terms:

(a) The authority must agree not to do any of the following:

(i) Increase the assessment from the level set by the authority pursuant to this chapter on the first day of the contract period for reasons other than those allowed under RCW 74.60.050(3);

(ii) Reduce aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, allowing for variations due to budget-neutral rebasing and adjusting for changes in enrollment and utilization, from the levels the state paid for those services on the first day of the contract period;

(iii) For critical access hospitals only, reduce the levels of disproportionate share hospital payments under RCW 74.60.110 or access payments under RCW 74.60.100 for all critical access

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hospitals below the levels specified in those sections on the first day of the contract period;

(iv) For prospective payment system, psychiatric, and rehabilitation hospitals only, reduce the levels of supplemental payments under RCW 74.60.120 for all prospective payment system hospitals below the levels specified in that section on the first day of the contract period unless the supplemental payments are reduced under RCW 74.60.120(2);

(v) For prospective payment system, psychiatric, and rehabilitation hospitals only, reduce the increased capitation payments to managed care organizations under RCW 74.60.130 below the levels specified in that section on the first day of the contract period unless the managed care payments are reduced under RCW 74.60.130(4); or

(vi) Except as specified in this chapter, use assessment revenues for any other purpose than to secure federal medicaid matching funds to support payments to hospitals for medicaid services; and

(b) As long as payment levels are maintained as required under this chapter, the hospital must agree not to challenge the authority's reduction of hospital reimbursement rates to July 1, 2009, levels, which results from the elimination of assessment supported rate restorations and increases, under 42 U.S.C. Sec. 1396a(a)(30)(a) either through administrative appeals or in court during the period of the contract.

(3) If a court finds that the authority has breached an agreement with a hospital under subsection (2)(a) of this section, the authority:

(a) Must immediately refund any assessment payments made subsequent to the breach by that hospital upon receipt; and

(b) May discontinue supplemental payments, increased managed care payments, disproportionate share hospital payments, and access payments made subsequent to the breach for the hospital that are required under this chapter.

(4) The remedies provided in this section are not exclusive of any other remedies and rights that may be available to the hospital whether provided in this chapter or otherwise in law, equity, or statute.

NEW SECTION. Sec. 18. A new section is added to chapter 74.09 RCW to read as follows:

(1) If sufficient funds are made available as provided in subsection (2) of this section the authority, in collaboration with the Washington state hospital association, shall design a system of hospital quality incentive payments for noncritical access hospitals. The system must be based upon the following principles:

(a) Evidence-based treatment and processes must be used to improve health care outcomes for hospital patients;

(b) Effective purchasing strategies to improve the quality of health care services should involve the use of common quality improvement measures by public and private health care purchasers, while recognizing that some measures may not be appropriate for application to specialty pediatric, psychiatric, or rehabilitation hospitals;

(c) Quality measures chosen for the system should be consistent with the standards that have been developed by national quality improvement organizations, such as the national quality forum, the federal centers for medicare and medicaid services, or the federal agency for healthcare research and quality. New reporting burdens to hospitals should be minimized by giving priority to measures hospitals are currently required to report to governmental agencies, such as the hospital compare measures collected by the federal centers for medicare and medicaid services;

(d) Benchmarks for each quality improvement measure should be set at levels that are feasible for hospitals to achieve, yet represent real improvements in quality and performance for a majority of hospitals in Washington state; and

(e) Hospital performance and incentive payments should be designed in a manner such that all noncritical access hospitals are able to receive the incentive payments if performance is at or above the benchmark score set in the system established under this section.

(2) If hospital safety net assessment funds under RCW 74.60.020 are made available, such funds must be used to support an additional one percent increase in inpatient hospital rates for noncritical access hospitals that:

(a) Meet the quality incentive benchmarks established under this section; and

(b) Participate in Washington state hospital association collaboratives related to the benchmarks in order to improve care and promote sharing of best practices with other hospitals.

(3) Funds directed from any other lawful source may also be used to support the purposes of this section.

Sec. 19. RCW 74.60.901 and 2010 1st sp.s. c 30 s 21 are each amended to read as follows:

This chapter expires July 1, (~~2013~~) 2017.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hill to Substitute Senate Bill No. 5913.

The motion by Senator Braun carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "Washington;" strike the remainder of the title and insert "amending RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.050, 74.60.070, 74.60.080, 74.60.090, 74.60.100, 74.60.110, 74.60.120, 74.60.130, 74.09.522, 74.60.140, 74.60.150, 74.60.900, and 74.60.901; adding a new section to chapter 74.60 RCW; adding a new section to chapter 74.09 RCW; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5913 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5913.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5913 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Nelson, O'Ban, Parlette, Ranker, Rolfes, Schlicher, Schoesler, Shin and Tom

Voting nay: Senators Baumgartner, Benton, Brown, Ericksen, Hewitt, Holmquist Newbry, Honeyford, Padden, Pearson, Rivers, Roach, Sheldon and Smith

Excused: Senators Kline, Mullet and Murray

ENGROSSED SUBSTITUTE SENATE BILL NO. 5913, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Engrossed Substitute Senate Bill No. 5913 was immediately transmitted to the House of Representatives.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5891, by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove).

Concerning state technology expenditures.

The bill was read on Third Reading.

MOTION

On motion of Senator Hill, the rules were suspended and Substitute Senate Bill No. 5891 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5891, by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove)

Concerning state technology expenditures.

The measure was read the second time.

MOTION

Senator Hill moved that the following striking amendment by Senator Hill be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.41A.025 and 2011 1st sp.s. c 43 s 706 are each amended to read as follows:

(1) The chief information officer shall establish standards and policies to govern information technology in the state of Washington.

(2) The office shall have the following powers and duties related to information services:

(a) To develop statewide standards and policies governing the acquisition and disposition of equipment, software, and personal and purchased services, licensing of the radio spectrum by or on behalf of state agencies, and confidentiality of computerized data;

(b) To develop statewide or interagency technical policies, standards, and procedures;

(c) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services;

(d) To develop a detailed business plan for any service or activity to be contracted under RCW 41.06.142(7)(b) by the consolidated technology services agency;

(e) To provide direction concerning strategic planning goals and objectives for the state. The office shall seek input from the legislature and the judiciary; (~~and~~)

(f) To establish policies for the periodic review by the office of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(g) To coordinate with state agencies with an annual information technology expenditure that exceeds ten million dollars to implement a technology business management program to identify opportunities for savings and efficiencies in information technology expenditures and to monitor ongoing financial performance of technology investments; and

(h) In conjunction with the consolidated technology services agency, to develop statewide standards for agency purchases of technology networking equipment and services.

(3) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The office shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems; and

(b) Require agencies to include an evaluation of electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the office is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(4) The office shall perform other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 2. RCW 39.26.100 and 2012 c 224 s 11 are each amended to read as follows:

(1) The provisions of this chapter do not apply in any manner to the operation of the state legislature except as requested by the legislature.

(2) The provisions of this chapter do not apply to the contracting for services, equipment, and activities that are necessary to establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility, that are approved by the technology services board or the acquisition of proprietary software, equipment, and information technology services necessary for or part of the provision of services offered by the consolidated technology services agency.

(3) Primary authority for the purchase of specialized equipment, and instructional and research material, for their own use rests with the institutions of higher education as defined in RCW 28B.10.016.

(4) Universities operating hospitals with approval from the director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations if documented to be more cost-effective.

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(5) Primary authority for the purchase of materials, supplies, and equipment, for resale to other than public agencies, rests with the state agency concerned.

(6) The authority for the purchase of insurance and bonds rests with the risk manager under RCW 43.19.769, except for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029.

(7) The authority to purchase interpreter services and interpreter brokerage services on behalf of limited-English speaking or sensory-impaired applicants and recipients of public assistance rests with the department of social and health services and the health care authority.

(8) The provisions of this chapter do not apply to information technology purchases by state agencies, other than institutions of higher education and agencies of the judicial branch, if (a) the purchase is less than one hundred thousand dollars, (b) the initial purchase is approved by the chief information officer of the state, and (c) the agency director and the chief information officer of the state jointly prepare a public document providing a detailed justification for the expenditure.

Sec. 3. RCW 43.41A.010 and 2011 1st sp.s. c 43 s 702 are each amended to read as follows:

(1) The office of the chief information officer is created within the office of financial management.

(2) Powers, duties, and functions assigned to the department of information services as specified in this chapter shall be transferred to the office of chief information officer as provided in this chapter.

(3) The primary duties of the office are:

(a) To prepare and lead the implementation of a strategic direction and enterprise architecture for information technology for state government;

(b) To enable the standardization and consolidation of information technology infrastructure across all state agencies to support enterprise-based system development and improve and maintain service delivery;

(c) To establish standards and policies for the consistent and efficient operation of information technology services throughout state government;

(d) To establish statewide enterprise architecture that will serve as the organizing standard for information technology for state agencies;

(e) ~~((To))~~ To educate and inform state managers and policymakers on technological developments, industry trends and best practices, industry benchmarks that strengthen decision making and professional development, and industry understanding for public managers and decision makers.

(4) In the case of institutions of higher education, the powers of the office and the provisions of this chapter apply to business and administrative applications but do not apply to (a) academic and research applications; and (b) medical, clinical, and health care applications, including the business and administrative applications for such operations. However, institutions of higher education must disclose to the office any proposed academic applications that are enterprise-wide in nature relative to the needs and interests of other institutions of higher education. Institutions of higher education shall provide to the chief information officer sufficient data and information on proposed expenditures on business and administrative applications to permit the chief information officer to evaluate the proposed expenditures pursuant to RCW 43.88.092(3).

(5) The legislature and the judiciary, which are constitutionally recognized as separate branches of government, are strongly encouraged to coordinate with the office and participate in shared services initiatives and the development of enterprise-based strategies, where appropriate. Legislative and judicial agencies of the state shall submit to the chief information officer sufficient

information on proposed information technology expenditures to allow the chief information officer to evaluate the proposed expenditures on an advisory basis.

Sec. 4. RCW 43.88.092 and 2011 1st sp.s. c 43 s 733 are each amended to read as follows:

(1) As part of the biennial budget process, the office of financial management shall collect from agencies, and agencies shall provide, information to produce reports, summaries, and budget detail sufficient to allow review, analysis, and documentation of all current and proposed expenditures for information technology by state agencies. Information technology budget detail must be included as part of the budget submittal documentation required pursuant to RCW 43.88.030.

(2) The office of financial management must collect, and present as part of the biennial budget documentation, information for all existing information technology projects as defined by ~~((information))~~ technology services board policy. The office of financial management must work with the office of the chief information officer to maximize the ability to draw this information from the information technology portfolio management data collected by the ~~((department of information services pursuant to RCW 43.105.170))~~ consolidated technology services agency. Connecting project information collected through the portfolio management process with financial data developed under subsection (1) of this section provides transparency regarding expenditure data for existing technology projects.

(3) The chief information officer shall evaluate proposed information technology expenditures and establish priority ranking categories of the proposals. No more than one-third of the proposed expenditures shall be ranked in the highest priority category.

(4) The biennial budget documentation submitted by the office of financial management pursuant to RCW 43.88.030 must include an information technology plan and a technology budget for the state identifying current baseline funding for information technology, proposed and ongoing major information technology projects, and their associated costs. This plan and technology budget must be presented using a method similar to the capital budget, identifying project costs through stages of the project and across fiscal periods and biennia from project initiation to implementation. This information must be submitted electronically, in a format to be determined by the office of financial management and the legislative evaluation and accountability program committee.

~~((4))~~ (5) The office of financial management shall also institute a method of accounting for information technology-related expenditures, including creating common definitions for what constitutes an information technology investment.

~~((5))~~ (6) For the purposes of this section, "major information technology projects" includes projects that have a significant anticipated cost, complexity, or are of statewide significance, such as enterprise-level solutions, enterprise resource planning, and shared services initiatives.

NEW SECTION. Sec. 5. A new section is added to chapter 43.41 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, the office of financial management may establish an information technology investment pool and may enter into financial contracts for the acquisition of information technology projects for state agencies. Information technology projects funded under this section must meet the following requirements:

(a) The project begins or continues replacement of information technology systems with modern and more efficient information technology systems;

(b) The project improves the ability of an agency to recover from major disaster; or

(c) The project provides future savings and efficiencies for an agency through reduced operating costs, improved customer service, or increased revenue collections.

(2) Preference for project approval under this section must be given to an agency that has prior project approval from the office of the chief information officer and an approved business plan, and the primary hurdle to project funding is the lack of funding capacity.

(3) The office of financial management with assistance from the office of the chief information officer shall report to the governor and the fiscal committees of the legislature by November 1st of each year on the status of distributions and expenditures on information technology projects and improved statewide or agency performance results achieved by project funding.

NEW SECTION. Sec. 6. The consolidated technology services agency, in consultation with the office of the chief information officer, shall review and assess the current state telecommunications and information services network model with the objective of agency network consolidation into consolidated technology services. The assessment must include a review of cost management, state and federal regulatory issues, development and feasibility of each option, and a migration strategy and implementation plan for each option. The report is due to the office of financial management and the fiscal committees of the legislature by September 30, 2013.

NEW SECTION. Sec. 7. The office of the chief information officer must prepare a report that inventories legacy information technology systems of the executive branch, both enterprise-wide and agency specific, and develop a prioritized plan for the modernization and funding of these systems. The report is due to the office of financial management and the fiscal committees of the legislature by September 1, 2014.

NEW SECTION. Sec. 8. A new section is added to chapter 43.41A RCW to read as follows:

The office shall establish security standards and policies to ensure the confidentiality, availability, and integrity of the information transacted, stored, or processed in the state's information technology systems and infrastructure. Each state agency, institution of higher education, the legislature, and the judiciary must develop an information technology security plan and program.

(1) Each state agency information technology security plan and program must adhere to the office's security standards and policies. Each state agency must review and update its plan and program annually and certify to the office that its plan and program is in compliance with the office's security standards and policies. The office may require an agency to obtain an independent compliance audit of its information technology security plan and program.

(2) In the case of institutions of higher education, the judiciary, and the legislature, each information technology security plan and program must be consistent with the intended outcomes of the office's security standards and policies. Each institution, the legislature, and the judiciary shall submit their information technology security plan and program to the office annually for review and comment.

Sec. 9. RCW 42.56.420 and 2009 c 67 s 1 are each amended to read as follows:

The following information relating to security is exempt from disclosure under this chapter:

(1) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public

disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(a) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(b) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism;

(2) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety;

(3) Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school;

(4) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other such information the release of which may increase risk to the confidentiality, integrity, or availability of agency security, information technology infrastructure, or assets; and

(5) The system security (~~(section of transportation system safety)~~) and (~~security program plans~~) emergency preparedness plan required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180."

Senator Hill spoke in favor of adoption of the striking amendment.

Senators Baumgartner and Nelson spoke on adoption of the striking amendment.

Senator Chase spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hill to Substitute Senate Bill No. 5891.

The motion by Senator Hill carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "expenditures;" strike the remainder of the title and insert "amending RCW 43.41A.025, 39.26.100, 43.41A.010, 43.88.092, and 42.56.420; adding a new section to chapter 43.41 RCW; adding a new section to chapter 43.41A RCW; and creating new sections."

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Substitute Senate Bill No. 5891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5891.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5891 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Kline, Mullet and Murray

ENGROSSED SUBSTITUTE SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Engrossed Substitute Senate Bill No. 5891 was immediately transmitted to the House of Representatives.

MOTION

At 5:47 p.m., on motion of Senator Fain, the Senate adjourned until 2:00 p.m. Thursday, June 27, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SIXTEENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Thursday, June 27, 2013

The Senate was called to order at 2:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Kline.

The Sergeant at Arms Color Guard consisting of Senate Assistant Sergeant at Arms Becky Gilpin and Alan Hoover, presented the Colors. Senator Padden offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1306 by House Committee on Finance (originally sponsored by Representatives Wylie, Moeller, Harris, Pike, Johnson, Chandler, Sells, Pollet, Upthegrove and Moscoso)

AN ACT Relating to extending the expiration dates of the local infrastructure financing tool program; amending RCW 82.14.475, 39.102.150, and 39.102.020; reenacting and amending RCW 39.102.140; adding a new section to chapter 39.102 RCW; repealing RCW 39.102.904; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 1866 by House Committee on Appropriations (originally sponsored by Representatives Morris, Smith, Lias, Maxwell, Morrell, Habib, Ryu, Sells, Hansen and Hudgins)

AN ACT Relating to the joint center for aerospace technology innovation; and amending RCW 43.330.250, 43.131.417, and 43.131.418.

Referred to Committee on Ways & Means.

EHB 2068 by Representative Takko

AN ACT Relating to the annexation of unincorporated territory; amending RCW 35A.14.295, 35A.14.480, and 35.13.238; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed Second Substitute House Bill No. 1306, Substitute House Bill No. 1866 and Engrossed House Bill No. 2068 were placed on the second reading calendar.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate, the President thought it would be kind of fun for Mr. Garrett Cooper to join us this morning and help. If you've not noticed him out in the parking area, you've not parked in the parking area. So I'm quite pleased to have him help me out today. Thank you very much. You did a great job. We appreciate all the Security staff that we have around here. It was quite a nice deal to have them do the flags this morning as well. It's great to see all of you up there and thank you for what you do for all of us. Thank you."

MOTION

At 2:08 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:04 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1306, by House Committee on Finance (originally sponsored by Representatives Wylie, Moeller, Harris, Pike, Johnson, Chandler, Sells, Pollet, Upthegrove and Moscoso)

Extending the expiration dates of the local infrastructure financing tool program.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Second Substitute House Bill No. 1306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1306.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1306 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 2; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frocht, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray,

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Nelson, O'Ban, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Sheldon, Shin and Tom

reflected on the message sheet and we were wondering if that message has been received from the House?"

Voting nay: Senators Billig, Padden, Schoesler and Smith
Absent: Senators Braun and Kline

REPLY BY THE PRESIDENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Owen: "Senator Frockt, the bill is in the Senate's possession. At this point it has not been read in nor do I have anything saying, asking it to be read in at this point."

SECOND READING

PARLIAMENTARY INQUIRY

SUBSTITUTE HOUSE BILL NO. 1866, by House Committee on Appropriations (originally sponsored by Representatives Morris, Smith, Liias, Maxwell, Morrell, Habib, Ryu, Sells, Hansen and Hudgins)

Senator Frockt: "The bill passed, we believe, about 12:30 this afternoon. Is there a normal time frame for which it has to be read in the normal procedure?"

Concerning the joint center for aerospace technology innovation.

REPLY BY THE PRESIDENT

The measure was read the second time.

President Owen: "The President believes that once the Senate receives it a member can make a motion to go to the fourth order and receive that message but at this point that has not been requested."

MOTION

PARLIAMENTARY INQUIRY

On motion of Senator Chase, the rules were suspended, Substitute House Bill No. 1866 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt: "Mr. President, I would respectfully move that we amend the motion to the fourth order to receive the message from the House."

Senator Chase spoke in favor of passage of the bill.

REPLY BY THE PRESIDENT

MOTION

On motion of Senator Billig, Senator Kline was excused.

President Owen: "Senator Frockt, it's not, the motion to go to the fourth order is an independent motion. You would have to make that motion. Right now the motion is to go to the fourth order of business. I don't believe that we...there is a motion pending right now to go to the fourth order of business but it would not be appropriate for you to make that motion at this time."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1866.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1866 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

The motion by Senator Fain to revert to the fourth order of business failed on a rising vote.

SECOND READING

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED HOUSE BILL NO. 2068, by Representative Takko

Excused: Senator Kline

SUBSTITUTE HOUSE BILL NO. 1866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Concerning the annexation of unincorporated territory within a code city.

The measure was read the second time.

MOTION

MOTION

Senator Fain moved that the Senate revert to the fourth order of business.

Senator Roach moved that the following amendment by Senator Roach be adopted:

On page 2, after line 10, insert the following:

"Sec. 2. RCW 35A.14.480 and 2009 c 60 s 9 are each amended to read as follows:

(1)(a) An annexation by a code city proposing to annex territory served by one or more fire protection districts may be accomplished by ordinance after entering into an interlocal agreement as provided in chapter 39.34 RCW with the county and the fire protection district or districts that have jurisdiction over the territory proposed for annexation.

(b) A code city proposing to annex territory shall initiate the interlocal agreement process by sending notice to the fire protection

PARLIAMENTARY INQUIRY

Senator Frockt: "Mr. President, in the fourth order I know we're receiving messages from the House. The House has passed the transportation bills, House Bill No. 1954. That is not

district representative and county representative stating the code city's interest to enter into an interlocal agreement negotiation process. The parties have forty-five days to respond in the affirmative or negative. A negative response must state the reasons the parties do not wish to participate in an interlocal agreement negotiation. A failure to respond within the forty-five day period is deemed an affirmative response and the interlocal agreement negotiation process may proceed. The interlocal agreement process may not proceed if any negative responses are received within the forty-five day period.

(c) The interlocal agreement must describe the boundaries of the territory proposed for annexation and must be consistent with the boundaries identified in an ordinance describing the boundaries of the territory proposed for annexation and setting a date for a public hearing on the ordinance. If the boundaries of the territory proposed for annexation are agreed to by all parties, a notice of intention must be filed with the boundary review board created under RCW 36.93.030. However, the jurisdiction of the board may not be invoked as described in RCW 36.93.100 for annexations that are the subject of such agreement.

(2) An interlocal annexation agreement under this section must include the following:

(a) A statement of the goals of the agreement. Goals must include, but are not limited to:

(i) The transfer of revenues and assets between the fire protection district and the code city;

(ii) A consideration and discussion of the impact to the level of service of annexation on the unincorporated area, and an agreement that the impact on the ability of fire protection and emergency medical services within the incorporated area must not be negatively impacted at least through the budget cycle in which the annexation occurs;

(iii) A discussion with fire protection districts regarding the division of assets and its impact to citizens inside and outside the newly annexed area;

(iv) Community involvement, including an agreed upon schedule of public meetings in the area or areas proposed for annexation;

(v) Revenue sharing, if any;

(vi) Debt distribution;

(vii) Capital facilities obligations of the code city, county, and fire protection districts;

(viii) An overall schedule or plan on the timing of any annexations covered under this agreement; and

(ix) A description of which of the annexing code cities' development regulations will apply and be enforced in the area.

(b) The subject areas and policies and procedures the parties agree to undertake in annexations. Subject areas may include, but are not limited to:

(i) Roads and traffic impact mitigation;

(ii) Surface and storm water management;

(iii) Coordination and timing of comprehensive plan and development regulation updates;

(iv) Outstanding bonds and special or improvement district assessments;

(v) Annexation procedures;

(vi) Distribution of debt and revenue sharing for annexation proposals, code enforcement, and inspection services;

(vii) Financial and administrative services; and

(viii) Consultation with other service providers, including water-sewer districts, if applicable.

(c) A term of at least five years, which may be extended by mutual agreement of the code city, the county, and the fire protection district.

(3) If the fire protection district, annexing code city, and county reach an agreement on the enumerated goals, ~~((the annexation~~

~~ordinance may proceed and is not subject to referendum)) or if only the annexing code city and county reach an agreement on the enumerated goals, the code city ~~((and county))~~ may ~~((proceed with))~~ adopt an annexation ~~((under the interlocal agreement))~~ ordinance, but the annexation ordinance provided for in this section is subject to referendum for forty-five days after its passage, provided that no referendum shall be allowed for an annexation under this section if the fire protection district, annexing code city, and the county reach agreement on an annexation for which a code city has initiated the interlocal agreement process by sending notice to the fire protection district representative and county representative prior to July 28, 2013. Upon the filing of a timely and sufficient referendum petition with the legislative body of the code city, signed by qualified electors in a number not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation must be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose according to RCW 29A.04.330. Notice of the election must be given as provided in RCW 35A.14.070, and the election must be conducted as provided in the general election laws under Title 29A RCW. The annexation must be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition to the annexation.~~

After the expiration of the forty-fifth day from, but excluding, the date of passage of the annexation ordinance, if a timely and sufficient referendum petition has not been filed, the area annexed becomes a part of the code city upon the date fixed in the ordinance of annexation.

Sec. 3. RCW 35.13.238 and 2009 c 60 s 7 are each amended to read as follows:

(1)(a) An annexation by a city or town that is proposing to annex territory served by one or more fire protection districts may be accomplished by ordinance after entering into an interlocal agreement as provided in chapter 39.34 RCW with the county and the fire protection district or districts that have jurisdiction over the territory proposed for annexation.

(b) A city or town proposing to annex territory shall initiate the interlocal agreement process by sending notice to the fire protection district representative and county representative stating the city's or town's interest to enter into an interlocal agreement negotiation process. The parties have forty-five days to respond in the affirmative or negative. A negative response must state the reasons the parties do not wish to participate in an interlocal agreement negotiation. A failure to respond within the forty-five day period is deemed an affirmative response and the interlocal agreement negotiation process may proceed. The interlocal agreement process may not proceed if any negative responses are received within the forty-five day period.

(c) The interlocal agreement must describe the boundaries of the territory proposed for annexation and must be consistent with the boundaries identified in an ordinance describing the boundaries of the territory proposed for annexation and setting a date for a public hearing on the ordinance. If the boundaries of the territory proposed for annexation are agreed to by all parties, a notice of intention must be filed with the boundary review board created under RCW 36.93.030. However, the jurisdiction of the board may not be invoked as described in RCW 36.93.100 for annexations that are the subject of such agreement.

(2) An interlocal annexation agreement under this section must include the following:

(a) A statement of the goals of the agreement. Goals must include, but are not limited to:

(i) The transfer of revenues and assets between the fire protection districts and the city or town;

(ii) A consideration and discussion of the impact to the level of service of annexation on the unincorporated area, and an agreement

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that the impact on the ability of fire protection and emergency medical services within the incorporated area must not be negatively impacted at least through the budget cycle in which the annexation occurs;

(iii) A discussion with fire protection districts regarding the division of assets and its impact to citizens inside and outside the newly annexed area;

(iv) Community involvement, including an agreed upon schedule of public meetings in the area or areas proposed for annexation;

(v) Revenue sharing, if any;

(vi) Debt distribution;

(vii) Capital facilities obligations of the city, county, and fire protection districts;

(viii) An overall schedule or plan on the timing of any annexations covered under this agreement; and

(ix) A description of which of the annexing cities' development regulations will apply and be enforced in the area.

(b) The subject areas and policies and procedures the parties agree to undertake in annexations. Subject areas may include, but are not limited to:

(i) Roads and traffic impact mitigation;

(ii) Surface and storm water management;

(iii) Coordination and timing of comprehensive plan and development regulation updates;

(iv) Outstanding bonds and special or improvement district assessments;

(v) Annexation procedures;

(vi) Distribution of debt and revenue sharing for annexation proposals, code enforcement, and inspection services;

(vii) Financial and administrative services; and

(viii) Consultation with other service providers, including water-sewer districts, if applicable.

(c) A term of at least five years, which may be extended by mutual agreement of the city or town, the county, and the fire protection district.

(3) If the fire protection district, annexing city or town, and county reach an agreement on the enumerated goals, ~~((the annexation ordinance may proceed and is not subject to referendum.))~~ or if only the annexing city or town and county reach an agreement on the enumerated goals, the city or town ~~((and county))~~ may ~~((proceed with))~~ adopt an annexation ((under the interlocal agreement)) ordinance, but the annexation ordinance provided for in this section is subject to referendum for forty-five days after its passage, provided that no referendum shall be allowed for an annexation under this section if the fire protection district, annexing city or town, and the county reach agreement on an annexation for which a city or town has initiated the interlocal agreement process by sending notice to the fire protection district representative and county representative prior to July 28, 2013. Upon the filing of a timely and sufficient referendum petition with the legislative body of the city or town, signed by qualified electors in a number not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation must be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose according to RCW 29A.04.330. Notice of the election must be given as provided in RCW 35.13.080, and the election must be conducted as provided in the general election laws under Title 29A RCW. The annexation must be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition to the annexation.

After the expiration of the forty-fifth day from, but excluding, the date of passage of the annexation ordinance, if a timely and sufficient referendum petition has not been filed, the area annexed

becomes a part of the city or town upon the date fixed in the ordinance of annexation.

(4) If any portion of a fire protection district is proposed for annexation to or incorporation into a city or town, both the fire protection district and the city or town shall jointly inform the employees of the fire protection district about hires, separations, terminations, and any other changes in employment that are a direct consequence of annexation or incorporation at the earliest reasonable opportunity.

(5) The needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and RCW 35.10.360 and 35.10.370 shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the city or town fire department when appropriate positions become available. Employees who are not immediately hired by the city or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies.

(6)(a) Upon transfer, an employee is entitled to the employee rights, benefits, and privileges to which he or she would have been entitled as an employee of the fire protection district, including rights to:

(i) Compensation at least equal to the level of compensation at the time of transfer, unless the employee's rank and duties have been reduced as a result of the transfer. If the transferring employee is placed in a position with reduced rank and duties, the employee's compensation may be adjusted, but the adjustment may not result in a decrease of greater than fifty percent of the difference between the employee's compensation before the transfer and the compensation level for the position that the employee is transferred to;

(ii) Retirement, vacation, sick leave, and any other accrued benefit;

(iii) Promotion and service time accrual; and

(iv) The length or terms of probationary periods, including no requirement for an additional probationary period if one had been completed before the transfer date.

(b) (a) of this subsection does not apply if upon transfer an agreement for different terms of transfer is reached between the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions.

(7) If upon transfer, the transferring employee receives the rights, benefits, and privileges established under subsection (6)(a)(i) through (iv) of this section, those rights, benefits, and privileges are subject to collective bargaining at the end of the current bargaining period for the jurisdiction to which the employee has transferred.

(8) Such bargaining must take into account the years of service the transferring employee accumulated before the transfer and must be treated as if those years of service occurred in the jurisdiction to which the employee has transferred."

Renumber the remaining section.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 2, after line 10 to Engrossed House Bill No. 2068.

The motion by Senator Roach carried and the amendment was adopted by a rising vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "territory" strike the remainder of the title and insert "; amending RCW 35A.14.295, 35A.14.480,

and 35.13.238; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed House Bill No. 2068 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Chase and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2068 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2068 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner and Rivers

Excused: Senator Kline

ENGROSSED HOUSE BILL NO. 2068 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 27, 2013

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5891 with the following amendment(s): 5891-S.E AMH HUDG REIL 085

On page 5, line 13, after "officer" strike "sufficient"

On page 7, line 19, after "model" insert "of the executive branch"

On page 7, line 25, after "legislature by" strike "September" and insert "December"

On page 7, line 31, after "legislature by" strike "September" and insert "December"

On page 8, line 15, after "be" strike "consistent with" and insert "comparable to"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hill moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5891.

Senator Hill spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hill that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5891.

The motion by Senator Hill carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5891 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5891, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5891, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

ENGROSSED SUBSTITUTE SENATE BILL NO. 5891, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:40 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, June 28, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, June 28, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Kline.

The Sergeant at Arms Color Guard consisting of Senate Staff Carolyn Busch and Erich Ebel, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 10:06 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:36 p.m. by President Owen.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

June 28, 2013

SB 5367 Prime Sponsor, Senator Honeyford: Concerning Yakima river basin water resource management. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5367 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

June 28, 2013

SB 5882 Prime Sponsor, Senator Hill: Relating to revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5882 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Keiser; Kohl-Welles; Nelson, Assistant Ranking Member; Parlette; Ranker; Rivers and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the rules were suspended and the measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 12:37 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:40 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

June 27, 2013

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5157,

SUBSTITUTE SENATE BILL NO. 5679,

SUBSTITUTE SENATE BILL NO. 5718,

SUBSTITUTE SENATE BILL NO. 5804,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 27, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5912,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 27, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 27, 2013

MR. PRESIDENT:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1955,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 27, 2013

MR. PRESIDENT:
The House has passed:
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1971,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 27, 2013

MR. PRESIDENT:
The House has passed:
ENGROSSED HOUSE BILL NO. 1450,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 27, 2013

MR. PRESIDENT:
The House has passed:
HOUSE BILL NO. 2043,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:
The House concurred in the Senate amendment to ENGROSSED
HOUSE BILL NO. 2068 and passed the bill as amended by the
Senate.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:
The House has passed:
HOUSE BILL NO. 2044,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2051,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:
The House has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5913,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth
order of business.

INTRODUCTION AND FIRST READING

SB 5950 by Senators Roach, Benton and Sheldon

AN ACT Relating to requiring payment for costs of
incarceration; and amending RCW 9.94A.760 and 10.01.160.

Referred to Committee on Law & Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1872 by House Committee on Appropriations
(originally sponsored by Representatives Maxwell, Dahlquist,
Lytton, Sullivan, McCoy, Upthegrove, Bergquist, Seaquist,
Morrell, Wylie, Goodman, Ryu, Tarleton, Tharinger, Springer,
Stonier, Jinkins, Orwall, Pollet, Fey, Hansen, Liias and Freeman)

AN ACT Relating to establishing a comprehensive initiative
to increase learning opportunities and improve educational
outcomes in science, technology, engineering, and
mathematics through multiple strategies and statewide
partnerships; amending RCW 28B.77.020 and 28A.290.010;
adding a new chapter to Title 28A RCW; and recodifying
RCW 28A.300.515, 28A.630.065, 28A.630.066,
28A.700.120, 28A.625.200, 28A.625.210, 28A.625.220,
28A.625.230, and 28A.625.240.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1954 by House Committee on Transportation
(originally sponsored by Representatives Clibborn, Moscoso,
Fey, Ryu, Riccelli, Farrell, Liias, Pollet, Ormsby, Tarleton,
Roberts, Wylie, Morris, Bergquist and Moeller)

AN ACT Relating to transportation revenue; amending RCW
82.36.025, 82.38.030, 46.68.090, 46.68.090, 46.10.530,
79A.25.070, 46.17.100, 46.20.293, 46.29.050, 46.68.041,
46.68.020, 46.68.280, 46.68.390, 47.76.250, 46.17.355,
46.68.035, 81.77.160, 46.17.323, 46.17.050, 46.17.060,
46.20.202, 36.73.015, 36.73.020, 36.73.065, 82.14.045,
82.80.140, 47.10.882, 47.56.894, and 47.56.892; reenacting
and amending RCW 43.84.092, 43.84.092, 46.09.520, and

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46.52.130; adding new sections to chapter 46.68 RCW; adding a new section to chapter 46.17 RCW; adding new sections to chapter 82.80 RCW; adding new sections to chapter 82.14 RCW; adding new sections to chapter 36.57A RCW; adding new sections to chapter 47.10 RCW; adding a new section to chapter 47.29 RCW; creating new sections; repealing RCW 82.36.029 and 82.38.---; repealing 2013 c 225 s 103 (uncodified); repealing 2012 c 74 s 18 (uncodified); providing effective dates; providing contingent effective dates; providing expiration dates; providing contingent expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

ESHB 1955 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Moscoso, Fey, Ryu, Riccelli, Farrell, Lias, Pollet, Ormsby, Tarleton, Roberts, Wylie, Morris, Bergquist and Moeller)

AN ACT Relating to additive transportation funding; amending 2013 c 306 ss 208, 214, 215, 218, 220, 223, 301, 305, 306, 307, 309, 310, 311, 401, 402, and 408 (uncodified); creating new sections; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

ESHB 1957 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Lias, Moscoso and Fey)

AN ACT Relating to department of transportation project delivery; amending RCW 47.01.300; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.01 RCW; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Transportation.

ESHB 1978 by House Committee on Transportation (originally sponsored by Representatives Zeiger, Clibborn, Orcutt, O'Ban, Hargrove, Lias, Fey, Moscoso and Morrell)

AN ACT Relating to permitting certain transportation projects; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SHB 1986 by House Committee on Transportation (originally sponsored by Representatives O'Ban, Rodne, Magendanz, Zeiger, Kristiansen, Klippert and Hayes)

AN ACT Relating to the reporting of highway construction project errors; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 1988 by Representatives Rodne, Magendanz, Zeiger, Kristiansen, Hayes and O'Ban

AN ACT Relating to right-sizing transportation projects; and creating a new section.

Referred to Committee on Transportation.

HB 2079 by Representative Dunshee

AN ACT Relating to expenditures from the environmental legacy stewardship account; and amending RCW 70.105D.---

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1450 by Representatives Hunt and Pollet

AN ACT Relating to assessments in public schools; amending RCW 28A.655.061, 28A.655.066, 28A.655.068, 28A.655.070, 28A.305.130, 28A.655.185, 28B.105.010, 28B.105.030, and 28B.105.060; adding a new section to chapter 28A.320 RCW; creating new sections; repealing RCW 28A.655.066; and providing an effective date.

2E2SHB 1971 by House Committee on Appropriations (originally sponsored by Representatives Carlyle and Nealey)

AN ACT Relating to communications services reform; amending RCW 82.14B.040, 82.14B.042, 82.14B.030, 82.14B.200, 80.36.430, 43.20A.725, 80.36.420, 80.36.450, 80.36.460, 80.36.470, and 80.36.610; reenacting and amending RCW 82.14B.020 and 82.08.0289; adding new sections to chapter 80.36 RCW; creating new sections; repealing RCW 82.72.010, 82.72.020, 82.72.030, 82.72.040, 82.72.050, 82.72.060, 82.72.070, 82.72.080, 82.72.090, and 80.36.600; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

HB 2043 by Representatives Hunter and Sullivan

AN ACT Relating to temporarily suspending inflationary increases in educational employee compensation; amending RCW 28A.400.205, 28B.50.465, 28B.50.468, and 28A.405.415; providing an effective date; and declaring an emergency.

HB 2044 by Representatives Hunter and Sullivan

AN ACT Relating to delaying the implementation of the family leave insurance program until funding and payment of benefits are authorized in law; and amending RCW 49.86.030 and 49.86.210.

ESHB 2051 by House Committee on Appropriations (originally sponsored by Representatives Lytton, Hunter, Sullivan, Maxwell and Pollet)

AN ACT Relating to implementation of basic education expenditures; amending RCW 28A.150.220, 28A.180.030, 28A.180.040, 82.16.020, and 82.18.040; reenacting and amending RCW 43.135.045 and 82.45.060; creating a new section; providing effective dates; and declaring an emergency.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading and Supplemental Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 2079; Engrossed House Bill No. 1450; Second Engrossed Second Substitute House Bill No. 1971; House Bill No. 2043; House Bill No. 2044

and Engrossed Substitute House Bill No. 2051 which were placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 27, 2013

MR. PRESIDENT:

The House passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5892 with the following amendment(s): 5892-S.E2 AMH ENGR H2702.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.517 and 2002 c 290 s 8 are each amended to read as follows:

(1)

TABLE 3

DRUG OFFENSE SENTENCING GRID

Seriousness Level	Offender Score 0 to 2	Offender Score 3 to 5	Offender Score 6 to 9 or more
III	51 to 68 months	68+ to 100 months	100+ to 120 months
II	12+ to 20 months	20+ to 60 months	60+ to 120 months
I	0 to 6 months	6+ to (48) <u>12</u> months	12+ to 24 months

References to months represent the standard sentence ranges. 12+ equals one year and one day.

(2) The court may utilize any other sanctions or alternatives as authorized by law, including but not limited to the special drug offender sentencing alternative under RCW 9.94A.660 or drug court under RCW 2.28.170.

(3) Nothing in this section creates an entitlement for a criminal defendant to any specific sanction, alternative, sentence option, or substance abuse treatment.

Sec. 2. RCW 9.94A.729 and 2011 1st sp.s. c 40 s 4 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the ~~((amount))~~ number of days of ~~((earned))~~ early release ~~((time))~~ credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates ~~((earned))~~ early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The

department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities. However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an

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offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) For each offender who is the recipient of a rental voucher, the department shall include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

Sec. 3. RCW 9.92.151 and 2009 c 28 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(2) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

(3) If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned.

NEW SECTION. Sec. 4. Pursuant to RCW 9.94A.729, the department shall recalculate the earned release date for any offender currently serving a term in a facility or institution either operated by the state or utilized under contract. The earned release date shall be recalculated whether the offender is currently incarcerated or is sentenced after the effective date of this section, and regardless of the offender's date of offense. For offenders whose offense was committed prior to the effective date of this section, the recalculation shall not extend a term of incarceration beyond that to which an offender is currently subject.

NEW SECTION. Sec. 5. (1)(a) The department must, in consultation with the caseload forecast council, compile the following information in summary form for the two years prior to and after the effective date of this section: For offenders sentenced under RCW 9.94A.517 for a seriousness level I offense where the offender score is three to five: (A) The total number of sentences and the average length of sentence imposed, sorted by sentences served in state versus local correctional facilities; (B) the number of current and prior felony convictions for each offender; (C) the estimated cost or cost savings, total and per offender, to the state and local governments from the change to the maximum sentence pursuant to RCW 9.94A.517(1); and (D) the number of offenders who were sentenced to community custody, the number of violations committed on community custody, and any sanctions imposed for such violations.

(b) The department must submit a report with its findings to the office of financial management and the appropriate fiscal and policy committees of the house of representatives and the senate by January 1, 2015, and January 1, 2018.

(2) For purposes of this section, "department" means the department of corrections.

NEW SECTION. Sec. 6. The legislature declares that section 4 of this act does not create any liberty interest. The department is authorized to take the time reasonably necessary to complete the recalculations of section 4 of this act after the effective date of this section.

NEW SECTION. Sec. 7. Section 1 of this act applies to sentences imposed on or after July 1, 2013, regardless of the date of offense.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013.

NEW SECTION. Sec. 10. Sections 1 and 5 of this act expire July 1, 2018."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5892.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5892.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5892 by voice vote.

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5892, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5892, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Parlette, Ranker, Rolfes, Schlicher, Schoesler, Shin and Tom

Voting nay: Senators Benton, Brown, Holmquist Newbry, Padden, Pearson, Rivers, Roach, Sheldon and Smith

Excused: Senator Kline

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5157,
 SUBSTITUTE SENATE BILL NO. 5679,
 SUBSTITUTE SENATE BILL NO. 5718,
 SUBSTITUTE SENATE BILL NO. 5804,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5891,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5912.

MESSAGE FROM THE HOUSE

June 27, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5904 with the following amendment(s): 5904 AMH KAGI LANH 043

On page 2, beginning on line 21, strike all of section 3 and insert the following:

"**NEW SECTION. Sec. 3.** (1) During the 2013-2015 biennium, the Washington state institute for public policy shall conduct a comprehensive retrospective outcome evaluation and return on investment analysis of the early childhood program established in RCW 43.215.400. To the extent possible based on data availability, the evaluation must:

(a) Assess both short-term and long-term outcomes for participants in the program, including educational and social outcomes;

(b) Examine the impact of variables including, but not limited to, program fiscal support, staff salaries, staff retention, education level of staff, full-day programming, half-day programming, and classroom size on short-term and long-term outcomes for program participants;

(c) Report findings from a review of the research evidence on components of successful early education program strategies;

(d) Examine characteristics of parents participating in the early childhood and education assistance program; and

(e) Examine family support services provided through early childhood programs.

(2) The institute shall submit a report to the appropriate committees of the legislature by December 15, 2014.

(3) This section expires on December 31, 2014."

On page 3, line 3, after "act)," insert "43.215.143 (as recodified by this act)"

On page 4, line 1, after "43.215.141" strike "and 43.215.142" and insert ", 43.215.142, and 43.215.143"

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hill moved that the Senate concur in the House amendment(s) to Senate Bill No. 5904.

Senators Hill and Billig spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hill that the Senate concur in the House amendment(s) to Senate Bill No. 5904.

The motion by Senator Hill carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5904 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5904, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5904, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Padden and Smith

Excused: Senator Kline

SENATE BILL NO. 5904, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2069, by House Committee on Appropriations (originally sponsored by Representatives Hunter and Sullivan)

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Concerning continuation of safety net benefits for persons with a physical or mental disability which makes them eligible for certain social services programs.

The measure was read the second time.

MOTION

Senator Hill moved that the following striking amendment by Senators Hill and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.62.030 and 2011 1st sp.s. c 36 s 3 are each amended to read as follows:

(1)(a) Effective November 1, 2011, the aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled", until June 30, 2015, means a bodily or mental infirmity that will (I) likely continue for a minimum of nine months; (II) prevent the individual from currently performing work that the individual was able to perform as a substantial gainful activity within the prior ten years; and (III) is otherwise likely to meet the federal supplemental security income disability standard as determined by the department. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

~~((H))~~ (1) A previous disability determination by the social security administration or the disability determination service entity within the department; or

~~((H))~~ (2) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to alcohol or drug addiction. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits pending application for federal supplemental security

income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) Effective November 1, 2011, the pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program, but are ineligible for federal temporary assistance for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(b) Meet the income and resource standards described in section 3(1)(d) and (e) of this act;

~~(c)~~ Have furnished the department his or her social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

~~((E))~~ (d) Not have ~~((not))~~ refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

~~((F))~~ (e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) Effective November 1, 2011, referrals for essential needs and housing support under RCW 43.185C.220 shall be provided to persons found eligible ~~((for medical care services under RCW 74.09.035 who are not recipients of alcohol and addiction services provided under chapter 74.50 RCW or are not recipients of aged, blind, or disabled assistance))~~ under section 3 of this act.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

~~((6))~~ (6) The department must review the cases of all persons, except recipients of alcohol and addiction treatment under chapter 74.50 RCW, or recipients of aged, blind, or disabled assistance, who have received medical care services for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.)

Sec. 2. RCW 74.62.030 and 2013 2nd sp.s. c ... s 1 (section 1 of this act) are each amended to read as follows:

(1)(a) Effective November 1, 2011, the aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled"((, until June 30, 2015,)) means ((a bodily or mental infirmity that will (I) likely continue for a minimum of nine months; (II) prevent the individual from currently performing work that the individual was able to perform as a substantial gainful activity within the prior ten years; and (III) is otherwise)) likely to meet the federal supplemental security income disability standard ((as determined by the department)). In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

~~((+))~~ (I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

~~((=))~~ (II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to alcohol or drug addiction. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits pending application for federal supplemental security income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) Effective November 1, 2011, the pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program, but are ineligible for federal temporary assistance

for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(b) Meet the income and resource standards described in section 3(1) (d) and (e) of this act;

(c) Have furnished the department his or her social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(d) Not have refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) Effective November 1, 2011, referrals for essential needs and housing support under RCW 43.185C.220 shall be provided to persons found eligible under section 3 of this act.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04 RCW to read as follows:

(1) The department is responsible for determining eligibility for referral for essential needs and housing support under RCW 43.185C.220. Persons eligible are persons who:

(a) Are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days. The standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(b) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(c) Have furnished the department their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number must be made prior to authorization of benefits, and the social security number must be provided to the department upon receipt;

(d) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual;

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(e) Do not have countable resources in excess of those described in RCW 74.04.005; and

(f) Are not eligible for:

(i) The aged, blind, or disabled assistance program;

(ii) The pregnant women assistance program; or

(iii) Federal aid assistance, other than basic food benefits transferred electronically and medical assistance.

(2) The following persons are not eligible for a referral for essential needs and housing support:

(a) Persons who are unemployable due primarily to alcohol or drug addiction, except as provided in subsection (3) of this subsection. These persons must be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals must be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from making a referral for essential needs and housing report for persons who have a substance abuse addiction who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for a referral for essential needs and housing support.

(b) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(c) Persons who refuse or fail without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(d) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(3) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

(a) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(b) The process implementing the medical criteria must involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(4) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program, persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

(5) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

Sec. 4. RCW 43.185C.220 and 2011 1st sp.s. c 36 s 4 are each amended to read as follows:

(1) The department shall distribute funds for the essential needs and housing support program established under this section in a manner consistent with the requirements of this section and the biennial operating budget. The first distribution of funds must be completed by September 1, 2011. Essential needs or housing support is only for persons found eligible for such services under ~~((RCW 74.62.030(4)))~~ section 3 of this act and is not considered an entitlement.

(2) The department shall distribute funds appropriated for the essential needs and housing support program in the form of grants to designated essential needs support and housing support entities within each county. The department shall not distribute any funds until it approves the expenditure plan submitted by the designated essential needs support and housing support entities. The amount of funds to be distributed pursuant to this section shall be designated in the biennial operating budget. For the sole purpose of meeting the initial distribution of funds date, the department may distribute partial funds upon the department's approval of a preliminary expenditure plan. The department shall not distribute the remaining funds until it has approved a final expenditure plan.

(3)(a) During the 2011-2013 biennium, in awarding housing support that is not funded through the contingency fund in this subsection, the designated housing support entity shall provide housing support to clients who are homeless persons as defined in RCW 43.185C.010. As provided in the biennial operating budget for the 2011-2013 biennium, a contingency fund shall be used solely for those clients who are at substantial risk of losing stable housing or at substantial risk of losing one of the other services defined in RCW 74.62.010(6). For purposes of this chapter, "substantial risk" means the client has provided documentation that he or she will lose his or her housing within the next thirty days or that the services will be discontinued within the next thirty days.

(b) After July 1, 2013, the designated housing support entity shall give first priority to clients who are homeless persons as defined in RCW 43.185C.010 and second priority to clients who would be at substantial risk of losing stable housing without housing support.

(4) For each county, the department shall designate an essential needs support entity and a housing support entity that will begin providing these supports to medical care services program recipients on November 1, 2011. Essential needs and housing support entities are not required to provide assistance to every ~~((medical care services recipient that is))~~ person referred to the local entity or who meets the priority standards in subsection (3) of this section.

(a) Each designated entity must be a local government or community-based organization, and may administer the funding for essential needs support, housing support, or both. Designated entities have the authority to subcontract with qualified entities. Upon request, and the approval of the department, two or more counties may combine resources to more effectively deliver services.

(b) The department's designation process must include a review of proficiency in managing housing or human services programs when designating housing support entities.

(c) Within a county, if the department directly awards separate grants to the designated housing support entity and the designated essential needs support entity, the department shall determine the amount allocated for essential needs support as directed in the biennial operating budget.

(5)(a) Essential needs and housing support entities must use funds distributed under this section as flexibly as is practicable to provide essential needs items and housing support to recipients of

the essential needs and housing support program, subject to the requirements of this section.

(b) Benefits provided under the essential needs and housing support program shall not be provided to recipients in the form of cash assistance.

(c) The appropriations by the legislature for the purposes of the essential needs and housing support program established under this section shall be based on forecasted program caseloads. The caseload forecast council shall provide a courtesy forecast of the (~~medical care services recipient~~) population eligible for a referral for essential needs and housing support that is homeless or is included in reporting under subsection (7)(c)(iii) of this section. The department may move funds between entities or between counties to reflect actual caseload changes. In doing so, the department must: (i) Develop a process for reviewing the caseload of designated essential needs and housing support entities, and for redistributing grant funds from those entities experiencing reduced actual caseloads to those with increased actual caseloads; and (ii) inform all designated entities of the redistribution process. Savings resulting from program caseload attrition from the essential needs and housing support program shall not result in increased per-client expenditures.

(d) Essential needs and housing support entities must partner with other public and private organizations to maximize the beneficial impact of funds distributed under this section, and should attempt to leverage other sources of public and private funds to serve essential needs and housing support recipients. Funds appropriated in the operating budget for essential needs and housing support must be used only to serve persons eligible to receive services under that program.

(6) The department shall use no more than five percent of the funds for administration of the essential needs and housing support program. Each essential needs and housing support entity shall use no more than seven percent of the funds for administrative expenses.

(7) The department shall:

(a) Require housing support entities to enter data into the homeless client management information system;

(b) Require essential needs support entities to report on services provided under this section;

(c) In collaboration with the department of social and health services, submit a report annually to the relevant policy and fiscal committees of the legislature. A preliminary report shall be submitted by December 31, 2011, and must include (c)(i), (iii), and (v) of this subsection. Annual reports must be submitted beginning December 1, 2012, and must include:

(i) A description of the actions the department has taken to achieve the objectives of chapter 36, Laws of 2011 1st sp. sess.;

(ii) The amount of funds used by the department to administer the program;

(iii) Information on the housing status of essential needs and housing support recipients served by housing support entities, and individuals who have requested housing support but did not receive housing support;

(iv) Grantee expenditure data related to administration and services provided under this section; and

(v) Efforts made to partner with other entities and leverage sources or public and private funds;

(d) Review the data submitted by the designated entities, and make recommendations for program improvements and administrative efficiencies. The department has the authority to designate alternative entities as necessary due to performance or other significant issues. Such change must only be made after consultation with the department of social and health services and the impacted entity.

(8) The department, counties, and essential needs and housing support entities are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them related to decisions regarding: (a) The provision or lack of provision of housing or essential needs support; or (b) the type of housing arrangement supported with funds allocated under this section, when the decision was made in good faith and in the performance of the powers and duties under this section. However, this section does not prohibit legal actions against the department, county, or essential needs or housing support entity to enforce contractual duties or obligations.

Sec. 5. RCW 43.185C.230 and 2011 1st sp.s. c 36 s 5 are each amended to read as follows:

The department, in collaboration with the department of social and health services, shall develop a mechanism through which the department and local governments or community-based organizations can verify a person has been determined eligible by the department of social and health services and remains eligible for (~~medical care services under RCW 74.09.035 by the department of social and health services~~) the essential needs and housing support program.

Sec. 6. RCW 74.09.510 and 2011 1st sp.s. c 36 s 9 and 2011 1st sp.s. c 15 s 25 are each reenacted and amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the authority, as defined in the social security Title XIX state plan for mandatory categorically needy persons and:

(1) Individuals who would be eligible for cash assistance except for their institutional status;

(2) Individuals who are under twenty-one years of age, who would be eligible for medicaid, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) a nursing facility or an intermediate care facility for persons with intellectual disabilities, or (d) inpatient psychiatric facilities;

(3) Individuals who:

(a) Are under twenty-one years of age;

(b) On or after July 22, 2007, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state; and

(c) On their eighteenth birthday, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state;

(4) Persons who are aged, blind, or disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized;

(5) Categorically eligible individuals who meet the income and resource requirements of the cash assistance programs;

(6) Individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act;

(7) Children and pregnant women allowed by federal statute for whom funding is appropriated;

(8) Working individuals with disabilities authorized under section 1902(a)(10)(A)(ii) of the social security act for whom funding is appropriated;

(9) Other individuals eligible for medical services under (~~RCW 74.09.035 based on age, blindness, or disability and income and resources standards for medical care services and~~) RCW 74.09.700 for whom federal financial participation is available under Title XIX of the social security act;

(10) Persons allowed by section 1931 of the social security act for whom funding is appropriated; and

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(11) Women who: (a) Are under sixty-five years of age; (b) have been screened for breast and cervical cancer under the national breast and cervical cancer early detection program administered by the department of health or tribal entity and have been identified as needing treatment for breast or cervical cancer; and (c) are not otherwise covered by health insurance. Medical assistance provided under this subsection is limited to the period during which the woman requires treatment for breast or cervical cancer, and is subject to any conditions or limitations specified in the omnibus appropriations act.

Sec. 7. RCW 74.09.035 and 2011 1st sp.s. c 36 s 6 and 2011 1st sp.s. c 15 s 3 are each reenacted and amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to:

(a) ((Persons who:

(i) Are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department. The standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(ii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(iii) Have furnished the department their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(iv) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual; and

(v) Do not have countable resources in excess of those described in RCW 74.04.005.

(b))) Persons eligible for the aged, blind, or disabled assistance program authorized in RCW 74.62.030 and who are not eligible for medicaid under RCW 74.09.510; and

(b) Persons eligible for essential needs and housing support under section 3 of this act and who are not eligible for medicaid under RCW 74.09.510.

((((c) Persons eligible for alcohol and drug addiction services provided under chapter 74.50 RCW, in accordance with medical eligibility requirements established by the department.

(d) The following persons are not eligible for medical care services:

(i) Persons who are unemployable due primarily to alcohol or drug addiction, except as provided in (c) of this subsection. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. This subsection shall not be construed to prohibit the department from granting medical care services benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for medical care services;

(ii) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(iii) Persons who refuse or fail without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the

person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(iv) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(e) For purposes of determining whether a person is incapacitated from gainful employment under (a) of this subsection:

(i) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(ii) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program, persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacity.))

(2) Enrollment in medical care services may not result in expenditures that exceed the amount that has been appropriated in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the department may freeze new enrollment and establish a waiting list of persons who may receive benefits only when sufficient funds are available.

(3) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the authority, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(4) The authority shall enter into performance-based contracts with one or more managed health care systems for the provision of medical care services under this section. The contract must provide for integrated delivery of medical and mental health services.

(5) The authority shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the authority may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(6) ((Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for persons with intellectual disabilities, as that term is described by federal law, who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(7))) Eligibility for medical care services shall commence with the date of ((certification for medical care services, date of)) eligibility for the aged, blind, or disabled assistance program provided under RCW 74.62.030((,)) or the date ((or)) of eligibility for ((alcohol and drug addiction services provided under chapter 74.50 RCW)) the essential needs and housing support program under section 3 of this act.

Sec. 8. RCW 74.09.010 and 2011 1st sp.s. c 15 s 2 and 2011 c 316 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington state health care authority.

(2) "Children's health program" means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(3) "Chronic care management" means the health care management within a health home of persons identified with, or at high risk for, one or more chronic conditions. Effective chronic care management:

(a) Actively assists patients to acquire self-care skills to improve functioning and health outcomes, and slow the progression of disease or disability;

(b) Employs evidence-based clinical practices;

(c) Coordinates care across health care settings and providers, including tracking referrals;

(d) Provides ready access to behavioral health services that are, to the extent possible, integrated with primary care; and

(e) Uses appropriate community resources to support individual patients and families in managing chronic conditions.

(4) "Chronic condition" means a prolonged condition and includes, but is not limited to:

(a) A mental health condition;

(b) A substance use disorder;

(c) Asthma;

(d) Diabetes;

(e) Heart disease; and

(f) Being overweight, as evidenced by a body mass index over twenty-five.

(5) "County" means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its designee.

(6) "Department" means the department of social and health services.

(7) "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

(8) "Director" means the director of the Washington state health care authority.

(9) "Full benefit dual eligible beneficiary" means an individual who, for any month: Has coverage for the month under a medicare prescription drug plan or medicare advantage plan with part D coverage; and is determined eligible by the state for full medicaid benefits for the month under any eligibility category in the state's medicaid plan or a section 1115 demonstration waiver that provides pharmacy benefits.

(10) "Health home" or "primary care health home" means coordinated health care provided by a licensed primary care provider coordinating all medical care services, and a multidisciplinary health care team comprised of clinical and nonclinical staff. The term "coordinating all medical care services" shall not be construed to require prior authorization by a primary care provider in order for a patient to receive treatment for covered services by an optometrist licensed under chapter 18.53 RCW. Primary care health home services shall include those services defined as health home services in 42 U.S.C. Sec. 1396w-4 and, in addition, may include, but are not limited to:

(a) Comprehensive care management including, but not limited to, chronic care treatment and management;

(b) Extended hours of service;

(c) Multiple ways for patients to communicate with the team, including electronically and by phone;

(d) Education of patients on self-care, prevention, and health promotion, including the use of patient decision aids;

(e) Coordinating and assuring smooth transitions and follow-up from inpatient to other settings;

(f) Individual and family support including authorized representatives;

(g) The use of information technology to link services, track tests, generate patient registries, and provide clinical data; and

(h) Ongoing performance reporting and quality improvement.

(11) "Internal management" means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

(12) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(13) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(14) "Medical care services" means the limited scope of care financed by state funds and provided to ~~((disability lifetime benefits recipients, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW))~~ persons who are not eligible for medicaid under RCW 74.09.510 and who are eligible for the aged, blind, or disabled assistance program authorized in RCW 74.62.030 or the essential needs and housing support program pursuant to section 3 of this act.

(15) "Multidisciplinary health care team" means an interdisciplinary team of health professionals which may include, but is not limited to, medical specialists, nurses, pharmacists, nutritionists, dietitians, social workers, behavioral and mental health providers including substance use disorder prevention and treatment providers, doctors of chiropractic, physical therapists, licensed complementary and alternative medicine practitioners, home care and other long-term care providers, and physicians' assistants.

(16) "Nursing home" means nursing home as defined in RCW 18.51.010.

(17) "Poverty" means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

(18) "Primary care provider" means a general practice physician, family practitioner, internist, pediatrician, osteopath, naturopath, physician assistant, osteopathic physician assistant, and advanced registered nurse practitioner licensed under Title 18 RCW.

(19) "Secretary" means the secretary of social and health services.

NEW SECTION. Sec. 9. Except for section 2 of this act, this act takes effect January 1, 2014.

NEW SECTION. Sec. 10. Section 2 of this act takes effect July 1, 2015."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hill and Hargrove to Substitute House Bill No. 2069.

The motion by Senator Hill carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "RCW 43.185C.220;" strike the remainder of the title and insert "amending RCW 74.62.030, 74.62.030, 43.185C.220, and 43.185C.230; reenacting and

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amending RCW 74.09.510, 74.09.035, and 74.09.010; adding a new section to chapter 74.04 RCW; and providing effective dates."

SECOND READING

MOTION

On motion of Senator Fain, the rules were suspended, Substitute House Bill No. 2069 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2069 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2069 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Padden and Smith

Excused: Senator Kline

SUBSTITUTE HOUSE BILL NO. 2069 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:10 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:26 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove).

Making 2013-2015 operating appropriations. Revised for 1st Substitute: Making omnibus operating appropriations.

The bill was read on Third Reading.

MOTION

On motion of Senator Hill, the rules were suspended and Second Engrossed Substitute Senate Bill No. 5034 was returned to second reading for the purpose of amendment.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove)

Making 2013-2015 operating appropriations. Revised for 1st Substitute: Making omnibus operating appropriations.

The measure was read the second time.

MOTION

Senator Hill moved that the following striking amendment by Senator Hill and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2014" or "FY 2014" means the fiscal year ending June 30, 2014.

(b) "Fiscal year 2015" or "FY 2015" means the fiscal year ending June 30, 2015.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

PART I GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2014)	\$30,789,000
General Fund--State Appropriation (FY 2015)	\$31,075,000
Motor Vehicle Account--State Appropriation	\$1,765,000
TOTAL APPROPRIATION	\$63,629,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund--State Appropriation (FY 2014)	\$21,150,000
General Fund--State Appropriation (FY 2015)	\$23,405,000
Motor Vehicle Account--State Appropriation	\$1,514,000
TOTAL APPROPRIATION	\$46,069,000

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2014)	\$62,000
General Fund--State Appropriation (FY 2015)	\$111,000
Performance Audits of Government Account--State Appropriation	\$5,641,000
Medical Aid Account--State Appropriation	\$332,000
Accident Account--State Appropriation	\$332,000

TOTAL APPROPRIATION.....\$6,478,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2013-15 work plan as necessary to efficiently manage workload.

(2) \$332,000 of the medical aid account--state appropriation and \$332,000 of the accident account--state appropriation are provided for the purposes of chapter 37, Laws of 2011 (workers' compensation).

(3) \$323,000 of the performance audits of government account--state appropriation is provided for consultant and staff costs related to the economic analysis of tax preferences as directed by chapter 43.136 RCW.

(4) The joint legislative audit and review committee shall conduct an audit of Washington's state research universities. The purpose of the audit is to identify cost and profit centers within, and in partnership with, the research universities. The audit must focus on public funds; student fees, in particular tuition; and auxiliary enterprises, which for the purposes of the audit at the University of Washington includes University of Washington medical center, the internal lending program, the W fund, and the center for commercialization. The audit at each university must achieve the following:

(a) Assess the university's policies and practices for tracking per-student expenditures for instruction and identify the average amount per student that the university has spent on instruction for undergraduate students in each of the past five fiscal years;

(b) Obtain the university's definition of auxiliary enterprises and determine the number of auxiliary enterprises, including the University of Washington medical center, the University of Washington internal lending program, the W fund, and the center for commercialization, that exist in the university system, the methods the university uses to track revenue and expenditures of auxiliary enterprises, and the policies and practices the university has in place to ensure that state funding is not used to supplement or guarantee projects or programs authorized by auxiliary enterprises;

(c) Identify how much money is being spent on undergraduate education and to what extent undergraduate education is subsidizing graduate education; and

(d) Determine how tuition funds are being used and to what extent they are being used to fund the University of Washington medical center, the University of Washington internal lending program, the W fund, and the center for commercialization and to back bonds authorized by the university.

(5) The committee shall conduct a study of the current methods of collecting legal financial obligations and compare those methods with other debt collection methods, including contracting for debt collection of legal financial obligations. The study shall include analysis of the costs and revenues of current methods and compare those to alternatives, and include analysis of the impact of current methods and alternatives to revenues received by the state. Included shall be an examination of costs and revenue generation before and after the implementation of chapter 379, Laws of 2003 (SSB 5990) and chapter 362, Laws of 2005 (SSB 5256) and analysis of whether these changes met the legislative goals of reducing costs and increasing collections. A report on the results of the analysis shall be presented to the appropriate committees of the legislature by December 2014.

(6) The committee shall conduct a study of economic development programs and projects supported by the state general fund in the department of commerce. The study shall first review the extent to which these programs: (a) Included specific economic development targets; (b) monitored economic development targets; (c) required for programs which provided support or services

through contracts, whether the contracts were structured such that if economic development targets were not met, contracts were reviewed or revised; and (d) changed the economic development targets of associate development organizations relative to funding increases since 2007. The study will include the feasibility of determining how to isolate other factors, such as general economic trends, from the impacts of economic development programs. The costs and options for conducting future analysis of the outcomes specific to economic development programs shall be included and a briefing report shall be provided to the appropriate committees of the legislature by December 1, 2013. A complete report with study data and conclusions shall be provided to the appropriate committees of the legislature by December 1, 2014.

(7) The committee shall analyze the incidence and level of taxation and business incentives available to the financial services industry in Washington State, and identify the relative differences in taxes and business incentives compared to California. A report shall be provided to the appropriate committees of the legislature by December 1, 2014.

(8) The committee shall conduct an analysis of how school districts use school days. The analysis must include:

(a) How school districts define classroom time, nonclassroom time, instructional time, noninstructional time, and any other definitions of how the school day is divided or used;

(b) Estimates of time in each category;

(c) How noninstructional time is distributed over the annual number of school days;

(d) When noninstructional hours occur;

(e) How noninstructional hours are used, including how much noninstructional time is devoted to professional development for the purposes of teacher and principal evaluation training or common core state standards training; and

(f) The extent to which the use of each category of time is identified or defined in collective bargaining agreements.

To the extent data is not available at the statewide level, the committee may use case studies or other methods to conduct the analysis. The committee shall submit a report of its findings to the education committees of the legislature by December 1, 2014.

(9) The committee shall review funding enhancement formulas that provide minimum staffing unit funding to small school districts and districts with school plants that have been judged by the state board of education to be remote and necessary. The committee will make an assessment of the current formulas and report any recommended adjustments to the legislative fiscal committees of the senate and the house of representatives by November 1, 2014. In assessing the current formulas, the committee may consider: Enhancements being made to basic education funding in the 2013-2015 omnibus appropriations act and committed to under Engrossed Substitute House Bill No. 2261 (chapter 548, Laws of 2009) and Substitute House Bill No. 2776 (chapter 236, Laws of 2010); developments in technology or educational service delivery since the formulas were established; practices in other states; districts' ability to provide students with access to a program of education; and inter-district equity.

(10) The committee shall conduct a study of the effectiveness of the state agency performance indicators and performance measurement process established in chapter 43.88 RCW, the state budget and accounting act. The study will focus on the integration of performance measurements into the state budgeting process and the ability of the legislative fiscal committees to use effective performance indicators in developing the state budget. The committee shall present its findings and recommendations to the legislative fiscal committees in a public hearing during the 2015 legislative session.

(11) By June 30, 2014, the committee shall conduct a study of the electricity cost impacts for each qualifying utility to meet the

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2016 and 2020 renewable resource and conservation targets under chapter 19.285 RCW. The study must also include an analysis of the impacts on each utility's commercial, industrial, and residential customers, including an additional analysis of the impacts on low-income residential customers.

(12) In carrying out the report required by RCW 44.28.157, the committee shall include by December 2014, an analysis of the impacts of using the Washington health benefit exchange established in chapter 43.71 RCW as a mechanism for providing health insurance for part-time certificated and classified K-12 public school employees. The analysis shall be conducted in coordination with the health care authority and shall include a review of how the exchange, federal health premium tax credits and subsidies for out-of-pocket expenses administered through the exchange, and Medicaid expansion have impacted, or could impact, health care costs for individuals, school districts, and the state. The analysis shall also include a review of the cost of stand-alone dental plans.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2014)\$1,653,000
General Fund--State Appropriation (FY 2015)\$1,811,000
TOTAL APPROPRIATION\$3,464,000

NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2014)\$8,004,000
General Fund--State Appropriation (FY 2015)\$7,973,000
TOTAL APPROPRIATION\$15,977,000

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense
Account--State Appropriation.....\$3,529,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2014)\$3,895,000
General Fund--State Appropriation (FY 2015)\$4,102,000
TOTAL APPROPRIATION\$7,997,000

NEW SECTION. Sec. 108. FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund--State Appropriation (FY 2014)\$3,686,000
General Fund--State Appropriation (FY 2015)\$3,684,000
TOTAL APPROPRIATION\$7,370,000

NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, and office of legislative support services.

NEW SECTION. Sec. 110. FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2014)\$6,911,000
General Fund--State Appropriation (FY 2015)\$6,836,000
TOTAL APPROPRIATION\$13,747,000

NEW SECTION. Sec. 111. FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2014)\$1,481,000
General Fund--State Appropriation (FY 2015)\$1,468,000
TOTAL APPROPRIATION\$2,949,000

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2014)\$1,068,000
General Fund--State Appropriation (FY 2015)\$994,000

TOTAL APPROPRIATION\$2,062,000

NEW SECTION. Sec. 113. FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2014)\$15,691,000
General Fund--State Appropriation (FY 2015)\$15,685,000
TOTAL APPROPRIATION\$31,376,000

NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2014)\$51,085,000
General Fund--State Appropriation (FY 2015)\$50,771,000
General Fund--Federal Appropriation\$2,125,000
General Fund--Private/Local Appropriation.....\$658,000
Judicial Information Systems Account--State
Appropriation.....\$46,611,000
Judicial Stabilization Trust Account--State
Appropriation\$6,691,000
TOTAL APPROPRIATION\$157,941,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the judicial information systems account--state appropriation is provided solely for development and implementation of the information network hub project.

(2) \$2,138,000 of the judicial information systems account--state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades.

(3) The administrative office of the courts, in conjunction with the office of the chief information officer, shall analyze the feasibility and associated costs of moving the judicial branch servers and data center equipment to the state data center. Amounts provided in subsections (1) and (2) of this section may not be expended until the office of the chief information officer approves the expenditures.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$1,199,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

(6) \$108,000 of the general fund--state appropriation for fiscal year 2014 and \$108,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 210, Laws of 2013 (Senate Bill No. 5052) (superior court judges Whatcom county). The funds provided in this subsection shall be expended only if the fourth superior court judge position in Whatcom county is appointed and serving on the bench.

(7) \$108,000 of the general fund--state appropriation for fiscal year 2014 and \$108,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 142, Laws of 2013 (House Bill No. 1175) (superior court judges Benton/Franklin counties). The funds provided in this subsection shall be expended only if the seventh superior court judge position in Benton and Franklin counties jointly is appointed and serving on the bench.

(8) \$11,300,000 of the judicial information systems account--state appropriation is provided solely for continued implementation of the superior court case management system project. The administrative office of the courts, in consultation with the judicial information systems committee, the superior court case management system project steering committee, and the office of the chief information officer shall develop a revised charter to implement the next phases of the superior court case management system. The revised charter shall insure that the superior court case

management system project steering committee continues to provide contract oversight, in collaboration with the judicial information system committee, through the implementation period and various phases of the project. Oversight responsibilities throughout the various phases of the project must include, but are not limited to, vendor management, contract and deliverable management, and assuring satisfaction of the business and technical needs at the local level. The superior court case management system project steering committee may solicit input from user groups as deemed appropriate. The revised charter shall be approved by the judicial information systems committee.

(9) \$1,399,000 of the general fund--state appropriation for fiscal year 2014 and \$1,399,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(10)(a) \$7,313,000 of the general fund--state appropriation for fiscal year 2014 and \$7,313,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2013-2015 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(11) \$274,000 of the general fund--state appropriation for fiscal year 2014 and \$274,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of public guardianship to continue guardianship services for those low-income incapacitated persons who were receiving services on June 30, 2013.

(12) \$333,000 of the judicial information systems account--state appropriation is provided solely for the content management system for the appellate courts.

NEW SECTION. Sec. 115. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2014)	\$30,410,000
General Fund--State Appropriation (FY 2015)	\$33,719,000
Judicial Stabilization Trust Account--State	
Appropriation	\$3,648,000
General Fund--Federal Appropriation	\$152,000
TOTAL APPROPRIATION	\$67,929,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$3,378,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to expand the parents representation program into Asotin, Columbia, Garfield, King, Whatcom, and Whitman counties.

NEW SECTION. Sec. 116. FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2014)	\$10,862,000
General Fund--State Appropriation (FY 2015)	\$10,870,000
Judicial Stabilization Trust Account--State	
Appropriation	\$1,454,000
TOTAL APPROPRIATION	\$23,186,000

The appropriations in this section are subject to the following conditions and limitations: An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2014 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2015 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

NEW SECTION. Sec. 117. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2014)	\$5,509,000
General Fund--State Appropriation (FY 2015)	\$5,217,000
Economic Development Strategic Reserve Account--State	
Appropriation	\$4,000,000
TOTAL APPROPRIATION	\$14,726,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,000,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2) \$684,000 of the general fund--state appropriation for fiscal year 2014 and \$684,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the education ombudsman.

(3) \$258,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 118. FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2014)	\$654,000
General Fund--State Appropriation (FY 2015)	\$658,000
General Fund--Private/Local Appropriation.....	\$90,000
TOTAL APPROPRIATION	\$1,402,000

NEW SECTION. Sec. 119. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2014)	\$2,082,000
General Fund--State Appropriation (FY 2015)	\$2,015,000
TOTAL APPROPRIATION	\$4,097,000

NEW SECTION. Sec. 120. FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2014)	\$11,356,000
General Fund--State Appropriation (FY 2015)	\$9,535,000
General Fund--Federal Appropriation	\$7,419,000
Public Records Efficiency, Preservation, and Access	
Account--State Appropriation.....	\$7,361,000
Charitable Organization Education Account--State	
Appropriation	\$364,000
Local Government Archives Account--State	

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Appropriation	\$8,467,000
Election Account--Federal Appropriation	\$12,016,000
Washington State Heritage Center Account--State	
Appropriation	\$8,860,000
TOTAL APPROPRIATION	\$65,378,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,301,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,847,000 of the general fund--state appropriation for fiscal year 2014 and \$1,926,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2013-2015 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) It is the intent of the legislature to consider during the 2014 legislative session funding for the publication and distribution of a primary election voters pamphlet.

(5) \$771,000 of the general fund--state appropriation for fiscal year 2014 and \$772,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the state library to purchase statewide on-line access to the information technology academy to allow public access to on-line courses and learning resources through public libraries.

NEW SECTION. Sec. 121. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2014)	\$253,000
General Fund--State Appropriation (FY 2015)	\$248,000
TOTAL APPROPRIATION	\$501,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 122. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2014)	\$213,000
General Fund--State Appropriation (FY 2015)	\$207,000
TOTAL APPROPRIATION	\$420,000

NEW SECTION. Sec. 123. FOR THE STATE TREASURER

State Treasurer's Service Account--State	
Appropriation	\$14,924,000

The appropriation in this section is subject to the following conditions and limitations: \$150,000 of the state treasurer's service account--state appropriation is provided solely for legal fees related to additional legal assistance due to changes in federal financial regulations and an increase in complex and high profile litigation.

NEW SECTION. Sec. 124. FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2014)	\$728,000
General Fund--State Appropriation (FY 2015)	\$733,000
State Auditing Services Revolving Account--State	

Appropriation	\$9,573,000
Performance Audits of Government Account--State	

Appropriation	\$56,000
TOTAL APPROPRIATION	\$11,090,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$728,000 of the general fund--state appropriation for fiscal year 2014 and \$733,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) The legislature requests a performance audit of the purchasing and use of health care actuarial services by state agencies, including but not limited to the health care authority, department of labor and industries, department of health, office of financial management, office of the insurance commissioner, and department of social and health services. The audit should document the level of expenditures on contracted and in-house health care related actuarial services, and how effectively the agencies manage the quality and value of those services. The performance audit should evaluate whether health care related actuarial services that are currently purchased by state agencies on a contract basis could be provided in a more efficient and transparent manner by a new division in the office of the state actuary, or by a separate office in the executive branch.

(3) The legislature requests that the state auditor evaluate whether providing health care services delivered through managed care for disabled adults in the healthy options blind/disabled program is more cost effective than providing the same health care services through a fee-for-service system. The audit may consider

examining cost effectiveness at a statewide level as well as examining cost effectiveness within certain geographic regions.

(4) The legislature requests the state auditor to conduct an audit of the department of health, the department of social and health services, and the health care authority for compliance with federal law and to identify any fraudulent activity, by June 30, 2014.

(5) The legislature requests that the state auditor evaluate the department of corrections' current inmate intake and reception process. The audit may consider examining cost effectiveness of the assessment, classification, facility assignment and transportation processes.

NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2014)	\$141,000
General Fund--State Appropriation (FY 2015)	\$171,000
TOTAL APPROPRIATION	\$312,000

NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2014)	\$10,456,000
General Fund--State Appropriation (FY 2015)	\$10,132,000
General Fund--Federal Appropriation	\$7,114,000
New Motor Vehicle Arbitration Account--State	
Appropriation	\$997,000
Legal Services Revolving Account--State	
Appropriation	\$191,286,000
Tobacco Prevention and Control Account--State	
Appropriation	\$271,000
Medicaid Fraud Penalty Account--State Appropriation ..	\$2,279,000
Public Services Revolving Account--State	
Appropriation	\$2,093,000
TOTAL APPROPRIATION	\$224,628,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit

organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.

(5) \$424,000 of the legal services revolving account--state appropriation is provided solely for replacement of a portion of the agency's personal computers. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer and section 945 of this act, personal computer acquisition and replacement.

(6) \$609,000 of the legal services revolving account--state appropriation is provided solely for upgrades to software programs. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(7) \$150,000 of the legal services revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5405 (extended foster care). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Engrossed Substitute House Bill No. 1341 (wrongful imprisonment). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(9) \$189,000 of the legal services revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1420 (transportation improvement projects). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$2,093,000 of the public service revolving account--state appropriation is provided solely for the work of the public counsel section of the office of the attorney general.

(11) \$353,000 of the general fund--state appropriation for fiscal year 2014 and \$353,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

NEW SECTION. Sec. 127. FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2014)	\$1,260,000
General Fund--State Appropriation (FY 2015)	\$1,230,000
TOTAL APPROPRIATION	\$2,490,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMERCE

General Fund--State Appropriation (FY 2014)	\$63,076,000
General Fund--State Appropriation (FY 2015)	\$60,151,000
General Fund--Federal Appropriation	\$265,004,000
General Fund--Private/Local Appropriation.....	\$5,638,000
Public Works Assistance Account--State	
Appropriation	\$3,036,000
Drinking Water Assistance Administrative	
Account--State Appropriation.....	\$445,000
Lead Paint Account--State Appropriation	\$147,000
Building Code Council Account--State Appropriation	\$13,000
Home Security Fund Account--State Appropriation	\$25,452,000
Affordable Housing for All Account--State	
Appropriation	\$11,915,000
Financial Fraud and Identity Theft Crimes Investigation	
and Prosecution Account--State Appropriation	\$969,000
Low-Income Weatherization Assistance Account--State	
Appropriation	\$1,882,000
Community and Economic Development Fee Account--State	
Appropriation	\$5,303,000

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Washington Housing Trust Account--State
 Appropriation\$19,592,000
 Prostitution Prevention and Intervention Account--
 State Appropriation\$98,000
 Public Facility Construction Loan Revolving
 Account--State Appropriation.....\$758,000
 Washington Community Technology Opportunity Account--
 Private/Local Appropriation.....\$10,000
 Liquor Revolving Account--State Appropriation\$5,605,000
 TOTAL APPROPRIATION\$469,094,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$306,000 of the general fund--state appropriation for fiscal year 2014 and \$306,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund--state appropriation for fiscal year 2014 and \$375,000 of the general fund--state appropriation for fiscal year 2015 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(7) \$5,000,000 of the home security fund--state appropriation is for the operation, repair, and staffing of shelters in the homeless family shelter program.

(8) \$198,000 of the general fund--state appropriation for fiscal year 2014 and \$198,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington new Americans program.

(9) \$2,949,000 of the general fund--state appropriation for fiscal year 2014 and \$2,949,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for associate development organizations. During the 2013-2015 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(10) \$234,000 of the general fund--state appropriation for fiscal year 2014 and \$233,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington asset building coalitions.

(11) \$5,605,000 of the liquor revolving account--state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(12) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the purposes of purchasing contracted services to expand and promote the tourism industry in the state of Washington.

(a) The department must contract with the Washington tourism alliance. Expenditure of state moneys is contingent upon the contractor providing a dollar for dollar cash or in-kind match. Funding must be provided for the following services:

(i) Serving as a central point of contact through developing and maintaining a web portal for Washington tourism, operating a call center, and mailing travel guides;

(ii) Promoting Washington as a tourism destination to national and international markets, with emphasis on markets in Europe and Asia;

(iii) Providing information to businesses and local communities on tourism opportunities that could expand local revenues; and

(iv) Conducting tourism-related research, including market research and measuring the return on investment of funded activities.

(b) The department may not use more than 4 percent of the funds to administer, monitor, and report the outcomes of the services. The department must electronically submit performance metrics by January 1, 2014, and report the outcomes of the services by January 1, 2015, to the economic development committees of the legislature.

(c) The department has the authority to designate one or more alternative contractors if necessary due to performance or other significant issues. Such change must only be made after consultation with the Washington tourism alliance, the governor's office, and the chairs and ranking members of the economic development committees of the legislature.

(13) \$72,000 of the prostitution prevention and intervention account is provided solely for implementation of Engrossed Substitute House Bill No. 1291 (sex trade victims). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(14) \$49,000 of the general fund--state appropriation for fiscal year 2014 and \$49,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1818 (business and government streamlining). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(15) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$37,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to develop an economic cluster strategy to leverage the state's unique maritime assets, geography, history, and infrastructure. Goals include growing employment, targeted economic activity, environmental considerations, tax revenue to state and local governments, and quality of life associated with the maritime sector by working with the industry to understand workforce needs, parity considerations with Oregon and British Columbia, and tax structure and regulatory barriers. The department will report its findings to the appropriate committees of the legislature no later than December 1, 2014.

(16) \$2,000,000 of the Washington housing trust account--state appropriation is provided solely for the department of commerce for services to homeless families through the Washington families fund.

(17) \$5,000,000 of the home security account--state appropriation is provided solely for the department of commerce to provide emergency assistance to homeless families in the temporary assistance for needy families program.

(18) \$75,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the economic development commission to retain one current administrative position. The

department shall convene a work group, chaired by the current chair of the economic development commission, of representatives of associate development organizations and the economic development commission to recommend: (1) Changes to the economic development commission's purpose and source and amount of funding; (2) objective benchmarks and outcome-based performance measures for evaluating state investments in economic development; (3) high priority regulatory reforms to foster a favorable business climate for long-term private sector job creation and competitiveness; and (4) organizational roles responsibilities and structures to strengthen cohesive planning, streamline execution, and improve outcomes. The work group shall be comprised of representatives from no less than eight associate development organizations representing both urban and rural counties and counties on both sides of the Cascade range. The department shall submit a report of the work group's recommendation to the fiscal and economic development policy committees of the legislature by December 15, 2013.

(19) \$4,000,000 of the general fund--state appropriation for fiscal year 2014 and \$850,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for purposes of creating and operating a community health care and education and innovation center at the Pacific Medical Center in Seattle. Amounts provided in this subsection must be used for lease, maintenance, operations, and other required related expenses for Seattle community colleges allied health programs and other related uses identified by the department of commerce. The department is authorized to enter into a thirty-year lease for the Pacific Medical Center property.

(20) Within the appropriations in this section, the department shall, by December 1, 2013, develop a comprehensive start-up Washington strategy to facilitate the growth of start-ups and enhance the state's competitiveness in recruiting and retaining businesses that start up in Washington. This shall include but is not limited to: Business and occupation tax relief, capital investment, regulatory burdens, workforce and infrastructure needs and support. Start-up businesses interactions with state government and other public entities as a customer shall also be considered.

(21) \$700,000 of the general fund--state appropriation for fiscal year 2014 and \$700,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. For each dollar expended the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations. The department must develop performance metrics and milestones. The department must electronically submit the performance metrics and performance-to-date by January 1, 2014, to the economic development committees of the legislature.

(22) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(23) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(24) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for

fiscal year 2015 are provided solely for the economic impact and infrastructure cost study for Covington town center.

(25) The department is directed to work with innovation partnership zone administrators to review the existing grant program, including the criteria for designation as an innovation partnership zone and the grant funding criteria. The department shall submit its report to the legislature by December 1, 2013.

NEW SECTION. Sec. 129. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2014)	\$764,000
General Fund--State Appropriation (FY 2015)	\$802,000
Lottery Administrative Account--State Appropriation	\$50,000
TOTAL APPROPRIATION	\$1,616,000

NEW SECTION. Sec. 130. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2014)	\$18,414,000
General Fund--State Appropriation (FY 2015)	\$17,542,000
General Fund--Federal Appropriation	\$31,340,000
General Fund--Private/Local Appropriation	\$370,000
Economic Development Strategic Reserve Account--State	

Appropriation	\$289,000
Personnel Service Fund--State Appropriation	\$8,656,000
Data Processing Revolving Account--State	

Appropriation	\$6,015,000
Higher Education Personnel Services Account--State	

Appropriation	\$1,497,000
Performance Audits of Government Account--State	

Appropriation	\$4,000,000
TOTAL APPROPRIATION	\$88,123,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall prepare a report outlining alternative methods of procuring health benefits for home care workers, including individual providers and agency providers. In preparing the report, the office of financial management shall consult with the department of social and health services, representatives of individual home care providers, and agency home care providers.

Along with a summary of the current method of providing benefits, the report must include an analysis of the policy and fiscal implications of accessing health benefits through the Washington health benefits exchange. The report must also provide an analysis of a medicaid section 1115 waiver with the federal centers for medicare and medicaid services that would provide additional medicaid matching funds for individual provider home care workers who are provided with health care benefits through a collective bargaining agreement negotiated with the state under chapter 74.39A RCW, but would otherwise be eligible for medicaid under the federal expanded eligibility provisions that take effect January 1, 2014.

The report must be submitted to the appropriate fiscal committees of the legislature by January 6, 2014.

(2) \$350,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$536,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for a study of the state's medical and public assistance eligibility systems and infrastructure with the goal of simplifying procedures, improving customer service, and reducing state expenditures. The study must also examine which state entities play various roles in the eligibility and data verification processes in order to determine if eligibility processes can be further streamlined in light of changes related to the federal affordable care act. The study must identify how costs will be allocated between

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state and federal funding sources and options for maximizing federal participation. The office of financial management shall provide a report on its findings and recommendations to the relevant policy and fiscal committees of the legislature by January 1, 2014.

(4)(a) The legislature finds that the state's nationally recognized student achievement initiative has led to significant improvements at two-year institutions of higher education. With the goal of creating such efficiencies within the four-year institutions of higher education, the office of financial management shall convene, in coordination with the joint committee on higher education and the student achievement council, a technical incentive funding model task force to propose an incentive funding model for the four-year institutions of higher education. The model will provide new incentive funding to four-year institutions of higher education that demonstrate improvement on existing performance measures and control resident undergraduate tuition growth. Participation in the program is voluntary; however, funding appropriated for this program shall only be available to those institutions that have chosen to participate in the program.

(b) The task force must include the following members:

(i) One representative from the student achievement council;

(ii) One representative from the education data center created in RCW 43.41.400; and

(iii) One representative from each of the four-year institutions of higher education.

(c) The program shall include, but shall not be limited to:

(i) A system for allocating new incentive funding to participating institutions based on an institution's:

(A) Performance in specific metrics;

(B) Control and reduction where possible of resident undergraduate and graduate tuition; and

(C) Efficient utilization of classrooms, laboratories, and online and other high technology instructional methods;

(ii) A methodology for allocating funding for performance as specified in (c)(i)(A) of this subsection that is based on performance metrics reported in the accountability monitoring and reporting system established in RCW 28B.77.090 and that recognizes each institution's unique mission by measuring each institution's performance in these metrics against its past performance;

(iii) A methodology for investing any unallocated incentive funds to the state need grant program created in chapter 28B.92 RCW to expand access to low-income and underserved student populations; and

(iv) A methodology for establishing a baseline level of state funding that:

(A) Fully supports the state's need for an increasing portion of its citizens to gain post-secondary education and qualifications;

(B) Recognizes the acute need of the state's high-technology economy for a sufficient number of graduates in high employer demand programs of study;

(C) Achieves a more equitable share of support between the state and students and their families; and

(D) Provides for funding enhancements based on demonstrated improvements in institutional performance within the educational achievement and tuition reduction incentive program.

(d) The workgroup shall submit a final report containing an incentive funding model to the governor and higher education and fiscal committees of the legislature by December 31, 2013.

(5) By November 30, 2013, the office of the chief information officer shall provide to the economic development committees of the legislature a plan for establishing performance benchmarks and measuring results of implementing a one-stop integrated system for business interactions with government. The plan must include a timeline, agency responsibilities, and a benchmark for initial implementation.

NEW SECTION. Sec. 131. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State

Appropriation\$37,772,000

The appropriation in this section is subject to the following conditions and limitations: \$151,000 of the administrative hearings revolving account--state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State

Appropriation\$25,696,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$596,000 of the lottery administrative account--state appropriation is provided solely for the replacement of the lottery's gaming systems vendor contract.

(2) No portion of this appropriation may be used for acquisition of gaming system capabilities that violates state law.

NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2014)\$238,000

General Fund--State Appropriation (FY 2015)\$235,000

TOTAL APPROPRIATION\$473,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2014)\$233,000

General Fund--State Appropriation (FY 2015)\$224,000

TOTAL APPROPRIATION\$457,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense

Account--State Appropriation\$50,728,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2014)\$107,985,000

General Fund--State Appropriation (FY 2015)\$106,301,000

Timber Tax Distribution Account--State Appropriation . \$6,102,000

Waste Reduction/Recycling/Litter Control--State

Appropriation\$132,000

State Toxics Control Account--State Appropriation\$93,000

Master License Fund--State Appropriation\$17,082,000

Data Processing Revolving Account--State Appropriation

.....\$6,751,000

TOTAL APPROPRIATION\$244,446,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of revenue is authorized to increase the master application fee to nineteen dollars and the renewal fee to eleven dollars consistent with RCW 19.02.075.

(2) \$6,751,000 of the data processing revolving account--state appropriation and \$4,853,000 of the master license fund--state appropriation are provided solely for the replacement of the department's legacy business systems. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) \$495,000 of the general fund--state appropriation for fiscal year 2014 and \$431,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of House Bill No. 1971 or Senate Bill No. 5873 (communications

services reform). If neither bill is enacted by June 30, 2013, the amounts provided in the subsection shall lapse.

(4) \$641,000 of the general fund--state appropriation for fiscal year 2014 and \$297,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Senate Bill No. 5882 or House Bill No. 2081 (tax preferences and transparency). If neither bill is enacted by June 30, 2013, the amounts provided in the subsection shall lapse.

NEW SECTION. Sec. 137. FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2014)	\$1,217,000
General Fund--State Appropriation (FY 2015)	\$1,178,000
TOTAL APPROPRIATION	\$2,395,000

NEW SECTION. Sec. 138. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation	\$4,077,000
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The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the minority and women's business enterprises account--state appropriation is provided for implementation of a certification program for small business enterprises. The agency will collaborate with the department of transportation to certify small businesses as small business enterprises. Funding for this work is provided through interagency agreement with the state department of transportation.

NEW SECTION. Sec. 139. FOR THE INSURANCE COMMISSIONER

General Fund--State Appropriation (FY 2014)	\$300,000
General Fund--State Appropriation (FY 2015)	\$100,000
General Fund--Federal Appropriation	\$4,495,000
Health Benefit Exchange Account--State Appropriation	\$676,000
Insurance Commissioners Regulatory Account--State	
Appropriation	\$49,555,000

TOTAL APPROPRIATION	\$55,126,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$676,000 of the health benefit exchange account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1947 (Washington health benefit exchange). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(2) The office of the insurance commissioner shall not curtail functions relating to solvency, rates and forms, and consumer protection.

NEW SECTION. Sec. 140. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State	
Appropriation	\$36,035,000

NEW SECTION. Sec. 141. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Account--State Appropriation	\$65,146,000
General Fund--Federal Appropriation	\$945,000
General Fund--Private/Local Appropriation	\$25,000
TOTAL APPROPRIATION	\$66,116,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,494,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to implement Initiative Measure No. 502.

(2)(a) The liquor control board must work with the department of health and the department of revenue to develop recommendations for the legislature regarding the interaction of medical marijuana regulations and the provisions of Initiative Measure No. 502. At a minimum, the recommendations must include provisions addressing the following:

- (i) Age limits;
- (ii) Authorizing requirements for medical marijuana;

- (iii) Regulations regarding health care professionals;
- (iv) Collective gardens;
- (v) Possession amounts;
- (vi) Location requirements;
- (vii) Requirements for medical marijuana producing, processing, and retail licensing;
- (viii) Taxation of medical marijuana in relation to recreational marijuana; and

(ix) The state agency that should be the regulatory body for medical cannabis.

(b) The board must submit its recommendations to the appropriate committees of the legislature by January 1, 2014.

NEW SECTION. Sec. 142. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--Federal Appropriation	\$150,000
General Fund--Private/Local Appropriation	\$11,228,000
Public Service Revolving Account--State	
Appropriation	\$29,893,000
Pipeline Safety Account--State Appropriation	\$4,411,000
Pipeline Safety Account--Federal Appropriation	\$1,938,000
TOTAL APPROPRIATION	\$47,620,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall work with the Idaho public utilities commission and the public utility commission of Oregon to identify common regulatory functions that can be performed jointly, with the goal of formalizing an agreement that protects essential services while increasing regulatory effectiveness and efficiencies through economies of scale. The commission is authorized to enter into an agreement with such other state public utility commissions to work jointly in administering specified respective regulatory functions.

(2) Up to \$200,000 of the total appropriation is provided for the commission to continue to evaluate the regulatory processes for energy companies and identify and implement administrative actions to improve those processes. The commission shall develop and adopt a schedule for such administrative actions.

NEW SECTION. Sec. 143. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2014)	\$1,880,000
General Fund--State Appropriation (FY 2015)	\$1,846,000
General Fund--Federal Appropriation	\$140,135,000
Enhanced 911 Account--State Appropriation	\$58,514,000
Disaster Response Account--State Appropriation	\$14,531,000
Disaster Response Account--Federal Appropriation	\$53,253,000
Military Department Rent and Lease Account--State	

Appropriation	\$615,000
Worker and Community Right-to-Know Account--State	
Appropriation	\$2,794,000

TOTAL APPROPRIATION	\$273,568,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,531,000 of the disaster response account--state appropriation and \$53,253,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2014-2015 biennium based on current revenue and expenditure patterns.

(2) \$75,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

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(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

NEW SECTION. Sec. 144. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2014)	\$1,977,000
General Fund--State Appropriation (FY 2015)	\$2,036,000
Higher Education Personnel Services Account--State	
Appropriation	\$521,000
Personnel Service Account--State Appropriation.....	\$3,300,000
TOTAL APPROPRIATION.....	\$7,834,000

NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State	
Appropriation	\$2,699,000

NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation.....	\$498,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State	
Appropriation	\$3,552,000

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 43.135.055, the commission is authorized to increase licensing fees by up to five percent in fiscal year 2014 and up to five percent in fiscal year 2015; and background check fees by up to one dollar in fiscal year 2014, and up to one dollar in fiscal year 2015.

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund--State Appropriation (FY 2014)	\$3,654,000
General Fund--State Appropriation (FY 2015)	\$3,628,000
Building Code Council Account--State Appropriation ...	\$1,227,000
TOTAL APPROPRIATION	\$8,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,287,000 of the general fund--state appropriation for fiscal year 2014 and \$3,286,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and

quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2014 and 2015 as necessary to meet the actual costs of conducting business.

(3) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action. The building code council shall comply with chapter 19.85 RCW, known as the regulatory fairness act, by including with all proposed substantial code amendments an analysis addressing cost effectiveness, net benefits, payback periods, and life-cycle costs.

(4) Within funding for the building code council, no moneys may be expended for work on aspirational codes under RCW 19.27A.150. Nothing in this proviso shall inhibit the building code council from adopting and implementing current codes.

(5) The department of enterprise services shall purchase flags needed for ceremonial occasions on the capitol campus in order to fully represent the countries that have an international consulate in Washington state.

(6) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services.

(7) \$2,400,000 of the data processing revolving account appropriation is provided solely for the implementation of a pilot program to implement a strategy and action plan to modernize the state's enterprise financial and administrative systems. The department, the office of financial management, and the office of the chief information officer, will lead the planning effort and establish advisory committees composed of key stakeholders. The plan will include an assessment of the readiness of state government to conduct a business transformation and system replacement project of this scale. The plan shall incorporate the objectives of lean management and should include recommendations on: Project scope, phasing and timeline, expected outcomes and measures of success, product strategy, budget and financing strategy options, risk mitigation, staffing and organization, and strategies to close readiness gaps. The department shall submit the implementation plan to the fiscal committees of the legislature by December 15, 2013.

The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(8) \$8,013,000 of the data processing revolving account appropriation is provided solely for the implementation of a pilot program to implement a time, leave, and attendance enterprise system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(9) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's

business enterprises in equal monthly installments \$2,039,000 in fiscal year 2014 and \$2,038,000 in fiscal year 2015.

(10) The legislature intends to review for purchase parcel number one and surrounding property on McNeil Island. The department shall coordinate with the federal government to obtain an appraisal determining the fair market value and shall provide an estimate to the legislative fiscal committees by October 1, 2013.

NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'

Administrative Account--State Appropriation.....\$1,044,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2014)\$1,293,000

General Fund--State Appropriation (FY 2015)\$1,242,000

General Fund--Federal Appropriation\$1,950,000

General Fund--Private/Local Appropriation.....\$14,000

TOTAL APPROPRIATION\$4,499,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department shall report the following data on the survey and inventory processes to the appropriate policy and fiscal committees of the legislature on December 1, 2013, and December 1, 2014: The number of survey and inventory reports and sites received, by month, provided to the department responsive to state and federal laws; the number, by month, of resources or records reported pursuant to the survey and inventory processes. In addition, the department shall seek to obtain, and encourage reporting of, cultural resource compliance contract costs.

(End of part)

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage

medicaid expenditures for the aged and disabled population. Under the Washington medicaid integration partnership (WMIP) and the medicare integrated care project (MICP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan for the WMIP and the MICP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2013-2015 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP and the MICP, the health care authority and the department may: (i) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (ii) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs.

(b) If Washington has been selected to participate in phase two of the federal demonstration project for persons dually-eligible for both medicare and medicaid, the department and the authority may initiate the MICP. Participation in the project shall be limited to persons who are eligible for both medicare and medicaid and to counties in which the county legislative authority has agreed to the terms and conditions under which it will operate. The purpose of the project shall be to demonstrate and evaluate ways to improve care while reducing state expenditures for persons enrolled both in medicare and medicaid. To that end, prior to initiating the project, the department and the authority shall assure that state expenditures shall be no greater on either a per person or total basis than the state would otherwise incur. Individuals who are solely eligible for medicaid may also participate if their participation is agreed to by the health care authority, the department, and the county legislative authority.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(5) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(6) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for the medicaid expansion but are enrolled in coverage that will be eliminated in the transition to the medicaid expansion.

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NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)	\$296,676,000
General Fund--State Appropriation (FY 2015)	\$297,641,000
General Fund--Federal Appropriation	\$489,939,000
General Fund--Private/Local Appropriation.....	\$1,354,000
Home Security Fund Account--State Appropriation	\$10,741,000
Domestic Violence Prevention Account--State	
Appropriation	\$1,240,000
Child and Family Reinvestment Account--State	
Appropriation	\$6,491,000
TOTAL APPROPRIATION	\$1,104,082,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) \$668,000 of the general fund--state appropriation for fiscal year 2014 and \$668,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(3) \$538,500 of the general fund--state appropriation for fiscal year 2014, \$539,500 of the general fund--state appropriation for fiscal year 2015, \$656,000 of the general fund--private/local appropriation, and \$253,000 of the general fund--federal appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(4) \$10,741,000 of the home security fund--state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi-secure crisis residential centers and not a reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based

solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2014 and \$125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a community-based organization that has innovated, developed, and replicated a foster care delivery model that includes a licensed hub home. The community-based organization will provide training and technical assistance to the children's administration to develop five hub home models in region 2 that will improve child outcomes, support foster parents, and encourage the least restrictive community placements for children.

(6) \$73,000 of the general fund--state appropriation for fiscal year 2014, \$20,000 of the general fund--state appropriation for fiscal year 2015, and \$31,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1566 (youth in out-of-home care). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(7) \$88,000 of the general fund--state appropriation for fiscal year 2014, \$2,000 of the general fund--state appropriation for fiscal year 2015, and \$28,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1774 (child welfare system). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(8) \$1,698,000 of the general fund--state appropriation for fiscal year 2014, \$2,788,000 of the general fund--state appropriation for fiscal year 2015, and \$1,894,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5405 (extended foster care). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(9) \$579,000 of the general fund--state appropriation for fiscal year 2014, \$579,000 of the general fund--state appropriation for fiscal year 2015, and \$109,000 of the general fund--federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(10)(a) \$446,000 of the general fund--state appropriation for fiscal year 2014 and \$446,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a contract with a nongovernmental entity or entities to establish one demonstration site in a school district or group of school districts in western Washington.

(b) The children's administration and the nongovernmental entity or entities shall collaboratively select the demonstration site. The demonstration site should be a school district or group of school districts with a significant number of students who are dependent pursuant to chapter 13.34 RCW.

(c) The demonstration site established under this subsection must be selected by September 1, 2013.

(d) The purpose of the demonstration site is to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW by providing individualized education services and monitoring and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs.

(e) The demonstration site established under this subsection must facilitate the educational progress and graduation of dependent youth. The contract must be performance-based with a stated goal of improving the graduation rates of foster youth by two percent per year over five school year periods, starting with the 2014-15 school year and ending with the 2019-20 school year. The demonstration

site must develop and provide services aimed at improving the educational outcomes of foster youth. These services must include:

- (i) Direct advocacy for foster youth to eliminate barriers to educational access and success;
- (ii) Consultation with department of social and health services case workers to develop educational plans for and with participating youth;
- (iii) Monitoring education progress of participating youth;
- (iv) Providing participating youth with school and local resources that may assist in educational access and success; and
- (v) Coaching youth, caregivers, and social workers to advocate for dependent youth in the educational system.

(f) The contracted nongovernmental entity or entities must report demonstration site outcomes to the department of social and health services and the office of public instruction by June 30, 2014, for the 2013-14 school year, and by June 30, 2015, for the 2014-15 school year.

(g) The children's administration must proactively refer all students fifteen years or older, within the demonstration site area, to the selected nongovernmental entity for educational services.

(h) The children's administration must report quarterly to the legislature on the number of eligible youth and number of youth referred for services beginning at the close of the second quarter of fiscal year 2014 and through the final quarter of fiscal year 2015.

(i) The contracted nongovernmental entity or entities shall report to the legislature by June 30, 2015, on the effectiveness of the demonstration site in increasing graduation rates for dependent youth.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2014, and \$50,000 of the general fund--state appropriation for fiscal year 2015, and \$256,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5315 (Powell fatality team). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(12) \$670,000 of the general fund--state appropriation for fiscal year 2014 and \$670,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for services provided through children's advocacy centers.

(13)(a) \$22,695,000 of the general fund--state appropriation for fiscal year 2014, \$22,695,000 of the general fund--state appropriation for fiscal year 2015, and \$28,450,000 of the general fund--federal appropriation are provided solely for services for children and families. Prior to approval of contract services pursuant to RCW 74.13B.020, the amounts provided in this section shall be allotted on a monthly basis and expenditures shall not exceed allotments based on a three-month rolling average without approval of the office of financial management following notification to the legislative fiscal committees.

(b) The department shall provide these services to safely reduce the number of children in out-of-home care, the time spent in out-of-home care prior to achieving permanency, and the number of children returning to out-of-home care following permanency.

(14) \$1,783,000 of the general fund--state appropriation for fiscal year 2015, \$6,491,000 of the child and family reinvestment account--state appropriation, and \$8,274,000 of the general fund--federal appropriation, are provided solely for the implementation and operations of the family assessment response program.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2014)	\$89,967,000
General Fund--State Appropriation (FY 2015)	\$90,255,000
General Fund--Federal Appropriation	\$3,464,000

General Fund--Private/Local Appropriation.....	\$1,981,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$196,000
Reinvesting in Youth--State Appropriation.....	\$383,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	\$2,801,000
TOTAL APPROPRIATION	\$189,047,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund--state appropriation for fiscal year 2014 and \$331,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund--state appropriation for fiscal year 2014 and \$2,716,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund--state appropriation for fiscal year 2014 and \$3,482,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2014 and \$1,130,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund--state appropriation for fiscal year 2014 and \$3,123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund--state appropriation for fiscal year 2014 and \$1,537,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based

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Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the

changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(c) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(9) \$445,000 of the general fund--state appropriation for fiscal year 2014 and \$445,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for funding of the teamchild project.

(10) \$178,000 of the general fund--state appropriation for fiscal year 2014 and \$178,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the juvenile detention alternatives initiative.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant program focused on criminal street gang prevention and intervention. The Washington state partnership council on juvenile justice may award grants under this subsection. The council shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2014)	\$327,467,000
General Fund--State Appropriation (FY 2015)	\$308,723,000
General Fund--Federal Appropriation	\$561,394,000
General Fund--Private/Local Appropriation.....	\$17,864,000

TOTAL APPROPRIATION\$1,215,448,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$104,999,000 of the general fund--state appropriation for fiscal year 2014 and \$85,895,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. This is a reduction in flexible nonmedicaid funding of \$4,343,000 for fiscal year 2014 and \$23,446,000 for fiscal year 2015. This reduction reflects offsets in state funding related to services that will now be funded with federal dollars through the affordable care act medicaid expansion. This reduction shall be distributed as follows:

(i) The \$4,343,000 reduction in fiscal year 2014 and \$11,723,000 of the reduction in fiscal year 2015 must be distributed among regional support networks based on a formula that equally weights each regional support networks proportion of individuals who become newly eligible and enroll in medicaid under the expansion provisions of the affordable care act in fiscal year 2014 and each regional support network's spending of flexible nonmedicaid funding on services that would be reimbursable for federal medicaid matching funds if provided to medicaid enrollees in the 2011-2013 fiscal biennium.

(ii) The remaining \$11,723,000 reduction in fiscal year 2015 must be distributed among regional support networks based on each regional support network's proportion of individuals who become newly eligible and enroll in medicaid under the expansion provisions of the affordable care act through fiscal year 2015.

(b) \$6,590,000 of the general fund--state appropriation for fiscal year 2014, \$6,590,000 of the general fund--state appropriation for fiscal year 2015, and \$7,620,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) \$5,850,000 of the general fund--state appropriation for fiscal year 2014, \$5,850,000 of the general fund--state appropriation for fiscal year 2015, and \$1,300,000 of the general fund--federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid

personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(f) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(g) \$750,000 of the general fund--state appropriation for fiscal year 2014 and \$750,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(h) \$1,125,000 of the general fund--state appropriation for fiscal year 2014 and \$1,125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(i) \$1,529,000 of the general fund--state appropriation for fiscal year 2014 and \$1,529,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(j) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(k) \$3,436,000 of the general fund--state appropriation for fiscal year 2014 and \$2,291,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(l) \$523,000 of the general fund--state appropriation for fiscal year 2014, \$775,000 of the general fund--state appropriation for fiscal year 2015, and \$854,000 of the general fund--federal appropriation are provided solely for implementation of sections 3 through 5 of chapter 289, Laws of 2013 (E2SHB 1114). Regional support networks must use this funding for the development of intensive community programs that allow individuals to be diverted or transitioned from the state hospitals in accordance with plans approved by the department.

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(m) \$5,986,000 of the general fund--state appropriation for fiscal year 2014, \$11,592,000 of the general fund--state appropriation for fiscal year 2015, and \$10,160,000 of the general fund--federal appropriation are provided solely for implementation of chapter 335, Laws of 2013 (ESSB 5480). Regional support networks must use this funding for the development of intensive community programs that allow individuals to be diverted or transitioned from the state hospitals in accordance with plans approved by the department.

(n) Due to recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

(o) The legislature finds that the circumstances of the Chelan-Douglas regional support network (CD-RSN) make it necessary for CD-RSN to undergo restructuring in order to provide mental health services essential to the health and wellness of the citizens within its service area. The legislature intends to provide additional temporary financial relief to the CD-RSN while it undergoes internal restructuring or negotiates a merger with another regional support network.

The department shall negotiate relief for outstanding fiscal year 2013 reimbursements owed by CD-RSN to the state provided that the CD-RSN has a plan in place that is approved by the department by August 1, 2013, that demonstrates how CD-RSN will maintain financial viability and stability or will merge with another regional support network.

For the period of July 1, 2013, through December 31, 2013, the department may alter collection of reimbursement from CD-RSN for overuse of state hospital beds. To receive a reduction to the required reimbursement for overuse of state hospital beds, CD-RSN must continue to prioritize services that reduce its utilization and census at eastern state hospital and be actively implementing an approved plan to maintain financial viability or pursuing a future merger with another regional support network. Up to \$298,000 of the general fund--state appropriation for fiscal year 2014 is for the department to provide payments to regional support networks in eastern Washington which have used less than their allocated or contracted patient days of care at the state hospital to replace the share of the reimbursements from CD-RSN that the regional support networks would have received under RCW 71.24.320.

(p) \$266,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to maintain services for the King county regional support network as it works to transition services to settings that are eligible for federal participation for individuals covered under the medicaid program.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)	\$135,246,000
General Fund--State Appropriation (FY 2015)	\$131,863,000
General Fund--Federal Appropriation	\$150,863,000
General Fund--Private/Local Appropriation.....	\$63,097,000
TOTAL APPROPRIATION	\$481,069,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2014 and \$231,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this

subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2014 and \$45,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$20,000,000 of the general fund--state appropriation for fiscal year 2014 and \$20,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain staffed capacity to serve an average daily census in forensic wards at western state hospital of 270 patients per day.

(e) \$2,068,000 of the general fund--state appropriation for fiscal year 2014, \$2,066,000 of the general fund--state appropriation for fiscal year 2015, and \$240,000 of the general fund--federal appropriation are provided solely for the state psychiatric hospitals to plan, procure, and implement the core elements of an electronic medical record system that is compliant with the international classification of diseases (ICD-10) by October 1, 2014. These funds must only be used for an electronic medical record system that meets federal criteria for electronic sharing of patient information and clinical care summaries with doctors' offices, hospitals, and health systems which use federally certified electronic health record systems. The procurement and implementation shall be conducted to allow for these services to be expanded to the department of corrections. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2014)	\$1,609,000
General Fund--State Appropriation (FY 2015)	\$1,610,000
General Fund--Federal Appropriation	\$6,286,000
TOTAL APPROPRIATION	\$9,505,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,161,000 of the general fund--state appropriation for fiscal year 2014 and \$1,161,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for children's evidence-based mental health services.

(b) \$446,000 of the general fund--state appropriation for fiscal year 2014, \$446,000 of the general fund--state appropriation for fiscal year 2015, and \$178,000 of the general fund--federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The institute and the department must submit this plan to the office of financial management and the fiscal committees of the legislature by December 1, 2013.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2014).....	\$5,287,000
General Fund--State Appropriation (FY 2015)	\$4,777,000
General Fund--Federal Appropriation	\$7,711,000
General Fund--Private/Local Appropriation.....	\$502,000
TOTAL APPROPRIATION	\$18,277,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2014 and 2015 to support the costs

of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) \$74,000 of the general fund--state appropriation for fiscal year 2014, \$74,000 of the general fund--state appropriation for fiscal year 2015, and \$78,000 of the general fund--federal appropriation are provided solely for implementation of chapter 335, Laws of 2013 (ESSB 5480).

(c) \$160,000 of the general fund--state appropriation for fiscal year 2014 and \$80,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 284, Laws of 2013 (ESSB 5551).

(d) In developing the new medicaid managed care rates under which the public mental health managed care system will operate, the department must seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. The department must report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new mental health managed care rate-setting approach by August 1, 2013, and again at least sixty days prior to implementation of new capitation rates.

(e) \$349,000 of the general fund--state appropriation for fiscal year 2014, \$212,000 of the general fund--state appropriation for fiscal year 2015, and \$302,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

(f) The department shall work cooperatively with the health care authority to explore the feasibility of incentivizing small, rural hospitals to convert, in part or fully, some of their beds to psychiatric treatment beds. No later than December 31, 2014, the department shall report to the appropriate fiscal committees of the legislature on the feasibility of such conversion. The report shall consider rate enhancements and the ability to claim federal medicaid matching funds on converted beds.

(g) \$75,000 of the general fund--state appropriation for fiscal year 2014 and \$21,000 of the general fund--federal appropriation are provided for implementation of section 9, chapter 197, Laws of 2013 (ESHB 1336). The department must utilize these funds for mental health first aid training targeted at teachers and educational staff in accordance with the training model developed by the department of psychology in Melbourne, Australia.

(h) Within the amounts appropriated in this section, funding is provided for the department to continue to develop the child adolescent needs and strengths assessment tool and build workforce capacity to provide evidence based wraparound services for children, consistent with the anticipated settlement agreement in *T.R. v. Dreyfus and Porter*.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL AND DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2014)	\$439,963,000
General Fund--State Appropriation (FY 2015)	\$458,131,000
General Fund--Federal Appropriation	\$820,769,000
General Fund--Private/Local Appropriation.....	\$21,000

TOTAL APPROPRIATION\$1,718,884,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be increased to \$225 per bed beginning in fiscal year 2014 and \$225 per bed beginning in fiscal year 2015. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(ii) The current annual renewal license fee for assisted living facilities shall be increased to \$106 per bed beginning in fiscal year 2014 and \$106 per bed beginning in fiscal year 2015.

(iii) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2014 and \$359 per bed beginning in fiscal year 2015.

(c) \$13,301,000 of the general fund--state appropriation for fiscal year 2014, \$20,607,000 of the general fund--state appropriation for fiscal year 2015, and \$33,910,000 of the general fund federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapters 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium.

(d) \$6,244,000 of the general fund--state appropriation for fiscal year 2014 and \$6,244,000 of the general fund--state appropriation for fiscal year 2015 are appropriated solely for the individual and family support program. Within these amounts, the department shall expand the current number of clients receiving services and focus on extending services to individuals with developmental disabilities who are not otherwise receiving paid services from the department.

(e) No later than December 31, 2013, the department shall report to the appropriate fiscal committees of the legislature with a strategy to reduce the rate disparity between urban and suburban residential service providers. The report shall include a proposal for a rate component that recognizes differences in costs as they relate to the geographical location of the provider; however, the proposed component shall use a geographical variable that is more granular than the provider's county.

(f) \$1,547,000 of the general fund--state appropriation for fiscal year 2015, and \$4,790,000 of the general fund--federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(g) \$1,707,000 of the general fund--state appropriation for fiscal year 2014, \$2,670,000 of the general fund--state appropriation for fiscal year 2015, and \$4,376,000 of the general fund--federal appropriation are provided solely for the homecare agency parity impacts of the service employees international union healthcare 775nw arbitration award.

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(h) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)	\$85,261,000
General Fund--State Appropriation (FY 2015)	\$84,980,000
General Fund--Federal Appropriation	\$160,021,000
General Fund--Private/Local Appropriation.....	\$23,041,000
TOTAL APPROPRIATION	\$353,303,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund--state appropriation for fiscal year 2014 and \$721,000 of the general fund--state appropriation for fiscal year 2015 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2014)	\$1,943,000
General Fund--State Appropriation (FY 2015)	\$1,993,000
General Fund--Federal Appropriation	\$1,957,000
TOTAL APPROPRIATION	\$5,893,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2014)	\$1,400,000
General Fund--State Appropriation (FY 2015)	\$1,400,000
General Fund--Federal Appropriation	\$1,200,000
TOTAL APPROPRIATION	\$4,000,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)	\$869,628,000
General Fund--State Appropriation (FY 2015)	\$923,218,000
General Fund--Federal Appropriation	\$1,934,089,000
General Fund--Private/Local Appropriation.....	\$30,122,000
Traumatic Brain Injury Account--State Appropriation....	\$3,393,000
Skilled Nursing Facility Safety Net Trust Account--State Appropriation	\$88,000,000
TOTAL APPROPRIATION	\$3,848,450,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$171.35 for fiscal year 2014 and shall not exceed \$171.58 for fiscal year 2015, including the rate add-ons described in (a) and (b) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, the weighted average nursing facility payment rate shall not exceed \$162.43 for fiscal year 2014 and shall not exceed \$163.58 for fiscal year 2015. There will be no adjustments for economic trends and conditions in fiscal years 2014 and 2015. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be

applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility-based payment rates calculated on July 1, 2013, using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the comparative add-on, acuity add-on, and safety net reimbursement, to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, 2013, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, if it is found that the direct care rate for any facility calculated using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the comparative add-on, acuity add-on, and safety net reimbursement, is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) The rate add-on provided in (c) of this subsection is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(f) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, (b), (c), and (d) of this subsection do not apply.

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2014 and no new certificates of capital authorization for fiscal year 2015 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2014 and 2015.

(3) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be increased to \$225 per bed beginning in fiscal year 2014 and \$225 per bed beginning in fiscal year 2015. A processing

fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(b) The current annual renewal license fee for assisted living facilities shall be increased to \$106 per bed beginning in fiscal year 2014 and \$106 per bed beginning in fiscal year 2015.

(c) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2014 and \$359 per bed beginning in fiscal year 2015.

(4) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(5) \$30,640,000 of the general fund--state appropriation for fiscal year 2014, \$48,633,000 of the general fund--state appropriation for fiscal year 2015, and \$79,273,000 of the general fund--federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapters 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2014 and \$1,877,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(7) \$4,894,000 of the general fund--state appropriation for fiscal year 2015, and \$15,150,000 of the general fund--federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(8) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

(9) Within the amounts appropriated in this section, in a report to the appropriate fiscal committees of the legislature that must be submitted by December 1, 2013, the department of social and health services must describe the process for establishing medicaid rates for assisted living and adult family homes. The report must include information about licensing and physical plant standards, contracting provisions, and per capita and biennial expenditures for assisted living and adult family homes.

(10) \$10,800,000 of the general fund--state appropriation for fiscal year 2014, \$17,768,000 of the general fund--state appropriation for fiscal year 2015, and \$28,567,000 of the general fund--federal appropriation are provided solely for the homecare agency parity impacts of the service employees international union healthcare 775nw arbitration award.

(11) \$33,000 of the general fund--state appropriation for fiscal year 2014, \$17,000 of the general fund--state appropriation for fiscal year 2015, and \$50,000 of the general fund--federal appropriation are provided solely for staffing and other expenses associated with the work of the joint legislative executive committee on planning for aging and disability issues that is established by this subsection.

(a) A joint legislative executive committee on aging and disability is established, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members. Four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee; and

(v) The director of the department of retirement systems or his or her designee.

(b) The committee must convene by September 1, 2013. At the first meeting, the committee will select cochairs from among its members who are legislators. All meetings of the committee are open to the public.

(c) The purpose of the committee is to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Establish a profile of Washington's current population of older people and people with disabilities and a projection of population growth through 2030;

(ii) Establish an inventory of services and supports currently available to older people and people with disabilities from the health care and long-term services and support systems and other community resources such as housing, transportation, income support, and protection for vulnerable adults;

(iii) Identify state budget and policy options to more effectively use state, federal and private resources to, over time, reduce the growth rate in state expenditures that would otherwise occur by continuing current policy in light of significant population growth;

(iv) Identify strategies to better serve the health care needs of an aging population and people with disabilities, and promote healthy living;

(v) Identify policy options to create financing mechanisms for long-term services and supports that will promote additional private responsibility for individuals and families to meet their needs for service;

(vi) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans; and

(vii) Identify policy options to help communities adapt to the aging demographic in planning for housing, land use and transportation.

(d) The committee shall consult with the office of the insurance commissioner, the caseload forecast council, health care authority, and other appropriate entities with specialized knowledge of the needs and growth trends of the aging population and people with disabilities.

(e) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(f) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(g) The committee shall issue an interim report to the legislature by December 10, 2013, and issue final recommendations to the governor and relevant standing committees of the legislature by December 10, 2014.

(12) \$240,000 of the general fund--state appropriation for fiscal year 2014, \$1,342,000 of the general fund--state appropriation for

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fiscal year 2015, and \$1,468,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

(13) The department shall review the capital add-on rate established by RCW 74.39A.320 for effectiveness in incentivizing assisted living facilities to serve Medicaid eligible clients. Upon completing its review, the department shall submit its findings along with recommendations for alternatives to the office of financial management and the fiscal committees of the legislature by December 1, 2013. The department is encouraged to engage stakeholders in developing alternatives.

(14) \$239,000 of the general fund--state appropriation for fiscal year 2014, \$160,000 of the general fund--state appropriation for fiscal year 2015, and \$398,000 of the general fund--federal appropriation are provided solely to implement chapter 300, Laws of 2013 (SSB 5630).

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)	\$402,504,000
General Fund--State Appropriation (FY 2015)	\$405,019,000
General Fund--Federal Appropriation	\$1,211,774,000
General Fund--Private/Local Appropriation.....	\$30,594,000
TOTAL APPROPRIATION	\$2,049,891,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$178,757,000 of the general fund--state appropriation for fiscal year 2014, \$172,999,000 of the general fund--state appropriation for fiscal year 2015, and \$732,881,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting the new structure. The secretary of the department of social and health services, working with WorkFirst partner agencies and in collaboration with the WorkFirst oversight task force, shall develop a plan for maximizing the following outcomes and shall report back to the legislature by November 1, 2013. The outcomes to be measured are: (i) Increased employment; (ii) completion of education or post-secondary training; (iii) completion of barrier removal activity including drug and alcohol or mental health treatment; (iv) housing stability; (v) child care or education stability for the children of temporary assistance for needy families recipients; (vi) reduced rate of return after exit from the WorkFirst program; and (vii) work participation requirements.

(b) \$406,818,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(c) \$168,019,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures.

(d) \$367,676,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135.

(e) \$142,124,000 of the amounts in (a) of this subsection are provided solely for WorkFirst and working connections child care administration and overhead.

(f) The amounts in (b) through (d) of this subsection shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between (b) through (d) of this subsection, but only if the funding is available or necessary to transfer solely due to utilization, caseload changes, or underperformance in terms of client outcomes. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(2) \$1,657,000 of the general fund--state appropriation for fiscal year 2014 and \$1,657,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On December 1, 2013, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be seventy-five percent of the federal supplemental nutrition assistance program benefit amount.

(6) \$18,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of section 1, chapter 337, Laws of 2013 (2SSB 5595).

(7) \$4,729,000 of the general fund--state appropriation for fiscal year 2014 and \$4,729,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of the telephone assistance program and the Washington information network 211 organization pursuant to Substitute House Bill No. 1971 (communication services). Of these funds, \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operational support of the Washington information network 211 organization. If Substitute House Bill No. 1971 (communication services) is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(8) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(9) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$1,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Substitute House Bill No. 2069 (safety net benefits). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2014)	\$72,650,000
General Fund--State Appropriation (FY 2015)	\$61,855,000
General Fund--Federal Appropriation	\$277,248,000
General Fund--Private/Local Appropriation.....	\$13,554,000
Criminal Justice Treatment Account--State	

Appropriation	\$14,568,000
Problem Gambling Account--State Appropriation.....	\$1,450,000
TOTAL APPROPRIATION	\$441,325,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the department by request; (b) program modifications needed to maximize access to federal medicaid matching funds will be phased in over the course of the 2013-2015 fiscal biennium; and (c) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to adopt fees for the review and approval of treatment programs in fiscal years 2014 and 2015 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(4) \$3,500,000 of the general fund--federal appropriation (from the substance abuse prevention and treatment federal block grant) is

provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) \$2,600,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the department to transition 128 beds from settings that are considered institutions for mental diseases to facilities with no more than 16 beds that are able to claim federal match for services provided to medicaid clients or individuals covered under the department's section 1115 medicaid waiver. The department may conduct a request for proposal process to fulfill this requirement and adopt rates that are comparable to the pilot projects implemented in the 2011-13 fiscal biennium. The department may use these funds to assist with the costs of providers in setting up or converting to 16-bed facilities. This funding may also be used for providers that are developing new capacity for clients who will become eligible for services under the affordable care act medicaid expansion. The number of beds available for pregnant and parenting women must not be reduced.

(6) \$283,000 of the criminal justice treatment account appropriation is provided solely for transitional funding for the family drug court in Pierce county.

(7) Within the amounts appropriated in this section, the department shall contract with the Washington state institute for public policy for a long-term efficacy study of the chemical dependency treatment programs funded by the division of alcohol and substance abuse. The study shall focus on how many program participants successfully complete dependency programs and how long they abstain from use of drugs and alcohol.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2014)	\$16,478,000
General Fund--State Appropriation (FY 2015).....	\$16,459,000
General Fund--Federal Appropriation	\$99,413,000
TOTAL APPROPRIATION	\$132,350,000

The appropriations in this section are subject to the following conditions and limitations: \$5,006,000 of the general fund--state appropriation for fiscal year 2014 and \$5,094,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2014)	\$36,420,000
General Fund--State Appropriation (FY 2015)	\$35,813,000
TOTAL APPROPRIATION	\$72,233,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services shall transfer the stewardship of McNeil Island to the department of corrections industries program, effective September 1, 2013. The transferred responsibilities shall include marine operations, waste water treatment, water treatment, road maintenance, and any other general island maintenance that is not site specific to the operations of the special commitment center or the Pierce county secure community transition facility. Facility maintenance within the perimeter of the special commitment center shall remain the responsibility of the department of social and health services. Capital repairs and maintenance necessary to maintain the special commitment center on McNeil Island shall be managed by the department of social and health services. The legislature directs both departments to enter into an interagency agreement by August 1, 2013. The office of financial management shall oversee the negotiations of the interagency agreement. The interagency agreement must describe equipment that will transfer between the departments, warehouse space that will be shared by the departments, and occupancy

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requirements for any shops outside the perimeter of the special commitment center. The office of financial management will make the final determination on any disagreements between the departments on the details of the interagency agreement.

(2) \$3,120,000 of the general fund--state appropriation for fiscal year 2014 and \$3,120,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operational costs specific to island operations of the special commitment center and the Pierce county secure community transition facility. The department shall establish an accounting structure that enables it to track and report on costs specific to island operations.

(3) All employees of the department of social and health services engaged in performing the powers, functions, and duties transferred to the department of corrections industries program under this subsection, are transferred to the department of corrections.

(4) All classified employees of the department of social and health services assigned to the department of corrections under this subsection whose positions are within an existing bargaining unit description at the department of corrections shall become a part of the existing bargaining unit at the department of corrections and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)	\$30,127,000
General Fund--State Appropriation (FY 2015)	\$29,333,000
General Fund--Federal Appropriation	\$37,150,000
General Fund--Private/Local Appropriation.....	\$654,000
TOTAL APPROPRIATION	\$97,264,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$395,000 of the general fund--state appropriation for fiscal year 2014, \$228,000 of the general fund--state appropriation for fiscal year 2015, and \$335,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

(2) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(3) \$82,000 of the general fund--state appropriation for fiscal year 2014, \$44,000 of the general fund--state appropriation for fiscal year 2015, and \$28,000 of the general fund--federal appropriation are provided solely to develop a report on state efforts to prevent and control diabetes. The department, the health care authority, and the department of health shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

- (a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational

diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (5).

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2014)	\$60,470,000
General Fund--State Appropriation (FY 2015)	\$60,511,000
General Fund--Federal Appropriation	\$55,264,000
TOTAL APPROPRIATION	\$176,245,000

NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2014)	\$2,131,026,000
General Fund--State Appropriation (FY 2015)	\$2,114,731,000
General Fund--Federal Appropriation	\$7,245,749,000
General Fund--Private/Local Appropriation.....	\$57,780,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation.....	\$15,082,000
Hospital Safety Net Assessment Fund--State	
Appropriation	\$669,381,000
Health Benefit Exchange Account--State Appropriation	\$17,277,000
State Health Care Authority Administration Account--	
State Appropriation	\$34,809,000
Medical Aid Account--State Appropriation	\$528,000
Medicaid Fraud Penalty Account--State Appropriation	
.....	\$21,206,000
TOTAL APPROPRIATION	\$12,307,569,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,143,994,000 of the general fund--federal appropriation is provided solely to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII), subject to the conditions and limitations in this subsection. If the federal medical assistance percentage for the medicaid expansion falls below the percentages in section 1905(y) of the social security act as of July 1, 2013, the authority shall ensure that the state does not incur any additional state costs above what would have been

incurred had the federal medical assistance percentages remained at the percentages in section 1905(y) as of July 1, 2013. The director is authorized to make any necessary program adjustments to comply with this requirement, including adding or adjusting premiums, modifying benefits, or reducing optional programs. To the extent a waiver is needed to accomplish this, the director shall promptly apply for such waiver. If a necessary waiver is not approved, the medicaid expansion program shall be terminated upon appropriate notification to the legislature and enrollees.

(2) The requirements of this subsection apply to the basic health plan. This subsection is null and void and has no further effect upon implementation of the medicaid expansion under subsection (1) of this section.

(a) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(b) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(c) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(d) Enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

(3) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the

health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(5) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(6) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(7) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(8) \$4,261,000 of the general fund--state appropriation for fiscal year 2014, \$4,261,000 of the general fund--state appropriation for fiscal year 2015, and \$8,522,000 of the general fund--federal appropriation are provided solely for low-income disproportionate share hospital payments.

(9) \$400,000 of the general fund--state appropriation for fiscal year 2014, \$400,000 of the general fund--state appropriation for fiscal year 2015, and \$800,000 of the general fund--federal appropriation are provided solely for disproportionate share hospital payments to rural hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011 that do not participate in the certified public expenditures program.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to rural hospitals in Clallam county that were certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011.

(11) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(12) \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

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(13) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2013-2015 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2013, and by November 1, 2014, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2014 and fiscal year 2015, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2013-2015 biennial operating appropriations act and in effect on July 1, 2013, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2013-2015 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$3,860,000 of the general fund--state appropriation for fiscal year 2014 and \$1,137,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state grants for the participating hospitals.

(14) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(15) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight,

tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(16) \$170,000 of the general fund--state appropriation for fiscal year 2014, \$121,000 of the general fund--state appropriation for fiscal year 2015, and \$292,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1519 (service coordination organizations) and Second Substitute Senate Bill No. 5732 (behavioral health services). If neither of the bills is enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(17) \$57,000 of the general fund--state appropriation for fiscal year 2014, \$40,000 of the general fund--state appropriation for fiscal year 2015, and \$55,000 of the general fund--federal appropriation are provided solely to develop a report on state efforts to prevent and control diabetes. The authority, the department of social and health services, and the department of health shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

(a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (17).

(18) Within the amounts appropriated in this section, the authority shall identify strategies to improve patient adherence to treatment plans for diabetes and implement these strategies as a pilot through one health home program to be identified by the authority. The authority shall report to the governor and the legislature in December 2014 on the progress of strategy implementation. The authority shall report to the governor and legislature in December 2015 on patient outcomes and cost savings derived from new adherence strategies in the health home model and make recommendations for improving the strategies.

(19) Effective January 1, 2014, managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--federal appropriation are provided solely for the development of recommendations for funding integrated school nursing and outreach services. The authority shall collaborate with the office of the superintendent of public instruction to develop recommendations for increasing federal financial participation for providing nursing services in schools with the goals of integrating nursing and outreach services and supporting one nurse for every four hundred fifty students in elementary schools and one nurse for every seven hundred fifty students in secondary schools. In developing these recommendations, the authority shall inquire with the federal centers for medicare and medicaid services about state plan amendment or waiver options for receiving additional federal matching funds for school nursing services provided to children enrolled in apple health for kids. The recommendations shall include proposals for funding training and reimbursement for nurses that provide outreach services to help eligible students enroll in apple health for kids and other social services programs. The authority and the office of the superintendent of public instruction shall provide these recommendations to the governor and the legislature by December 1, 2013.

(21) \$430,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--federal appropriation are provided solely to complete grant requirements for the health information exchange.

(22) \$143,000 of the medicaid fraud penalty account--state appropriation and \$423,000 of the general fund--federal appropriation are provided solely for the rebasing of outpatient and inpatient payment methods.

(23) \$1,163,000 of the medicaid fraud penalty account--state appropriation and \$9,710,000 of the general fund--federal appropriation are provided solely to implement the conversion to the tenth version of the world health organization's international classification of diseases.

(24) \$111,000 of the general fund--state appropriation for fiscal year 2014, \$35,000 of the general fund--state appropriation for fiscal year 2015, and \$359,000 of the general fund--federal appropriation are provided solely to update the medicaid information technology architecture state self-assessment and to develop the five year road map for the medicaid information technology architecture architect.

(25) \$62,000 of the general fund--state appropriation for fiscal year 2014, \$62,000 of the general fund--state appropriation for fiscal year 2015, and \$126,000 of the general fund--federal appropriation are provided solely to support the Robert Bree collaborative's efforts to disseminate evidence-based best practices for preventing and treating health problems.

(26) Within the amounts appropriated in this section, the authority shall increase reimbursement rates for primary care

services provided by independent nurse practitioners to medicare levels for the period from July 1, 2013, to December 31, 2014.

(27) The authority shall seek a medicaid state plan amendment to create a professional services supplemental payment managed care program for professional services delivered to managed care recipients by University of Washington medicine and other public professional providers. This program shall be effective as soon as administratively possible and shall operate concurrently with the existing professional services supplemental payment program. The authority shall apply federal rules for identifying the difference between average commercial rates and fee-for-service medicaid payments. This difference will be multiplied by the number of managed care encounters and incorporated into the managed care plan capitation rates by a certified actuary. The managed care plans will pay the providers the difference attributable to the increased capitation rate. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating providers. Participating providers shall retain the full amount of supplemental payments provided under this program, net of any costs related to the program that are disallowed due to audits or litigation against the state.

(28) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit beginning January 1, 2014.

(29) To the extent allowed under federal law, the authority shall require an adult client to enroll in full medicaid coverage instead of family planning-only coverage unless the client is at risk of domestic violence.

(30) The authority shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the authority and its contractors. Prior to open enrollment, the authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for the medicaid expansion but are enrolled in coverage that will be eliminated in the transition to the medicaid expansion.

(31) \$90,000 of the general fund--state appropriation for fiscal year 2014, \$90,000 of the general fund--state appropriation for fiscal year 2015, and \$180,000 of the general fund--federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(32) Within the amounts appropriated in this section, the authority shall reduce premiums for children with family incomes above 200 percent of the federal poverty level in the state-funded children's health program who are not eligible for coverage under the federal children's health insurance program. Premiums in the state and federal children's health insurance program shall be equal.

(33) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

(34) \$150,000 of the general fund--state appropriation for fiscal year 2014, \$436,000 of the general fund--state appropriation for fiscal year 2015, and \$170,561,000 of the general fund--federal appropriation are provided solely for the provider incentive program and other initiatives related to the health information technology medicaid plan.

(35) The authority shall purchase a brand name drug when it determines that the cost of the brand name drug after rebates is less than the cost of generic alternatives and that purchase of the brand rather than generic version can save at least \$250,000. The authority may purchase generic alternatives when changes in

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market prices make the price of the brand name drug after rebates more expensive than the generic alternatives.

(36) The authority shall not subject antiretroviral drugs used to treat HIV/AIDS, anticancer medications used to kill or slow the growth of cancerous cells, antihemophilic drugs, or transplant drugs to any medicaid preferred drug list or formulary for the fee-for-service population.

(37) \$1,531,000 of the general fund--state appropriation for fiscal year 2014, \$280,000 of the general fund--state appropriation for fiscal year 2015, and \$10,803,000 of the general fund--federal appropriation are provided solely to implement phase two of the project to create a single provider payment system that consolidates medicaid medical and social services payments and replaces the social service payment system. The amounts provided in this subsection are conditioned on the authority satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(38) Within the amounts appropriated in this section, the health care authority and the department of social and health services shall implement the state option to provide health homes for enrollees with chronic conditions under section 2703 of the federal affordable care act. The total state match for enrollees who are dually-eligible for both medicare and medicaid and not enrolled in managed care shall be no more than the net savings to the state from the enhanced match rate for its medicaid-only managed care enrollees under section 2703.

(39) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(40) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(41) Within amounts appropriated, the health care authority shall conduct a review of its management and staffing structure to identify efficiencies and opportunities to reduce full time equivalent employees and other administrative costs. A report summarizing the review and the authority's recommendations to reduce costs and full time equivalent employees must be submitted to the governor and legislature by November 1, 2013.

(42) \$17,279,000 of the health benefit exchange account--state appropriation and \$2,721,000 of the general fund--federal appropriation are provided solely to support the operations of the Washington health benefit exchange from January 1, 2015, to June 30, 2015. The Washington state health insurance pool administrator shall transfer \$20,838,000 of pool contributions to the treasurer for deposit into the health benefit exchange account in calendar year 2014.

(43) Within the amounts appropriated in this section, the authority shall continue to provide coverage after December 31, 2013, for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related

services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(44) Upon implementation of the medicaid expansion under subsection (1) of this section, the breast and cervical cancer treatment program is eliminated. To maintain continuity of coverage, the authority shall offer the option to stay in a fee-for-service program to clients that are already enrolled in the breast and cervical cancer treatment program and will be transitioned into the new adult group upon implementation of the medicaid expansion. The authority will continue to provide coverage to clients that are already enrolled in the breast and cervical cancer treatment program at the time of program elimination until their courses of treatment are completed.

(45) \$40,000 of the general fund--state appropriation for fiscal year 2014 and \$40,000 of the general fund--federal appropriation are provided solely for the authority to create a new position to provide adequate oversight and assistance to managed care organizations, rural health clinics, and federally qualified health centers under a new administratively streamlined payment methodology. Effective July 1, 2013, or upon obtaining any necessary federal approval, but in no case during the first quarter of a calendar year, the authority shall implement an administratively streamlined payment methodology for federally qualified health centers and rural health clinics. The authority's payments to managed care organizations shall include the full encounter payment comprised of both the standard and enhancement payments for federally qualified health centers and rural health clinics as defined in the medicaid state plan and in accordance with section 1902(bb) of the social security act (42 U.S.C. 1396a(bb)). At no time will a managed care organization be at risk for or have any claim to the supplemental payment portion of the rate which will be reconciled to ensure accurate payment and full pass through of the obligated funds. For any services eligible for encounter payments, as defined in the medicaid state plan, managed care organizations shall be required to pay at least the full published encounter rates directly to each clinic or center, and payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority. At the option of any clinic, the enhancement payment can be received from the managed care organization on a per member per month basis for all assigned managed care enrollees in an amount prescribed by the authority. Nothing in this section is intended to disrupt mutually agreeable contractual arrangements between managed care organizations and clinics that impact how the standard payment for services is paid. The authority will require participating managed care organizations to reimburse federally qualified health centers and rural health clinics for clean claims in strict adherence to the timeliness of payment standards established under contract and specified for the medicaid fee-for-service program in section 1902(a)(37) of the social security act (42 U.S.C. 1396a(a)(37)), 42 C.F.R. Sec. 447.46, and specified for health carriers in WAC 284-43-321. The authority shall exercise all necessary options under its existing sanctions policy to enforce timely payment of claims. The authority shall ensure necessary staff and resources are identified to actively monitor and enforce the timeliness and accuracy of payments to federally qualified health centers and rural health clinics. By January 1, 2014, and after collaboration with federally qualified health centers, rural health clinics, managed care plans, and the centers for medicare and medicaid services, the authority will produce a report that provides options for a new payment methodology that rewards innovation and outcomes over volume of services delivered, and which maintains the integrity of the rural health clinic and federally qualified health center programs as outlined under federal law. The

report will detail necessary federal authority for implementation and provide the benefits and drawbacks of each option.

(46) \$3,605,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to proportionally reduce the amounts that rural health clinics owe the state under the calendar year 2009 recoupment.

(47) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the current medicaid benefit plan beginning January 1, 2014. The authority shall monitor the costs of the habilitative benefit as part of the forecasting process but shall not provide this benefit in the current medicaid benefit plan without a direct appropriation in the omnibus appropriations act.

(48) The appropriations in this section reflect savings and efficiencies achieved by modifying dispensing methods of contraceptive drugs. The authority must make arrangements for all medicaid programs offered through managed care plans or fee-for-service programs to require dispensing of contraceptive drugs with a one-year supply provided at one time unless a patient requests a smaller supply or the prescribing physician instructs that the patient must receive a smaller supply. Contracts with managed care plans must allow on-site dispensing of the prescribed contraceptive drugs at family planning clinics. Dispensing practices must follow clinical guidelines for appropriate prescribing and dispensing to ensure the health of the patient while maximizing access to effective contraceptive drugs.

(49)(a) \$75,000 of the general fund--state appropriation for fiscal year 2014 and \$75,000 of the general fund--federal appropriation are provided solely for preparing options with an expert consultant for possible implementation of a targeted premium assistance program and possible implementation of the federal basic health option. \$75,000 of the amounts appropriated in this subsection is provided solely for the development of options related to the targeted premium assistance program. The authority shall develop options for a waiver request to the federal centers for medicare and medicaid services to implement a targeted premium assistance program for the expansion adults, identified in section 1902(a)(10)(A)(i)(VIII) of the social security act, with incomes above one hundred percent of the federal poverty level, and for children covered in the children's health insurance program with incomes above two hundred percent of the federal poverty level, with a goal of providing seamless coverage through the health benefit exchange and improving opportunities for families to be covered in the same health plans. The options must include the possibility of applying premiums for individuals and cost-sharing that may exceed the five percent of family income cap under federal law, and the options must include recommendations to make the targeted premium assistance program cost neutral. The authority shall submit a report on the options to the legislature and the governor by January 1, 2014. The authority is encouraged to be creative, use subject matter experts, and exhaust all possible options to achieve cost neutrality. The report shall also include a detailed plan and timeline. \$75,000 of the amounts appropriated in this subsection is provided solely for the development of options related to the federal basic health option. The authority shall prepare options for implementing the federal basic health option as federal guidance becomes available. The authority shall submit a report on the options to the legislature and the governor by January 1, 2014, or ninety days following the release of federal guidance. The report must include a comparison of the premiums and cost-sharing under the federal basic health option with the premium assistance options described in this subsection, options for implementing the federal basic health option in combination with a premium assistance program, a detailed fiscal analysis for each coverage approach,

including the estimated costs for system design and implementation, and information about impacted populations.

(b) Where possible, the authority shall leverage the same expert consultants to review each proposal and compare and contrast the approaches to ensure seamless coordination with the health benefit exchange.

(c) The authority shall collaborate with the joint select committee on health care oversight in the development of these options.

NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2014)	\$2,077,000
General Fund--State Appropriation (FY 2015)	\$1,996,000
General Fund--Federal Appropriation	\$2,185,000
TOTAL APPROPRIATION	\$6,258,000

The appropriations in this section are subject to the following conditions and limitations: \$218,000 of the general fund--federal appropriation is provided for additional financial resources from the U.S. department of housing and urban development for the investigation of discrimination cases involving service animals.

NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State	
Appropriation	\$10,000
Accident Account--State Appropriation	\$19,763,000
Medical Aid Account--State Appropriation	\$19,763,000
TOTAL APPROPRIATION	\$39,536,000

NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2014)	\$14,257,000
General Fund--State Appropriation (FY 2015)	\$14,159,000
General Fund--Private/Local Appropriation.....	\$3,059,000
Death Investigations Account--State Appropriation.....	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$8,597,000
TOTAL APPROPRIATION	\$40,680,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000,000 of the general fund--state appropriation for fiscal year 2015, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$340,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund--state appropriation for fiscal year 2014 and \$96,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident

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occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$123,000 of the general fund--state appropriation for fiscal year 2014 and \$123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(7) \$165,000 of the general fund--state appropriation for fiscal year 2014 and \$165,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for crisis intervention training for peace officers. The commission shall incorporate eight hours of crisis intervention curriculum into its basic law enforcement academy and shall offer an eight-hour in-service crisis intervention training course.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2014)	\$17,158,000
General Fund--State Appropriation (FY 2015)	\$17,733,000
General Fund--Federal Appropriation	\$11,876,000
Asbestos Account--State Appropriation	\$366,000
Electrical License Account--State Appropriation	\$37,124,000
Farm Labor Contractor Account--State Appropriation	\$28,000
Worker and Community Right-to-Know Account-- State Appropriation	\$903,000
Public Works Administration Account--State Appropriation	\$6,252,000
Manufactured Home Installation Training Account-- State Appropriation	\$353,000
Accident Account--State Appropriation	\$258,440,000
Accident Account--Federal Appropriation	\$13,626,000
Medical Aid Account--State Appropriation	\$278,697,000
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	\$1,732,000
Pressure Systems Safety Account--State Appropriation	\$4,193,000
TOTAL APPROPRIATION	\$651,667,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase elevator fees by up to 13.1 percent during the 2013-2015 fiscal biennium. This increase is necessary to support expenditures authorized in this section, consistent with chapter 70.87 RCW.

(2) \$1,336,000 of the medical aid account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5362 (workers' compensation/vocational rehabilitation). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$279,000 of the public works administration account--state appropriation, \$4,000 of the medical aid account--state appropriation, and \$4,000 of the accident account--state appropriation are provided solely for implementation of Substitute House Bill No. 1420 (transportation improvement projects). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(4) \$104,000 of the general fund--state appropriation for fiscal year 2014 and \$104,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement Substitute Senate Bill No. 5123 (farm internships). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(5) The department of labor and industries must establish and perform, within existing funds, a formal review process of its existing rules. The goal of the review is to decrease the numbers of, simplify the process, and decrease the time required for obtaining licenses, permits, and inspections, as applicable, in order to reduce the regulatory burden on businesses without compromising public health and safety. Benchmarks must be adopted to assess the effectiveness of streamlining efforts. The department must establish a process for effectively applying sunset provisions to rules when applicable. The department must report to the applicable committees of the legislature with its review process and benchmarks by January 2014.

(6) \$210,000 of the medical aid account--state appropriation and \$630,000 of the accident account--state appropriation are provided solely for the contract costs and one staff position at the department for the purpose of implementing the logging safety initiative in an effort to reduce the frequency and severity of injuries in manual, or nonmechanized, logging. The department shall reduce \$840,000 of workers compensation funding used for the safety and health investment project to maintain cost neutrality. Additional costs for the implementation of the logging safety initiative shall be accomplished by the department within existing resources to include the assignment of two full-time auditors specifically for this purpose. The department is directed to include \$420,000 of these costs in its calculation of workers' compensation premiums for the forest products industry for 2014, 2015, and 2016 rates. The department shall report to the legislature by December 31, 2014, an approach for using a third party safety certification vendor, accomplishments of the taskforce, accomplishments on this effort to-date, and future plans. The report must identify options for future funding and make recommendations for permanent funding for this program.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2014)	\$1,996,000
General Fund--State Appropriation (FY 2015)	\$1,900,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	\$3,906,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2014)	\$5,340,000
General Fund--State Appropriation (FY 2015)	\$5,316,000
General Fund--Federal Appropriation	\$3,455,000
General Fund--Private/Local Appropriation	\$4,418,000
Veteran Estate Management Account--Private/Local Appropriation	\$1,104,000
TOTAL APPROPRIATION	\$19,633,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)	\$102,000
General Fund--State Appropriation (FY 2015)	\$20,000
General Fund--Federal Appropriation	\$68,981,000
General Fund--Private/Local Appropriation	\$39,355,000

TOTAL APPROPRIATION	\$108,458,000
NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF HEALTH	
General Fund--State Appropriation (FY 2014)	\$60,230,000
General Fund--State Appropriation (FY 2015)	\$59,198,000
General Fund--Federal Appropriation	\$536,074,000
General Fund--Private/Local Appropriation.....	\$139,455,000
Hospital Data Collection Account--State Appropriation....	\$222,000
Health Professions Account--State Appropriation	\$104,722,000
Aquatic Lands Enhancement Account--State Appropriation	\$604,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation.....	\$12,319,000
Safe Drinking Water Account--State Appropriation	\$5,267,000
Drinking Water Assistance Account--Federal	
Appropriation	\$14,806,000
Waterworks Operator Certification--State	
Appropriation	\$1,560,000
Drinking Water Assistance Administrative Account--	
State Appropriation	\$339,000
Site Closure Account--State Appropriation	\$159,000
Biotoxin Account--State Appropriation.....	\$1,323,000
State Toxics Control Account--State Appropriation.....	\$3,949,000
Medical Test Site Licensure Account--State	
Appropriation	\$4,737,000
Youth Tobacco Prevention Account--State Appropriation	\$1,512,000
Public Health Supplemental Account--Private/Local	
Appropriation	\$3,236,000
Accident Account--State Appropriation	\$304,000
Medical Aid Account--State Appropriation	\$50,000
Medicaid Fraud Penalty Account--State	
Appropriation	\$987,000
TOTAL APPROPRIATION	\$951,053,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) The joint administrative rules review committee shall review the new or amended rules pertaining to primary and secondary school facilities under (a) of this subsection. The review committee shall determine whether (i) the rules are within the intent of the legislature as expressed by the statute that the rule implements, (ii) the rule has been adopted in accordance with all applicable provisions of law, or (iii) that the agency is using a policy or interpretive statement in place of a rule. The rules review

committee shall report to the appropriate policy and fiscal committees of the legislature the results of committee's review and any recommendations that the committee deems advisable.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2014 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for newborn screening, and fees associated with the following professions: Agency affiliated counselors; certified counselors; and certified advisors.

(3) \$150,000 of the state toxics control account--state appropriation is provided solely to provide water filtration systems for low-income households with individuals at high public health risk from nitrate-contaminated wells in the lower Yakima basin.

(4)(a) \$64,000 of the medicaid fraud penalty account--state appropriation is provided solely for the department to integrate the prescription monitoring program into the coordinated care electronic tracking program developed in response to section 213, chapter 7, Laws of 2012, 2nd sp. sess., commonly referred to as the seven best practices in emergency medicine.

(b) The integration must provide prescription monitoring program data to emergency department personnel when the patient registers in the emergency department. Such exchange may be a private or public joint venture, including the use of the state health information exchange.

(c) As part of the integration, the department shall request insurers and third-party administrators that provide coverage to residents of Washington state to provide the following to the coordinated care electronic tracking program:

(i) Any available information regarding the assigned primary care provider, and the primary care provider's telephone and fax numbers. This information is to be used for real-time communication to an emergency department provider when caring for a patient; and

(ii) Information regarding any available care plans or treatment plans for patients with higher utilization of services on a regular basis. This information is to be provided to the treating provider.

(5) \$270,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Washington autism alliance to assist autistic individuals and families with autistic children during the transition to federal health reform.

(6) \$6,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to convene a work group to study and recommend language for standardized clinical affiliation agreements for clinical placements associated with the education and training of physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, and nurses licensed under chapter 18.79 RCW. The work group shall develop one recommended standardized clinical affiliation agreement for each profession or one recommended standardized clinical affiliation agreement for all three professions.

(a) When choosing members of the work group, the department shall consult with the health care personnel shortage task force and shall attempt to ensure that the membership of the work group is geographically diverse. The work group must, at a minimum, include representatives of the following:

- (i) Two-year institutions of higher education;
- (ii) Four-year institutions of higher education;
- (iii) The University of Washington medical school;
- (iv) The college of osteopathic medicine at the Pacific Northwest University of Health Sciences;
- (v) The health care personnel shortage task force;
- (vi) Statewide organizations representing hospitals and other facilities that accept clinical placements;

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- (vii) A statewide organization representing physicians;
- (viii) A statewide organization representing osteopathic physicians and surgeons;
- (ix) A statewide organization representing nurses;
- (x) A labor organization representing nurses; and
- (xi) Any other groups deemed appropriate by the department in consultation with the health care personnel shortage task force.

(b) The work group shall report its findings to the governor and the appropriate standing committees of the legislature no later than November 15, 2014.

(7) \$65,000 of the general fund--state appropriation for fiscal year 2014 and \$65,000 of the general fund--state appropriation for fiscal year 2015 are for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) During the 2013-2015 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(9) \$654,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5206 (health sciences library). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$35,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1003 (health professions licensees). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(11) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1270 (board of denturists). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(12) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1271 (denturism). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(13) \$11,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1330 (dental hygienists, assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(14) \$1,008,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1343 (nurses surcharge). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(15) \$34,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1376 (suicide assessment training). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(16) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1515 (medical assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(17) \$2,185,000 of the health professions account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1518 (disciplinary authorities). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(18) \$141,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 1525 (birth certificates). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(19) \$220,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1534 (impaired dentist program). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(20) \$51,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1609 (board of pharmacy). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(21) \$12,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1629 (home care aide continuing education). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(22) \$18,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1737 (physician assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(23) \$77,000 of the general fund--state appropriation for fiscal year 2014 and \$38,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to develop a report on state efforts to prevent and control diabetes. The department, the health care authority, and the department of social and health services shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

(a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget

recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (23).

(24) Within the general fund--state amounts appropriated in this section, the department of health will develop and administer the certified home care aide examination translated into at least seven languages in addition to the languages in which the examination is available on the effective date of this act. The purpose of offering the examination in additional languages is to encourage an adequate supply of certified home care aides to meet diverse long-term care client needs.

(25) The department of health must establish and perform, within existing funds, a formal review process of its existing rules. The goal of the review is to decrease the numbers of, simplify the process, and decrease the time required for obtaining licenses, permits, and inspections, as applicable, in order to reduce the regulatory burden on businesses without compromising public health and safety. Benchmarks must be adopted to assess the effectiveness of streamlining efforts. The department must establish a process for effectively applying sunset provisions to rules when applicable. The department must report to the applicable committees of the legislature with its review process and benchmarks by January 2014.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2014)	\$56,437,000
General Fund--State Appropriation (FY 2015)	\$54,779,000
Data Processing Revolving Account--State	
Appropriation	\$1,249,000
TOTAL APPROPRIATION	\$112,465,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund--state appropriation for fiscal year 2014 and \$35,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$75,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to contract with a consultant who can facilitate and provide project expertise on the implementation of community and prison based offender programming that follows the risk-needs-responsivity model.

(i) By September 1, 2013, the department shall provide to the consultant an inventory of all existing programming both in prisons and in community operations. The department shall consult with the Washington state institute for public policy (WSIPP) to determine whether programs are evidence-based or research-based using definitions provided by WSIPP and shall include this information on the inventory.

(ii) By October 1, 2013, the consultant shall report to the department, the office of financial management, and legislative fiscal committees on the department's current plans and processes for managing offender programming including processes for

phasing-out ineffective programs and implementing evidence-based or research-based programs. All department programs should be considered by the consultant regardless of whether they are included on the most recent list of WSIPP approved identifiable evidence-based practices in (b)(i) of this subsection.

(iii) The WSIPP, in consultation with the department, shall systematically review selected programs to determine the effectiveness of these programs at reducing recidivism or other outcomes. The WSIPP shall conduct a benefit-cost analysis of these programs when feasible and shall report to the legislature by December 1, 2013.

(iv) Based on the report provided by the consultant and the WSIPP review of programs, the department shall work collaboratively with the consultant to develop and complete a written comprehensive implementation plan by January 15, 2014. The implementation plan must clearly identify the types of programs to be included, the recommended locations where the programs will be sited, an implementation timeline, and a phasing of the projected number of participants needed to meet the threshold of available program funds.

(v) Using the written implementation plan as a guide, the department must have programs in place and fully phased-in no later than June 30, 2015.

(vi) The department shall hold the consultant on retainer to assist the department as needed throughout the implementation process. The consultant shall review quarterly the actual implementation compared to the written implementation plan and shall provide a report to the secretary of the department. The department shall provide reports to the office of financial management and legislative fiscal committees as follows:

(A) The written comprehensive implementation plan shall be provided by January 15, 2014; and

(B) Written progress updates shall be provided by July 1, 2014, and by December 1, 2014.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2014)	\$605,039,000
General Fund--State Appropriation (FY 2015)	\$604,704,000
General Fund--Federal Appropriation	\$3,322,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$7,585,000
Environmental Legacy Stewardship Account--State	
Appropriation	\$105,000
County Criminal Justice Assistance Account--State	
Appropriation	\$390,000
TOTAL APPROPRIATION	\$1,221,145,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2013-2015 fiscal biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors:

(i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) \$501,000 of the general fund--state appropriation for fiscal year 2014 and \$501,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. The department may not house incarcerated offenders at the maple lane site until specifically directed to do so by the legislature.

(c) By December 1, 2013, the department of corrections shall provide a report to the office of financial management and the

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appropriate fiscal and policy committees of the legislature that evaluates the department's inmate intake processes and expenditures and makes recommendations for improvements. The evaluation must include an analysis of lean management processes that, if adopted, could improve the efficiency and cost effectiveness of inmate intake.

(d) By December 1, 2013, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's use of partial confinement and work release programs and makes recommendations for improving public safety and decreasing recidivism through increasing participation in partial confinement re-entry and work release programs. In making its recommendations, the department shall identify:

(i) Options for increasing the capacity of work release beds to meet the number of eligible offenders;

(ii) Potential cost savings to the state through contracting for or building new work release capacity;

(iii) Options for expanding eligibility for partial confinement, including creation of a structured re-entry program that includes stable housing, mandatory participation in evidence-based programs, and intensive supervision; and

(iv) Potential cost savings to the state from creation of a structured re-entry program.

(e) By December 1, 2013, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's community parenting alternative program, and makes recommendations for increasing participation in the program with the goals of increasing public safety and decreasing recidivism. The evaluation shall include recommendations for increasing the placement of eligible offenders into the program and increasing eligibility to other populations. In making its recommendations, the department shall identify the percent of the eligible population currently entering the program, outcomes to-date for program participants, and potential cost savings from increasing placement of offenders into the program.

(f) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(g)(i) The legislature finds that it has taken several steps to mitigate the demand for prison capacity including funding evidence-based programming for offenders which is proven to reduce recidivism, funding evidence-based treatment alternatives to incarceration for drug-addicted offenders, standardizing inconsistencies in the drug sentencing grid, and authorizing the department to rent local jail beds. These steps will also assist the department's implementation of additional operational efficiencies by reducing costs related to offender intake, processing, and transportation.

(ii) Up to \$1,119,000 of the general fund--state appropriation for fiscal year 2014 and up to \$1,322,000 of the general fund--state appropriation for fiscal year 2015 may be used by the department to rent jail capacity for short-term offenders. In contracting for jail beds for short-term offenders, the department shall rent capacity from local and tribal governments to house offenders with an earned release date of less than one hundred twenty days remaining on his

or her sentence at the time the offender would otherwise be transferred to a state correctional facility. The contracted daily costs for these offenders shall not exceed \$70 per offender including medical costs.

(h) The department of corrections shall issue a competitive solicitation by August 1, 2013, to contract with local jurisdictions for the use of inmate bed capacity in lieu of prison beds operated by the state. The department may contract for up to 300 beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$65 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$65 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders will be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail will provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer will be the responsibility of the jail. The department will report to legislative fiscal committees and the office of financial management by November 1, 2013, to provide a status update on implementation.

(i) The department shall convene a work group to develop health care cost containment strategies at local jail facilities. The work group shall identify cost containment strategies in place at the department and at local jail facilities, identify the costs and benefits of implementing strategies in jail health-care facilities, and make recommendations on implementing beneficial strategies. The work group shall submit a report on its findings and recommendations to the fiscal committees of the legislature by October 1, 2013. The work group shall include jail administrators, representatives from health care facilities at the local jail level and the state prisons level, and other representatives as deemed necessary.

(j) \$1,026,000 of the general fund--state appropriation for fiscal year 2014 and \$781,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to expand the piloted risk-needs-responsivity model to include the use of cognitive behavioral therapy with evidence-based programming at two minimum security prison facilities and at the Monroe correctional complex.

(k) \$23,653,000 of the general fund--state appropriation for fiscal year 2014 and \$24,919,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for offender programming. Pursuant to section 220(1) of this act, the department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(l) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$36,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Senate Bill No. 5484 (assault in the third-degree). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(m) \$48,000 of the general fund--state appropriation for fiscal year 2014 and \$48,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Substitute House Bill No. 1383 (stalking protection orders). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(n) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$36,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Senate Bill No. 5149 (crimes against pharmacies). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(o) \$24,000 of the general fund--state appropriation for fiscal year 2014 and \$24,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5669 (trafficking). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(p) \$24,000 of the general fund--state appropriation for fiscal year 2014 and \$24,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Senate Bill No. 5053 (vehicle prowling). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(q) \$96,000 of the county criminal justice assistance--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 5105 (rental vouchers for offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2014)	\$130,568,000
General Fund--State Appropriation (FY 2015)	\$131,973,000
County Criminal Justice Assistance Account--State	\$2,249,000
Ignition Interlock Device Revolving Account--State	\$2,200,000
TOTAL APPROPRIATION	\$266,990,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,906,000 of the county criminal justice assistance account--state appropriation and \$2,200,000 of the ignition interlock device revolving account--state appropriation are provided solely for the department to contract for additional residential drug offender sentencing alternative treatment slots. By December 1, 2013, the department shall provide a report to the appropriate fiscal committees of the house of representatives and the senate on the use of the additional treatment slots.

(b) \$4,186,000 of the general fund--state appropriation for fiscal year 2014 and \$6,362,000 of the general fund--state appropriation for fiscal year 2015 must be expended on evidence-based programs that follow the risk-needs-responsivity model. The department is authorized to use up to ten percent of these funds as necessary to secure physical space as needed to maximize program delivery of evidence-based treatment to all high-risk, high-need offenders in community supervision. Funding may be prioritized by the department to any program recognized as evidence-based for adult offenders by the Washington state institute for public policy.

(c) \$16,513,000 of the general fund--state appropriation for fiscal year 2014 and \$16,527,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for offender programming. Pursuant to section 220 (1) of this act, the department shall develop and implement a written comprehensive

plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(d) \$107,000 of the county criminal justice--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 5105 (rental vouchers for offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2014)	\$6,780,000
General Fund--State Appropriation (FY 2015)	\$7,182,000
TOTAL APPROPRIATION	\$13,962,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,293,000 of the general fund--state appropriation for fiscal year 2014 and \$3,707,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the stewardship of McNeil island. The department shall assume responsibility of all island maintenance excluding site specific maintenance operations for the special commitment center and the Pierce county secure transitional facility. The department shall as part of its industries program provide job skills to offenders while providing the minimum maintenance and preservation necessary for the state to remain in compliance with the federal deed for McNeil island. The department shall report on efficiencies and potential cost reductions to the office of financial management and legislative fiscal committees by December 15, 2013.

(b)(i) The department of social and health services shall transfer the stewardship of McNeil Island to the department of corrections industries program, effective September 1, 2013. The transferred responsibilities shall include marine operations, waste water treatment, water treatment, road maintenance, and any other general island maintenance that is not site specific to the operations of the special commitment center or the Pierce county secure community transition facility. Facility maintenance within the perimeter of the special commitment center shall remain the responsibility of the department of social and health services. Capital repairs and maintenance necessary to maintain the special commitment center on McNeil Island shall be managed by the department of social and health services. The legislature directs both departments to enter into an interagency agreement by August 1, 2013. The office of financial management shall oversee the negotiations of the interagency agreement. The interagency agreement must describe equipment that will transfer between the departments, warehouse space that will be shared by the departments, and occupancy requirements for any shops outside the perimeter of the special commitment center. The office of financial management will make the final determination on any disagreements between the departments on the details of the interagency agreement.

(ii) All employees of the department of social and health services engaged in performing the powers, functions, and duties transferred to the department of corrections industries program under this subsection, are transferred to the department of corrections.

(iii) All classified employees of department of social and health services assigned to the department of corrections under this subsection whose positions are within an existing bargaining unit description at the department of corrections shall become a part of the existing bargaining unit at the department of corrections and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2014)	\$35,345,000
General Fund--State Appropriation (FY 2015)	\$32,115,000

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TOTAL APPROPRIATION\$67,460,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2014)\$2,242,000
General Fund--State Appropriation (FY 2015)\$2,197,000
General Fund--Federal Appropriation\$21,060,000
General Fund--Private/Local Appropriation.....\$60,000
TOTAL APPROPRIATION\$25,559,000

NEW SECTION. Sec. 222. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation\$269,977,000
General Fund--Private/Local Appropriation.....\$34,206,000
Unemployment Compensation Administration Account--
Federal Appropriation\$320,006,000
Administrative Contingency Account--State
Appropriation\$22,728,000
Employment Service Administrative Account--State
Appropriation\$35,567,000
TOTAL APPROPRIATION\$682,484,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$5,000,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for continuing current unemployment insurance functions and department services to employers and job seekers.

(2) \$12,386,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) \$3,735,000 of the unemployment compensation account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of call center technology to improve the integration of the telephone and computing systems to increase efficiency and improve customer service.

(4) \$182,000 of the employment services administrative account--state appropriation is provided for costs associated with the second stage of the review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). This second stage shall be developed and conducted by the joint legislative audit and review committee and shall consist of further work on the process study and net-impact/cost-benefit analysis components of the evaluation.

(5) \$240,000 of the administrative contingency account--state appropriation is provided solely for the employment security department to contract with a center for workers in King county. The amount appropriated in this subsection shall be used by the contracted center for workers to support initiatives that generate high-skill, high-wage jobs; improve workforce and training systems; improve service delivery for dislocated workers; and build alliances with community and environmental organizations.

(6) The department is prohibited from expending amounts appropriated in this section for implementation of chapter 49.86 RCW.

(End of part)

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2014)\$445,000
General Fund--State Appropriation (FY 2015)\$446,000
General Fund--Federal Appropriation\$31,000
General Fund--Private/Local Appropriation.....\$874,000
TOTAL APPROPRIATION\$1,796,000

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2014)\$25,929,000
General Fund--State Appropriation (FY 2015)\$25,506,000
General Fund--Federal Appropriation\$105,230,000
General Fund--Private/Local Appropriation.....\$16,912,000
Reclamation Account--State Appropriation\$3,735,000
Flood Control Assistance Account--State Appropriation \$1,985,000
State Emergency Water Projects Revolving
Account--State Appropriation.....\$40,000
Waste Reduction/Recycling/Litter Control--State
Appropriation\$9,722,000
State Drought Preparedness Account--State Appropriation
.....\$204,000
State and Local Improvements Revolving Account
(Water Supply Facilities)--State Appropriation\$426,000
Environmental Legacy Stewardship Account--State
Appropriation\$43,748,000
Aquatic Algae Control Account--State Appropriation\$513,000
Water Rights Tracking System Account--State
Appropriation\$46,000
Site Closure Account--State Appropriation\$556,000
Wood Stove Education and Enforcement Account--State
Appropriation\$612,000
Worker and Community Right-to-Know Account--State
Appropriation\$1,701,000
Water Rights Processing Account--State Appropriation\$135,000
State Toxics Control Account--State Appropriation....\$124,238,000
State Toxics Control Account--Private/Local
Appropriation\$979,000
Local Toxics Control Account--State Appropriation\$3,774,000
Water Quality Permit Account--State Appropriation\$40,982,000
Underground Storage Tank Account--State Appropriation.....
.....\$3,347,000
Biosolids Permit Account--State Appropriation\$1,848,000
Hazardous Waste Assistance Account--State
Appropriation\$6,037,000
Air Pollution Control Account--State Appropriation\$3,128,000
Oil Spill Prevention Account--State Appropriation.....\$5,684,000
Air Operating Permit Account--State Appropriation.....\$3,132,000
Freshwater Aquatic Weeds Account--State Appropriation
.....\$1,409,000
Oil Spill Response Account--State Appropriation.....\$7,076,000
Water Pollution Control Revolving Account--State
Appropriation\$356,000
Water Pollution Control Revolving Account--Federal
Appropriation\$1,505,000
Water Pollution Control Revolving Administration
Account--State Appropriation.....\$1,021,000

Radioactive Mixed Waste Account--State Appropriation.....	
.....	\$13,800,000
TOTAL APPROPRIATION	\$455,316,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 4.55 percent in fiscal year 2014 and 4.63 percent in fiscal year 2015; and reasonably available control technology fee.

(3) \$1,981,000 of the state toxics control account--state appropriation is for the department to provide training regarding the benefits of low-impact development including, but not limited to, when the use of low-impact development is appropriate and feasible, and the design, installation, maintenance, and best practices of low-impact development. The department will consult with Washington State University extension low-impact development technical center and others in the development of the low-impact technical training. As appropriate, the department may contract with the Washington State University extension low-impact development technical center, private sector vendors, associations, and others to deliver the technical training. The training must be provided free of cost to phase I and phase II permittees and the private development community including builders, engineers, and other industry professionals. The training must be sequenced geographically and provided in time for local jurisdictions to comply with RCW 90.48.260 and 36.70A.130(5). By August 1, 2013, the department of ecology shall provide the governor and appropriate legislative committees a plan for how low-impact development training funds will be spent during fiscal years 2014 through 2017.

(4) \$440,000 of the state toxics control account--state appropriation is provided solely for administering the water pollution control facilities financial assistance program authorized in chapter 90.50A RCW.

(5) \$350,000 of the state toxics control account--state appropriation is provided solely for the Spokane river regional toxics task force to support their efforts to address elevated levels of polychlorinated biphenyls in the Spokane river. Funding will be used to determine the extent of the cleanup required, implement cleanup actions to meet applicable water quality standards, and prevent recontamination.

(6) \$516,000 of the state toxics control account--state appropriation is provided solely for the department to support an ultrafine particulate study to determine how, if at all, the biomass cogeneration facilities in Port Townsend and Port Angeles may impact air quality and the health of citizens in the region.

(7) \$65,000 of the water quality permit account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1245 (derelict and abandoned vessels). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(8) The department of ecology shall establish and perform, within existing funds, a formal review process of its existing rules. The goal of the review is to decrease the numbers of, simplify the process, and decrease the time required for obtaining licenses, permits, and inspections, as applicable, in order to reduce the regulatory burden on businesses without compromising public health and safety. Benchmarks must be adopted to assess the effectiveness of streamlining efforts. The department must

establish a process for effectively applying sunset provisions to rules when applicable. The department must report to the applicable committees of the legislature with its review process and benchmarks by January 2014.

(9) The department shall collaborate with the middle snake river watershed, WRIA 35 planning unit in implementing its watershed plan.

(10)(a) \$14,000,000 of the general fund--state appropriation for fiscal year 2014 and \$14,000,000 of the general fund--state appropriation for fiscal year 2015 are for activities within the water resources program.

(b) Of the amounts provided in (a) of this subsection, \$500,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for processing water right permit applications only if the department of ecology issues at least five hundred water right decisions in fiscal year 2014, and if the department of ecology does not issue at least five hundred water right decisions in fiscal year 2014 the amount provided in this subsection shall lapse and remain unexpended. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2014, that documents whether five hundred water right decisions were issued in fiscal year 2014. For the purposes of this subsection, applications that are voluntarily withdrawn by an applicant do not count towards the five hundred water right decision requirement. For the purposes of water budget-neutral requests under chapter 173-539A WAC, multiple domestic connections authorized within a single water budget-neutral decision are considered one decision for the purposes of this subsection.

(11) The department of ecology, in consultation with the office of financial management, shall prepare a facilities plan to reduce the agency's facilities obligation and the agency's cost per FTE for its facilities by 2017 to align with comparable state agencies. The plan must be submitted to the office of financial management and the appropriate legislative fiscal committees by November 1, 2013. The plan must include: (a) An inventory of all currently owned and leased buildings, consistent with the data provided through the state's facilities inventory process prescribed by the office of financial management annually by September 1st; (b) a list of facilities solutions that will reduce costs with an emphasis on consolidation, collocation, and alternative space solutions such as shared workspace and mobile work; and (c) a department-wide coordinated process and plan for regularly evaluating facility needs.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2014)	\$4,254,000
General Fund--State Appropriation (FY 2015)	\$4,254,000
General Fund--Federal Appropriation	\$6,014,000
Winter Recreation Program Account--State Appropriation	
.....	\$2,065,000
ORV and Nonhighway Vehicle Account--State Appropriation	
.....	\$215,000
Snowmobile Account--State Appropriation	\$4,859,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	363,000
Parks Renewal and Stewardship Account--State	
Appropriation	\$103,065,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation	\$300,000
Waste Reduction/Recycling/Litter Control Account--State	
Appropriation	\$1,700,000
TOTAL APPROPRIATION	\$127,089,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,000 of the general fund--state appropriation for fiscal year 2014 and \$79,000 of the general fund--state appropriation for

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fiscal year 2015 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.

(3) The commission shall prepare a report on its efforts to increase revenue from all sources, including the discover pass. The report shall also include a status update on the fiscal health of the state parks system, and shall be submitted to the office of financial management and the appropriate committees of the legislature by October 28, 2013.

NEW SECTION. Sec. 304. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund--State Appropriation (FY 2014)	\$823,000
General Fund--State Appropriation (FY 2015)	\$815,000
General Fund--Federal Appropriation	\$3,425,000
General Fund--Private/Local Appropriation.....	\$24,000
Aquatic Lands Enhancement Account--State Appropriation	\$480,000
Firearms Range Account--State Appropriation	\$37,000
Recreation Resources Account--State Appropriation.....	\$3,086,000
NOVA Program Account--State Appropriation	\$964,000
TOTAL APPROPRIATION	\$9,654,000

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund--State Appropriation (FY 2014)	\$2,227,000
General Fund--State Appropriation (FY 2015)	\$2,147,000
TOTAL APPROPRIATION	\$4,374,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2014)	\$6,841,000
General Fund--State Appropriation (FY 2015)	\$6,738,000
General Fund--Federal Appropriation	\$2,301,000
State Toxics Control Account--State Appropriation.....	\$1,000,000
TOTAL APPROPRIATION	\$16,880,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the conservation commission, in consultation with conservation districts, must submit to the office of financial management and legislative fiscal committees by December 10, 2013, a report outlining opportunities to minimize districts' overhead costs, including consolidation of conservation districts within counties in which there is more than one district. The report must include details on the anticipated future savings that could be expected from implementing these efficiencies starting on July 1, 2014.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$246,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement the voluntary stewardship program in Thurston and Chelan counties. These amounts may not be used to fund agency indirect and administrative expenses.

(3) \$1,000,000 of the general fund--federal appropriation is provided solely to implement the voluntary stewardship program statewide. The commission shall place the appropriation in this subsection in unallotted status, and may not allot any of these funds until the federal government has provided funding to the commission for the purpose of implementing the voluntary stewardship program.

(4) The conservation commission must evaluate the current system for the election of conservation district board supervisors and recommend improvements to ensure the highest degree of

public involvement in these elections. The commission must engage with stakeholder groups and conservation districts to gather a set of options for improvement to district elections, which must include an option aligning district elections with state and local general elections. The commission must submit a report detailing the options to the office of financial management and appropriate committees of the legislature by December 10, 2013.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2014)	\$30,321,000
General Fund--State Appropriation (FY 2015)	\$28,999,000
General Fund--Federal Appropriation	\$107,585,000
General Fund--Private/Local Appropriation.....	\$58,784,000
ORV and Nonhighway Vehicle Account--State Appropriation	\$397,000
Aquatic Lands Enhancement Account--State Appropriation	\$15,919,000
Recreational Fisheries Enhancement--State Appropriation.....	\$2,590,000
Environmental Legacy Stewardship Account--State Appropriation	\$1,224,000
Warm Water Game Fish Account--State Appropriation	\$2,507,000
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$849,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$209,000
Aquatic Invasive Species Prevention Account--State Appropriation	\$737,000
State Wildlife Account--State Appropriation	\$103,460,000
Special Wildlife Account--State Appropriation.....	\$2,405,000
Special Wildlife Account--Federal Appropriation.....	\$500,000
Special Wildlife Account--Private/Local Appropriation	\$3,446,000
Wildlife Rehabilitation Account--State Appropriation.....	\$259,000
Hydraulic Project Approval Account--State Appropriation	\$674,000
Regional Fisheries Enhancement Salmonid Recovery Account--Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account--State Appropriation.....	\$917,000
Oyster Reserve Land Account--State Appropriation.....	\$773,000
TOTAL APPROPRIATION	\$367,556,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the general fund--state appropriation for fiscal year 2014 and \$130,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) Prior to submitting its 2015-2017 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(3) \$400,000 of the general fund--state appropriation for fiscal year 2014 and \$400,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(4) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(5) During the 2013-2015 fiscal biennium, the department must retain ownership and continue to occupy the downtown Olympia office building at 600 Capitol Way.

(6) \$1,000,000 of the state wildlife account--state appropriation is provided solely to the department for resources that serve to promote and engage nonlethal deterrence methods relating to wolf and livestock interaction with a priority given to funding cooperative agreements with livestock producers, and of this amount, \$250,000 in fiscal year 2014 is provided solely for compensation for injury or loss of livestock caused by wolves as prescribed in chapter 77.36 RCW.

(7) \$100,000 of the state wildlife account--state appropriation is provided solely for the transfer of trout from the Clarks creek hatchery to the Lakewood hatchery.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the production of steelhead, coho, and Chinook salmon at the Clarks creek hatchery.

(9) \$200,000 of the state wildlife account--state appropriation, \$50,000 of the general fund--state appropriation for fiscal year 2014, and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to increase production of juvenile fall Chinook on the Cowlitz river. The funds provided may be used to match or leverage funds from private or public sources for the same purpose.

(10) \$596,000 of the general fund--state appropriation for fiscal year 2014 and \$596,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for weed assessments and for payments in lieu of real property taxes to counties that elect to receive the payments for department owned game lands within the county.

(11) \$10,000 of the aquatic lands enhancement account--state appropriation is provided solely for development of an aquatic invasive species passport program to improve the efficiency and effectiveness of watercraft inspections by expediting aquatic invasive species watercraft inspections for watercraft at low risk of transmitting invasive species and prioritizing the use of available resources for the inspection of high risk vessels.

(12) Within the amounts appropriated in this section, the department must deploy additional wildlife conflict specialists to provide landowner assistance and address wildlife conflicts, with at least one additional specialist primarily assigned to each of the following areas: Administrative region six of the department; Okanogan and Chelan counties in administrative region two of the department; and Whatcom and Skagit counties in administrative region four of the department.

(13) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1112 (science and public policy). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(14) Within the amounts appropriated in this section the department shall work with the regional fisheries enhancement groups to identify a revenue source or sources capable of providing long-term funding to support the community-based salmon restoration work of regional fisheries enhancement groups. The department shall work with the regional fisheries enhancement group coalition to submit a report to the office of financial management and the appropriate legislative committees by December 1, 2013, with the outcomes and recommendations.

(15) The director must submit a revised payment methodology to the office of financial management and the fiscal committees of the legislature by October 1, 2013, on the allocation to counties as payments in lieu of real property taxes under RCW 77.12.203 for those counties that elected to receive an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 83.34 RCW as of January 1, 2013. The revised payment methodology shall be designed to provide supplemental payments to the affected counties. The department shall not implement this methodology until it has been approved by the legislature and incorporated into the 2014 supplemental omnibus appropriations act.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2014)	\$42,515,000
General Fund--State Appropriation (FY 2015)	\$45,092,000
General Fund--Federal Appropriation	\$26,963,000
General Fund--Private/Local Appropriation.....	\$2,372,000
Forest Development Account--State Appropriation	\$49,054,000
ORV and Nonhighway Vehicle Account--State Appropriation	\$4,494,000
Surveys and Maps Account--State Appropriation	\$2,170,000
Aquatic Lands Enhancement Account--State Appropriation	\$3,634,000
Snowmobile Account--State Appropriation	\$100,000
Environmental Legacy Stewardship Account--State Appropriation	\$3,948,000
Resources Management Cost Account--State Appropriation	\$111,073,000
Surface Mining Reclamation Account--State Appropriation	\$3,972,000
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation	\$11,759,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation.....	\$843,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation.....	\$34,000
Marine Resources Stewardship Trust Account--State Appropriation	\$3,700,000
State Toxics Control Account--State Appropriation.....	\$80,000
Forest Practices Application Account--State Appropriation.....	\$1,697,000
Air Pollution Control Account--State Appropriation	\$785,000
NOVA Program Account--State Appropriation	\$950,000
Derelict Vessel Removal Account--State Appropriation.....	\$1,770,000
Agricultural College Trust Management Account--State Appropriation	\$2,712,000
TOTAL APPROPRIATION	\$324,717,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,389,000 of the general fund--state appropriation for fiscal year 2014 and \$1,323,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$19,099,000 of the general fund--state appropriation for fiscal year 2014, \$19,099,000 of the general fund--state appropriation for fiscal year 2015, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of

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financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$518,000 of the forest and fish support account--state appropriation is provided solely for outcome-based performance contracts with nongovernmental organizations to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect cost set at or below a rate of eighteen percent.

(5) \$717,000 of the forest and fish support account--state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$440,000 of the state general fund--state appropriation for fiscal year 2014 and \$440,000 of the state general fund--state appropriation for fiscal year 2015 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(7) \$2,382,000 of the resource management cost account--state appropriation is for addressing the growing backlog of expired aquatic leases and new aquatic lease applications. The department shall implement a Lean process to improve the lease review process and further reduce the backlog, and submit a report on its progress in addressing the backlog and implementation of the Lean process to the governor and the appropriate committees of the legislature by October 1, 2013.

(8) \$1,948,000 of the environmental legacy stewardship account--state appropriation is provided solely for the department to pay a portion of the costs to complete remedial investigation work at Whitmarsh landfill and Mill site A and perform final-year maintenance of the Olympic view triangle site in Commencement Bay.

(9) \$265,000 of the resources management cost account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 1764 (geoduck diver licenses). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$425,000 of the derelict vessel removal account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1245 (derelict and abandoned vessels). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(11) \$3,700,000 of the marine resources stewardship trust account--state appropriation is provided solely for implementation of priority marine management planning efforts including mapping activities, ecological assessment, data tools, stakeholder engagement, and all other work identified in Engrossed Senate Bill No. 5603 (marine advisory councils) during the 2013-2015 fiscal biennium.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2014)	\$15,300,000
General Fund--State Appropriation (FY 2015)	\$15,294,000
General Fund--Federal Appropriation	\$23,098,000
General Fund--Private/Local Appropriation.....	\$192,000
Aquatic Lands Enhancement Account--State Appropriation	

.....	\$2,837,000
State Toxics Control Account--State Appropriation.....	\$5,203,000
Water Quality Permit Account--State Appropriation	\$70,000
TOTAL APPROPRIATION	\$61,994,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,308,445 of the general fund--state appropriation for fiscal year 2014 and \$5,302,905 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Pursuant to RCW 43.135.055 and 16.57.220, the department is authorized to institute livestock inspection fees in the 2013-2015 fiscal biennium for calves less than thirty days old.

(3) Pursuant to RCW 43.135.055 and 16.36.150, the department is authorized to establish a fee for the sole purpose of purchasing and operating a database and any other technology or software needed to administer animal disease traceability activities for cattle sold or slaughtered in the state or transported out of the state.

(4) Within the amounts appropriated in this section, the department of agriculture must convene and facilitate a work group with appropriate stakeholders to review fees supporting programs within the department that are also supported with state general fund. In developing strategies to make the program work more self-supporting, the workgroup will consider, at minimum, the length of time since the last fee increase, similar fees that exist in neighboring states, and fee increases that will ensure reasonable competitiveness in the respective industries. The workgroup must submit a report containing recommendations that will make each of the fee supported programs within the department less reliant on state general fund to the office of financial management and legislative fiscal committees by December 1, 2013.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM
Pollution Liability Insurance Program Trust

Account--State Appropriation.....	\$987,000
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NEW SECTION. Sec. 311. FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2014)	\$2,416,000
General Fund--State Appropriation (FY 2015)	\$2,318,000
General Fund--Federal Appropriation	\$11,570,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$1,920,000
State Toxics Control Account--State Appropriation.....	\$676,000
TOTAL APPROPRIATION	\$18,900,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$788,000 of the aquatic lands enhancement account--state appropriation is provided solely for coordinating a study of Puget Sound juvenile steelhead marine survival conducted by the department of fish and wildlife and based on a study plan developed in cooperation with federal, tribal, and nongovernmental entities.

(2) By October 1, 2014, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2015-2017 capital and operating budget requests related to Puget Sound restoration.

(End of part)

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2014)	\$1,103,000
General Fund--State Appropriation (FY 2015)	\$1,341,000

Architects' License Account--State Appropriation.....	\$902,000
Professional Engineers' Account--State Appropriation	\$3,558,000
Real Estate Commission Account--State Appropriation	\$9,929,000
Uniform Commercial Code Account--State Appropriation	\$3,154,000
Real Estate Education Account--State Appropriation	\$276,000
Real Estate Appraiser Commission Account--State Appropriation	\$1,703,000
Business and Professions Account--State Appropriation	\$17,454,000
Funeral and Cemetery Account--State Appropriation.....	\$5,000
Landscape Architects' License Account--State Appropriation.....	\$4,000
Appraisal Management Company Account--State Appropriation	\$4,000
Real Estate Research Account--State Appropriation.....	\$415,000
Wildlife Account--State Appropriation	\$32,000
Geologists' Account--State Appropriation.....	\$52,000
Derelict Vessel Removal Account--State Appropriation.....	\$31,000
TOTAL APPROPRIATION	\$39,963,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$566,000 of the business and professions account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1552 (scrap metal theft reduction). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(2) \$166,000 of the business and professions account--state appropriation in fiscal year 2014 only is provided solely for the implementation of Substitute House Bill No. 1779 (esthetics). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$592,000 of the business and professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1822 (debt collection practices). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(4) \$32,000 of the state wildlife account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5193 (wolf conflict management). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 2014)	\$34,653,000
General Fund--State Appropriation (FY 2015)	\$32,485,000
General Fund--Federal Appropriation	\$16,189,000
General Fund--Private/Local Appropriation.....	\$3,020,000
Death Investigations Account--State Appropriation.....	\$9,956,000
Enhanced 911 Account--State Appropriation.....	\$3,480,000
County Criminal Justice Assistance Account--State Appropriation	\$3,332,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,351,000
Fire Service Trust Account--State Appropriation.....	\$131,000
Disaster Response Account--State Appropriation	\$8,000,000
Fire Service Training Account--State Appropriation	\$9,797,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$54,000
State Toxics Control Account--State Appropriation.....	\$516,000
Fingerprint Identification Account--State Appropriation	\$10,747,000
Vehicle License Fraud Account--State Appropriation	\$447,000
TOTAL APPROPRIATION	\$134,158,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$700,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$3,480,000 of the enhanced 911 account--state appropriation is provided solely for upgrades to the Washington state identification system and the Washington crime information center. Amounts provided in this subsection may not be expended until the office of the chief information officer approves a plan to move the Washington state patrol's servers and data center equipment into the state data center in the 1500 Jefferson building, and the office of the chief information officer certifies that the Washington state patrol has begun the move. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(5) \$154,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Substitute House Bill No. 1612 (firearms offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(End of part)

**PART V
EDUCATION**

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2014)	\$27,264,000
General Fund--State Appropriation (FY 2015)	\$26,041,000
General Fund--Federal Appropriation	\$63,826,000
General Fund--Private/Local Appropriation.....	\$4,005,000
Performance Audits of Government Account--State Appropriation	\$200,000
TOTAL APPROPRIATION	\$121,336,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$16,881,000 of the general fund--state appropriation for fiscal year 2014 and \$16,602,000 of the general fund--state appropriation for fiscal year 2015 is for state agency operations.

(a) \$8,846,000 of the general fund--state appropriation for fiscal year 2014 and \$8,910,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection (1)(a), the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

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(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By September of each year, the office of the superintendent of public instruction shall produce an annual status report of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of staff, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, and proviso outcomes and achievements.

(iv) The superintendent of public instruction shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) The office of the superintendent of public instruction shall review career and technical education and skill center programs' funding enhancement formulas, expenditure accounting systems, and reporting. The office will make recommendations for revising the funding formulas, including the possibility of conversion to a model that enhances basic education rates, potential revisions to accounting systems, and recommendations for improving reporting and transparency. The office shall submit recommendations to the appropriate fiscal committees of the legislature and the office of financial management by October 1, 2013.

(vi) Appropriations in this section are sufficient for the office of the superintendent of public instruction to conduct ongoing consolidated program reviews of alternative learning experience programs and dropout reengagement programs established under chapter 20, Laws of 2010. The office of the superintendent of public instruction shall include alternative learning education and dropout reengagement programs in their ongoing consolidated program reviews, as well as provide outreach and training to school districts regarding implementation of the programs. Findings from the program reviews will be used to support and prioritize office of the superintendent outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(b) \$1,017,000 of the general fund--state appropriation for fiscal year 2014 and \$1,017,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c) \$1,012,000 of the general fund--state appropriation for fiscal year 2014 and \$1,012,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of these amounts, \$161,000 of the general fund--state appropriation for fiscal year 2014 and \$161,000 of the general fund--state appropriation for fiscal year 2015 are provided for implementation of Initiative Measure No. 1240 (charter schools).

(d) \$1,325,000 of the general fund--state appropriation for fiscal year 2014 and \$1,325,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the professional educator standards board for the following:

(i) \$1,050,000 in fiscal year 2014 and \$1,050,000 in fiscal year 2015 are for the operation and expenses of the Washington professional educator standards board;

(ii) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are for mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling to teach conditional loan programs. Funding within this subsection (1)(d)(ii) is also provided for the recruiting Washington teachers program; and

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use.

(e) \$133,000 of the general fund--state appropriation for fiscal year 2014 and \$133,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(g) \$45,000 of the general fund--state appropriation for fiscal year 2014 and \$45,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$131,000 of the general fund--state appropriation for fiscal year 2014 and \$131,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Initiative Measure No. 1240 (charter schools).

(i) \$1,826,000 of the general fund--state appropriation for fiscal year 2014 and \$1,802,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(k) \$1,500,000 of the general fund--state appropriation for fiscal year 2014 and \$1,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 per year in funding for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(l) \$123,000 of the general fund--state appropriation for fiscal year 2014 and \$123,000 of the general fund--state appropriation for

fiscal year 2015 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(m) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(n) \$93,000 of the general fund--state appropriation for fiscal year 2014 and \$93,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for chapter 185, Laws of 2011 (bullying prevention, which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities.

(o) \$138,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of House Bill No. 1336 (troubled youth in school). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(p) \$68,000 of the general fund--state appropriation for fiscal year 2014 and \$14,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1134 (state-tribal education compacts). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(q) \$62,000 of the general fund--state appropriation for fiscal year 2014 and \$62,000 of the general fund--state appropriation for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as co-instructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(r) \$27,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of House Bill No. 1556 (cardiac arrest education).

(s) \$50,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the development of recommendations for funding integrated school nursing and outreach services. The office of the superintendent of public instruction shall collaborate with the health care authority to develop recommendations for increasing federal financial participation for providing nursing services in schools with the goals of integrating nursing and outreach services and supporting one nurse for every four-hundred fifty students in elementary schools and one nurse for every seven-hundred fifty students in secondary schools. The recommendations shall include proposals for funding training and reimbursement for nurses that provide outreach services to help eligible students enroll in apple health for kids and other social services programs. The authority and the office of the superintendent of public instruction shall provide these recommendations to the governor and the legislature by December 1, 2013.

(t) \$50,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the office of the superintendent of

public instruction to contract with an organization to develop a model plan for evaluating the outcomes of state funded pilot education programs, including guidelines for standard data that must be gathered throughout any education pilot program, as well as guidance for data and evaluation methods depending on the design of the program and the target population. The contract must also include a provision to provide guidance for the evaluation of existing pilot programs.

(u) \$10,000 of the general fund--state appropriation for fiscal year 2014 and \$10,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools--recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(v) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(2) \$200,000 of the performance audits of government account--state appropriation is provided solely for a one-time workload increase to address additional audit resolutions and appeals in the alternative learning experience programs.

(3) \$10,277,000 of the general fund--state appropriation for fiscal year 2014 and \$9,565,000 of the general fund--state appropriation for fiscal year 2015 are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2014 and \$2,541,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$135,000 of the general fund--state appropriation for fiscal year 2014 and \$135,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

\$1,221,000 of the general fund--state appropriation for fiscal year 2014 and \$1,221,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$1,875,000 of the general fund--state appropriation for fiscal year 2014 and \$1,875,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington

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college bound scholarship consistent with chapter 405, Laws of 2007.

(iii) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program and the building bridges statewide program.

(iv) \$2,112,000 of the general fund--state appropriation for fiscal year 2014 and \$1,400,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 340, Laws of 2011 and chapter 51, Laws of 2012. This includes the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS).

(v) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to subsidize advanced placement exam fees and international baccalaureate class fees and exam fees for low-income students. To be eligible for the subsidy, a student must be either enrolled or eligible to participate in the federal free or reduced price lunch program, and the student must have maximized the allowable federal contribution. The office of the superintendent of public instruction shall set the subsidy in an amount so that the advanced placement exam fee does not exceed \$15.00 and the combined class and exam fee for the international baccalaureate does not exceed \$14.50.

(vi) \$293,000 of the general fund--state appropriation for fiscal year 2014 and \$293,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the superintendent of public instruction to support the dissemination of the navigation 101 curriculum to all districts.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2014)	\$5,395,289,000
General Fund--State Appropriation (FY 2015)	\$5,581,336,000
Education Legacy Trust Account--State Appropriation	\$328,563,000
TOTAL APPROPRIATION	\$11,305,188,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2013-14 and 2014-15 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2013, to August 31, 2013, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 50, Laws of 2011 1st sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2013-14 and 2014-15 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260, except that the allocation for guidance counselors in a middle school shall be 1.216 and the allocation for guidance counselors in a high school shall be 2.009, which enhancements are within the program of basic education. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:				
Grade	RCW 28A.150.260	2013-14	2014-15	
		School	School	
		Year	Year	
Grades K-3	.....	25.23	25.23	
Grade 4	.....	27.00	27.00	
Grades 5-6	.....	27.00	27.00	
Grades 7-8	.....	28.53	28.53	
Grades 9-12	.....	28.74	28.74	

The superintendent shall base allocations for career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

(A) General education class size in high poverty schools:

Grade		RCW 28A.150.260
		0
Grade 2	.....	24.10
Grade 3	.....	24.10
Grade 4	.....	27.00
Grade s 5-6	.....	27.00
Grade s 7-8	.....	28.53
Grade s 9-12	.....	28.74

(B) For grades K-1, class size of 20.85 is provided for high poverty schools for the 2013-14 school year;

(C) For grades K through 1, the superintendent shall, at a minimum, allocate funding to high-poverty schools for the 2014-15 school year based on an average class size of 24.10 full-time equivalent students per teacher. The superintendent shall provide enhanced funding for class size reduction in grades K through 1 to the extent of, and proportionate to, the school's demonstrated actual average class size up to a class size of 20.30 full-time equivalent students per teacher. The office of the superintendent of public instruction shall develop rules to implement the enhanced funding authorized under (ii)(C) of this subsection and shall distribute draft rules for review no later than December 1, 2013. The office of the superintendent of public instruction shall report the draft rules and proposed methodology to the governor and the appropriate policy and fiscal committees of the legislature by December 1, 2013.

(D) The enhancement in this subsection (2)(c)(ii) is within the program of basic education.

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Laboratory science, advanced placement, and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and (a) of this subsection and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 students:

Career and Technical Education students.....	2.02 per 1000 student FTE's
Skill Center students	2.36 per 1000 student FTE's

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2013-14 and 2014-15 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:		
Elementary School	1.25	
Middle School	1.35	
High School	1.88	
	0	

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students 1.025
Skill Center students..... 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2013-14 and 2014-15 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade, except that the allocation for parent involvement coordinators in an elementary school shall be 0.0825, which enhancement is within the program of basic education.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2013-14 and 2014-15 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 1.71 percent in the 2013-14 school year and 2.00 percent in the 2014-15 school year for career and technical education students, and 21.60 percent in the 2013-14 school year and 15.98 percent in the 2014-15 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 18.68 percent in the 2013-14 school year and 18.68 percent in the 2014-15 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 20.95 percent in the 2013-14 school year and 20.95 percent in the 2014-15 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

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Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2013-14 SCHOOL YEAR	2014-15 SCHOOL YEAR
Technology	\$77.46	\$82.16
Utilities and Insurance	\$210.46	\$223.23
Curriculum and Textbooks	\$83.17	\$88.21
Other Supplies and Library Materials	\$176.56	\$187.27
Instructional Professional Development for Certificated and Classified Staff	\$12.86	\$13.64
Facilities Maintenance	\$104.27	\$110.59
Security and Central Office	\$72.24	\$76.62
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$737.02	\$781.72

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,244.25 for the 2013-14 school year and \$1,262.92 for the 2014-15 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation of \$1,399.30 for the 2013-14 school year and \$1,420.29 for the 2014-15 school year.

(d) Students in laboratory science courses generate per student FTE MSOC allocations which equal the per student FTE rate for general education students established in (a) of this subsection.

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2013-14 and 2014-15 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2013, to August 31, 2013, are adjusted to reflect provisions of chapter 34, Laws of 2011 1st sp. sess. (allocation of funding for funding for students enrolled in alternative learning experiences).

(b) Amounts provided in this section beginning September 1, 2013, are adjusted to reflect modifications to alternative learning experience courses in Engrossed Substitute Senate Bill No. 5946 (student educational outcomes).

(c) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and

multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) VOLUNTARY FULL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary full day kindergarten programs in qualifying high poverty schools, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary full-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides full-day kindergarten programs for 43.75 percent of kindergarten enrollment in the 2013-14 school year and 43.75 percent in the 2014-15 school year, which enhancement is within the program of basic education.

(12) INCREASED INSTRUCTIONAL HOURS FOR GRADES SEVEN THROUGH TWELVE

(a) School districts shall implement the increased instructional hours for the instructional program of basic education required under the provisions of RCW 28A.150.220(2)(a) beginning with the 2014-15 school year, which enhancement is within the program of basic education.

(b) Amounts provided in this section are sufficient to fund increased instructional hours in grades seven through twelve. For the 2014-15 school year, the superintendent shall allocate funding to school districts for increased instructional hours. In calculating the allocations, the superintendent shall assume the following averages: (a) Additional instruction of 2.2222 hours per week per full-time equivalent student in grades seven through twelve in school year 2014-15; (b) the general education average class sizes specified in section 502(2)(c); (c) 36 instructional weeks per year; (d) 900 instructional hours per teacher; and (e) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average

annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (12) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2014 and 2015 as follows:

(a) \$605,000 of the general fund--state appropriation for fiscal year 2014 and \$614,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund--state appropriation for fiscal year 2014 and \$436,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) \$214,000 of the general fund--state appropriation for fiscal year 2014 and \$217,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment. In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education

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program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.280 and under section 502 of this act:

(a) Salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on June 1, 2013 at 08:06 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 1, 2013 at 01:29 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 18.04 percent for school year 2013-14 and 18.04 percent for school year 2014-15 for certificated instructional and certificated administrative staff and 17.45 percent for school year 2013-14 and 17.45 percent for the 2014-15 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2013-14

*** Education Experience ***

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45,860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46,332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46,802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47,276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47,765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48,256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48,723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49,713

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8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51,228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52,788
10			43,635	45,247	48,524	50,913	48,724	52,003	54,390
11				46,772	50,121	52,557	50,249	53,599	56,034
12				48,249	51,761	54,269	51,835	55,238	57,748
13					53,440	56,024	53,476	56,918	59,501
14					55,128	57,844	55,165	58,716	61,322
15					56,563	59,349	56,599	60,242	62,917
16 or more					57,693	60,535	57,731	61,447	64,174

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2014-15

*** Education Experience ***

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45,860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46,332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46,802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47,276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47,765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48,256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48,723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49,713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51,228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52,788
10			43,635	45,247	48,524	50,913	48,724	52,003	54,390
11				46,772	50,121	52,557	50,249	53,599	56,034
12				48,249	51,761	54,269	51,835	55,238	57,748
13					53,440	56,024	53,476	56,918	59,501
14					55,128	57,844	55,165	58,716	61,322
15					56,563	59,349	56,599	60,242	62,917
16 or more					57,693	60,535	57,731	61,447	64,174

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(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at 18.04 percent for the 2013-14 school year and 18.04 percent for the 2014-15 school year for certificated instructional and certificated administrative staff and 17.45 percent for the 2013-14 school year and 17.45 percent for the 2014-15 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes

for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) The maintenance rate for insurance benefit allocations is \$768.00 per month for the 2013-14 and 2014-15 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$768.00 per month for the 2013-14 school year and \$768.00 per month for the 2014-15 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2014)	\$365,120,000
General Fund--State Appropriation (FY 2015)	\$427,408,000
TOTAL APPROPRIATION	\$792,528,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for the transportation of students as provided in RCW 28A.160.192. Funding in this section for school year 2014-15 constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education.

(b) From July 1, 2013 to August 31, 2013, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 50, Laws of 2011 1st sp. sess., as amended.

(3) A maximum of \$892,000 of this fiscal year 2014 appropriation and a maximum of \$892,000 of the fiscal year 2015 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(4) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(5) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(6) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(7) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2014)	\$7,111,000
General Fund--State Appropriation (FY 2015)	\$7,111,000

General Fund--Federal Appropriation	\$473,326,000
TOTAL APPROPRIATION	\$487,548,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund--state appropriation for fiscal year 2014 and \$7,111,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in (a), (b), and (c) of this subsection.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2014)	\$702,149,000
General Fund--State Appropriation (FY 2015)	\$738,043,000
General Fund--Federal Appropriation	\$462,022,000
Education Legacy Trust Account--State Appropriation	\$46,151,000
TOTAL APPROPRIATION	\$1,948,365,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations for increased instructional hours for grades seven through twelve as provided under section 502(12)(b), which enhancement is within the program of basic education.

(b) From July 1, 2013 to August 31, 2013, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 50, Laws of 2011 1st sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$22,263,000 of the general fund--state appropriation for fiscal year 2014, \$34,392,000 of the general fund--state appropriation for fiscal year 2015, and \$29,574,000 of the general fund--federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2013-14 and 2014-15 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$252,000 of the general fund--state appropriation for fiscal year 2014 and \$252,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2014, \$50,000 of the general fund--state appropriation for fiscal year 2015, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education

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ombudsman program within the office of superintendent of public instruction.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2014)	\$8,143,000
General Fund--State Appropriation (FY 2015)	\$8,151,000
TOTAL APPROPRIATION	\$16,294,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2014)	\$311,174,000
General Fund--State Appropriation (FY 2015)	\$335,533,000
TOTAL APPROPRIATION	\$646,707,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 4.914 percent from the 2012-13 school year to the 2013-14 school year and 4.914 percent from the 2013-14 school year to the 2014-15 school year.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2014)	\$15,291,000
General Fund--State Appropriation (FY 2015)	\$15,493,000
TOTAL APPROPRIATION	\$30,784,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$1,070,000 of the general fund--state appropriation for fiscal year 2014 and \$1,070,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 511. FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2014)	\$9,555,000
General Fund--State Appropriation (FY 2015)	\$9,677,000
TOTAL APPROPRIATION	\$19,232,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 50, Laws of 2011 1st sp. sess., as amended.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2014 and \$85,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the centrum program at Fort Worden state park.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS--NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation	\$4,052,000
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NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2014)	\$121,840,000
General Fund--State Appropriation (FY 2015)	\$104,524,000
General Fund--Federal Appropriation	\$206,234,000
General Fund--Private/Local Appropriation.....	\$4,002,000
Education Legacy Trust Account--State Appropriation ..	\$1,599,000
TOTAL APPROPRIATION	\$438,199,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$44,575,000 of the general fund--state appropriation for fiscal year 2014, \$27,134,000 of the general fund--state appropriation for fiscal year 2015, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund--federal appropriation are provided solely for

development and implementation of the Washington state assessment system, including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State funding to districts shall be limited to one collection of evidence payment per student, per content-area assessment.

(b) The superintendent of public instruction shall modify the statewide student assessment system and implement assessments developed with a multistate consortium beginning in the 2014-15 school year to assess student proficiency on the standards adopted under RCW 28A.655.071 and including the provisions of House Bill No. 1450.

(2) \$356,000 of the general fund--state appropriation for fiscal year 2014 and \$356,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$5,851,000 of the general fund--state appropriation for fiscal year 2014 and \$3,935,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4)(a) \$45,263,000 of the general fund--state appropriation for fiscal year 2014 and \$49,673,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,090 per teacher in the 2013-14 and 2014-15 school years;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner. All bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(i) and (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2013-14 and 2014-15 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the

office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(5) \$477,000 of the general fund--state appropriation for fiscal year 2014 and \$477,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund--state appropriation for fiscal year 2014 and \$950,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) \$810,000 of the general fund--state appropriation for fiscal year 2014 and \$810,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$2,000,000 of the general fund--state appropriation for fiscal year 2014 and \$2,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,277,000 of the general fund--state appropriation for fiscal year 2014 and \$1,277,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$300,000 of the 2014 appropriation and \$300,000 of the 2015 appropriation shall be used to support FIRST robotics programs. Of the amounts in this subsection, \$100,000 of the fiscal year 2014 appropriation and \$100,000 of the fiscal year 2015 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2014 and \$125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and

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(b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(11) \$135,000 of the general fund--state appropriation for fiscal year 2014 and \$135,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2014, a high school must have offered a foundational project lead the way course during the 2012-13 school year. The 2014 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2013-14 school year. To be eligible for funding in 2015, a high school must have offered a foundational project lead the way course during the 2013-14 school year. The 2015 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2014-15 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for annual start-up grants for aerospace and manufacturing technical programs housed at four skill centers. The grants are provided for start-up equipment and curriculum purchases. To be eligible for funding, the skill center must agree to provide regional high schools with access to a technology laboratory, expand manufacturing certificate and course offerings at the skill center, and provide a laboratory space for local high school teachers to engage in professional development in the instruction of courses leading to student employment certification in the aerospace and manufacturing industries. Once a skill center receives a start-up grant, it is ineligible for additional start-up funding in the following school year. The office of the superintendent of public instruction shall administer the grants in consultation with the center for excellence for aerospace and advanced materials manufacturing.

(15) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$150,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for annual start-up grants to six high schools to implement the aerospace assembler program. Participating high schools must agree to offer the aerospace assembler training program to students by spring semester of school year 2013-14. Once a high school receives a start-up grant, it is ineligible for additional start-up funding in the following school year. The office of the superintendent of public instruction and the

education research and data center at the office of financial management shall track student participation and long-term outcome data.

(16) \$10,000,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the provision of training for teachers in the performance-based teacher principal evaluation program. Of the amounts appropriated in this subsection, \$5,000,000 for fiscal year 2014 is a one-time appropriation.

(17) \$3,600,000 of the general fund--state appropriation for fiscal year 2014 and \$6,681,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5329 (persistently failing schools). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(19) \$109,000 of the general fund--state appropriation for fiscal year 2014 and \$99,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the superintendent of public instruction to implement a youth dropout prevention program that incorporates partnerships between community-based organizations, schools, food banks and farms or gardens. The office of the superintendent of public instruction shall select one school district that must partner with an organization that is operating an existing similar program and that also has the ability to serve at least 40 students. Of the amount appropriated in this subsection, up to \$10,000 may be used by the office of the superintendent of public instruction for administration of the program.

(20) \$2,399,000 of the general fund--state appropriation for fiscal year 2014 and \$2,035,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement Engrossed Substitute Senate Bill No. 5946 (strengthening student educational outcomes). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(21) \$1,110,000 of the general fund--state appropriation for fiscal year 2014 and \$1,061,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for chapter 184, Laws of 2013 (Second Substitute House Bill No. 1642) (academic acceleration). Of the amount appropriated in this section, forty-nine thousand is provided as one-time funding.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2014)	\$95,500,000
General Fund--State Appropriation (FY 2015)	\$106,120,000
General Fund--Federal Appropriation	\$71,016,000
TOTAL APPROPRIATION	\$272,636,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per

week per transitional bilingual program student in grades kindergarten through twelve in school years 2013-14 and 2014-15; (ii) additional instruction of 3.0000 hours per week in school year 2013-14 for the head count number of students who have exited the transitional bilingual instruction program within the previous school year based on their performance on the English proficiency assessment; (iii) additional instruction of 3.0000 hours per week in school year 2014-15 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iv) fifteen transitional bilingual program students per teacher; (v) 36 instructional weeks per year; (vi) 900 instructional hours per teacher; and (vii) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 50, Laws of 2011 1st sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.76 percent for school year 2013-14 and 1.59 percent for school year 2014-15.

(4) The general fund--federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund--state appropriation for fiscal year 2014 and \$35,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to track current and former transitional bilingual program students.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2014)	\$196,356,000
General Fund--State Appropriation (FY 2015)	\$218,335,000
General Fund--Federal Appropriation	\$448,434,000
TOTAL APPROPRIATION	\$863,125,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2013-14 school year and the 2014-15 school year; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 50, Laws of 2011 1st sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent

enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(End of part)

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

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(4)(a) For institutions receiving appropriations in section 605 of this act, the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention, except as provided in section 604(4) of this act. In fiscal year 2014 and fiscal year 2015, the state board for community and technical colleges may use salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention; and

(ii) Institutions may provide salary increases from other sources to instructional and research faculty at the universities and The Evergreen State College, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. Any salary increase granted under the authority of this subsection (4)(c)(ii) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (4)(c)(ii).

NEW SECTION. Sec. 602. (1) Within the amounts appropriated in this act, each institution of higher education is expected to enroll and educate at least the following numbers of full-time equivalent state-supported students per academic year:

	2013-14 Annual Average	2014-15 Annual Average
University of Washington	37,162	37,162
Washington State University	22,228	22,228
Central Washington University	9,105	9,105
Eastern Washington University	8,734	8,734
The Evergreen State College	4,335	4,335
Western Washington University	12,710	12,710
State Board for Community & Technical Colleges		
Adult Students	139,237	139,237
Running Start Students	11,558	11,558

(2) In achieving or exceeding these enrollment targets, each institution shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at branch campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(3) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments budgeted for each of their campuses.

NEW SECTION. Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS

(1) In order to operate within the state funds appropriated in this act, the governing boards of the state research universities, the state regional universities, and The Evergreen State College are authorized to adopt and adjust tuition and fees for the 2013-14 and 2014-15 academic years as provided in this section.

(2) For the purposes of chapter 28B.15 RCW, the omnibus appropriations act assumes no increase of tuition levels for resident undergraduate students over the amounts charged to resident undergraduate students for the prior year.

(3) Appropriations in sections 606 through 611 of this act are sufficient to maintain resident undergraduate tuition levels at the levels charged to resident undergraduate students during the 2012-13 academic year. As a result, for the 2013-14 academic year, the institutions of higher education shall not adopt resident undergraduate tuition levels that are greater than the tuition levels assumed in subsection (2) of this section. For the 2014-15 academic year, the institutions of higher education are authorized to adopt tuition levels for resident undergraduate students that are less than, equal to, or greater than tuition levels assumed in the omnibus appropriations act in subsection (2) of this section. However, to the extent that tuition levels exceed the tuition levels assumed in subsection (2) of this section, the institution of higher education shall be subject to the conditions and limitations provided in RCW 28B.15.102.

(4) Each governing board is authorized to increase tuition charges to graduate and professional students, and to nonresident undergraduate students, by amounts judged reasonable and necessary by the governing board.

(5) Each governing board is authorized to increase summer quarter or semester tuition fees for resident and nonresident undergraduate, graduate, and professional students pursuant to RCW 28B.15.067.

(6) Each governing board is authorized to adopt or increase charges for fee-based, self-sustaining degree programs, credit courses, noncredit workshops and courses, and special contract courses by amounts judged reasonable and necessary by the governing board.

(7) Each governing board is authorized to adopt or increase services and activities fees for all categories of students as provided in RCW 28B.15.069.

(8) Each governing board is authorized to adopt or increase technology fees as provided in RCW 28B.15.069.

(9) Each governing board is authorized to adopt or increase special course and lab fees, and health and counseling fees, to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(10) Each governing board is authorized to adopt or increase administrative fees such as, but not limited to, those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the governing board.

(11) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by running start students if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(12) Appropriations in sections 606 through 611 of this act are sufficient to implement 2013-2015 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW. The institutions may also use these funds for any other purpose including restoring prior compensation reductions, increasing compensation, and implementing other collective bargaining agreements.

NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

(1) In order to operate within the state funds appropriated in this act, the state board is authorized to adopt and adjust tuition and fees for the 2013-14 and 2014-15 academic years as provided in this section.

(2) For the purposes of chapter 28B.15 RCW, appropriations in the omnibus appropriations act assumes no increase in tuition levels for resident undergraduate students over the amounts charged to resident undergraduate students for the prior year. For the 2014-15 academic year, the state board is authorized to adopt tuition levels for resident undergraduate students that are less than, equal to, or greater than tuition levels assumed in the omnibus appropriations act in this subsection. However, to the extent that tuition levels exceed the tuition levels assumed in this subsection, the state board shall retain an additional one percent of operating fees above what is already retained pursuant to RCW 28B.15.031 for the purposes of RCW 28B.15.820. For the 2013-2015 fiscal biennium, when expending this additional retained amount, the community and technical colleges are subject to the conditions and limitations in RCW 28B.15.102.

(3) For the 2013-14 and 2014-15 academic years, the state board may increase tuition fees charged to resident undergraduates enrolled in upper division applied baccalaureate programs as specified in subsection (2) of this section.

(4) Appropriations in section 605 include the restoration of the three percent reduction in compensation costs taken in the 2011-2013 fiscal biennium. This funding is sufficient to implement 2013-2015 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW. The colleges may also use the restored funds for any other purpose including restoring prior compensation reductions, increasing compensation, and implementing other collective bargaining agreements.

(5) The state board may increase the tuition fees charged to nonresident students by amounts judged reasonable and necessary by the board.

(6) The trustees of the technical colleges are authorized to either (a) increase operating fees by no more than the percentage increases authorized for community colleges by the state board; or (b) fully adopt the tuition fee charge schedule adopted by the state board for community colleges.

(7) For academic years 2013-14 and 2014-15, the trustees of the technical colleges are authorized to increase building fees by an amount judged reasonable in order to progress toward parity with the building fees charged students attending the community colleges.

(8) The state board is authorized to increase the maximum allowable services and activities fees as provided in RCW 28B.15.069. The trustees of the community and technical colleges are authorized to increase services and activities fees up to the maximum level authorized by the state board.

(9) The trustees of the community and technical colleges are authorized to adopt or increase charges for fee-based, self-sustaining programs such as summer session, international student contracts, and special contract courses by amounts judged reasonable and necessary by the trustees.

(10) The trustees of the community and technical colleges are authorized to adopt or increase special course and lab fees to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(11) The trustees of the community and technical colleges are authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the trustees.

NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2014)\$570,262,000
General Fund--State Appropriation (FY 2015)\$568,999,000
Community/Technical College Capital Projects

Account--State Appropriation.....\$17,548,000
Education Legacy Trust Account--State

Appropriation\$95,373,000
TOTAL APPROPRIATION\$1,252,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund--state appropriation for fiscal year 2014 and \$33,261,000 of the general fund--state appropriation for fiscal year 2015 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2014 and at least 7,170 full-time equivalent students in fiscal year 2015.

(2) \$5,450,000 of the education legacy trust account--state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(4) \$181,000 of the general fund--state appropriation for fiscal year 2014 and \$181,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the opportunity center for employment and education internet technology integration project at north Seattle community college.

(5) \$255,000 of the general fund--state appropriation for fiscal year 2014 and \$255,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of a maritime industries training program at south Seattle community college.

(6) \$5,250,000 of the general fund--state appropriation for fiscal year 2014 and \$5,250,000 of the general fund--state appropriation

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for fiscal year 2015 are provided solely for the student achievement initiative.

(7) \$500,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Substitute Senate Bill No. 5624 (STEM or career and tech ed). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(8) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(9) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2014)	\$246,897,000
General Fund--State Appropriation (FY 2015)	\$245,200,000
Geoduck Aquaculture Research Account--State	
Appropriation	\$300,000
Education Legacy Trust Account--State Appropriation	\$13,998,000
Economic Development Strategic Reserve Account--	
State Appropriation	\$3,000,000
Biotoxin Account--State Appropriation.....	\$390,000
Accident Account--State Appropriation	\$6,741,000
Medical Aid Account--State Appropriation	\$6,546,000
Aquatic Land Enhancement Account--State Appropriation.....	
.....	\$700,000
State Toxics Control Account--State Appropriation.....	\$1,120,000
TOTAL APPROPRIATION	\$524,892,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the geoduck aquaculture research account--state appropriation is provided solely for the University of Washington sea grant program to commission scientific research studies that examine possible negative and positive effects, including the cumulative effects and the economic contribution, of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. The research conducted for the studies is not intended to be a basis for an increase in the number of shellfish harvesting permits available and should be coordinated with any research efforts related to ocean acidification. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the appropriate legislative committees by December 1st of each year.

(2) \$52,000 of the general fund--state appropriation for fiscal year 2014 and \$52,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the center for international trade in forest products in the college of forest resources.

(3) \$4,459,000 of the general fund--state appropriation for fiscal year 2014 and \$4,459,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science

and engineering programs above the 2012-2013 academic year baseline.

(4) \$3,000,000 of the general fund--state appropriation for fiscal year 2014 and \$3,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for creation of a clean energy institute. The institute shall integrate physical sciences and engineering with a research focus on energy storage and solar energy.

(5) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(6) Within existing resources the University of Washington may: (a) Form and implement an integrated innovation institute and research, planning, and outreach initiatives at the Olympic national resources center; and (b) accredit a four-year undergraduate forestry program from the society of American foresters. Accreditation may occur in conjunction with reaccreditation of the master of forest resources program.

(7) \$700,000 of the aquatic lands enhancement account--state appropriation and \$1,120,000 of the state toxics control account--state appropriation are provided solely for the center on ocean acidification and related work necessary to implement the recommendations of the governor's blue ribbon task force on ocean acidification. The university shall provide staffing for this purpose.

(8) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$156,616,000
General Fund--State Appropriation (FY 2015)	\$157,701,000
Education Legacy Trust Account--State Appropriation	
.....	\$33,995,000
TOTAL APPROPRIATION	\$348,312,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within existing resources, Washington State University shall establish an accredited forestry program.

(2) \$2,856,000 of the general fund--state appropriation for fiscal year 2014 and \$2,857,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2012-2013 academic year baseline.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Ruckelshaus center to collaborate with local governments, the media, and representatives of the public regarding public record requests made to local government. The center shall facilitate meetings and discussions and report to the appropriate committees of the legislature. The report shall include information on:

(a) Recommendations related to balancing open public records with concerns of local governments related to interfering with the work of the local government;

(b) Resources necessary to accommodate requests;

(c) Potential harassment of government employees;

- (d) Potential safety concerns of people named in the record;
- (e) Potentially assisting criminal activity; and
- (f) Other issues brought forward by the participants.

The center shall report to the appropriate committees of the legislature by December 15, 2013.

(4) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington State University agricultural research center to conduct public outreach and education related to nonlethal methods of mitigating conflicts between livestock and large wild carnivores. Of the amounts provided in this subsection, \$200,000 of the general fund--state appropriation for fiscal year 2014 and \$200,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the center to conduct a detailed analysis of such methods. The amounts appropriated in this subsection may not be subject to an administrative fee or charge, and must be used for costs directly associated with the research and analysis.

(5) \$2,400,000 of the general fund--state appropriation for fiscal year 2014 and \$3,600,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expansion of medical education and biomedical research in Spokane.

(6) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$31,674,000
General Fund--State Appropriation (FY 2015)	\$31,619,000
Education Legacy Trust Account--State Appropriation	
.....	\$15,470,000
TOTAL APPROPRIATION	\$78,763,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund--state appropriation for fiscal year 2014 and at least \$200,000 of the general fund--state appropriation for fiscal year 2015 shall be expended on the Northwest autism center.

(2) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)	\$29,719,000
General Fund--State Appropriation (FY 2015)	\$29,533,000
Education Legacy Trust Account--State Appropriation	
.....	\$19,076,000
TOTAL APPROPRIATION	\$78,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the college of education to conduct a study identifying the duties encompassed in a state-funded teacher's typical work day. The study must include an estimate of the percent of a teacher's typical day that is spent on teaching related duties and the percentage of the teacher's day that is spent on duties that are not directly related to teaching. The university shall submit a report to the appropriate committees of the legislature by December 1, 2013.

(2) Amounts appropriated in this section are sufficient for the university to develop a plan to create an online degree granting entity that awards degrees based on an alternative credit model. The university shall submit a final plan by December 1, 2013, to the higher education committees of the legislature.

(3) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2014)	\$18,563,000
General Fund--State Appropriation (FY 2015)	\$17,911,000
Education Legacy Trust Account--State Appropriation ..	\$5,450,000
TOTAL APPROPRIATION	\$41,924,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$77,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for Washington state institute for public policy to examine cases with extraordinary costs within the foster care system managed by the children's administration of the department of social and health services. This audit will examine the highest cost foster children to determine if the child's care could be provided in a more cost-effective manner and whether the cost for these placements is consistent across similarly acute children.

(2) \$85,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Washington state institute for public policy to conduct an empirical study of the validity and reliability of the safety assessment tool currently used in child welfare cases by the children's administration of the department of social and health services. In conducting this study, the institute must identify: (a) Whether other empirically based child welfare safety assessment tools exist and, if so, compare those tools to the tool used by the children's administration; (b) whether other factors or combination of factors not included in the current safety assessment tool should be included to help predict real outcomes; and (c) where possible, whether there is unnecessary duplication in the application of the family assessment tool used by the department. A report on the study is due to the appropriate policy committees of the legislature by December 15, 2013.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to conduct a comprehensive retrospective outcome evaluation and return on investment analysis of the early learning childhood program pursuant to Senate Bill No. 5904 (high quality early learning). This evaluation is due December 15, 2014. If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to develop a risk assessment instrument for patients committed for involuntary treatment in Washington state.

(5) \$58,000 of the general fund--state appropriation for fiscal year 2014 and \$27,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to prepare an inventory of evidence-based and research-based effective practices, activities, and programs for use by school districts in the learning assistance program pursuant to Engrossed Second Substitute Senate Bill No. 5946 (student educational outcomes). The initial inventory is due by August 1, 2014, and shall be updated every two years thereafter. If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2014 are provided solely for the Washington state institute for public policy to provide expertise to the department of corrections on the implementation of programming that follows the risk needs responsivity model. In consultation with the department of

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corrections, the institute will systematically review selected programs for outcome measures.

(7) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(8) \$166,000 of the general fund--state appropriation for fiscal year 2014 and \$84,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to provide primary staff support for a K-12 funding task force established in this subsection.

(a) The task force shall be composed of the following members:

(i) Two members from each of the largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(ii) Two members from each of the largest caucuses of the senate, appointed by the president of the senate;

(iii) The superintendent of public instruction or designee; and

(iv) Three members appointed by the governor.

(b) The task force shall be chaired or cochaired by legislative members selected by members of the task force.

(c) The purpose of the task force is to examine options and make recommendations to the legislature on the following topics:

(i) Revised salary allocation methodologies and models for administrative, classified, and certificated instructional staff in public schools. The salary allocation model for certificated instructional staff must address regional salary differentials;

(ii) Policies and funding to support career and technical education, including:

(A) A revised funding allocation methodology for career and technical education for middle schools, comprehensive high schools, and skill centers through the prototypical school funding formula;

(B) Recommended capital facilities policies related to the siting of skill center campuses, including skill centers colocated on comprehensive high school and higher education campuses; and

(C) The feasibility of establishing technical high schools as an alternative delivery model for integrated secondary career and academic education; and

(iii) The appropriate use of state and local property taxes to support the financing of public schools, modifications to property tax growth limitations, and strategies for improving the stability and transparency of such use.

(d) The task force shall submit an interim report to the education and fiscal committees of the legislature by December 1, 2013, and a final report by December 1, 2014.

(e) Additional staff support for the task force shall be provided as needed by the house office of program research, the senate committee services, and the office of financial management.

(9) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2013-2015 work plan as necessary to efficiently manage workload.

(10) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)\$44,542,000

General Fund--State Appropriation (FY 2015)\$44,377,000

Education Legacy Trust Account--State

Appropriation\$13,050,000

TOTAL APPROPRIATION\$101,969,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,497,000 of the general fund--state appropriation for fiscal year 2014 and \$1,498,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2012-2013 academic year baseline.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

NEW SECTION. Sec. 612. FOR THE STUDENT ACHIEVEMENT COUNCIL--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2014)\$5,307,000

General Fund--State Appropriation (FY 2015)\$5,318,000

General Fund--Federal Appropriation\$4,817,000

TOTAL APPROPRIATION\$15,442,000

The appropriations in this section are subject to the following conditions and limitations: The student achievement council is authorized to increase or establish fees for initial degree authorization, degree authorization renewal, degree authorization reapplication, new program applications, and new site applications pursuant to RCW 28B.85.060.

NEW SECTION. Sec. 613. FOR THE STUDENT ACHIEVEMENT COUNCIL--OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund--State Appropriation (FY 2014)\$245,122,000

General Fund--State Appropriation (FY 2015)\$244,674,000

General Fund--Federal Appropriation\$11,648,000

General Fund--Private/Local Appropriation.....\$34,000

Education Legacy Trust Account--State Appropriation.....

.....\$36,036,000

Washington Opportunity Pathways Account--State

Appropriation\$147,000,000

TOTAL APPROPRIATION\$684,514,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$237,454,000 of the general fund--state appropriation for fiscal year 2014, \$237,455,000 of the general fund--state appropriation, and \$147,000,000 of the Washington opportunity pathways account--state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs including up to four percent administrative allowance for the state work study program.

(2) Changes made to the state need grant program in the 2011-2013 fiscal biennium are continued in the 2013-2015 fiscal biennium including aligning increases in awards given to private institutions with the annual tuition increases for public research institutions or the private institution's average annual tuition increase experience of 3.5 percent per year, whichever is less, and reducing the awards for students who first enrolled as a new student in for-profit institutions as of the 2011-2012 academic year or thereafter by fifty percent, except that one-half of the fifty percent reduction shall be restored on July 1, 2013, for students attending regionally accredited for-profit institutions.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the

2013-2015 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program if the students have applied by the institution's priority financial aid deadline and have completed their financial aid file in a timely manner. These eligible college bound students whose family incomes are in the 0-65 median family income ranges shall be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students.

(6) \$36,036,000 of the education legacy trust account--state appropriation is provided solely for the college bound scholarship program. This amount assumes that college bound scholarship recipients will receive priority for state need grant awards in fiscal year 2014 and fiscal year 2015. If this policy of prioritization is not fully achieved, it is the intent of this legislation to provide supplemental appropriations in the 2014 supplemental operating budget.

(7) \$2,236,000 of the general fund--state appropriation for fiscal year 2014 and \$2,236,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2014 and 2015 for this purpose.

(8) In developing the skilled and educated workforce report pursuant to RCW 28B.77.080(3), the council shall use the bureau of labor statistics analysis of the education and training requirements of occupations, in addition to any other method the council may choose to use, to assess the number and type of higher education and training credentials required to match employer demand for a skilled and educated workforce.

NEW SECTION. Sec. 614. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2014)	\$1,582,000
General Fund--State Appropriation (FY 2015)	\$1,478,000
General Fund--Federal Appropriation	\$54,260,000
TOTAL APPROPRIATION	\$57,320,000

The appropriations in this section are subject to the following conditions and limitations: For the 2013-2015 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

NEW SECTION. Sec. 615. FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2014)	\$34,253,000
General Fund--State Appropriation (FY 2015)	\$48,689,000
General Fund--Federal Appropriation	\$293,652,000
Opportunity Pathways Account--State Appropriation...	\$80,000,000
Home Visiting Services Account--State Appropriation ..	\$2,868,000
Home Visiting Services Account--Federal Appropriation	\$22,756,000
Children's Trust Account--State Appropriation	\$180,000
TOTAL APPROPRIATION	\$482,398,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$20,229,000 of the general fund--state appropriation for fiscal year 2014, \$36,474,000 of the general fund--state appropriation for fiscal year 2015, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education assistance program services. Of these amounts, \$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) \$638,000 of the general fund--state appropriation for fiscal year 2014, and \$638,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for child care resource and referral network services.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2014 and \$200,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(4) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(5) \$1,434,000 of the general fund--state appropriation for fiscal year 2014, \$1,434,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds.

(6)(a) \$153,717,000 of the general fund--federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

(7) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(8) \$1,025,000 of the general fund--state appropriation for fiscal year 2014, \$1,025,000 of the general fund--state appropriation for fiscal year 2015, and \$13,424,000 of the general fund--federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the

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seasonal child care program must be proportional to other federal reductions made within the department.

(9) \$3,572,000 of the general fund--state appropriation for fiscal year 2014, \$2,522,000 of the general fund--state appropriation for fiscal year 2015, and \$4,304,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program.

(a) Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

(b) Of the amounts provided in this subsection, \$1,050,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to continue providing services in the event of losing federal funding for the MTCC program. To the extent that the moneys provided in this subsection (9)(b) are not necessary for this purpose, the amounts provided shall lapse.

(10) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$150,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$721,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the department to complete development work of the electronic benefits transfer system.

(12) \$793,000 of the general fund--state appropriation for fiscal year 2014 and \$796,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of an electronic benefits transfer system. To the maximum extent possible, the department shall work to integrate this system with the department of social and health services payment system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(13) \$32,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Substitute Senate Bill No. 5595 (child care reform). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) The ECEAP early learning professionals must enter qualifications into the department's professional development registry during the 2013-14 school year. By October 2015, the department must provide ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide a report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2013 for the school year ending in 2012 and again in March 2014 for the school year ending in 2013.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

NEW SECTION. Sec. 616. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2014)	\$6,032,000
General Fund--State Appropriation (FY 2015)	\$5,805,000
General Fund--Private/Local Appropriation.....	\$15,000
TOTAL APPROPRIATION	\$11,852,000

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund--State Appropriation (FY 2014)	\$8,615,000
General Fund--State Appropriation (FY 2015)	\$8,591,000
TOTAL APPROPRIATION	\$17,206,000

NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2014)	\$1,125,000
General Fund--State Appropriation (FY 2015)	\$1,101,000
General Fund--Federal Appropriation	\$2,074,000
General Fund--Private/Local Appropriation.....	\$12,000
TOTAL APPROPRIATION	\$4,312,000

NEW SECTION. Sec. 619. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2014)	\$2,123,000
General Fund--State Appropriation (FY 2015)	\$2,150,000
TOTAL APPROPRIATION	\$4,273,000

NEW SECTION. Sec. 620. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2014)	\$1,600,000
General Fund--State Appropriation (FY 2015)	\$1,530,000
TOTAL APPROPRIATION	\$3,130,000

(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2014)	\$741,362,000
General Fund--State Appropriation (FY 2015)	\$1,060,322,000
State Building Construction Account--State Appropriation	\$4,297,000
Columbia River Basin Water Supply Development Account--State Appropriation.....	\$269,000
State Taxable Building Construction Account--State Appropriation	\$211,000
Debt-Limit Reimbursable Bond Retire Account--State Appropriation	\$2,320,000
TOTAL APPROPRIATION	\$1,808,781,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2014 shall be expended into the debt-limit general fund bond retirement account by June 30, 2014.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

Accident Account--State Appropriation\$4,138,000
 Medical Aid Account--State Appropriation\$4,138,000
 TOTAL APPROPRIATION\$8,276,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2014)\$25,636,000
 General Fund--State Appropriation (FY 2015)\$16,102,000
 Nondebt-Limit Reimbursable Bond Retirement Account--State
 Appropriation\$140,215,000
 TOTAL APPROPRIATION\$181,953,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2014 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2014.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2014)\$1,726,000
 General Fund--State Appropriation (FY 2015)\$1,726,000
 State Building Construction Account--State Appropriation
\$867,000
 Columbia River Basin Water Supply Development
 Account--State Appropriation.....\$57,000
 State Taxable Building Construction Account--State
 Appropriation\$45,000
 TOTAL APPROPRIATION\$4,421,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

General Fund--State Appropriation (FY 2014)\$4,000,000
 General Fund--State Appropriation (FY 2015)\$4,000,000
 TOTAL APPROPRIATION\$8,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account to be used for any Washington state fire service resource mobilization costs incurred by the Washington state patrol in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT

General Fund--State Appropriation (FY 2014)\$5,100,000
 General Fund--State Appropriation (FY 2015)\$2,500,000
 TOTAL APPROPRIATION\$7,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for emergency fire suppression by the department of natural resources and to complete projects necessary to recover from previously declared disasters.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund--State Appropriation (FY 2014)\$850,000
 General Fund--State Appropriation (FY 2015)\$850,000
 TOTAL APPROPRIATION\$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2014)\$8,000,000
 General Fund--State Appropriation (FY 2015)\$8,000,000
 TOTAL APPROPRIATION\$16,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--O'BRIEN BUILDING IMPROVEMENT

General Fund--State Appropriation (FY 2014)\$2,948,000
 General Fund--State Appropriation (FY 2015)\$2,942,000
 TOTAL APPROPRIATION\$5,890,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

NEW SECTION. Sec. 710. FOR THE STATE TREASURER--COUNTY PUBLIC HEALTH ASSISTANCE

General Fund--State Appropriation (FY 2014)\$36,386,000
 General Fund--State Appropriation (FY 2015)\$36,386,000
 TOTAL APPROPRIATION\$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2014	FY 2015	2013-15 Biennium
Adams County Health District	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
Clark County Health District	\$1,767,341	\$1,767,341	\$3,534,682
Skamania County Health Department	\$111,327	\$111,327	\$222,654
Columbia County Health District	\$119,991	\$119,991	\$239,982

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Cowlitz County Health Department	\$477,981	\$477,981	\$955,962
Garfield County Health District	\$93,154	\$93,154	\$186,308
Grant County Health District	\$297,761	\$297,762	\$595,523
Grays Harbor Health Department	\$335,666	\$335,666	\$671,332
Island County Health Department	\$255,224	\$225,224	\$510,448
Jefferson County Health and Human Services	\$184,080	\$184,080	\$368,160
Seattle-King County Department of Public Health	\$10,558,59	\$10,558,59	\$21,117,19
Bremerton-Kitsap County Health District	\$997,476	\$997,476	\$1,994,952
Kittitas County Health Department	\$198,979	\$198,979	\$397,958
Klickitat County Health Department	\$153,784	\$153,784	\$307,568
Lewis County Health Department	\$263,134	\$263,134	\$526,268
Lincoln County Health Department	\$113,917	\$113,917	\$227,834
Mason County Department of Health Services	\$227,448	\$227,448	\$454,896
Okanogan County Health District	\$169,882	\$169,882	\$339,764
Pacific County Health Department	\$169,075	\$169,075	\$338,150
Tacoma-Pierce County Health Department	\$4,143,169	\$4,143,169	\$8,286,338
San Juan County Health and Community Services	\$2,253,493	\$2,253,493	\$4,506,986
Skagit County Health Department	\$449,745	\$449,745	\$899,490
Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582
Spokane County Health District	\$2,877,318	\$2,877,318	\$5,574,636
Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606
Thurston County Health Department	\$1,046,897	\$1,046,897	\$2,093,794
Wahkiakum County Health Department	\$93,181	\$9,180	\$186,361
Walla Walla County-City Health Department	\$302,173	\$302,173	\$604,346
Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
Whitman County Health Department	\$189,355	\$189,355	\$378,710
Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
TOTAL APPROPRIATIONS	\$36,386,00	\$36,386,00	\$72,772,00
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NEW SECTION. Sec. 711. BELATED CLAIMS

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund--State Appropriation (FY 2014)	.....\$58,700,000
General Fund--State Appropriation (FY 2015)	.....\$61,600,000
TOTAL APPROPRIATION	.....\$120,300,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2014)	.....\$10,600,000
General Fund--State Appropriation (FY 2015)	.....\$10,600,000
TOTAL APPROPRIATION	.....\$21,200,000

NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--STATE EFFICIENCY AND RESTRUCTURING REPAYMENT

General Fund--State Appropriation (FY 2014)	.....\$4,981,000
General Fund--State Appropriation (FY 2015)	.....\$4,981,000
TOTAL APPROPRIATION	.....\$9,962,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the cleanup settlement account on July 1, 2013, and July 1, 2014, as repayment of moneys that were transferred to the state efficiency and restructuring account.

NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--LEAN MANAGEMENT STRATEGIES EFFICIENCY SAVINGS

General Fund--State Appropriation (FY 2015)(\$30,000,000)
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The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature is committed to promoting a state government culture that makes sustained improvement a habitual behavior from front-line staff to agency leadership.

(2) The office of financial management must develop a strategic lean management action plan to drive efficiencies in state spending and to increase productivity of state employees while improving and increasing state services for taxpayers. The action plan must determine the specific agencies and programs that would benefit most from application of the action plan, and the plan must target resources accordingly.

(3) The office of financial management must integrate lean principles into all performance management efforts.

(4) The office of financial management and the office of the chief information officer must integrate lean principles into all major information technology initiatives.

(5) The office of financial management must develop and implement a lean practitioner fellowship program to train state agency staff. Agency staff participating in the fellowship will be

assigned to work on statewide efforts that streamline and improve processes across agencies.

(6) Agencies must report to the office of financial management at least twice per fiscal year process improvements and efficiencies gained through tools such as the lean strategy. The office of financial management must compile and transmit these reports to the appropriate fiscal committees of the legislature at least every six months, beginning January 1, 2014.

(7) The office of financial management must report to the legislature by December 2014 on the viability of the lean/performance management program becoming a self-funding program.

(8) The office of financial management must reduce allotments for affected state agencies by \$30,000,000 from the state general fund for fiscal year 2015 in this act to reflect fiscal year 2015 savings resulting from application of the lean management and performance management strategies required by this section.

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT--INFORMATION TECHNOLOGY EXPENDITURES

General Fund--State Appropriation (FY 2014) (\$2,500,000)
 General Fund--State Appropriation (FY 2015) (\$2,500,000)
 TOTAL APPROPRIATION (\$5,000,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of the chief information officer and the office of financial management shall work to drive efficiency in state procurement, maintenance, and operations of information technology.

(2) Agencies must report to the office of the chief information officer and the office of financial management at least annually on efficiencies gained through these efforts. The office of financial management must compile and transmit these reports to the appropriate fiscal committees of the legislature at least every year, beginning January 1, 2014.

(3) The office of financial management shall reduce allotments for all affected state agencies by \$2,500,000 from fiscal year 2014 general fund--state appropriations and \$2,500,000 from fiscal year 2015 general fund--state appropriations in this act to reflect savings resulting from efficiencies in information technology expenditures statewide.

NEW SECTION. Sec. 716. FOR THE OFFICE OF THE INSURANCE COMMISSIONER--HEALTH BENEFIT EXCHANGE ACCOUNT

General Fund--State Appropriation (FY 2014)\$676,000

The appropriations in this section are subject to the following conditions and limitations: The amounts in this section are provided solely for expenditure into the health benefit exchange account--state and are provided as a loan to be repaid with amounts from the health benefit exchange account--state by July 30, 2015.

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMMUNICATION SERVICES REFORM

General Fund--State Appropriation (FY 2014)\$47,000
 General Fund--State Appropriation (FY 2015)\$4,953,000
 TOTAL APPROPRIATION\$5,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the universal communications services fund to implement Substitute House Bill No. 1971 (communications services). If the bill is not enacted by June 30, 2013, the appropriations provided in this section shall lapse.

NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--AGENCY EFFICIENCIES

General Fund--State Appropriation (FY 2014) (\$2,500,000)
 General Fund--State Appropriation (FY 2015) (\$2,500,000)

TOTAL APPROPRIATION (\$5,000,000)

The appropriations in this section are subject to the following conditions and limitations: The office of financial management shall reduce allotments for all agencies by \$2,500,000 from fiscal year 2014 general fund--state appropriations and \$2,500,000 from fiscal year 2015 general fund--state appropriations in this act to reflect (1) available fund balances in dedicated revolving funds used for central services to state agencies and (2) more efficient delivery of consolidated central services to state agencies.

NEW SECTION. Sec. 719. FOR THE LEGISLATIVE TASK FORCE ON CAREER EDUCATION OPPORTUNITIES

(1) The legislature finds that for too long, there has been a perception that career readiness and college readiness represent two separate and unequal tracks. The importance of providing high quality opportunities for applied learning, work-integrated learning, cross-disciplinary curriculum, career exploration and planning, and career and technical equivalence often appears subsumed by an emphasis on theoretical academics. The legislature intends to create a vision for the integration of career education alongside academic education.

(2)(a) A legislative task force on career education opportunities is established with the following members:

(i) Two members from each of the largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(ii) Two members from each of the largest caucuses of the senate, appointed by the president of the senate;

(iii) The superintendent of public instruction or a designee;

(iv) One representative each from the workforce training and education coordinating board, state board of education, the student achievement council, and the Washington association of career and technical education; and

(v) One member appointed by the governor.

(b) The task force shall be cochaired by one house and one senate member, selected by the members of the task force.

(3) The purpose of the task force is to identify strategies for how education that supports career readiness, including but not limited to career and technical education, may be better integrated into secondary education opportunities for all students. The strategies to be considered by the task force include state laws and policies, graduation requirements, and state funding for instructional programs. The task force must examine the barriers, incentives and disincentives, costs, and cost-effectiveness of current policies and practices.

(4) The office of the superintendent of public instruction shall identify a recommended list of course equivalencies for career and technical education courses and submit the list to the task force under this section by October 1, 2013.

(5) The task force shall examine at least the following:

(a) An analysis of the career and college ready graduation requirements proposed by the state board of education and any recommendations regarding graduation requirements;

(b) Options for expanding career education and career exploration and planning into middle school;

(c) Options for increasing student and parent awareness of the multiple education and career pathways available for students;

(d) Strategies for enhancing and supporting work-integrated learning opportunities for students;

(e) Recommended policies that both support and provide appropriate state oversight and strategic planning for career and technical education offered in middle schools, comprehensive high schools, and skill centers; and

(f) Recommendations for how to maximize statewide use of the list of career and technical education course equivalencies identified by the office of the superintendent of public instruction.

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(6) A preliminary report from the task force is due December 15, 2013, to include initial analysis and a plan for completion of the final report. A final report is due September 1, 2014.

(7) The task force shall coordinate its analysis and recommendations with other studies of career and technical education delivery models and financing, including financing of capital facilities.

(8) Staff support for the task force must be provided by senate committee services and the house of representatives office of program research, with assistance from the office of the superintendent of public instruction, the student achievement council, and the workforce training and education coordinating board as necessary.

(9) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee.

NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT SAVINGS AND OTHER HEALTH CARE SAVINGS

General Fund--State Appropriation (FY 2015) (\$10,000,000)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to reduce appropriations or allocations in this budget related to providing health benefits to reflect savings that may be achieved through greater efficiencies and/or coordinating publicly provided health insurance benefits with the federal patient protection and affordable care act programs. The office of financial management shall work with other agencies to prepare a plan that identifies savings under this subsection (1) and reduces allotments or allocations accordingly to achieve any savings identified in the plan.

(2) To facilitate the transfer of moneys to agencies from dedicated other funds and accounts, the state treasurer shall transfer sufficient moneys from dedicated funds or accounts from which savings are achieved in accordance with schedules developed by the office of financial management consistent with the savings identified under subsection (1) of this section. The office shall reduce allotments for all agencies to reflect these savings.

(End of part)

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	\$8,248,000
General Fund Appropriation for public utility district excise tax distributions	\$50,894,000
General Fund Appropriation for prosecuting attorney distributions.....	\$6,068,000
General Fund Appropriation for boating safety and education distributions.....	\$4,000,000
General Fund Appropriation for other tax distributions	\$65,000
General Fund Appropriation for habitat conservation program distributions	\$3,000,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$3,158,000
Aquatic Lands Enhancement Account Appropriation for	

harbor improvement revenue distribution	\$146,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$72,120,000
County Criminal Justice Assistance Appropriation	\$78,983,000
Municipal Criminal Justice Assistance Appropriation	\$30,550,000
City-County Assistance Account Appropriation for local government financial assistance distribution	\$17,134,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....	\$24,744,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes.....	\$50,488,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation.....	\$7,760,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	\$5,025,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$98,876,000
TOTAL APPROPRIATION	\$434,259,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation

.....\$2,469,000
The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2013-2015 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation

.....\$1,646,000
The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2013-2015 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter

214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal flood control funds distribution.....	\$66,000
General Fund Appropriation for federal grazing fees distribution	\$1,706,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution.....	\$5,636,000
TOTAL APPROPRIATION	\$7,408,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

State Treasurer's Service Account: For transfer to the state general fund, \$10,100,000 for fiscal year 2014 and \$10,100,000 for fiscal year 2015	\$20,200,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account ...	\$32,000,000
General Fund: For transfer to the streamlined sales and use tax account, \$25,284,000 for fiscal year 2014 and \$25,204,000 for fiscal year 2015	\$50,488,000
Public Works Assistance Account: For transfer to the education legacy trust account, \$138,622,000 for fiscal year 2014 and \$138,622,000 for fiscal year 2015	\$277,244,000
Local Toxics Control Account: For transfer to the state general fund, \$9,000,000 for fiscal year 2014 and \$9,000,000 for fiscal year 2015	\$18,000,000
State Taxable Building Construction Account: For transfer to the Columbia River basin taxable bond water supply development account, an amount not to exceed.....	\$32,000,000
Employment Training Finance Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 and \$1,000,000 for fiscal year 2015	\$2,000,000
Tuition Recovery Trust Account: For transfer to the state general fund, \$1,250,000 for fiscal year 2014 and \$1,250,000 for fiscal year 2015	\$2,500,000
General Fund: For transfer to the child and family reinvestment account, \$3,800,000 for fiscal year 2014 and \$2,691,000 for fiscal year 2015	\$6,491,000
Flood Control Assistance Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 and \$1,000,000 for fiscal year 2015	\$2,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account	\$157,221,000
Tobacco Settlement Account: For transfer to the state general fund from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2014	\$17,000,000
Tobacco Settlement Account: For transfer to the state general fund from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2015	\$17,000,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account	

for fiscal year 2014.....	\$9,515,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2015.....	\$9,515,000

The transfer to the life sciences discovery fund is subject to the following conditions:

(1) The life sciences discovery fund authority board of trustees shall begin preparing to become a self-sustaining entity capable of operating without direct state subsidy by the time the tobacco strategic contribution supplemental payments end in fiscal year 2017.

(2) \$250,000 of the appropriation in fiscal year 2014 and \$250,000 of the appropriation in fiscal year 2015 are provided solely to promote the development and delivery of global health technologies and products.

(a) The life sciences discovery fund authority must either administer a grant application, review, and reward process, or contract with a qualified nonprofit organization for these services. State moneys must be provided for grants to entities for the development, production, promotion, and delivery of global health technologies and products. Grant award criteria must include:

(i) The quality of the proposed research or the proposed technical assistance in product development or production process design. Any grant funds awarded for research activities must be awarded for nonbasic research that will assist in the commercialization or manufacture of global health technologies;

(ii) The potential for the grant recipient to improve global health outcomes;

(iii) The potential for the grant to leverage additional funding for the development of global health technologies and products;

(iv) The potential for the grant to stimulate, or promote technical skills training for, employment in the development of global health technologies in the state; and

(v) The willingness of the grant recipient, when appropriate, to enter into royalty or licensing income agreements with the authority.

(b) The authority, or the contractor of the authority, must report information including the types of products and research funded, the funding leveraged by the grants, and the number and types of jobs created as a result of the grants, to the economic development committees of the legislature by December 1, 2014.

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account, \$150,000 for fiscal year 2014 and \$150,000 for fiscal year 2015	\$300,000
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Health Benefit Exchange Account: For transfer to the state general fund for fiscal year 2015	\$21,514,000
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Criminal Justice Treatment Account: For transfer to the state general fund, \$437,000 for fiscal year 2014 and \$2,746,000 for fiscal year 2015	\$3,183,000
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Resources Management Cost Account--Aquatics: For transfer to the marine resources stewardship trust account, \$1,850,000 for fiscal year 2014 and \$1,850,000 for fiscal year 2015	\$3,700,000
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Legal Services Revolving Account: For transfer to the state general fund, \$976,000 for fiscal year 2014 and \$1,477,000 for fiscal year 2015	\$2,453,000
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Personnel Service Account: For transfer to the state general fund, \$733,000 for fiscal year 2014 and \$733,000 for fiscal year 2015	\$1,466,000
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Data Processing Revolving Account: For transfer to the state general fund, \$4,069,000 for fiscal year 2014 and \$4,070,000 for fiscal year 2015	\$8,139,000
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Home Security Fund Account: For transfer to the transitional housing operating and rent account.....	\$7,500,000
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Professional Engineers' Account: For transfer to the	
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state general fund, \$956,000 for fiscal year 2014 and \$957,000 for fiscal year 2015.....	\$1,913,000
Electrical License Account: For transfer to the state general fund, \$1,700,000 for fiscal year 2014 and \$1,700,000 for fiscal year 2015.....	\$3,400,000
Business and Professions Account: For transfer to the state general fund, \$1,838,000 for fiscal year 2014 and \$1,800,000 for fiscal year 2015.....	\$3,638,000
Energy Freedom Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 and \$1,000,000 for fiscal year 2015.....	\$2,000,000
Pollution Liability Insurance Program Trust Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2014 and \$2,500,000 for fiscal year 2015.....	\$5,000,000
Real Estate Commission Account: For transfer to the state general fund, \$1,700,000 for fiscal year 2014 and \$1,700,000 for fiscal year 2015.....	\$3,400,000
State Lottery Account: For transfer to the education legacy trust account, \$6,050,000 for fiscal year 2014 and \$6,050,000 for fiscal year 2015.....	\$12,100,000
State Toxics Control Account: For transfer to the radioactive mixed waste account, \$2,000,000 for fiscal year 2014.....	\$2,000,000

(End of part)

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2011-2013 fiscal biennium.

NEW SECTION. Sec. 902. EMERGENCY FUND ALLOCATIONS

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

NEW SECTION. Sec. 903. STATUTORY APPROPRIATIONS

In addition to the amounts appropriated in this act for revenues for distribution, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 904. BOND EXPENSES

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 905. VOLUNTARY RETIREMENT, SEPARATION, AND DOWNSHIFTING INCENTIVES

As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement a voluntary retirement and/or separation, program that is cost neutral or results in cost savings (including costs to the state pension systems) over a two-year period following the commencement of the program, provided that such a program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management, in consultation with the office of the state human resources director and the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have a contractual right to a financial incentive offered under this section. Offers shall be reviewed and monitored jointly by the office of the state human resources director and the department of retirement systems. Agencies are required to submit a report by July 30, 2015, to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program including the incentive payment amount for each participant, the total cost to the state, and the projected or actual net dollar savings over the two year period.

The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

NEW SECTION. Sec. 906. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. Sec. 907. COLLECTIVE BARGAINING AGREEMENTS

The following sections represent the results of the 2013-2015 collective bargaining process required under the provisions of chapters 41.80, 41.56 and 74.39A RCW. Provisions of the collective bargaining agreements contained in sections 908 through 938 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements or the continuation of terms and conditions of the 2011-2013 agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 908. COLLECTIVE BARGAINING AGREEMENT--WFSE

An agreement has been reached between the governor and the Washington federation of state employees general government under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and for backfill costs for a personal leave day. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 909. COLLECTIVE BARGAINING AGREEMENT--WPEA

An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 910. COLLECTIVE BARGAINING AGREEMENT--COALITION OF UNIONS

An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 911. COLLECTIVE BARGAINING AGREEMENT--WAFWP

An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 912. COLLECTIVE BARGAINING AGREEMENT--PTE LOCAL 17

An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 913. COLLECTIVE BARGAINING AGREEMENT--SEIU 1199NW

An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and for backfill costs for a personal leave day. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 914. COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS LOCAL 117

An agreement has been reached between the governor and the international brotherhood of teamsters local 117 under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 915. COLLECTIVE BARGAINING AGREEMENT--WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION

An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 916. COLLECTIVE BARGAINING AGREEMENT--WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION

An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund-state revenue from increased economic activity.

NEW SECTION. Sec. 917. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol troopers association through an interest arbitration decision under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members effective July 1, 2013, and a one percent increase to longevity pay for years five through nine effective July 1, 2014.

NEW SECTION. Sec. 918. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol lieutenants association through an interest arbitration decision under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members effective July 1, 2014, and for parking of department issued vehicles for employees assigned vehicles at the general administration building or capital campus.

NEW SECTION. Sec. 919. COLLECTIVE BARGAINING AGREEMENT--YAKIMA VALLEY COMMUNITY COLLEGE--WPEA

An agreement has been reached between Yakima Valley Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes that economic terms and conditions replicate those specified in the agreement executed by and between the Washington state higher education coalition and the Washington public employees association under RCW 41.80.010 for the term July 1, 2013, to June 30, 2015.

NEW SECTION. Sec. 920. COLLECTIVE BARGAINING AGREEMENT--THE EVERGREEN STATE COLLEGE--WFSE

An agreement has been reached between The Evergreen State College and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and a personal leave day. Funding is also provided for a one percent

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salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 921. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between the Western Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes compensation equal to any compensation increase approved, implemented, and funded by the state for general government classified represented staff through the general service salary schedule.

NEW SECTION. Sec. 922. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE

An agreement has been reached between the Western Washington University and the public schools employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes compensation equal to any compensation increase approved, implemented, and funded by the state for general government classified represented staff through the general service salary schedule.

NEW SECTION. Sec. 923. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. Funding is also provided for a one percent salary increase for all bargaining unit members beginning July 1, 2013, and a one percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 924. COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY--WFSE

An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step and for a one percent salary increase for all bargaining unit members beginning July 1, 2014. The agreement also includes additional one-time payments each November of each fiscal year for members continually employed during the preceding twelve months in an amount up to three percent of member's gross wages contingent on the university's achievement of the goals contained in its student success incentive program.

NEW SECTION. Sec. 925. COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY--PSE

An agreement has been reached between Central Washington University and the public schools employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement includes a one percent salary increase for all bargaining unit members beginning July 1, 2014, and in the event classified employees bargaining at the general government's higher education tables receive a general wage increase greater than one percent, salary ranges will increase by the higher amount. The agreement also includes additional one-time payments each November each fiscal year for members continually employed during the preceding twelve months in an amount up to three percent of member's gross wages contingent on the university's achievement of the goals contained in its student success incentive program.

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NEW SECTION. Sec. 926. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--WFSE

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided for additional premium pay, preceptor pay, and professional development increases. Funding is also provided for a two percent wage increase for all bargaining unit members beginning July 1, 2013, and a two percent wage increase for all bargaining unit members beginning July 1, 2014. The agreement also provides that if the university agrees to across-the-board salary increases for any SEIU 925 bargaining unit that are more favorable than those negotiated with WFSE, the university will grant the same salary increase to WFSE-represented employees.

NEW SECTION. Sec. 927. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--SEIU 925

An agreement has been reached between the University of Washington and the service employees Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided for additional step increases, a two percent salary increase for all bargaining unit members beginning July 1, 2013, and a two percent salary increase for all bargaining unit members beginning July 1, 2014. The agreement also provides that if the university agrees to across-the-board salary increases or general increases for a SEIU 1199 or Washington state nurse association bargaining unit that are more favorable than those negotiated with SEIU 925, the university will grant the same salary increase to SEIU 925-represented employees.

NEW SECTION. Sec. 928. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--TEAMSTERS 117 (UW POLICE OFFICERS)

An agreement has been reached between the University of Washington and the teamsters 117 under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided for a two percent salary increase for all bargaining unit members beginning July 1, 2013, and a two percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 929. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WFSE

An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. The agreement provides that if a general salary increase, implementation of a salary survey, or a longevity step (Step M) is approved and funded by the state for university nonbargaining unit covered classified staff, WFSE bargaining unit members will receive the same.

NEW SECTION. Sec. 930. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--PSE

An agreement has been reached between the Washington State University and the public schools employees under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. The agreement provides that the bargaining unit members have a "me-too" agreement regarding cost of living increases with university classified staff utilizing the general service higher education salary schedule should the university request and receive funding to provide an across-the-board salary increase for classified staff.

NEW SECTION. Sec. 931. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WSU POLICE GUILD

An agreement has been reached between the Washington State University and the WSU Police Guild under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step.

NEW SECTION. Sec. 932. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION--INSURANCE BENEFITS

No agreement was reached between the governor and the health care super coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Appropriations in this act for state agencies, including institutions of higher education are sufficient to continue the provisions of the 2011-2013 collective bargaining agreement, and are subject to the following conditions and limitations: (1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed \$763 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar years 2014 and 2015 shall be up to \$150 per month.

NEW SECTION. Sec. 933. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed \$763 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with

RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar years 2014 and 2015 shall be up to \$150 per month.

NEW SECTION. Sec. 934. COLLECTIVE BARGAINING AGREEMENTS

For collective bargaining agreements negotiated with the state for the 2013-2015 fiscal biennium under chapter 41.80 RCW, the governor may request funds to implement the terms and conditions of any agreement negotiated by an institution of higher education and submitted to the office of financial management after October 1, 2012, but before December 20, 2012, if that agreement is determined to be financially feasible to the state by the director of financial management.

NEW SECTION. Sec. 935. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--LANGUAGE ACCESS PROVIDERS WFSE

An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for a rate increase of 50 cents per hour effective July 1, 2013, and rate increase of 50 cents per hour effective July 1, 2014. Funding is also provided to accommodate a change to the no-show payment rules.

NEW SECTION. Sec. 936. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--SEIU HEALTHCARE 775NW HOMECARE WORKERS

An agreement has been reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapter 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for increases to wages and pay differentials, mileage allowance, and healthcare contributions. Funding is also provided for a paid holiday and payment of certification and testing fees.

NEW SECTION. Sec. 937. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--SEIU LOCAL 925 CHILDCARE WORKERS

An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for increases to health care, scholarship funding and non-standard hours bonus.

NEW SECTION. Sec. 938. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--WSRCC ADULT FAMILY HOMES

An agreement has been reached between the governor and the Washington state residential care council under the provisions of

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chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for a specialty adult family home contract for community placement of clients currently in western state hospital and an increase in the daily bed hold rate (days eight through twenty).

NEW SECTION. Sec. 939. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed \$763 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar years 2014 and 2015 shall be up to \$150 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.40 per month beginning September 1, 2013, and \$70.39 beginning September 1, 2014; and

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$64.40 each month beginning September 1, 2013, and \$70.39 beginning September 1, 2014, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection (3) shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 940. COMPENSATION--REVISE PENSION CONTRIBUTION RATES

The appropriations for school districts and state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted

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to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. Sec. 941. NONREPRESENTED EMPLOYEE LONGEVITY STEP

For classified state employees, except those within the Washington management service and except those represented by a bargaining unit under chapters 41.80, 41.56, or 47.64 RCW, funding is provided within agency appropriations for implementation of a longevity step, in accordance with rules adopted under RCW 41.06.133.

NEW SECTION. Sec. 942. COMPENSATION--CONTINGENT INCREASE IN SALARIES AND WAGES

(1) If the director of the office of financial management determines that the February 2014 economic and revenue forecast council forecast for general fund--state revenues for fiscal year 2015 is \$200,000,000 or more than the September 2012 economic and revenue forecast council forecast for general fund--state revenues for fiscal year 2015 as a result of increased economic activity, effective July 1, 2014, appropriations to state agencies will increase in the amounts specified in LEAP Document 2013-H01 to fund a one percent salary increase effective July 1, 2014, through June 30, 2015, for the following state employees:

(a) All classified employees;

(b) Employees in the Washington management service;

(c) Except as provided in subsection (2) of this section, employees exempt from merit system rules in the executive, legislative, and judicial branches;

(d) Employees of the marine division of the department of transportation represented by the office and professional employees international union local eight and service employees international union local six.

(2) The salary increase in this section is not provided to the following state employees:

(a) Commissioned officers of the Washington state patrol represented by the Washington state patrol troopers association and the Washington state patrol lieutenants association;

(b) Employees of the marine division of the department of transportation represented by:

(i) The ferry agents, supervisors, project administrators association;

(ii) The Pacific northwest regional council of carpenters;

(iii) The Puget Sound metal trades council;

(iv) The marine engineers' beneficial association unlicensed engine room employees;

(v) The marine engineers' beneficial association licensed engineer officers;

(vi) The masters, mates and pilots - mates;

(vii) The masters, mates and pilots - masters;

(viii) The masters, mates and pilots - watch supervisors; and

(ix) The inlandboatmen's union of the pacific.

(c) Employees whose maximum salaries are set by the commission on salaries for elected officials; and

(d) Faculty employees and employees exempt from merit system rules at institutions of higher education.

(3) For purposes of this section, "increased economic activity" means additional revenue derived from taxable business and consumer activity and does not include revenue changes from changes in state or federal law or revenue changes characterized by the economic and revenue forecast council as a noneconomic change.

NEW SECTION. Sec. 943. ACQUISITION OF INFORMATION TECHNOLOGY PROJECTS THROUGH FINANCIAL CONTRACTS

(1) Financial contracts for the acquisition of the information technology projects authorized in this section must be approved jointly by the office of the financial management and the office of the chief information officer. Information technology projects funded under this section shall meet the following requirements:

(a) The project reduces costs and achieves economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies;

(b) The project begins or continues replacement of legacy information technology systems and replacing these systems with modern and more efficient information technology systems;

(c) The project improves the ability of an agency to recover from major disaster;

(d) The project provides future savings and efficiencies for an agency through reduced operating costs, improved customer service, or increased revenue collections; and

(e) Preference for project approval must be given to an agency that has prior approval from the office of the chief information officer, an approved business plan, and where the primary hurdle to project funding is the lack of funding capacity.

(2) The following state agencies may enter into financial contracts to finance expenditures for the acquisition and implementation of the following information technology projects for up to the respective amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

(a) Subject to subsection (4) of this section, \$10,000,000 for the department of enterprise services time, leave, and attendance pilot project;

(b) \$3,867,000 for the Washington state patrol for continuation of the mobile office platform;

(c) \$8,500,000 for the department of social and health services conversion to the tenth version of the world health organization's international classification of diseases;

(d) \$5,558,000 for the department of early learning system implementation of electronic benefit transfers;

(e) \$4,323,000 for the department of corrections for radio infrastructure upgrades.

(3) The office of financial management with assistance from the office of the chief information officer will report to the governor and fiscal committees of the legislature by November 1st of each year on the status of distributions and expenditures on information technology projects and improved statewide or agency performance results achieved by project funding.

(4) If the Washington state department of transportation enters into financial contracts pursuant to chapter 39.94 RCW for the acquisition and implementation of a time, leave, and labor distribution system, the authorization provided to the department of enterprise services in subsection (2)(a) of this section expires.

NEW SECTION. Sec. 944. INFORMATION TECHNOLOGY PROJECTS

(1) The office of the chief information officer, in coordination with the technology services board, must evaluate existing state technology policies on technology investment planning and project implementation to determine whether these policies reflect current industry leading practices. Where necessary, the office of the chief information officer shall develop revisions to these policies designed to incorporate leading practices, and to incorporate appropriate reporting mechanisms designed to improve the transparency of agency compliance with these policies. All revisions must be submitted to the technology services board for approval no later than September 30, 2013. The technology services board may create a subcommittee responsible for the

ongoing review and oversight of state technology policy development.

(2) The office of the chief information officer shall improve the transparency of agency technology planning and development activities by implementing a publicly facing web-based reporting tool for centralized reporting and posting of these documents. The office of the chief information officer shall develop and implement a policy requiring that all critical planning documents, including but not limited to feasibility studies, project management plans, and quality assurance plans for all major projects, and all quality assurance status reports. The reporting tool should be in place no later than September 30, 2013.

NEW SECTION. Sec. 945. PERSONAL COMPUTER ACQUISITION AND REPLACEMENT

(1) The legislature finds that the state must achieve reduced costs in the acquisition and deployment of new and replacement personal computers. The office of the chief information officer of the state must develop a policy on the procurement of personal computers with the goal of reducing the total life cycle cost of ownership. The policy must be effective no later than September 1, 2013.

(2) At a minimum, the policy must address frequency of replacement, identify a preferred financing method, and identify one or more preferred equipment configurations. Financing methods examined in developing the policy must include leasing, lease purchasing, purchasing using certificates of participation and cash purchase. In determining total life cycle costs, the office of the chief information officer must consider the cost of acquisition, deployment, financing, maintenance, and decommissioning of personal computers including any residual software licensing costs. The office of the chief information officer may include any other criteria deemed appropriate in developing the policy.

(3) The office of the attorney general shall participate in a pilot acquisition program. Key elements of the pilot will include a regular replacement cycle that ensures reliable equipment and is acquired by lease. Deployment of the replacement computer and decommissioning of the old computer must also be part of the acquisition contract. The office of the attorney general must work with the office of the chief information officer to determine the costs and benefits of this approach relative to cash procurement and agency deployment and decommissioning. The office of the chief information officer shall report on the findings of the pilot not later than January 1, 2015.

(4) While judicial, legislative, and higher education agencies are exempt from this policy, they are encouraged to adhere to the policy to the maximum extent practicable in meeting the goal of lowering the total life cycle cost of ownership for personal computers.

NEW SECTION. Sec. 946. INFORMATION TECHNOLOGY SECURITY PROGRAMS AND TRAINING

(1) The office of the chief information officer has developed information technology security policies and standards to assist state agencies in implementing an information technology security program. Before any agency may expend amounts appropriated in this act on information technology equipment, the agency must adopt the information technology security policies and standards and the state chief information officer must approve an agency's information technology security program.

(2) Every agency shall submit to the office of the chief information officer a schedule for employee information technology security training, in accordance with technology security policies, no later than September 1, 2013. In the event an agency has not complied with this requirement, the chief information officer may request the office of financial management to embargo all or part of the amounts appropriated to the agency in this act for information technology equipment purchases until the agency training schedule is received.

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Sec. 947. 2013 c 306 s 517 (uncodified) is amended to read as follows:

COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION--INSURANCE BENEFITS

No agreement has been reached between the governor and the health care super coalition under chapter 41.80 RCW for the 2013-2015 fiscal biennium. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to continue the provisions of the 2011-2013 collective bargaining agreement and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed (~~(\$809)~~) \$782 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed (~~(\$820)~~) \$763 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

Sec. 948. 2013 c 306 s 518 (uncodified) is amended to read as follows:

COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed (~~(\$809)~~) \$782 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed (~~(\$820)~~) \$763 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to

the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

Sec. 949. 2013 c 306 s 519 (uncodified) is amended to read as follows:

COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed (~~(\$809)~~) \$782 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed (~~(\$820)~~) \$763 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or make other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

Sec. 950. RCW 2.68.020 and 2012 2nd sp.s. c 7 s 913 are each amended to read as follows:

There is created an account in the custody of the state treasurer to be known as the judicial information system account. The administrative office of the courts shall maintain and administer the

account, in which shall be deposited all moneys received from in-state noncourt users and any out-of-state users of the judicial information system and moneys as specified in RCW 2.68.040 for the purposes of providing judicial information system access to noncourt users and providing an adequate level of automated services to the judiciary. The legislature shall appropriate the funds in the account for the purposes of the judicial information system. The account shall be used for the acquisition of equipment, software, supplies, services, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies, and equipment, including the payment of principal and interest on items paid in installments. During the 2011-2013 fiscal biennium, the judicial information system(~~s~~-~~system~~) account may be appropriated to support the state law library. During the 2013-2015 fiscal biennium, the judicial information system account may be appropriated to support the information systems and other activities in the administrative office of the courts.

Sec. 951. RCW 2.28.170 and 2009 c 445 s 2 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services. However, from July 26, 2009, until June 30, (~~2013~~) 2015, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a drug court pursuant to RCW 70.96A.350.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 952. RCW 2.28.170 and 2013 c 257 s 5 are each amended to read as follows:

(1) Jurisdictions may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment;

mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services. However, from July 26, 2009, until June 30, (~~2013~~) 2015, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a drug court pursuant to RCW 70.96A.350.

(b) Any jurisdiction that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 953. RCW 13.40.466 and 2006 c 304 s 4 are each amended to read as follows:

(1) The reinvesting in youth account is created in the state treasury. Moneys in the account shall be spent only after appropriation. Expenditures from the account may be used to reimburse local governments for the implementation of the reinvesting in youth program established in RCW 13.40.462 and 13.40.464. During the 2013-2015 fiscal biennium, the legislature may appropriate moneys from the reinvesting in youth account for juvenile rehabilitation purposes.

(2) Revenues to the reinvesting in youth account consist of revenues appropriated to or deposited in the account.

(3) The department of social and health services juvenile rehabilitation administration shall review and monitor the expenditures made by any county or group of counties that is funded, in whole or in part, with funds provided through the reinvesting in youth account. Counties shall repay any funds that are not spent in accordance with RCW 13.40.462 and 13.40.464.

Sec. 954. RCW 18.43.150 and 1991 c 277 s 2 are each amended to read as follows:

All fees collected under the provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, and 18.43.130 and fines collected under RCW 18.43.110 shall be paid into the professional engineers' account, which account is hereby established in the state treasury to be used to carry out the purposes and provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, 18.43.110, 18.43.120, 18.43.130(~~, 18.43.140~~), and all other duties required for operation and enforcement of this chapter. During the 2013-2015 fiscal biennium, the legislature may transfer moneys from the professional engineers' account to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 955. RCW 18.85.061 and 2008 c 23 s 29 are each amended to read as follows:

All fees required under this chapter shall be set by the director in accordance with RCW 43.24.086 and shall be paid to the state treasurer. All fees paid under the provisions of this chapter shall be

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placed in the real estate commission account in the state treasury. All money derived from fines imposed under this chapter shall be deposited in the real estate education program account created in RCW 18.85.321. During the 2013-2015 fiscal biennium, the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the real estate commission account.

Sec. 956. RCW 19.28.351 and 2003 1st sp.s. c 25 s 910 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, the fund, and of all disbursements therefrom.

During the (~~2003-2005~~) 2013-2015 biennium, the legislature may transfer moneys from the electrical license fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 957. RCW 28A.500.020 and 2010 c 237 s 5 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "Statewide average fourteen percent levy rate" means fourteen percent of the total levy bases as defined in RCW 84.52.0531 (3) through (5) for calendar years 2014 and 2015, and as defined in RCW 84.52.0531 (3) and (4) in calendar years 2016 and thereafter, summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's fourteen percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under RCW 84.52.0531(~~((5))~~) (6) multiplied by fourteen percent.

(d) The "district's fourteen percent levy rate" means the district's fourteen percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a fourteen percent levy rate that exceeds the statewide average fourteen percent levy rate.

(2) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter.

Sec. 958. RCW 28B.15.067 and 2012 2nd sp.s. c 7 s 914 and 2012 c 228 s 6 are each reenacted and amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning in the 2011-12 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges. The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree

programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the (~~(2011-2013)~~) 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(3)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students; however, during the (~~(2011-2013)~~) 2013-2015 fiscal biennium, reductions or increases in tuition must be uniform among resident undergraduate students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Each governing board shall make public its proposal for tuition and fee increases twenty-one days before the governing board of the institution considers adoption and allow opportunity for public comment. However, the requirement to make public a proposal for tuition and fee increases twenty-one days before the governing board considers adoption shall not apply if the omnibus appropriations act has not passed the legislature by May 15th. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(4) Beginning with the 2015-16 academic year through the 2018-19 academic year, the governing boards of the state universities, regional universities, and The Evergreen State College may set tuition for resident undergraduates as follows:

(a) If state funding for a college or university falls below the state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection, reduce enrollments, or both;

(b) If state funding for a college or university is at least at the level of state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection and shall continue to at least maintain the actual enrollment levels for fiscal year 2011 or increase enrollments as required in the omnibus appropriations act;

(c) If state funding is increased so that combined with resident undergraduate tuition the sixtieth percentile of the total per-student funding at similar public institutions of higher education in the global challenge states under RCW 28B.15.068 is exceeded, the governing board shall decrease tuition by the amount needed for the total per-student funding to be at the sixtieth percentile under RCW 28B.15.068; and

(d) The amount of tuition set by the governing board for an institution under this subsection (4) may not exceed the sixtieth percentile of the resident undergraduate tuition of similar public institutions of higher education in the global challenge states.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(8) Beginning in the 2019-20 academic year, reductions or increases in full-time tuition fees for resident undergraduates at four-year institutions of higher education shall be as provided in the omnibus appropriations act.

(9) The legislative advisory committee to the committee on advanced tuition payment established in RCW 28B.95.170 shall:

(a) Review the impact of differential tuition rates on the funded status and future unit price of the Washington advanced college tuition payment program; and

(b) No later than January 14, 2013, make a recommendation to the appropriate policy and fiscal committees of the legislature regarding how differential tuition should be addressed in order to maintain the ongoing solvency of the Washington advanced college tuition payment program.

Sec. 959. RCW 28B.15.069 and 2012 c 229 s 701 are each amended to read as follows:

(1) The building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the office of financial management and be based on the actual percentage the building fee is of total tuition for each tuition category in the 1994-95 academic year, rounded up to the nearest half percent.

(2) The governing boards of each institution of higher education, except for the technical colleges, shall charge to and collect from each student a services and activities fee. A governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in student tuition fees for resident undergraduate students: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. These rate adjustments may exceed the fiscal growth factor. ((For the 2003-04 academic year, the services and activities fee shall be based upon the resident undergraduate services and activities fee in 2002-03)) For the 2013-2015 fiscal biennium, each governing board is authorized to increase the services and activities fees by amounts judged reasonable and necessary by the services and activities fee committee and the governing board consistent with the budgeting procedures set forth in RCW 28B.15.045. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(3) Tuition and services and activities fees consistent with subsection (2) of this section shall be set by the state board for community and technical colleges for community college summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

(4) Subject to the limitations of RCW 28B.15.910, each governing board of a community college may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules of the state board for community and technical colleges.

(5) The governing board of a college offering an applied baccalaureate degree program under RCW 28B.50.810 may charge tuition fees for those courses above the associate degree level at rates consistent with rules adopted by the state board for community and technical colleges, not to exceed tuition fee rates at the regional universities.

Sec. 960. RCW 28B.20.476 and 2007 c 216 s 2 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2013-2015 fiscal biennium, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems.

Sec. 961. RCW 28B.67.030 and 2012 c 46 s 2 are each amended to read as follows:

(1) All payments received from a participant in the Washington customized employment training program created in RCW 28B.67.020 must be deposited into the employment training finance account, which is hereby created in the custody of the state treasurer. Only the state board for community and technical colleges may authorize expenditures from the account and no appropriation is required for expenditures. The money in the account must be used solely for training allowances under the Washington customized employment training program created in RCW 28B.67.020 and for providing up to seventy-five thousand dollars per year for training, marketing, and facilitation services to increase the use of the program. The deposit of payments under this section from a participant ceases when the board specifies that the participant has met the monetary obligations of the program. During the ~~((2007-2009))~~ 2013-2015 fiscal biennium, the legislature may transfer from the employment training finance account to the state general fund such amounts as reflect the excess fund balance in the account.

(2) All revenue solicited and received under the provisions of RCW 28B.67.020(4) must be deposited into the employment training finance account to provide training allowances.

(3) The definitions in RCW 28B.67.010 apply to this section.

(4) This section expires July 1, 2017.

Sec. 962. RCW 28B.95.160 and 2011 1st sp.s. c 11 s 173 are each amended to read as follows:

Ownership of tuition units purchased by the office for the GET ready for math and science scholarship program under RCW 28B.105.070 shall be in the name of the state of Washington and may be redeemed by the state of Washington on behalf of recipients of GET ready for math and science scholarship program scholarships for tuition and fees except that during the 2013-2015 fiscal biennium any unused tuition units may be used for the college bound scholarship program established in chapter 28B.118 RCW.

Sec. 963. RCW 28B.105.110 and 2011 1st sp.s. c 11 s 188 are each amended to read as follows:

(1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The office shall deposit into the account all money received for the GET ready for math and science scholarship program from

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appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the office. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator. During the 2009-2011 fiscal biennium, expenditures from the account not to exceed five percent may be used by the program administrator to carry out the provisions of RCW 28B.105.090.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the office.

(7) During the ~~((2009-2011))~~ 2013-2015 fiscal biennium, ~~((the legislature may transfer from))~~ appropriated state funds available in the GET ready for math and science scholarship account and GET units owned by the office and not used for the GET ready for math and science scholarship ~~((account to the state general fund such amounts as have not been donated from or matched by private contributions))~~ program may be used for the college bound scholarship program created in chapter 28B.118 RCW.

Sec. 964. RCW 28C.04.535 and 2011 1st sp.s. c 50 s 930 are each amended to read as follows:

Except for the ~~((2011-12 and 2012-13))~~ 2013-14 and 2014-15 school years, the Washington award for vocational excellence shall be granted annually. The workforce training and education coordinating board shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The workforce training and education coordinating board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the workforce training and education coordinating board in cooperation with the office of the governor.

Sec. 965. RCW 28C.10.082 and 1991 sp.s. c 13 s 85 are each amended to read as follows:

The tuition recovery trust fund is hereby established in the custody of the state treasurer. The agency shall deposit in the fund all moneys received under RCW 28C.10.084. Moneys in the fund may be spent only for the purposes under RCW 28C.10.084. Disbursements from the fund shall be on authorization of the agency. During the 2013-2015 fiscal biennium, the legislature may transfer from the tuition recovery trust fund to the state general fund such amounts as reflect the excess fund balance in the fund. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 966. RCW 38.52.540 and 2012 2nd sp.s. c 7 s 915 are each amended to read as follows:

(1) The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise taxes imposed by RCW 82.14B.030 must be deposited into the account. Moneys in the account must be used only to support the statewide coordination and management of the enhanced 911 system, for the implementation of wireless enhanced 911 statewide, for the modernization of enhanced 911 emergency communications systems statewide, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service

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and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies. ~~((For the 2011-2013 fiscal biennium, the account may be used for modernizing narrowband radio capability in the department of corrections.))~~ For the 2013-2015 fiscal biennium, the account may be used for a criminal history system upgrade in the Washington state patrol and for activities and programs in the military department. A county must show just cause, including but not limited to a true and accurate accounting of the funds expended, for any inability to provide reimbursement to radio communications service companies of costs incurred in providing enhanced 911 service.

(2) Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(5) may not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(1). Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(6) may not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(2).

(3) The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

Sec. 967. RCW 41.06.280 and 2011 1st sp.s. c 43 s 419 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management and the department of enterprise services as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management and the department of enterprise services with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.50041.06.530.

The director shall fix the terms and charges for services rendered by the department of enterprise services and the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management and the department of enterprise services.

During the 2013-2015 fiscal biennium, the legislature may transfer from the personnel service fund to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 968. RCW 41.06.280 and 2013 c 251 s 1 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.50041.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

During the 2013-2015 fiscal biennium, the legislature may transfer from the personnel service fund to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 969. RCW 41.26.802 and 2008 c 99 s 4 are each amended to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) ((By September 30, 2013, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer ten million dollars to the local public safety enhancement account.

(3))) By September 30, 2015, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer twenty million dollars to the local public safety enhancement account.

((((3))) (3) By September 30, 2017, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

Sec. 970. RCW 41.60.050 and 2011 1st sp.s. c 50 s 937 and 2011 1st sp.s. c 43 s 473 are each reenacted and amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. However, during the 2011-2013 and 2013-2015 fiscal ~~(biennium)~~ biennia, the operations of the productivity board shall be suspended.

Sec. 971. RCW 41.80.010 and 2011 1st sp.s. c 50 s 938 and 2011 c 344 s 1 are each reenacted and amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents. For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This section does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection (2) does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's

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designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the

legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) There is hereby created a joint committee on employment relations, which consists of two members with leadership positions in the house of representatives, representing each of the two largest caucuses; the chair and ranking minority member of the house appropriations committee, or its successor, representing each of the two largest caucuses; two members with leadership positions in the senate, representing each of the two largest caucuses; and the chair and ranking minority member of the senate ways and means committee, or its successor, representing each of the two largest caucuses. The governor shall periodically consult with the committee regarding appropriations necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreements, and upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement the agreements.

(6) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(7) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(8) For the ~~((2011-2013))~~ 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee shall be a separate agreement for which the governor may request funds necessary to implement the agreement. ~~((If such an agreement is negotiated and funded by the legislature, this agreement will supersede any terms and conditions of an expired 2009-2011 biennial master collective bargaining agreement under this chapter regarding health care benefits.))~~ The legislature may act upon a 2013-2015 collective bargaining agreement related to employee health care benefits if an agreement is reached and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating appropriations act by the sitting legislature.

Sec. 972. RCW 41.80.020 and 2011 1st sp.s. c 50 s 939 and 2011 1st sp.s. c 43 s 445 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

(a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;

(b) Any retirement system or retirement benefit; or

(c) Rules of the human resources director, the director of enterprise services, or the Washington personnel resources board adopted under RCW 41.06.157.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter. The exclusive bargaining representatives for employees that are subject to chapter 47.64 RCW shall bargain the dollar amount expended on behalf of each employee for health care benefits with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4). For agreements covering the ~~((2011-2013))~~ 2013-2015 fiscal biennium, any agreement between the employer and the coalition regarding the dollar amount expended on behalf of each employee for health care benefits is a separate agreement and shall not be included in the master collective bargaining agreements negotiated by the parties.

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

(7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.

Sec. 973. RCW 43.08.190 and 2011 1st sp.s. c 50 s 941 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040(4)(c). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate for all funds and accounts; except that the state treasurer may negotiate a different allocation rate with any state agency that has independent authority over funds not statutorily required to be held in the state treasury or in the custody of the state treasurer. In no event shall the rate be less than the actual costs incurred by the state treasurer's office. If no rate is separately negotiated, the default rate for any funds held shall be the rate set for funds held pursuant to statute.

During the 2009-2011 fiscal biennium and the 2011-2013 ~~and 2013-2015~~ fiscal ~~((biennium))~~ biennia, the legislature may transfer

from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 974. RCW 43.09.475 and 2011 1st sp.s. c 50 s 942 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. ~~((During the 2009-2011 fiscal biennium, the legislature may transfer from the performance audits of government account to the state general fund such amounts as deemed to be appropriate or necessary.))~~ During ~~((the))~~ the 2011-2013 and the 2013-2015 fiscal ~~((biennium))~~ biennia, the performance audits of government account may be appropriated for fraud investigations in the state auditor's office and the department of social and health services, audit and collection functions in the department of revenue, the joint legislative audit and review committee, the office of financial management, the superintendent of public instruction and audits of school districts. In addition, during the 2011-2013 ~~and 2013-2015~~ fiscal ~~((biennium))~~ biennia the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor.

Sec. 975. RCW 43.10.150 and 1974 ex.s. c 146 s 1 are each amended to read as follows:

A legal services revolving fund is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the legal services provided to agencies of the state government by the attorney general. During the 2013-2015 fiscal biennium, the legislature may transfer from the legal services revolving account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 976. RCW 43.19.791 and 2011 2nd sp.s. c 9 s 906 are each amended to read as follows:

There is created a revolving fund to be known as the data processing revolving fund in the custody of the state treasurer. The revolving fund shall be used for the acquisition of equipment, software, supplies, and services and the payment of salaries, wages, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies and equipment, including the payment of principal and interest on bonds issued for capital projects, by the department, Washington State University's computer services center, the department of enterprise services' personnel information systems group and financial systems management group, and other users as determined by the office of financial management. The revolving fund is subject to the allotment procedure provided under chapter 43.88 RCW. The chief information officer or the chief information officer's designee, with the approval of the technology services board, is authorized to expend up to one million dollars per fiscal biennium for the technology services board to conduct independent technical and financial analysis of proposed information technology projects, and such an expenditure does not require an appropriation. Disbursements from the revolving fund for the services component of the department are not subject to appropriation. Disbursements for the strategic planning and policy component of the department are subject to appropriation. All disbursements from the fund are subject to the allotment procedures provided under chapter 43.88 RCW. The department shall establish and implement a billing structure to assure all agencies pay an equitable share of the costs.

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During the 2011-2013 and the 2013-2015 fiscal (~~biennium~~) biennia, the legislature may transfer from the data processing revolving account to the state general fund such amounts as reflect the excess fund balance and may use the data processing revolving account for information technology projects.

As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.200.

Sec. 977. RCW 43.24.150 and 2011 c 298 s 25 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.145 RCW, court reporters;
- (d) Chapter 18.165 RCW, private investigators;
- (e) Chapter 18.170 RCW, security guards;
- (f) Chapter 18.185 RCW, bail bond agents;
- (g) Chapter 18.280 RCW, home inspectors;
- (h) Chapter 19.16 RCW, collection agencies;
- (i) Chapter 19.31 RCW, employment agencies;
- (j) Chapter 19.105 RCW, camping resorts;
- (k) Chapter 19.138 RCW, sellers of travel;
- (l) Chapter 42.44 RCW, notaries public;
- (m) Chapter 64.36 RCW, timeshares;
- (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- (p) Chapter 79A.60 RCW, whitewater river outfitters; and
- (q) Chapter 19.158 RCW, commercial telephone solicitation.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium. However, during the 2013-2015 fiscal biennium the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the account.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

Sec. 978. RCW 43.24.150 and 2013 c 322 s 30 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.145 RCW, court reporters;
- (d) Chapter 18.165 RCW, private investigators;
- (e) Chapter 18.170 RCW, security guards;
- (f) Chapter 18.185 RCW, bail bond agents;
- (g) Chapter 18.280 RCW, home inspectors;
- (h) Chapter 19.16 RCW, collection agencies;
- (i) Chapter 19.31 RCW, employment agencies;

- (j) Chapter 19.105 RCW, camping resorts;
- (k) Chapter 19.138 RCW, sellers of travel;
- (l) Chapter 42.44 RCW, notaries public;
- (m) Chapter 64.36 RCW, timeshares;
- (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- (p) Chapter 79A.60 RCW, whitewater river outfitters;
- (q) Chapter 19.158 RCW, commercial telephone solicitation; and
- (r) Chapter 19.290 RCW, scrap metal businesses.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium. However, during the 2013-2015 fiscal biennium the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the account.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

Sec. 979. RCW 43.79.445 and 2005 c 166 s 3 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. ~~((Funds from the death investigations account may be appropriated during the 1997-99 biennium for the purposes of statewide child mortality reviews administered by the department of health.))~~ Funds from the death investigations account may be appropriated during the 2013-2015 fiscal biennium for the activities of the state crime laboratory within the Washington state patrol.

Sec. 980. RCW 43.79.480 and 2011 1st sp.s. c 50 s 947 are each amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the state general fund, and to the tobacco prevention and control account for purposes set forth in this section. The legislature shall transfer amounts received as strategic contribution payments as defined in RCW 43.350.010 to the life sciences discovery fund created in RCW 43.350.070. During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer less than the entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the basic health plan stabilization account. During the 2013-2015 fiscal biennium, the legislature may transfer less than the

entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the state general fund.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the tobacco prevention and control account to the state general fund such amounts as represent the excess fund balance of the account.

Sec. 981. RCW 43.82.010 and 2007 c 506 s 8 are each amended to read as follows:

(1) The director of ~~((general administration))~~ enterprise services, on behalf of the agency involved and after consultation with the office of financial management, shall purchase, lease, purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of ~~((general administration))~~ enterprise services.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of ~~((general administration))~~ enterprise services. The director of ~~((general administration))~~ enterprise services shall report to the office of financial management and the appropriate committees of the legislature annually on any exemptions granted pursuant to this subsection.

(3) The director of ~~((general administration))~~ enterprise services may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of ~~((general administration))~~ enterprise services may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of ~~((general administration))~~ enterprise services may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility.

(4) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note

provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of ~~((general administration))~~ enterprise services shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(5) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(6) The director of ~~((general administration))~~ enterprise services shall provide coordinated long-range planning services to identify and evaluate opportunities for colocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of ~~((general administration))~~ enterprise services shall determine whether an opportunity exists for colocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of ~~((general administration))~~ enterprise services shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of ~~((general administration))~~ enterprise services, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(7) The director of ~~((general administration))~~ enterprise services is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of ~~((general administration))~~ enterprise services shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(8) If the director of ~~((general administration))~~ enterprise services determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (7) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(9) In order to obtain maximum utilization of space, the director of ~~((general administration))~~ enterprise services shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

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(10) The director of (~~(general administration)~~) enterprise services may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of (~~(general administration)~~) enterprise services shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(11) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of (~~(general administration)~~) enterprise services or the director's designee, and recorded with the county auditor of the county in which the property is located.

(12) The director of (~~(general administration)~~) enterprise services may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable. By January 1st of each year, beginning January 1, 2008, the department shall submit an annual report to the office of financial management and the appropriate committees of the legislature on all delegated leases.

(13) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control board for liquor stores and warehouses; (~~and~~)

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes; and

(d) The department of commerce for community college health career training programs, offices for the department of commerce or other appropriate state agencies, and other nonprofit community uses, including community meeting and training facilities, where the real estate is acquired during the 2013-2015 fiscal biennium.

(14) Notwithstanding any provision in this chapter to the contrary, the department of (~~(general administration)~~) enterprise services may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

(15) The department of (~~(general administration)~~) enterprise services shall report annually to the office of financial management and the appropriate fiscal committees of the legislature on facility leases executed for all state agencies for the preceding year, lease terms, and annual lease costs. The report must include leases executed under RCW 43.82.045 and subsection (12) of this section.

Sec. 982. RCW 43.101.200 and 2011 1st sp.s. c 50 s 949 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic

training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as otherwise provided in this chapter, the commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the (~~(2011-2013)~~) 2013-2015 fiscal biennium when the employing, county, city(~~(+)~~), or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Sec. 983. RCW 43.155.050 and 2012 2nd sp.s. c 2 s 6004 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2011-2013 and 2013-2015 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account, and the drinking water assistance account such amounts as reflect the excess fund balance of the account. During the 2011-2013 fiscal biennium, the legislature may appropriate moneys from the account for economic development, innovation, and export grants, including brownfields; main street improvement grants; and the loan program consolidation board. During the 2013-2015 fiscal biennium, the legislature may transfer from the public works assistance account to the education legacy trust account such amounts as specified by the legislature.

Sec. 984. RCW 43.325.040 and 2009 c 564 s 942 and 2009 c 451 s 5 are each reenacted and amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under the energy freedom account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for financial assistance for further funding for projects consistent with this chapter or otherwise authorized by the legislature.

(2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:

(a) Refueling projects awarded under this chapter;

(b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in RCW 43.325.110; and

(c) Demonstration projects developed with state universities as defined in RCW 28B.10.016 and local governments that result in the design and building of a hydrogen vehicle fueling station.

(3)(a) The energy recovery act account is created in the state treasury. State and federal funds may be deposited into the account and any loan payments of principal and interest derived from loans made from the energy recovery act account must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Expenditures from the account may be used only for loans, loan guarantees, and grants that encourage the establishment of innovative and sustainable industries for renewable energy and energy efficiency technology, including but not limited to:

(i) Renewable energy projects or programs that require interim financing to complete project development and implementation;

(ii) Companies with innovative, near-commercial or commercial, clean energy technology; and

(iii) Energy efficiency technologies that have a viable repayment stream from reduced utility costs.

(c) The director shall establish policies and procedures for processing, reviewing, and approving applications for funding under this section. When developing these policies and procedures, the department must consider the clean energy leadership strategy developed under section 2, chapter 318, Laws of 2009.

(d) The director shall enter into agreements with approved applicants to fix the term and rates of funding provided from this account.

(e) The policies and procedures of this subsection (3) do not apply to assistance awarded for projects under RCW 43.325.020(3).

(4) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.

(5) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

(6) Subsections (2), (4), and (5) of this section do not apply to assistance awarded for projects under RCW 43.325.020(3).

(7) During the ~~((2009-2011))~~ 2013-2015 fiscal biennium, the legislature may transfer from the energy freedom account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 985. RCW 46.66.080 and 2011 1st sp.s. c 50 s 958 are each amended to read as follows:

(1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and confinement. During the ~~((2009-2011 and))~~ 2011-2013 and 2013-2015 fiscal biennia, the legislature may appropriate moneys from the Washington auto theft prevention authority account for criminal justice purposes and

community building and may transfer funds to the state general fund such amounts as reflect the excess fund balance of the account.

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ten percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities, which include, but are not limited to: (a) State, municipal, and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover state, municipal, and county offender and juvenile confinement costs.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

Sec. 986. RCW 46.68.340 and 2008 c 282 s 3 are each amended to read as follows:

The ignition interlock device revolving account is created in the state treasury. All receipts from the fee assessed under RCW 46.20.385(6) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for administering and operating the ignition interlock device revolving account program and during the 2013-2015 fiscal biennium, the legislature may appropriate moneys from the ignition interlock device revolving account for substance abuse programs for offenders.

Sec. 987. RCW 67.70.190 and 2009 c 564 s 949 are each amended to read as follows:

Unclaimed prizes shall be retained in the state lottery account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, all rights to the prize shall be extinguished, and the prize shall be retained in the state lottery fund for further use as prizes, except that one-third of all unclaimed prize money shall be deposited in the economic development strategic reserve account created in RCW 43.330.250.

On July 1, 2009, June 30, 2010, and June 30, 2011, all unclaimed prize money retained in the state lottery ~~((fund account))~~ account in excess of three million dollars, excluding amounts distributed to the economic development strategic reserve account, shall be transferred into the state general fund.

During the 2013-2015 fiscal biennium, the legislature may transfer to the education legacy trust account such amounts as reflect the

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excess fund balance in the state lottery account from unclaimed prizes.

Sec. 988. RCW 70.42.090 and 1989 c 386 s 10 are each amended to read as follows:

(1) The department shall establish a schedule of fees for license applications, renewals, amendments, and waivers. In fixing said fees, the department shall set the fees at a sufficient level to defray the cost of administering the licensure program. All such fees shall be fixed by rule adopted in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW. In determining the fee schedule, the department shall consider the following: (a) Complexity of the license required; (b) number and type of tests performed at the test site; (c) degree of supervision required from the department staff; (d) whether the license is granted under RCW 70.42.040; and (e) general administrative costs of the test site licensing program established under this chapter. For each category of license, fees charged shall be related to program costs.

(2) The medical test site licensure account is created in the state treasury. The state treasurer shall transfer into the medical test site licensure account all revenue received from medical test site license fees. Funds for this account may only be appropriated for the support of the activities defined under this chapter. For the 2013-2015 fiscal biennium, moneys in the account may be spent for laboratory services in the department of health.

(3) The department may establish separate fees for repeat inspections and repeat audits it performs under RCW 70.42.170.

Sec. 989. RCW 70.93.180 and 2011 1st sp.s. c 50 s 963 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the ((“))waste reduction, recycling, and litter control account((“)). Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide((;)); for the biennial litter survey under RCW 70.93.200(8)((-and)); for statewide public awareness programs under RCW 70.93.200(7); and during the 2013-2015 biennium, to support employment of youth in litter clean up as intended in RCW 70.93.020, and for litter pick up using other authorized agencies. The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department: (i) For local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and (ii) during the 2013-2015 biennium, to create a matching fund competitive grant program to be used by local governments and nonprofit organizations for local or statewide education programs designed to help the public with litter reduction, and recycling of primarily the products taxed under chapter 82.19 RCW. Unspent funds from (a) and (c) of this subsection may be applied to the competitive grant program; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts. During the 2013-2015 biennium, these funds are to be used to: (i) Implement activities under RCW

70.93.200 for waste reduction, recycling efforts; (ii) provide technical assistance to local governments for commercial business and residential recycling programs primarily for the products taxed under chapter 82.19 RCW designed to educate citizens about waste and litter reduction and recyclable products and programs; and (iii) increase access to recycling programs, particularly for food packaging and plastic bags and appropriate techniques of discarding products.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) ((During the 2009-2011 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2009-2011 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.

(5))) During the 2011-2013 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2011-2013 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.

(5) During the 2013-2015 biennium, funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, must be prioritized for the products identified under RCW 82.19.020 solely for the purposes of recycling and litter collection, reduction, and control programs.

(6) During the 2013-2015 biennium, the legislature may appropriate funds from the waste reduction, recycling, and litter control account to the state parks and recreation commission for parks operation and maintenance.

Sec. 990. RCW 70.96A.350 and 2011 2nd sp.s. c 9 s 910 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program; (c) the administrative and overhead costs associated with the operation of a drug court; and (d) during the 2011-2013 biennium, the legislature may appropriate up to three million dollars from the account in order to offset reductions in the state general fund for treatment services provided by counties. This amount is not subject to the requirements of subsections (5) through (9) of this section. During the 2013-2015 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the

medicaid expansion of the federal affordable care act. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal biennium beginning July 1, 2003, the state treasurer shall transfer eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)(b) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or

the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090, treatment support services, and for the administrative and overhead costs associated with the operation of a drug court.

(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the administrative and overhead costs associated with the operation of a drug court.

(b) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

(10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, ~~((2013))~~ 2015.

Sec. 991. RCW 70.105D.-- and 2013 2nd sp.s. c 1 s 10 are each amended to read as follows:

(1) The environmental legacy stewardship account is created in the state treasury. Beginning July 1, 2013, and every fiscal year thereafter, the annual amount received from the tax imposed by RCW 82.21.030 that exceeds one hundred forty million dollars must be deposited into the environmental legacy stewardship account. The state treasurer may make periodic deposits into the environmental legacy stewardship account based on forecasted revenue. Moneys in the account may only be spent after appropriation.

(2) Moneys in the environmental legacy stewardship account may be spent on performance and outcome based projects, model remedies, demonstrated technologies, procedures, contracts, and project management and oversight that result in significant reductions in the time to complete compared to baseline averages for:

(a) Purposes authorized under RCW 70.105D.070 (3) and (4);

(b) Storm water low-impact retrofit projects and other projects with significant environmental benefits that reduce storm water pollution from existing infrastructure and development;

(c) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial

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resources to clean up and dispose of the vessel, that pose a threat to human health or the environment; and

(d) Appropriations to the state and local toxics control accounts created in RCW 70.105D.070 if the legislature determines that priorities for spending exceed available funds in those accounts.

(3) Except as provided under RCW 70.105D.070(3) (k) and (q), nothing in chapter 1, Laws of 2013 2nd sp. sess. expands the ability of a potentially liable person to receive public funding.

(4) Moneys in the environmental legacy stewardship account may also be used as follows:

(a) During the 2013-2015 fiscal biennia, shoreline update technical assistance and for local government shoreline master program update grants;

(b) During the 2013-2015 fiscal biennium, solid and hazardous waste compliance at the department of corrections;

(c) During the 2013-2015 fiscal biennium, activities at the department of fish and wildlife concerning water quality monitoring, hatchery water quality regulatory compliance, and technical assistance to local governments on growth management and shoreline management;

(d) During the 2013-2015 fiscal biennium, forest practices regulation and aquatic land investigation and cleanup activities at the department of natural resources.

Sec. 992. RCW 70.105D.070 and 2013 2nd sp.s. c 1 s 9 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in RCW 70.105D.--- (section 10, chapter 1, Laws of 2013 2nd sp. sess.).

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Storm water pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under RCW 70.105D.--- (section 4, chapter 1, Laws of 2013 2nd sp. sess.);

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; ~~(and)~~

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in RCW 70.105D.---(section 10, chapter 1, Laws of 2013 2nd sp. sess.), if the legislature determines that priorities for spending exceed available funds in those accounts(-);

(t) During the 2013-2015 fiscal biennium, the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

(u) During the 2013-2015 fiscal biennium, actions at the state conservation commission to improve water quality for shellfish; and

(v) During the 2013-2015 fiscal biennium, actions at the University of Washington for reducing ocean acidification.

(4)(a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under (c)(i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under (c)(iv) of this subsection. The department must prioritize funding of remedial actions at:

(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a department-approved remedial action work plan or equivalent document under the federal cleanup law;

(iii) Storm water pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in RCW 70.105D.---(section 10, chapter 1, Laws of 2013 2nd sp. sess.), if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(c) During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government storm water planning and implementation activities.

(d) During the 2013-2015 fiscal biennium, the legislature may transfer from the local toxics control account to the state general fund, such amounts as reflect the excess fund balance in the account.

(e) To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to areawide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under (c)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

(d) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance.

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies, construction, maintenance, or operation; or after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

(7) Except during the 2011-2013 fiscal biennium, one percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement chapter 1, Laws of 2013 2nd sp. sess. using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in chapter 1, Laws of 2013 2nd sp. sess. effects the ability of a potentially liable person to receive public funding.

Sec. 993. RCW 70.148.020 and 2012 1st sp.s. c 3 s 1 are each amended to read as follows:

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(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

~~((4))~~ (4) During the 2013-2015 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.

(5) This section expires July 1, 2020.

Sec. 994. RCW 71.24.310 and 2009 c 564 s 1810 and 2009 c 564 s 952 are each reenacted and amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that the department and the regional support networks shall work together to implement chapter 71.05 RCW as follows:

(1) By June 1, 2006, regional support networks shall recommend to the department the number of state hospital beds that should be allocated for use by each regional support network. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the regional support networks regarding the number of state hospital beds that should be allocated for use by each regional support network, the department shall contract with each regional support network accordingly.

(3) If there is not consensus among the regional support networks regarding the number of beds that should be allocated for use by each regional support network, the department shall establish by emergency rule the number of state hospital beds that are available for use by each regional support network. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the estimated number of adults with acute and chronic mental illness in each regional support network area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total

allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds or comparable diversion services contracted in accordance with subsection (5) of this section.

(5) The department is encouraged to enter performance-based contracts with regional support networks to provide some or all of the regional support network's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the regional support network in the state hospital.

(6) If a regional support network uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the department for that care, except during the period of July 1, 2012, through December 31, 2013, where reimbursements may be temporarily altered per section 204 of this act. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital and, during the 2007-2009 fiscal biennium, implementing new services that will enable a regional support network to reduce its utilization of the state hospital. The department shall distribute the remaining half of such reimbursements among regional support networks that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

Sec. 995. RCW 74.09.215 and 2012 c 241 s 103 are each amended to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, and all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.66 RCW must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities. For the 2013-2015 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing and conversion to the tenth version of the international classification of diseases.

Sec. 996. RCW 74.13.621 and 2009 c 564 s 954 are each amended to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood, marriage, or adoption, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian child welfare act, and a set of principles. If the committee concludes that one or more programs or services would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not

adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor and provide consultation on the implementation of recommendations contained in the 2002 kinship care report, including but not limited to the recommendations relating to legal and respite care services and resources;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The department shall consult with the oversight committee on its efforts to better collaborate and coordinate services to benefit kinship care families.

(3) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

(4) To the extent funding is available, the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(5) The kinship care oversight committee shall update the legislature and governor annually on committee activities, with the first update due by January 1, 2006.

(6) This section expires June 30, ~~((2011))~~ 2015.

Sec. 997. RCW 74.09.215 and 2013 c 36 s 3 are each amended to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, and all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.66 RCW, must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, for other medicaid fraud enforcement activities, and the prescription monitoring program established in chapter 70.225 RCW. For the 2013-2015 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing and conversion to the tenth version of the international classification of diseases.

Sec. 998. RCW 77.12.201 and 2012 2nd sp.s. c 7 s 923 are each amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules adopted pursuant to this title, with the exception of the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the state general fund. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 999. RCW 77.12.203 and 2012 2nd sp.s. c 7 s 924 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.

(3) This section shall not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and shall be distributed as follows:

County

Adams	1,909
Asotin	36,123
Chelan	24,757
Columbia.....	7,795
Ferry	6,781
Garfield	4,840
Grant.....	37,443
((Grays Harbor	7,264))
Kittitas.....	143,974
Klickitat.....	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille.....	3,309
Yakima.....	126,225

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These amounts shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

Sec. 1000. RCW 79.64.020 and 2011 c 216 s 15 are each amended to read as follows:

A resource management cost account in the state treasury is created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering state lands, community forest trust lands, and aquatic lands and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights-of-way as authorized under the provisions of this title. Appropriations from the resource management cost account to the department shall be expended for no other purposes. Funds in the resource management cost account may be appropriated or transferred by the legislature for the benefit of all of the trusts from which the funds were derived. During the 2013-2015 fiscal biennium, the legislature may transfer from the aquatics revenues in the resources management cost account to the marine resources stewardship trust account for the purposes of chapter 43.372 RCW.

Sec. 1001. RCW 79.64.040 and 2012 2nd sp.s. c 7 s 927 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands, community forest trust lands, and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsections (4) and (6) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) Deductions authorized under this section for transactions pertaining to community forest trust lands must be established at a level sufficient to defray over time the management costs for activities prescribed in a parcel's management plan adopted pursuant to RCW 79.155.080, and, if deemed appropriate by the board consistent with RCW 79.155.090, to reimburse the state and any local entities' eligible financial contributions for acquisition of the parcel.

(5) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(6) During the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board.

Sec. 1002. RCW 79.105.150 and 2012 2nd sp.s. c 7 s 929 and 2012 2nd sp.s. c 2 s 6008 are each reenacted and amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned

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aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. ~~((During the 2011-2013 fiscal biennium, the aquatic lands enhancement account may also be used for scientific research as part of the adaptive management process and for developing a planning report for McNeil Island. During the 2011-2013 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account.))~~ During the ~~((2011-2013))~~ 2013-2015 fiscal biennium, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, ~~((parks,))~~ hatcheries, ~~((and))~~ the Puget Sound toxic sampling program at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, and the Puget SoundCorps program. ~~((During the 2011-2013 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the marine resources stewardship trust account funds for the purposes of RCW 43.372.070))~~ During the 2013-2015 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 1003. RCW 82.08.160 and 2012 2nd sp.s. c 5 s 3 are each amended to read as follows:

(1) On or before the twenty-fifth day of each month, all taxes collected under RCW 82.08.150 during the preceding month must be remitted to the state department of revenue, to be deposited with the state treasurer. Except as provided in subsections (2) ~~((and))~~, (3), and (4) of this section, upon receipt of such moneys the state

treasurer must credit sixty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) and one hundred percent of the sums collected and remitted under RCW 82.08.150 (3) and (4) to the state general fund and thirty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) to a fund which is hereby created to be known as the "liquor excise tax fund."

(2) During the 2012 fiscal year, 66.19 percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the state general fund and the remainder collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the liquor excise tax fund.

(3) During fiscal year 2013, all funds collected under RCW 82.08.150 (1), (2), (3), and (4) must be deposited into the state general fund.

(4) During the 2013-2015 fiscal biennium, eighty two and one-half percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the state general fund and the remainder collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the liquor excise tax fund.

Sec. 1004. RCW 82.14.310 and 2011 1st sp.s. c 50 s 970 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer must transfer into the county criminal justice assistance account from the general fund the sum of twenty-three million two hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsection (4) of this section, must be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city is as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court must be determined by the most recent annual report of the courts of Washington, as published by the administrative office of the courts;

(iv) Distributions and eligibility for distributions in the 1989-1991 biennium must be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions must be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section must be expended exclusively for criminal justice purposes and may not be used to

replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil or juvenile justice system occurs, and which includes (a) domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile dispositional hearings relating to petitions for at-risk youth, truancy, and children in need of services. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) Not more than five percent of the funds deposited to the county criminal justice assistance account may be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements may not supplant existing funds from the state general fund.

(5) During the 2011-2013 fiscal biennium, the amount that would otherwise be transferred into the county criminal justice assistance account from the general fund under subsection (1) of this section must be reduced by 3.4 percent.

(6) During the 2013-2015 fiscal biennium, for the purposes of substance abuse and other programs for offenders, the legislature may appropriate from the county criminal justice assistance account such amounts as are in excess of the amounts necessary to fully meet the state's obligations to the counties and to the Washington state patrol. Excess amounts in this account are not the result of subsection (5) of this section.

Sec. 1005. RCW 86.26.007 and 2012 2nd sp.s. c 7 s 932 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the 2011-2013 fiscal biennium, the state treasurer shall transfer one million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. During the 2013-2015 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.

(End of part)

**SUPPLEMENTAL
PART XI
GENERAL GOVERNMENT**

Sec. 1101. 2012 2nd sp.s. c 7 s 111 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2012)	\$6,757,000
General Fund--State Appropriation (FY 2013)	(\$6,561,000)
.....	\$6,603,000
TOTAL APPROPRIATION	(\$13,318,000)
.....	\$13,360,000

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Sec. 1102. 2012 2nd sp.s. c 7 s 112 (unmodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2012)	\$1,504,000
General Fund--State Appropriation (FY 2013)	\$24,000
Judicial Information System Account--State	
Appropriation	\$1,500,000
TOTAL APPROPRIATION	(\$3,004,000)
.....	\$3,028,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the judicial information system account--state appropriation is provided solely to evaluate the state law library and assess its operational structure to determine the most effective delivery model for providing library services.

Sec. 1103. 2012 2nd sp.s. c 7 s 114 (unmodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2012)	\$15,275,000
General Fund--State Appropriation (FY 2013)	(\$15,168,000)
.....	\$15,253,000
TOTAL APPROPRIATION	(\$30,443,000)
.....	\$30,528,000

Sec. 1104. 2012 2nd sp.s. c 7 s 115 (unmodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2012)	\$50,725,000
General Fund--State Appropriation (FY 2013)	(\$48,429,000)
.....	\$49,123,000
General Fund--Federal Appropriation	\$2,532,000
General Fund--Private/Local Appropriation.....	\$390,000
Judicial Information Systems Account--State	
Appropriation	\$42,362,000
Judicial Stabilization Trust Account--State	
Appropriation	(\$5,954,000)
.....	\$5,425,000
TOTAL APPROPRIATION	(\$150,392,000)
.....	\$150,557,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund--state appropriation for fiscal year 2012 and \$1,399,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund--state appropriation for fiscal year 2012 and \$7,313,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2011-2013 fiscal biennium, each county shall report the number of petitions processed and the total

actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate ways and means committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$265,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the office of public guardianship to provide guardianship services for low-income incapacitated persons.

(5) \$1,178,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

(6) No later than September 30, 2011, the judicial information systems committee shall provide a report to the legislature on the recommendations of the case management feasibility study, including plans for a replacement of the superior court management information system (SCOMIS) and plans for completing the data exchange core system component consistent with a complete data exchange standard. No later than December 31, 2011, the judicial information systems committee shall provide a report to the legislature on the status of the data exchange, the procurement process for a SCOMIS replacement, and a case management system that is designed to meet the requirements approved by the superior courts and county clerks of all thirty-nine counties. The legislature shall solicit input on both reports from judicial, legislative, and executive stakeholders.

(7) In order to gather better data on juveniles in the criminal justice system, the administrative office of the courts shall modify the judgment and sentence form for juvenile and adult sentences to include one or more check boxes indicating whether (a) the adult superior court had original jurisdiction for a defendant who was younger than eighteen years of age at the time the case was filed; (b) the case was originally filed in juvenile court but transferred to adult superior court jurisdiction; or (c) the case was originally filed in adult superior court or transferred to adult superior court but then returned to the juvenile court.

(8) \$540,000 of the judicial stabilization trust account--state appropriation is provided solely for the office of public guardianship to continue guardianship services for those low-income incapacitated persons who were receiving services on June 30, 2012.

(9) The Washington association of juvenile court administrators and the juvenile rehabilitation administration, in consultation with the community juvenile accountability act advisory committee and the Washington state institute for public policy, shall analyze and review data elements available from the administrative office of the courts for possible integration into the evidence-based program quality assurance plans and processes. The administrative office of the courts, the Washington association of juvenile court administrators, and the juvenile rehabilitation administration shall provide information necessary to complete the review and analysis. The Washington association of juvenile court administrators and the juvenile rehabilitation administration shall report the findings of their review and analysis, as well as any recommendations, to the legislature by December 1, 2012.

Sec. 1105. 2012 2nd sp.s. c 7 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2012)	\$5,102,000
General Fund--State Appropriation (FY 2013)	(\$5,247,000)
.....	\$5,259,000
Economic Development Strategic Reserve Account--State	
Appropriation	\$1,500,000
TOTAL APPROPRIATION	(\$11,849,000)
.....	\$11,861,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,500,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.
- (2) \$540,000 of the general fund--state appropriation for fiscal year 2012 and \$526,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the office of the education ombudsman.
- (3) \$12,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1106. 2012 2nd sp.s. c 7 s 121 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2012)	\$16,047,000
General Fund--State Appropriation (FY 2013)	(\$8,612,000)
.....	\$9,972,000
General Fund--Federal Appropriation	\$7,326,000
Public Records Efficiency, Preservation, and Access	
Account--State Appropriation	(\$7,074,000)
.....	\$7,185,000
Charitable Organization Education Account--State	
Appropriation	\$362,000
Local Government Archives Account--State	
Appropriation	\$8,516,000
Election Account--Federal Appropriation	\$17,284,000
Washington State Heritage Center Account--State	
Appropriation	\$5,028,000
TOTAL APPROPRIATION	(\$70,249,000)
.....	\$71,720,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,898,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.
- (2)(a) \$1,847,000 of the general fund--state appropriation for fiscal year 2012 and \$1,926,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2011-2013 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

Sec. 1107. 2012 2nd sp.s. c 7 s 127 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2012)	\$4,758,000
General Fund--State Appropriation (FY 2013)	(\$7,690,000)
.....	\$7,890,000
General Fund--Federal Appropriation	\$10,015,000
New Motor Vehicle Arbitration Account--State	
Appropriation	\$968,000
Legal Services Revolving Account--State	
Appropriation	(\$197,375,000)
.....	\$197,412,000
Tobacco Prevention and Control Account--State	
Appropriation	\$270,000
Medicaid Fraud Penalty Account--State Appropriation ..	\$1,129,000
TOTAL APPROPRIATION	(\$222,205,000)
.....	\$222,442,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed

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electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) The attorney general shall enter into an interagency agreement with the department of social and health services for expenditure of the state's proceeds from the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for the purposes set forth in sections 204 and 213 of this act.

(5) \$62,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 1770 (state purchasing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$5,924,000 of the legal services revolving account--state appropriation is provided solely to implement House Bill No. 2123 (workers' compensation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) The office of the attorney general is authorized to expend \$2,100,000 from the *Zyprexa* and other *cy pres* awards towards consumer protection costs in accordance with uses authorized in the court orders.

(8) \$96,000 of the legal services revolving fund--state appropriation is provided solely to implement Senate Bill No. 5076 (financial institutions). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(9) \$99,000 of the legal services revolving fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5769 (coal-fired generation). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$416,000 of the legal services revolving fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5801 (industrial insurance system). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$31,000 of the legal services revolving fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5021 (election campaign disclosure). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.

(13) \$11,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 2301 (boxing, martial arts, wrestling). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(14) \$56,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 2319 (affordable care act). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(15) \$5,743,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the legal costs associated with the evaluation, filing, prosecution, response to petitions for release, and appeal of sexually violent predator civil commitment cases, as provided in chapter 71.09 RCW. Within the amount provided in this subsection, the attorney general may enter into an interagency agreement with a county prosecutor to perform prosecution services pursuant to chapter 71.09 RCW.

(16) \$94,000 of the legal services revolving fund--state appropriation is provided solely to implement Senate Bill No. 6103 (reflexology and massage therapy). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(17) \$57,000 of the legal services revolving fund--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6237 (medical assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(18) If Engrossed Substitute Senate Bill No. 5978 (medicaid fraud) is not enacted by June 30, 2012, the amounts appropriated in this section from the medicaid fraud penalty account--state appropriation shall lapse and an additional \$730,000 shall be appropriated from the general fund--state for fiscal year 2013 for fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities.

(19) \$56,000 of the legal services revolving fund--state appropriation is provided solely to implement House Bill No. 2592 (extended foster care). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(20) \$65,000 of the legal services revolving fund--state appropriation is provided solely for implementation of Second Engrossed Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(21) \$200,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for settlement payment of the Backpage.com litigation.

Sec. 1108. 2012 2nd sp.s. c 7 s 129 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund--State Appropriation (FY 2012)	\$51,799,000
General Fund--State Appropriation (FY 2013)	(\$72,839,000)
.....	\$58,839,000
General Fund--Federal Appropriation	\$340,184,000
General Fund--Private/Local Appropriation.....	\$5,036,000
Public Works Assistance Account--State	
Appropriation	\$2,733,000
Drinking Water Assistance Administrative.....	
Account--State Appropriation.....	\$437,000
Lead Paint Account--State Appropriation	(\$65,000)
.....	\$100,000
Building Code Council Account--State Appropriation	\$13,000
Home Security Fund Account--State Appropriation	\$21,007,000
Affordable Housing for All Account--State	
Appropriation	\$11,899,000
County Research Services Account--State	
Appropriation	\$540,000
Financial Fraud and Identity Theft Crimes Investigation	
and Prosecution Account--State Appropriation	(\$1,166,000)
.....	\$969,000
Low-Income Weatherization Assistance Account--State	
Appropriation	(\$2,427,000)
.....	\$1,186,000
City and Town Research Services Account--State	
Appropriation	\$2,577,000
Community and Economic Development Fee Account--State	
Appropriation	\$6,781,000
Washington Housing Trust Account--State	
Appropriation	\$17,444,000
Prostitution Prevention and Intervention Account--	
State Appropriation	\$86,000
Public Facility Construction Loan Revolving	
Account--State Appropriation.....	\$748,000

Washington Community Technology Opportunity Account--
 State Appropriation\$713,000
 Liquor Revolving Account--State Appropriation.....(~~\$2,802,000~~)
\$3,032,000
TOTAL APPROPRIATION(~~\$541,296,000~~)
\$526,123,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund--state appropriation for fiscal year 2012 and \$500,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$306,000 of the general fund--state appropriation for fiscal year 2012 and \$306,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties.

(5) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(6) \$5,000,000 of the home security fund--state appropriation is for the operation, repair, and staffing of shelters in the homeless family shelter program.

(7) \$198,000 of the general fund--state appropriation for fiscal year 2012 and \$198,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington new Americans program.

(8) \$2,949,000 of the general fund--state appropriation for fiscal year 2012 and \$2,949,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for associate development organizations.

(9) \$127,000 of the general fund--federal appropriation is provided solely for implementation of Substitute House Bill No. 1886 (Ruckelshaus center process). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) Up to \$200,000 of the general fund--private/local appropriation is for a grant to the Washington tourism alliance for the maintenance of the Washington state tourism web site www.experiencewa.com and its related sub-sites. The department may transfer ownership of the web site and other tourism promotion assets and assign obligations to the Washington tourism alliance for purposes of tourism promotion throughout the state. The alliance may use the assets only in a manner consistent with the purposes for which they were created. Any revenue generated from these assets must be used by the alliance for the sole purposes of statewide Washington tourism promotion. The legislature finds that the Washington tourism alliance, a not-for-profit, 501.c.6 organization established, funded, and governed by Washington tourism industry stakeholders to sustain destination tourism marketing across Washington, is an appropriate body to receive funding and assets from and assume obligations of the department for the purposes described in this section.

(11) Within the appropriations in this section, specific funding is provided to implement Substitute Senate Bill No. 5741 (economic development commission).

(12) \$2,000,000 of the community and economic development fee account appropriation is provided solely for the department of commerce for services to homeless families through the Washington families fund.

(13) \$234,000 of the general fund--state appropriation for fiscal year 2012 and \$233,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington asset building coalitions.

(14) \$1,859,000 of the general fund--state appropriation for fiscal year 2012 and \$1,859,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for innovative research teams, also known as entrepreneurial STARS, at higher education research institutions, and for entrepreneurs-in-residence programs at higher education research institutions and entrepreneurial assistance organizations. Of these amounts no more than \$50,000 in fiscal year 2012 and no more than \$50,000 in fiscal year 2013 may be provided for the operation of entrepreneurs-in-residence programs at entrepreneurial assistance organizations external to higher education research institutions.

(15) Up to \$700,000 of the general fund--private/local appropriation is for pass-through grants to cities in central Puget Sound to plan for transfer of development rights receiving areas under the central Puget Sound regional transfer of development rights program.

(16) \$16,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to implement section 503 of Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The long-term care ombudsman shall convene an adult family home quality assurance panel to review problems concerning the quality of care for residents in adult family homes. If Substitute House Bill No. 1277 (licensed settings for vulnerable adults) is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(17) \$19,605,000 of the general fund--state appropriation for fiscal year 2012 and (~~\$39,527,000~~) \$25,527,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for establishment of the essential needs and housing support program created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program). The department of commerce shall contract for these services with counties or community-based organizations involved in providing essential needs and housing supports to low-income persons who meet eligibility pursuant to Engrossed Substitute House Bill No. 2082. The department shall limit the funding used for administration of the program to no more than five percent. Counties and community providers shall limit the funding used for administration of the program to no more than seven percent.

(a) Of the amounts provided in this subsection, \$4,000,000 is provided solely for essential needs to clients who meet the eligibility established in Engrossed Substitute House Bill No. 2082. Counties and community-based organizations shall distribute basic essential products in a manner that prevents abuse. To the greatest extent possible, the counties or community-based organizations shall leverage local or private funds, and volunteer support to acquire and distribute the basic essential products.

(b) Of the amounts provided in this subsection, (~~\$55,000,000~~) \$41,000,000 is provided solely for housing support services to individuals who are homeless or who may become homeless, and are eligible for services under this program pursuant to Engrossed Substitute House Bill No. 2082.

(18) \$4,380,000 of the home security fund--state appropriation is provided solely for the department to provide homeless housing services in accordance with Engrossed Substitute House Bill No. 2048 (housing assistance surcharges). If Engrossed Substitute

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House Bill No. 2048 (housing assistance surcharges) is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(19) \$85,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the developmental disabilities council to contract for a family-to-family mentor program to provide information and support to families and guardians of persons who are transitioning out of residential habilitation centers. To the maximum extent allowable under federal law, these funds shall be matched under medicaid through the department of social and health services and federal funds shall be transferred to the department for the purposes stated in this subsection.

(20) ~~(\$2,802,000)~~ \$3,032,000 of the liquor revolving account--state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(21) \$1,000,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for deposit in the shelter to housing project account, hereby created in the custody of the state treasurer as a nonappropriated account. The department may expend funds from the account solely for a two-year pilot project to enable young adults to move from temporary emergency shelter housing to transitional and permanent housing throughout King county. The pilot project will be administered under contract with the YMCA of greater Seattle in collaboration with the rising out of the shadows young adult shelter. Funding may be used for case management, housing subsidy, transportation, shelter services, training and evaluation. The pilot project and the shelter to housing project account expire December 31, 2014.

(22) \$12,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Engrossed Second Substitute Senate Bill No. 5292 (irrigation and port districts). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(23) \$100,000 of the general fund--private/local appropriation is provided solely for the department to provide analysis and an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets in accordance with Substitute Senate Bill No. 6414 (review process/utilities). The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion. If Substitute Senate Bill No. 6414 (review process/utilities) is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1109. 2012 2nd sp.s. c 7 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2012)	\$18,369,000
General Fund--State Appropriation (FY 2013)	(\$18,584,000)
.....	\$18,678,000
General Fund--Federal Appropriation	(\$31,530,000)
.....	\$35,530,000
General Fund--Private/Local Appropriation.....	\$1,370,000
Performance Audits of Government Account--State	
Appropriation	\$198,000
Economic Development Strategic Reserve Account--State	
Appropriation	\$280,000
Department of Personnel Services--State	
Appropriation	\$8,551,000
Data Processing Revolving Account--State	
Appropriation	\$5,910,000
Higher Education Personnel Services Account--State	
Appropriation	\$1,537,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$100,000

TOTAL APPROPRIATION	(\$86,429,000)
.....	\$90,523,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,210,000 of the general fund--state appropriation for fiscal year 2012 and \$1,210,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of House Bill No. 1178 (regulatory assistance office). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the office of financial management to contract with an independent consultant to evaluate and recommend the most cost-effective provision of services required to support the department of social and health services special commitment center on McNeil Island. The evaluation shall include island operation services that include, but are not limited to: (a) Marine transport of passengers and goods; (b) wastewater treatment; (c) fire protection and suppression; (d) electrical supply; (e) water supply; and (f) road maintenance.

The office of financial management shall solicit the input of Pierce county, the department of corrections, and the department of social and health services in developing the request for proposal, evaluating applications, and directing the evaluation. The consultant shall report to the governor and legislature by November 15, 2011.

(3) \$100,000 of the aquatic lands enhancement account--state appropriation is provided solely for the office of financial management to prepare a report to be used to initiate a comprehensive, long-range planning process for the future of McNeil Island during the 2013-2015 fiscal biennium.

(a) The report on the initiation of the process must document:

(i) Ownership issues, including consultation with the federal government about its current legal requirements associated with the island;

(ii) Federal and state decision-making processes to change use or ownership;

(iii) Tribal treaty interests;

(iv) Fish and wildlife species and their habitats;

(v) Land use and public safety needs;

(vi) Recreational opportunities for the general public;

(vii) Historic and archaeological resources; and

(viii) Revenue from and necessary to support potential future uses of the island.

(b) The report shall develop and recommend a comprehensive, long-range planning process for the future of the island and associated aquatic resources, addressing the items in (a) of this subsection.

(c) The office of financial management may use its own staff and other public agency and tribal staff or contract for services, and may create a work group of knowledgeable agencies, organizations, and individuals to assist in preparing the report.

(d) The office of financial management shall engage in broad consultation with interested parties, including, but not limited to:

(i) Federal agencies with relevant responsibilities;

(ii) Tribal governments;

(iii) State agencies;

(iv) Local governments and communities in the area, including the Anderson Island community, Steilacoom, and Pierce county; and

(v) Interested private organizations and individuals.

(e) The report must be submitted to the governor and appropriate committees of the legislature by October 1, 2012.

(4) The appropriations in this section include funding for activities transferred from the sentencing guidelines commission to

the office of financial management pursuant to Engrossed Substitute Senate Bill No. 5891 (criminal justice cost savings). Prior to the effective date of Engrossed Substitute Senate Bill No. 5891, the appropriations in this section may be expended for the continued operations and expenses of the sentencing guidelines commission pursuant to the expenditure authority schedule produced by the office of financial management in accordance with chapter 43.88 RCW.

~~((6))~~ (5) \$115,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of Engrossed Substitute House Bill No. 2483 (higher education coordination). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

~~((7))~~ (6)(a) The office of financial management shall determine if cost savings can be achieved by the state through contracting for interpreter services more effectively. The office of financial management must work with all state agencies that use interpreter services to determine:

- (i) How agencies currently procure interpreter services;
 - (ii) To what degree brokers or foreign language agencies are used in the acquisition of interpreter services; and
 - (iii) The cost of interpreter services as currently provided.
- (b) The office of financial management, in consultation with the department of enterprise services, must also examine approaches to procuring interpreter services, including using the department of enterprise services' master contract, limiting overhead costs associated with interpreter contracts, and direct scheduling of interpreters. The report must include recommendations for the state to procure services in a more consistent and cost-effective manner.

(c) The office of financial management, in consultation with the department of labor and industries, must determine the impact that any alternative approach to procuring interpreter services will have on medical providers.

(d) The report must include:

- (i) Analysis of the current process for procuring interpreter services;
- (ii) Recommendations regarding options to make obtaining interpreter services more consistent and cost-effective; and
- (iii) Estimates for potential cost savings.

(e) The office of financial management must report to the fiscal committees of the legislature by December 1, 2012.

~~((8))~~ (7) \$25,000 of the general fund--state appropriation for fiscal year 2012 and \$225,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of House Bill No. 2824 (education funding). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1110. 2012 2nd sp.s. c 7 s 132 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS
 Administrative Hearings Revolving Account--State
 Appropriation(~~(\$35,713,000)~~)
\$36,413,000

The appropriation in this section is subject to the following conditions and limitations: ~~(((\$769,000))~~ \$700,000 of the administrative hearings revolving account--state appropriation is provided solely to ~~((implement Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse))~~ accommodate the number of fair hearings associated with medical assistance programs on behalf of the health care authority.

Sec. 1111. 2012 2nd sp.s. c 7 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense
 Account--State Appropriation.....(~~(\$46,511,000)~~)
\$46,591,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$146,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 2070 (state and local government employees). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(2) \$65,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1625 (plan 3 default investment option). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(3) \$133,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Engrossed House Bill No. 1981 as amended (post-retirement employment). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(4) \$15,000 of the department of retirement systems expense account--state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 2021 (plan 1 annual increase amounts). If the bill is not enacted by June 30, 2011, the amount provided in this section shall lapse.

(5) \$32,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Senate Bill No. 5159 (state patrol retirement system service credit). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1112. 2012 2nd sp.s. c 7 s 139 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
 OMWBE Enterprises Account--State Appropriation. (~~(\$3,654,000)~~)
\$3,754,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the minority and women's business enterprises account--state appropriation is provided for implementation of a certification program for small business enterprises. The agency will collaborate with the department of transportation to certify small businesses as small business enterprises.

Sec. 1113. 2012 2nd sp.s. c 7 s 142 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD
 Liquor Control Board Construction and Maintenance
 Account--State Appropriation.....\$3,063,000
 Liquor Revolving Account--State Appropriation.....\$171,838,000
 General Fund--Federal Appropriation\$945,000
 General Fund--Private/Local Appropriation.....\$25,000
 TOTAL APPROPRIATION\$175,871,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature intends to facilitate the orderly transition of liquor services as required by Initiative Measure No. 1183. For liquor control board employees that remain through June 15, 2012, a temporary opportunity to cash out sick leave is provided to assist the unique challenges to the liquor control board and its employees posed by this transition.

(2) Within the amounts appropriated in this section from the liquor revolving account--state appropriation, liquor control board employees who: (a) Occupy positions in the job classifications

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provided in subsection (3)(c) of this section that will be eliminated after the liquor control board ceases to distribute liquor; and (b) remain as liquor control board employees through June 15, 2012, and who separate from service due to lay off by October 1, 2012, may elect to receive remuneration for their entire sick leave balance at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave.

(3) The following conditions apply to sick leave cash out under this subsection:

(a) The rate of monetary compensation for the purposes of this subsection shall not be reduced by any temporary salary reduction;

(b) Remuneration or benefits received under this subsection shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state;

(c) The following job classifications are eligible:

- (i) Liquor store clerk;
- (ii) Retail assistant store manager 1;
- (iii) Retail assistant store manager 2;
- (iv) Retail store manager 3;
- (v) Retail store manager 4;
- (vi) Retail district manager;
- (vii) Retail operations manager;
- (viii) Director of retail services;
- (ix) Director of distribution center;
- (x) Director of purchasing;
- (xi) Director of business enterprise;
- (xii) Warehouse operator 1;
- (xiii) Warehouse operator 2;
- (xiv) Warehouse operator 3; and
- (xv) Warehouse operator 4; and

(d) Should the legislature revoke any remuneration or benefits granted under this section, an affected employee shall not be entitled thereafter to receive such benefits as a matter of contractual right.

(4) Within the amounts appropriated in this section from the liquor revolving account--state appropriation, up to \$946,000 may be used by the liquor control board to implement Initiative Measure No. 502.

Sec. 1114. 2012 2nd sp.s. c 7 s 144 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2012)	\$7,116,000
General Fund--State Appropriation (FY 2013)	(\$6,872,000)
.....	\$6,938,000
General Fund--Federal Appropriation	(\$159,075,000)
.....	\$159,114,000
Enhanced 911 Account--State Appropriation.....	\$48,620,000
Disaster Response Account--State Appropriation	\$23,119,000
Disaster Response Account--Federal Appropriation....	\$91,368,000
Military Department Rent and Lease Account--State	
Appropriation	\$615,000
Worker and Community Right-to-Know Account--State	
Appropriation	\$2,163,000
TOTAL APPROPRIATION	(\$338,948,000)
.....	\$339,053,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,018,000 of the disaster response account--state appropriation and \$66,266,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including:
(a) The amount and type of deposits into the account; (b) the current

available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2011-2013 biennium based on current revenue and expenditure patterns.

(2) \$75,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

(3) \$15,000 of the general fund--state appropriation in fiscal year 2013 is provided solely to maintain the three generator systems that allow the emergency operations center and emergency management division to operate during unexpected power outages.

Sec. 1115. 2012 2nd sp.s. c 7 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund--State Appropriation (FY 2012)	\$3,401,000
General Fund--State Appropriation (FY 2013)	\$3,309,000
((General Fund--Federal Appropriation.....	\$177,000
General Fund--Private/Local Appropriation.....	\$368,000))
Building Code Council Account--State Appropriation ...	\$1,186,000
Department of Personnel Service Account--State	
Appropriation	\$11,117,000
Enterprise Services Account--State Appropriation.....	\$26,336,000
TOTAL APPROPRIATION	(\$45,894,000)
.....	\$45,349,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for the operations and expenses of the department of enterprise services as established by Engrossed Substitute Senate Bill No. 5931 (central service functions of state government), effective October 1, 2011. Prior to October 1, 2011, the appropriations in this section may be expended for the continued operations and expenses of the office of financial management, the department of general administration, the department of information services, and the department of personnel, pursuant to the expenditure authority schedules produced by the office of financial management, in accordance with chapter 43.88 RCW.

(2) \$3,028,000 of the general fund--state appropriation for fiscal year 2012 and \$2,967,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(3) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2012 and 2013 as necessary to meet the actual costs of conducting business.

(4) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action.

(5) Specific funding is provided for the purposes of section 3 of House Bill No. 1770 (state purchasing).

(6) The amounts appropriated in this section are for implementation of Senate Bill No. 5931 (streamlining central service functions).

(7) The department of enterprise services shall purchase flags needed for ceremonial occasions on the capitol campus in order to fully represent the countries that have an international consulate in Washington state.

(8) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services.

(9) The department shall adjust billings for self-insurance premiums to transportation agencies to reflect rate reductions assumed in this act.

(End of part)

PART XII HUMAN SERVICES

Sec. 1201. 2012 2nd sp.s. c 7 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage

medicaid expenditures for the aged and disabled population. Under the Washington medicaid integration partnership (WMIP) and the medicare integrated care project (MICP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan for the WMIP and the MICP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2011-2013 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP and the MICP, the health care authority and the department may: (i) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (ii) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The health care authority and the department shall conduct an evaluation of the WMIP by October 15, 2012, and of the MICP measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(b) Effective January 1, 2013, if Washington has been selected to participate in phase two of the federal demonstration project for persons dually-eligible for both medicare and medicaid, the department and the authority may initiate the MICP. Participation in the project shall be limited to persons who are eligible for both medicare and medicaid and to counties in which the county legislative authority has agreed to the terms and conditions under which it will operate. The purpose of the project shall be to demonstrate and evaluate ways to improve care while reducing state expenditures for persons enrolled both in medicare and medicaid. To that end, prior to initiating the project, the department and the authority shall assure that state expenditures shall be no greater on either a per person or total basis than the state would otherwise incur. Individuals who are solely eligible for medicaid may also participate if their participation is agreed to by the health care authority, the department, and the county legislative authority.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(5) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(6)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2012))~~

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2013, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ((2012)) 2013 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((2012)) 2013 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medicaid personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 1202. 2012 2nd sp.s. c 7 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$287,014,000
General Fund--State Appropriation (FY 2013)	(\$285,018,000)
.....	\$277,399,000
General Fund--Federal Appropriation	(\$179,315,000)
.....	\$477,138,000
General Fund--Private/Local Appropriation.....	(\$1,354,000)
.....	\$1,804,000
Home Security Fund Account--State Appropriation	\$10,741,000
Domestic Violence Prevention Account--State	
Appropriation	\$1,240,000
Education Legacy Trust Account--State Appropriation	\$725,000
TOTAL APPROPRIATION	(\$1,065,407,000)
.....	\$1,056,061,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) \$668,000 of the general fund--state appropriation for fiscal year 2012 and \$668,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. The department shall collaborate with the pediatric interim care center to determine if and how the center could be appropriately incorporated into the performance-based contract

model and report its findings to the legislature by December 1, 2012.

(3)(a) \$80,887,000 of the general fund--state appropriation for fiscal year 2012, ~~(\$81,067,000)~~ \$76,567,000 of the general fund--state appropriation for fiscal year 2013, and ~~(\$74,800,000)~~ \$71,598,034 of the general fund--federal appropriation are provided solely for services for children and families. The amounts provided in this section shall be allotted on a monthly basis and expenditures shall not exceed allotments based on a three month rolling average without approval of the office of financial management following notification to the legislative fiscal committees.

(b) The department shall use these services to safely reduce the number of children in out-of-home care, safely reduce the time spent in out-of-home care prior to achieving permanency, and safely reduce the number of children returning to out-of-home care following permanency. The department shall provide an initial report to the legislature and the governor by January 15, 2012, regarding the start-up costs associated with performance-based contracts under RCW 74.13.360 .

(c) Of the amounts provided in (a) of this subsection, \$579,000 of the general fund--state appropriation for fiscal year 2013 and \$109,000 of the general fund--federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$176,000 of the general fund--state appropriation for fiscal year 2012, \$177,000 of the general fund--state appropriation for fiscal year 2013, \$656,000 of the general fund--private/local appropriation, \$253,000 of the general fund--federal appropriation, and \$725,000 of the education legacy trust account--state appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(5) \$670,000 of the general fund--state appropriation for fiscal year 2012 and \$670,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for services provided through children's advocacy centers.

(6) To ensure expenditures remain within available funds appropriated in this section as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection does not apply to adoption assistance agreements in existence on the effective date of this section.

(7) \$10,741,000 of the home security fund--state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi-secure crisis residential centers and not a

reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(8) \$47,000 of the general fund--state appropriation for fiscal year 2012, \$14,000 of the general fund--state appropriation for fiscal year 2013, and \$40,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1697 (dependency system). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(9) \$564,000 of the general fund--federal appropriation is provided solely to implement Second Substitute House Bill No. 1128 (extended foster care). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$799,000 of the general fund--state appropriation for fiscal year 2013 and \$799,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2264 (child welfare/contracting). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(11) \$178,000 of the general fund--federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2592 (extended foster care). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(12) \$616,000 of the general fund--state appropriation for fiscal year 2013 and \$616,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6555 (child protective services). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

Sec. 1203. 2012 2nd sp.s. c 7 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2012)	\$85,723,000
General Fund--State Appropriation (FY 2013)	(\$85,258,000)
.....	\$85,546,000
General Fund--Federal Appropriation	(\$3,809,000)
	\$3,808,000
General Fund--Private/Local Appropriation.....	(\$1,903,000)
.....	\$1,904,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$196,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	\$2,801,000
TOTAL APPROPRIATION	(\$179,690,000)
.....	\$179,978,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund--state appropriation for fiscal year 2012 and \$331,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund--state appropriation for fiscal year 2012 and \$2,716,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for

county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund--state appropriation for fiscal year 2012 and \$3,482,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2012 and \$1,130,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund--state appropriation for fiscal year 2012 and \$3,123,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund--state appropriation for fiscal year 2012 and \$1,537,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for

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evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration shall phase the implementation of the formula provided in subsection (1) of this section by including a stop-loss formula of five percent in fiscal year 2012 and five percent in fiscal year 2013.

(c) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for

public policy. Consistent with chapter 13.50 RCW, all confidentiality agreements necessary to implement this information-sharing shall be approved within 30 days of the effective date of this section. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(9) The Washington association of juvenile court administrators and the juvenile rehabilitation administration, in consultation with the community juvenile accountability act advisory committee and the Washington state institute for public policy, shall analyze and review data elements available from the administrative office of the courts for possible integration into the evidence-based program quality assurance plans and processes. The administrative office of the courts, the Washington association of juvenile court administrators, and the juvenile rehabilitation administration shall provide information necessary to complete the review and analysis. The Washington association of juvenile court administrators and the juvenile rehabilitation administration shall report the findings of their review and analysis, as well as any recommendations, to the legislature by December 1, 2012.

Sec. 1204. 2012 2nd sp.s. c 7 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2012)	\$317,734,000
General Fund--State Appropriation (FY 2013).....(\$324,319,000)	
.....	\$321,411,000
General Fund--Federal Appropriation	(\$449,593,000)
.....	\$446,421,000
General Fund--Private/Local Appropriation.....	\$17,864,000
Hospital Safety Net Assessment Fund--State	
Appropriation	\$5,251,000
TOTAL APPROPRIATION	(\$1,114,761,000)
.....	\$1,108,681,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$109,342,000 of the general fund--state appropriation for fiscal year 2012 and \$109,341,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for persons and services not covered by the medicaid program. This is a reduction of \$4,348,000 each fiscal year from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2011 prior to supplemental budget reductions. This \$4,348,000 reduction shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community

inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$6,590,000 of the general fund--state appropriation for fiscal year 2012, \$6,590,000 of the general fund--state appropriation for fiscal year 2013, and \$7,620,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) \$5,850,000 of the general fund--state appropriation for fiscal year 2012, \$5,850,000 of the general fund--state appropriation for fiscal year 2013, and \$1,300,000 of the general fund--federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(f) \$4,582,000 of the general fund--state appropriation for fiscal year 2012 and \$4,582,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(g) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(h) \$750,000 of the general fund--state appropriation for fiscal year 2012 and \$750,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(i) \$1,125,000 of the general fund--state appropriation for fiscal year 2012 and \$1,125,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(j) \$1,529,000 of the general fund--state appropriation for fiscal year 2012 and \$1,529,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(k) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(l) Given the recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

(m) \$750,000 of the general fund--state appropriation for fiscal year 2012, \$750,000 of the general fund--state appropriation for fiscal year 2013, and \$1,500,000 of the general fund--federal appropriation are provided solely to adjust regional support network capitation rates to account for the per diem rates actually paid for psychiatric care provided at hospitals participating in the certified public expenditure program operated pursuant to section 213 of this act.

(n) The appropriations in this section reflect efficiencies to be achieved through voluntary consolidation of regional support networks in accordance with Substitute House Bill No. 2139 (regional support networks). Voluntary consolidation of regional support networks is expected to result in administrative efficiencies and maximize dollars available for direct services to individuals with mental illnesses without corresponding increases in state appropriations.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012)	\$115,017,000
General Fund--State Appropriation (FY 2013)	(\$112,603,000)
.....	\$118,883,000
General Fund--Federal Appropriation	(\$153,618,000)
.....	\$152,917,000
General Fund--Private/Local Appropriation.....	(\$67,325,000)
.....	\$64,555,000
TOTAL APPROPRIATION	(\$448,563,000)
.....	\$451,372,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

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(b) \$231,000 of the general fund--state appropriation for fiscal year 2012 and \$231,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2012 and \$45,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$20,000,000 of the general fund--state appropriation for fiscal year 2012 and \$20,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to maintain staffed capacity to serve an average daily census in forensic wards at western state hospital of 270 patients per day.

(e) The appropriations in this section reflect efficiencies to be achieved through enactment of Substitute Senate Bill No. 6492 (competency to stand trial). These efficiencies are expected to enable the hospitals to substantially increase the timeliness with which evaluations of defendant competency to stand trial are completed, and treatment to restore competency is initiated, without corresponding increases in state appropriations.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2012)	\$1,148,000
General Fund--State Appropriation (FY 2013)	\$1,276,000
General Fund--Federal Appropriation	(\$4,198,000)
.....	\$5,198,000
General Fund--Private/Local Appropriation.....	\$700,000
TOTAL APPROPRIATION	(\$7,322,000)
.....	\$8,322,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,161,000 of the general fund--state appropriation for fiscal year 2012 and \$1,161,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for children's evidence-based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.

(b) \$700,000 of the general fund--private/local appropriation is provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices for serving children and youth with mental health disorders. The department shall enter into an interagency agreement with the office of the attorney general for expenditure of \$700,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for this purpose.

(c) \$135,000 of the general fund--state appropriation for fiscal year 2013 and \$89,000 of the general fund--federal appropriation are provided solely for the department to contract with the University of Washington's evidence-based practice institute and the Washington state institute for public policy to consult with the department and the health care authority on the implementation of Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The department's programs responsible for administration of mental health, child welfare, and juvenile justice programs will coordinate with the health care authority on the development of contract terms which facilitate efforts to meet requirements of the bill. If Engrossed Second Substitute House Bill No. 2536 (children services/delivery) is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2012)	\$4,482,000
General Fund--State Appropriation (FY 2013)	(\$4,247,000)
.....	\$4,161,000
General Fund--Federal Appropriation	(\$7,210,000)
.....	\$7,128,000
General Fund--Private/Local Appropriation.....	\$446,000
TOTAL APPROPRIATION	(\$16,385,000)
.....	\$16,217,000

(a) The appropriations in this subsection are subject to the following conditions and limitations: In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to increase license and certification fees in fiscal years 2012 and 2013 to support the costs of the regulatory program. The fee schedule increases must be developed so that the maximum amount of additional fees paid by providers statewide in the 2011-2013 fiscal biennium is \$446,000. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) \$19,000 of the general fund--state appropriation for fiscal year 2012, \$17,000 of the general fund--state appropriation for fiscal year 2013, and \$34,000 of the general fund--federal appropriation are provided solely to support a partnership among the department of social and health services, the department of health, and agencies that deliver medical care and behavioral health services in Cowlitz county. The partnership shall identify and recommend strategies for resolving regulatory, licensing, data management, reporting, and funding barriers to more effective integration of primary medical and behavioral health care services in the county.

Sec. 1205. 2012 2nd sp.s. c 7 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2012)	\$405,412,000
General Fund--State Appropriation (FY 2013)	(\$420,327,000)
.....	\$409,868,000
General Fund--Federal Appropriation	(\$752,059,000)
.....	\$743,824,000
General Fund--Private/Local Appropriation.....	\$184,000
TOTAL APPROPRIATION	(\$1,577,982,000)
.....	\$1,559,288,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) Amounts appropriated in this subsection reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(c) Amounts appropriated in this subsection are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services by July 1, 2012. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

(d) \$944,000 of the general fund--state appropriation for fiscal year 2012, \$944,000 of the general fund--state appropriation for fiscal year 2013, and \$1,888,000 of the general fund--federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund \$2.21 per paid hour worked by individual providers.

(e) \$1,329,000 of the general fund--state appropriation for fiscal year 2012, \$1,622,000 of the general fund--state appropriation for fiscal year 2013, and \$2,947,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. Contributions are funded at \$0.22 per benefit-eligible paid hour worked by all home care workers. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection. However, if the governor and the service employees international union healthcare 775nw can reach agreement on repurposing funding that is currently provided in the individual provider collective bargaining agreement for new individual provider wages paid during training or other training related items, then expenditures for training trust contributions for individual providers may include the amounts provided in this subsection and the agreed upon repurposed funding. Funding in this section for purposes other than the individual provider collective bargaining agreement cannot be used for the purposes of this subsection (1)(e). It is the intent of the legislature that the funding provided in this subsection, including any repurposed funding, is sufficient to cover the costs of individual provider training and therefore tuition or other entrance fees are not necessary.

(f) (~~(\$104,669,000)~~) \$107,538,000 of the general fund--state appropriation for fiscal year 2013 and (~~(\$104,669,000)~~) \$107,535,000 of the general fund--federal appropriation are provided solely for the department to provide personal care services to waiver and nonwaiver in-home clients. The department shall provide the legislature with a report by December 5, 2012, on the feasibility of converting the medicaid personal care program for in-home adults to a medicaid program as found in section 1915(i) of the federal social security act that utilizes the option for self-direction of individualized budgets. The department shall operate the personal care program within the amounts specifically provided.

(g)(i) Within the amounts appropriated in this subsection, the department shall revise the current working age adult policy to allow clients to choose between employment and community access activities. Clients age 21 and older who are receiving services through a home- and community-based medicaid waiver shall be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. The department shall inform clients and their legal representatives of all available options for

employment and day services. Information provided to the client and the client's legal representative shall include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(ii) The department shall work with counties and stakeholders to strengthen and expand the existing community access program. The program must emphasize support for the client so they are able to participate in activities that integrate them into their community and support independent living and skills.

(iii) The appropriation in this subsection includes funding to provide employment or community access services to 168 medicaid eligible young adults with developmental disabilities living with their families who need employment opportunities and assistance after high school graduation.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2012 and \$75,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the restoration of direct support to local organizations that utilize parent-to-parent networks and communication to promote access and quality of care for individuals with developmental disabilities and their families.

(i) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), adult family home license fees are increased in fiscal years 2012 and 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(i) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and \$175 per bed beginning in fiscal year 2013. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013, or the amount necessary to fully fund the license fee increase for publicly funded beds, pursuant to the most recent bed estimates maintained by the department.

(ii) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(j) Clients with developmental disabilities have demonstrated a need and a desire for a day services program as verified by over 900 clients currently accessing day programs through a long-term care service model. In addition, every individual, to include those with a developmental disability, should have the opportunity for meaningful employment which allows them to contribute to their communities and to become as self-sufficient as possible. Providing choice empowers recipients of publicly funded services and their families by expanding their degree of control over the services and supports they need.

The department shall work with legislators and stakeholders to develop a new approach to employment and day services. The objective of this plan is to ensure that adults with developmental disabilities have optimum choices, and that employment and day offerings are comprehensive enough to meet the needs of all clients currently served on a home and community based waiver. The proposal shall be submitted to the 2012 legislature for consideration and shall be constructed such that a client ultimately receives employment, community access, or the community day option but not more than one service at a time. The proposal shall include options for program efficiencies within the current employment and day structure and shall provide details on the plan to implement a consistent, statewide outcome-based vendor contract for employment and day services as specified in (c) of this subsection.

(2) INSTITUTIONAL SERVICES
General Fund--State Appropriation (FY 2012)\$75,436,000

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General Fund--State Appropriation (FY 2013)	(\$80,356,000)
.....	\$78,154,000
General Fund--Federal Appropriation	(\$153,570,000)
\$152,963,000	
General Fund--Private/Local Appropriation.....	\$22,043,000
TOTAL APPROPRIATION	(\$331,405,000)
.....	\$328,596,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund--state appropriation for fiscal year 2012 and \$721,000 of the general fund--state appropriation for fiscal year 2013 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2012)	\$1,382,000
General Fund--State Appropriation (FY 2013)	(\$1,366,000)
\$1,759,000	
General Fund--Federal Appropriation	(\$1,319,000)
.....	\$1,519,000
TOTAL APPROPRIATION	(\$4,067,000)
.....	\$4,660,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2012)	\$4,634,000
General Fund--State Appropriation (FY 2013)	(\$4,553,000)
.....	\$6,313,000
General Fund--Federal Appropriation	(\$9,588,000)
\$9,786,000	
General Fund--Private/Local Appropriation.....	(\$998,000)
.....	\$791,000
TOTAL APPROPRIATION	(\$19,773,000)
.....	\$21,524,000

The appropriations in this subsection are subject to the following conditions and limitations:

Amounts appropriated in this subsection are for the purposes of transitioning clients with developmental disabilities into community settings. The department is authorized as needed to use these funds to either pay for clients residing within a residential habilitation center or for placements in the community. Pursuant to Second Substitute Senate Bill No. 5459 (services for people with developmental disabilities), funding in this subsection must be prioritized for the purpose of facilitating the consolidation and closure of Frances Haddon Morgan Center. The department shall use a person-centered approach in developing the discharge plan to assess each resident's needs and identify services the resident requires to successfully transition to the community or another residential habilitation center. The department is authorized to use any savings from this effort for the purpose of developing community resources to address the needs of clients with developmental disabilities who are in crisis or in need of respite. The department shall track the costs and savings of closing Frances Haddon Morgan Center and any investments into community placements and resources. The department shall provide a fiscal progress report to the legislature by December 5, 2011.

Sec. 1206. 2012 2nd sp.s. c 7 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$791,493,000
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General Fund--State Appropriation (FY 2013)	(\$809,338,000)
.....	\$800,181,000
General Fund--Federal Appropriation	(\$1,690,993,000)
.....	\$1,685,120,000
General Fund--Private/Local Appropriation.....	\$27,517,000
Traumatic Brain Injury Account--State Appropriation....	\$3,388,000
Nursing Facility Quality Assurance Account--State	
Appropriation	\$88,000,000
TOTAL APPROPRIATION	(\$3,410,729,000)
.....	\$3,395,699,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$170.37 for fiscal year 2012 and shall not exceed ~~(\$171.43)~~ \$171.09 for fiscal year 2013, including the rate add-ons described in (a) and (b) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, the weighted average nursing facility payment rate shall not exceed \$159.87 for fiscal year 2012 and shall not exceed ~~(\$160.93)~~ \$161.29 for fiscal year 2013. There will be no adjustments for economic trends and conditions in fiscal years 2012 and 2013. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility-based payment rates calculated on July 1, 2012, using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the comparative add-on, acuity add-on, and safety net reimbursement, to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, 2012, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, if it is found that the direct care rate for any facility calculated using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the comparative add-on, acuity add-on, and safety net reimbursement, is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate

add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment created by Engrossed Substitute Senate Bill No. 5581 (nursing home payments) is for any reason not approved and implemented, (b), (c), and (d) of this subsection do not apply.

(2) After examining actual nursing facility cost information, the legislature finds that the medicaid nursing facility rates calculated pursuant to Engrossed Substitute Senate Bill No. 5581 (nursing home payments) provide sufficient reimbursement to efficiently and economically operating nursing facilities and bear a reasonable relationship to costs.

(3) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2012 and no new certificates of capital authorization for fiscal year 2013 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2012 and 2013.

(4) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

(5) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients.

(6) \$1,883,000 of the general fund--state appropriation for fiscal year 2012, \$1,883,000 of the general fund--state appropriation for fiscal year 2013, and \$3,766,000 of the general fund--federal appropriation are provided solely for state contributions for individual provider health care benefits. Pursuant to the collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270, the state shall contribute to the multiemployer health benefits trust fund \$2.21 per paid hour worked by individual providers.

(7) \$2,449,000 of the general fund--state appropriation for fiscal year 2012, \$3,012,000 of the general fund--state appropriation for fiscal year 2013, and \$5,463,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, for instructional costs associated with the training of individual providers. Contributions are funded at \$0.22 per benefit-eligible paid hour worked by all home care workers. Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection. However, if the governor and the service employees international union healthcare 775nw can reach agreement on repurposing funding that is currently provided in the individual provider collective bargaining agreement for new individual provider wages paid during training or other training related items, then expenditures for training trust contributions for individual providers may include the amounts provided in this subsection and the agreed upon repurposed funding. Funding in this section for purposes other than the individual provider collective bargaining agreement cannot be used for the purposes of this subsection (7). It is the intent of the legislature that the funding

provided in this subsection, including any repurposed funding, is sufficient to cover the costs of individual provider training and therefore tuition or other entrance fees are not necessary.

(8) (~~(\$338,550,000)~~) \$325,203,000 of the general fund--state appropriation for fiscal year 2013 and (~~(\$338,550,000)~~) \$324,653,000 of the general fund--federal appropriation are provided solely for the department to provide personal care services to waiver and nonwaiver in-home clients. The department shall provide the legislature with a report by December 5, 2012, on the feasibility of converting the medicaid personal care program for in-home adults to a medicaid program as found in section 1915(i) of the federal social security act that utilizes the option for self-direction of individualized budgets. The department shall operate the personal care program within the amounts specifically provided.

(9) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(10) The department shall eliminate the adult day health program under the state plan 1915(i) option and shall reestablish it under the long-term care home and community-based waiver.

(11) \$4,588,000 of the general fund--state appropriation for fiscal year 2012, \$4,559,000 of the general fund--state appropriation for fiscal year 2013, and \$9,237,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment.

(12) \$1,840,000 of the general fund--state appropriation for fiscal year 2012 and \$1,877,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(13) In accordance with Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults), nursing facility fees are increased in fiscal year 2012 and adult family home fees are increased in fiscal year 2012 and fiscal year 2013 to support the costs of conducting licensure, inspection, and regulatory programs.

(a) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2012 and assumes \$517,000 of the general fund--private/local appropriation. Nursing facilities shall receive a vendor rate increase of \$0.08 per medicaid patient day to cover the license fee increase for publicly funded beds.

(b) The current annual renewal license fee for adult family homes shall be increased to \$100 per bed beginning in fiscal year 2012 and assumes \$1,449,000 of the general fund--private/local appropriation; and \$175 per bed beginning in fiscal year 2013 and assumes \$2,463,000 of the general fund--private/local appropriation. Adult family homes shall receive a corresponding vendor rate increase per medicaid patient day of \$0.22 in fiscal year 2012 and \$0.43 in fiscal year 2013, or the amount necessary to fully fund the license fee increase for publicly funded beds, pursuant to the most recent bed estimates maintained by the department.

(c) Beginning in fiscal year 2012, a processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(d) \$72,000 of the general fund--state appropriation for fiscal year 2012, \$708,000 of the general fund--private/local appropriation

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and \$708,000 of the general fund--federal appropriation are provided solely to implement sections 501 through 503 of Engrossed Substitute House Bill No. 1277 (licensed settings for vulnerable adults). The department shall use additional investigative resources to address complaints about provider practices as well as alleged abuse, neglect, abandonment, and exploitation of residents in adult family homes. The department shall develop a statewide internal quality review and accountability program to improve the accountability of staff and the consistent application of investigative activities, and shall convene a quality assurance panel to review problems in the quality of care in adult family homes.

(14) \$3,316,000 of the traumatic brain injury account--state appropriation is provided solely to continue services for persons with traumatic brain injury (TBI) as defined in chapter 143, Laws of 2011 (traumatic brain injury strategic partnership).

(15) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(16) The department shall participate in the work group established by the department of corrections in section 220(2) of this act to review release options for elderly and infirm offenders.

Sec. 1207. 2012 2nd sp.s. c 7 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$415,553,000
General Fund--State Appropriation (FY 2013)	(\$438,483,000)
.....	\$386,686,000
General Fund--Federal Appropriation	(\$1,174,416,000)
.....	\$1,177,251,000
General Fund--Private/Local Appropriation.....	\$30,592,000
TOTAL APPROPRIATION	(\$2,059,044,000)
.....	\$2,010,082,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$195,410,000 of the general fund--state appropriation for fiscal year 2012, ~~(\$235,808,000)~~ \$178,052,000 of the general fund--state appropriation for fiscal year 2013, and ~~(\$725,586,000)~~ \$710,001,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Under section 2 of Engrossed Substitute Senate Bill No. 5921 (social services programs), the amounts in this subsection assume that any participant in the temporary assistance for needy families where their participation is suspended and does not volunteer to participate in WorkFirst services or unsubsidized employment does not receive child care subsidies or WorkFirst subsidies as a condition of the suspension. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families.

(a) Within the amounts provided for WorkFirst in this subsection, the department shall continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in Engrossed House Bill No. 2262 (WorkFirst and child care) and RCW 74.08A.410.

(b) The department may establish a career services work transition program.

(c) Within amounts appropriated in this section, the legislature expressly mandates that the department exercise its authority, granted in 1997 under RCW 74.08A.290, to contract for work activities services pursuant to that statutory authority and RCW 41.06.142(3).

(d) The department shall create a temporary assistance for needy families budget structure that allows for more transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure shall include budget units for the following: Grants, child care, WorkFirst activities, and administration of the program.

(2) \$23,679,000 of the general fund--state appropriation for fiscal year 2012, in addition to supplemental security income recoveries, is provided solely for financial assistance and other services to recipients in the program established in section 4, chapter 8, Laws of 2010 1st sp. sess., until the program terminates on October 31, 2011.

(3)(a) \$12,457,000 of the general fund--state appropriation for fiscal year 2012 and \$21,959,000 of the general fund--state appropriation for fiscal year 2013, in addition to supplemental security income recoveries, are provided solely for the programs created in Engrossed Substitute House Bill No. 2082 (essential needs and assistance program) beginning November 1, 2011.

(b) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(c) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(4) \$1,657,000 of the general fund--state appropriation for fiscal year 2012 and \$1,657,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for naturalization services.

(5) \$2,366,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for ~~(refugee)~~ employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for ~~(refugee)~~ employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(6) On December 1, 2011, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(7) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be fifty percent of the federal supplemental nutrition assistance program benefit amount.

Sec. 1208. 2012 2nd sp.s. c 7 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2012)	\$73,742,000
General Fund--State Appropriation (FY 2013)	(\$71,218,000)
.....	\$71,019,000

General Fund--Federal Appropriation	(\$184,401,000)
.....	\$187,979,000
General Fund--Private/Local Appropriation.....	(\$13,486,000)
.....	\$16,248,000
Criminal Justice Treatment Account--State	
Appropriation	\$20,748,000
Problem Gambling Account--State Appropriation	\$1,448,000
TOTAL APPROPRIATION	(\$365,043,000)
.....	\$371,184,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to increase fees for the review and approval of treatment programs in fiscal years 2012 and 2013 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(4) \$3,500,000 of the general fund--federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) Within amounts appropriated in this section, the department is required to increase federal match available for intensive inpatient services. During fiscal year 2013, the department shall shift contracts for a minimum of 32 intensive inpatient beds currently provided in settings that are considered institutions for mental diseases to two or more facilities with no more than 16 beds that are able to claim federal match for services provided to medicaid clients or individuals covered under the department's section 1115 medicaid waiver. The department is authorized to conduct a request for proposal process to fulfill this requirement. By December 1, 2012, the department shall provide a plan to the office of financial management and to the relevant fiscal and policy committees of the legislature for transitioning all remaining intensive inpatient beds currently provided in settings that are considered institutions for mental diseases into facilities with no more than 16 beds by June 2017. The plan shall identify the maximum number of additional beds that can be transitioned into facilities with no more than 16 beds during the 2013-2015 fiscal biennium and the remaining number that will be transitioned during the 2015-2017 fiscal biennium, a timeline and process for accomplishing this, and a projection of the related general fund--state savings for each biennium.

(6) The amounts appropriated in this section include reductions of \$303,000 in the general fund--state appropriation for fiscal year

2012 and \$1,815,000 in the general fund--state appropriation for fiscal year 2013. The department must apply this reduction across all levels of chemical dependency residential treatment services excluding services contracted through the counties, services provided to pregnant and parenting women, services provided to juveniles, and services provided to parents in dependency proceedings.

Sec. 1209. 2012 2nd sp.s. c 7 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2012)	\$10,854,000
General Fund--State Appropriation (FY 2013)	(\$10,401,000)
.....	\$10,353,000
General Fund--Federal Appropriation	(\$105,060,000)
.....	\$104,922,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$2,766,000
TOTAL APPROPRIATION	(\$129,081,000)
.....	\$128,895,000

The appropriations in this section are subject to the following conditions and limitations: \$480,000 of the telecommunications devices for the hearing and speech impaired account--state appropriation is provided solely for the office of deaf and hard of hearing to contract for services that provide employment support and help with life activities for deaf-blind individuals in King county.

Sec. 1210. 2012 2nd sp.s. c 7 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2012)	\$48,167,000
General Fund--State Appropriation (FY 2013)	(\$36,128,000)
.....	\$38,098,000
TOTAL APPROPRIATION	(\$84,295,000)
.....	\$86,265,000

Sec. 1211. 2012 2nd sp.s. c 7 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2012)	\$26,069,000
General Fund--State Appropriation (FY 2013)	(\$24,474,000)
.....	\$26,301,000
General Fund--Federal Appropriation	(\$39,550,000)
.....	\$42,090,000
General Fund--Private/Local Appropriation.....	\$2,116,000
Performance Audits of State Government--State Appropriation	\$4,812,000
TOTAL APPROPRIATION	(\$97,021,000)
.....	\$101,388,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation for fiscal year 2012 and \$300,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund--state appropriation for fiscal year 2012 and \$445,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for funding of the teamchild project.

(3) \$178,000 of the general fund--state appropriation for fiscal year 2012 and \$178,000 of the general fund--state appropriation for

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fiscal year 2013 are provided solely for the juvenile detention alternatives initiative.

(4) \$4,812,000 of the performance audits of state government--state appropriation is provided solely for support and expansion of the division of fraud investigation. The division shall conduct investigatory and enforcement activities for all department programs, including the child support and TANF programs.

(5) \$1,400,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the department to distribute as support to community public health and safety networks that have a history of providing training and services related to adverse childhood experiences. Distribution of these funds is contingent upon securing funding from a private entity or entities to provide one dollar in matching funds for each dollar in state funds received by a network so that the funding received by a community public health and safety network will be equal portions of state and private funding.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for a grant program focused on criminal street gang prevention and intervention. The Washington state partnership council on juvenile justice may award grants under this subsection. The council shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection.

(7) \$113,000 of the general fund--state appropriation for fiscal year 2013 and \$105,000 of the general fund--federal appropriation are provided solely for staffing costs associated with implementation of Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The amounts provided in this subsection must be used for coordinated evidence-based practice implementation amongst the department's programs providing mental health, child welfare, and juvenile justice services to children. If Engrossed Second Substitute House Bill No. 2536 (children services/delivery) is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

Sec. 1212. 2012 2nd sp.s. c 7 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM	
General Fund--State Appropriation (FY 2012)	\$62,140,000
General Fund--State Appropriation (FY 2013)	(\$46,303,000)
.....	\$49,584,000
General Fund--Federal Appropriation	(\$53,049,000)
.....	\$53,409,000
TOTAL APPROPRIATION	(\$161,492,000)
.....	\$165,133,000

The appropriations in this section are subject to the following conditions and limitations: \$469,000 of the general fund--state appropriation for fiscal year ~~(2014)~~ 2012 and \$270,000 of the general fund--state appropriation for fiscal year ~~(2012)~~ 2013 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5921 (social services programs). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

Sec. 1213. 2012 2nd sp.s. c 7 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY	
General Fund--State Appropriation (FY 2012)	\$2,034,296,000
General Fund--State Appropriation (FY 2013)	(\$2,031,185,000)
.....	\$2,107,688,000
General Fund--Federal Appropriation	(\$5,307,323,000)

.....	\$5,331,122,000
General Fund--Private/Local Appropriation.....	(\$62,597,000)
.....	\$60,570,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.....	(\$15,077,000)
.....	\$14,032,000
Hospital Safety Net Assessment Fund--State Appropriation	(\$434,087,000)
.....	\$442,929,000
State Health Care Authority Administration Account--State Appropriation	\$34,040,000
Basic Health Plan Stabilization Account--State Appropriation	\$44,000,000
Medical Aid Account--State Appropriation	\$529,000
Medicaid Fraud Penalty Account--State Appropriation	(\$9,200,000)
.....	\$9,408,000
TOTAL APPROPRIATION	(\$9,972,334,000)
.....	\$10,078,614,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations to the authority in this act shall be expended for the purposes and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, ~~(2012)~~ 2013, may transfer general fund--state appropriations for fiscal year ~~(2012)~~ 2013 that are provided solely for a specified purpose. The authority shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(2) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(3) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(4)(a) \$1,200,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to plan the implementation of a system of consolidated public school employee health benefits purchasing.

It is the intent of the legislature to improve the administration, transparency, and equity in delivering a K-12 employees' health benefits system. In addition, the legislature intends that any cost savings that result from changes to K-12 health benefits be dedicated to public schools.

To further this legislative intent, the state health care authority shall develop a plan to implement a consolidated health benefits' system for K-12 employees for the 2013-14 school year. The health care authority shall deliver a report to the legislature by December 15, 2011, that sets forth the implementation plan to the ways and means committees of the house of representatives and the senate.

(b) The report prepared by the health care authority shall compare and contrast the costs and benefits, both long and short term, of:

- (i) The current K-12 health benefits system;
- (ii) A new K-12 employee benefits pool; and
- (iii) Enrolling K-12 employees into the health benefits pool for state employees.

(c) In addition to the implementation plan, the report shall include the following information:

(i) The costs and benefits of the current K-12 health benefits system;

(ii) The costs and benefits of providing a new statewide K-12 employees' health benefits pool to school districts and school employees;

(iii) The costs and benefits of enrolling K-12 employees into the existing health benefits pool for state employees;

(iv) Recommendations of ways to limit administrative duplication and costs, improve transparency to employees, the legislature, and the public and assure equity among beneficiaries of publicly provided employee health benefits;

(v) Recommendations for standardizing benefit packages and purchasing efforts in a manner that seeks to maximize funding and equity for all school employees;

(vi) Recommendations regarding the use of incentives, including how changes to state health benefit allocations could provide employees with benefits that would encourage participation;

(vii) Recommendations regarding the implementation of a new K-12 employee benefit plan, with separate options for voluntary participation and mandatory statewide participation;

(viii) Recommendations regarding methods to reduce inequities between individual and family coverage;

(ix) Consolidation of the purchasing and budget accountability for school employee benefits to maximize administrative efficiency and leverage existing skills and resources; and

(x) Other details the health care authority deems necessary, including but not limited to recommendations on the following:

(A) Approaches for implementing the transition to a statewide pool, including administrative and statutory changes necessary to ensure a successful transition, and whether the pool should be separate from, or combined with, the public employees' benefits pool;

(B) The structure of a permanent governing group to provide ongoing oversight to the consolidated pool, in a manner similar to the public employees benefits board functions for employee health benefits, including statutory duties and authorities of the board; and

(C) Options for including potential changes to: Eligibility standardization, the public employees benefits risk pools, the movement of school employee retirees into the new K-12 pool or pools, and the movement of educational service district employees into the new K-12 pool or pools.

(d) In determining its costs and benefits of a new statewide K-12 employees' health benefits pool for school districts and school employees, the health care authority shall assume the following:

(i) School district enrollees must constitute an entire bargaining unit, or an entire group of nonrepresented employees;

(ii) Staffing and administration for benefits purchasing shall be provided by the health care authority; and

(iii) The new K-12 pool would operate on a schedule that coordinates with the financing and enrollment schedule used for school districts.

(e) The office of the superintendent of public instruction and the office of the insurance commissioner shall provide information and technical assistance to the health care authority as requested by the health care authority. The health care authority shall not implement the new school employee benefits pool until authorized to do so by the legislature.

(5) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(6) Enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

(7) \$23,700,000 of the general fund--federal appropriation is provided solely for planning and implementation of a health benefit exchange under the federal patient protection and affordable care act. Within the amounts provided in this subsection, funds used by the authority for information technology projects are conditioned on the authority satisfying the requirements of Engrossed Second Substitute Senate Bill No. 5931 (central service agencies).

(8) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(9) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(10) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(11) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(12) \$4,261,000 of the general fund--state appropriation for fiscal year 2012, \$4,261,000 of the general fund--state appropriation for fiscal year 2013, and \$8,522,000 of the general fund--federal appropriation are provided solely for low-income disproportionate share hospital payments (~~under RCW 74.09.730(1)(a)~~).

(13) \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes

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operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2011-2013 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2011, and by November 1, 2012, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2012 and fiscal year 2013, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2011-13 biennial operating appropriations act and in effect on July 1, 2011, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2011-13 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the

fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$8,102,000 of the general fund--state appropriation for fiscal year 2012, of which \$6,570,000 is appropriated in section 204(1) of this act, and ~~(\$3,162,000)~~ \$10,498,000 of the general fund--state appropriation for fiscal year 2013, of which \$6,570,000 is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. CPE hospitals will receive the inpatient and outpatient reimbursement rate restorations in RCW 74.60.080 and rate increases in RCW 74.60.090 funded through the hospital safety net assessment fund rather than through the baseline mechanism specified in this subsection.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) ((For children with family incomes above 200 percent of the federal poverty level in the state-funded children's health program for children who are not eligible for coverage under the federally funded children's health insurance program, premiums shall be set every two years in an amount equal to the average state-only share of the per capita cost of coverage in the state-funded children's health program for children in families with incomes at or less than two hundred percent of the federal poverty level.

(18)) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((18))~~ (18) \$859,000 of the general fund--state appropriation for fiscal year 2012, \$979,000 of the general fund--state appropriation for fiscal year 2013, and \$1,841,000 of the general fund--federal appropriation are provided solely to increase prior authorization activities for advanced imaging procedures.

~~((19))~~ (19) \$196,000 of the general fund--state appropriation for fiscal year 2012, \$246,000 of the general fund--state appropriation for fiscal year 2013, and \$442,000 of the general fund--federal appropriation are provided solely to increase prior authorization activities for surgical procedures, which may include orthopedic procedures, spinal procedures and interventions, and nerve procedures.

~~((20))~~ (20) \$300,000 of the general fund--private/local appropriation and \$300,000 of the general fund--federal appropriation are provided solely for a prescriptive practices improvement collaborative focusing upon atypical antipsychotics and other medications commonly used in the treatment of severe and persistent mental illnesses among adults. The project shall

promote collaboration among community mental health centers, other major prescribers of atypical antipsychotic medications to adults enrolled in state medical assistance programs, and psychiatrists, pharmacists, and other specialists at the University of Washington department of psychiatry and/or other research universities. The collaboration shall include patient-specific prescriber consultations by psychiatrists and pharmacists specializing in treatment of severe and persistent mental illnesses among adults; production of profiles to assist prescribers and clinics in tracking their prescriptive practices and their patients' medication use and adherence relative to evidence-based practices guidelines, other prescribers, and patients at other clinics; and in-service seminars at which participants can share and increase their knowledge of evidence-based and other effective prescriptive practices. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$300,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for this purpose.

~~((22))~~ (21) \$570,000 of the general fund--private/local appropriation is provided solely for continued operation of the partnership access line for child mental health consultations. The health care authority shall enter into an interagency agreement with the office of the attorney general for expenditure of \$570,000 of the state's proceeds of the *cy pres* settlement in *State of Washington v. AstraZeneca* (Seroquel) for this purpose.

~~((23))~~ (22) \$80,000 of the general fund--state appropriation for fiscal year 2012, \$80,000 of the general fund--state appropriation for fiscal year 2013, and \$160,000 of the general fund--federal appropriation are provided solely to fund the Tacoma-Pierce county health department for access and outreach activities to reduce infant mortality.

~~((24))~~ (23) \$75,000 of the general fund--state appropriation for fiscal year 2012, \$75,000 of the general fund--state appropriation for fiscal year 2013, and \$150,000 of the general fund--federal appropriation are provided solely to assist with development and implementation of evidence-based strategies regarding the appropriate, safe, and effective role of C-section surgeries and early induced labor in births and neonatal care. The strategies shall be identified and implemented in consultation with clinical research specialists, physicians, hospitals, advanced registered nurse practitioners, and organizations concerned with maternal and child health.

~~((25))~~ (24) Within the amounts appropriated in this section, the health care authority shall continue to provide school-based medical services by means of an intergovernmental transfer arrangement. Under the arrangement, the state shall provide forty percent and school districts sixty percent of the nonfederal matching funds required for receipt of federal medicaid funding for the service.

~~((26))~~ (25) \$263,000 of the general fund--state appropriation for fiscal year 2012, \$88,000 of the general fund--state appropriation for fiscal year 2013, and \$351,000 of the general fund--federal appropriation are provided solely for development and submission to the federal government by October 1, 2011, of a demonstration project proposal as provided in Substitute Senate Bill No. 5596 (medicaid demonstration waiver).

~~((27))~~ (26) Within the amounts appropriated in this section, the health care authority shall provide spoken-language interpreter services. The authority shall develop and implement a new model for delivery of such services no later than July 1, 2012. The model shall include:

(a) Development by the authority in consultation with subject-area experts of guidelines to assist medical practitioners identify the circumstances under which it is appropriate to use telephonic or video-remote interpreting;

(b) The requirement that the state contract with delivery organizations, including foreign language agencies, who employ or subcontract only with language access providers or interpreters working in the state who are certified or authorized by the state. When a state-certified or state-authorized in-state language access provider or interpreter is not available, the delivery organization, including foreign language agencies, may use a provider with other certifications or qualifications deemed to meet state standards, including interpreters in other states; and

(c) Provision of a secure, web-based tool that medical practitioners will use to schedule appointments for interpreter services and to identify the most appropriate, cost-effective method of service delivery in accordance with the state guidelines.

Nothing in this subsection affects the ability of health care providers to provide interpretive services through employed staff or through telephone and video remote technologies when not reimbursed directly by the department. The amounts in this subsection do not include federal administrative funds provided to match nonstate expenditures by local health jurisdictions and governmental hospitals.

~~((28))~~ (27) In its procurement of contractors for delivery of medical managed care services for nondisabled, nonelderly persons, the medical assistance program shall (a) place substantial emphasis upon price competition in the selection of successful bidders; and (b) not require delivery of any services that would increase the actuarial cost of service beyond the levels included in current healthy options contracts.

~~((29))~~ (28) \$1,430,000 of the general fund--state appropriation for fiscal year 2012, \$1,430,000 of the general fund--state appropriation for fiscal year 2013, and \$2,860,000 of the general fund--federal appropriation are provided solely to pay federally-designated rural health clinics their standard encounter rate for prenatal and well-child visits, whether delivered under a managed care contract or fee-for-service. In reconciling managed care enhancement payments for calendar years 2009 and 2010, the department shall treat well-child and prenatal care visits as encounters subject to the clinic's encounter rate.

~~((30))~~ (29) \$280,000 of the general fund--state appropriation for fiscal year 2012 and \$282,000 of the general fund--federal appropriation are provided solely to increase utilization management of drugs and drug classes for which there is evidence of over-utilization, off-label use, excessive dosing, duplicative therapy, or opportunities to shift utilization to less expensive, equally effective formulations.

~~((31))~~ (30) \$70,000 of the general fund--state appropriation for fiscal year 2012, \$70,000 of the general fund--state appropriation for fiscal year 2013, and \$140,000 of the general fund--federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((32))~~ (31) \$400,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the local outreach, case management, and coordination with dental providers needed to execute the access to baby and child dentistry program, which provides dental care to Medicaid eligible children up to age six.

~~((33))~~ (32) Within the amounts appropriated in this section, the health care authority shall continue to provide dental services to pregnant women. Services shall include preventive, routine, and emergent dental care.

~~((34))~~ (33) \$395,000 of the general fund--state appropriation for fiscal year 2012, \$395,000 of the general fund--state appropriation for fiscal year 2013, and \$790,000 of the general fund--federal appropriation are provided solely for continued

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operation of the dental education in care of persons with disabilities (DECOD) program at the University of Washington.

~~((35))~~ (34) \$159,000 of the general fund--state appropriation for fiscal year 2012, \$302,000 of the general fund--private/local appropriation, and \$146,072,000 of the general fund--federal appropriation are provided solely for the provider incentive program and other initiatives related to the health information technology Medicaid plan. The general fund--private/local appropriation in this subsection shall be funded with proceeds from settlements in the case of *State of Washington vs. GlaxoSmithKline*. The authority and the office of the attorney general shall enter an interagency agreement regarding use of these funds.

~~((36))~~ (35) \$2,926,000 of the general fund--local appropriation and \$2,928,000 of the general fund--federal appropriation are provided solely to support medical airlift services.

~~((37))~~ (36) The authority shall collect data on enrollment and utilization to study whether the expansion of family planning coverage under Substitute Senate Bill No. 5912 is reducing state medical expenditures by reducing unwanted pregnancies. The authority shall report its findings to the legislature by December 1, 2012.

~~((38))~~ (37) \$480,000 of the general fund--state appropriation for fiscal year 2012, \$480,000 of the general fund--state appropriation for fiscal year 2013, and \$824,000 of the general fund--federal appropriation are provided solely for customer services staff. The authority will attempt to improve the phone answer rate to 40 percent and reduce the response times to written questions to ten days for clients and 25 days for providers. The authority will report to the legislature on its progress toward achieving these goals by January 1, 2012. If the authority has not achieved these goals by July 1, 2012, then the authority shall reduce expenditures on management staff in order to increase expenditures on customer service staff until the goals are achieved.

~~((39))~~ (38) The department shall purchase a brand name drug when it determines that the cost of the brand name drug after rebates is less than the cost of generic alternatives and that purchase of the brand rather than generic version can save at least \$250,000. The department may purchase generic alternatives when changes in market prices make the price of the brand name drug after rebates more expensive than the generic alternatives.

~~((41))~~ (39) \$150,000 of the general fund--state appropriation for fiscal year 2012 and \$1,964,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement Engrossed Second Substitute House Bill No. 2319 (affordable care act). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

~~((42))~~ (40) \$1,109,000 of the general fund--state appropriation for fiscal year 2012, \$1,471,000 of the general fund--state appropriation for fiscal year 2013, and \$21,890,000 of the general fund--federal appropriation are provided solely to implement phase two of the project to create a single provider payment system that consolidates medicaid medical and social services payments and replaces the social service payment system.

~~((43))~~ (41) In order to achieve the twelve percent reduction in emergency room expenditures in the fiscal year 2013 appropriations provided in this section, the authority, in consultation with the Washington state hospital association, the Washington state medical association, and the Washington chapter of the American college of emergency physicians shall designate best practices and performance measures to reduce medically unnecessary emergency room visits of medicaid clients. The Washington state hospital association, the Washington state medical association, and the Washington chapter of the American college of emergency physicians will work with the authority to promote these best

practices. The best practices and performance measures shall consist of the following items:

(a) Adoption of a system to exchange patient information among emergency room departments on a regional or statewide basis;

(b) Active dissemination of patient educational materials produced by the Washington state hospital association, Washington state medical association, and the Washington chapter of the American college of emergency physicians that instruct patients on appropriate facilities for nonemergent health care needs;

(c) Designation of hospital personnel and emergency room physician personnel to receive and appropriately disseminate information on clients participating in the medicaid patient review and coordination program and to review monthly utilization reports on those clients provided by the authority;

(d) A process to assist the authority's patient review and coordination program clients with their care plans. The process must include substantial efforts by hospitals to schedule an appointment with the client's assigned primary care provider within seventy-two hours of the client's medically unnecessary emergency room visit when appropriate under the client's care plan;

(e) Implementation of narcotic guidelines that incorporate the Washington chapter of the American college of emergency physician guidelines;

(f) Physician enrollment in the state's prescription monitoring program, as long as the program is funded; and

(g) Designation of a hospital emergency department physician responsible for reviewing the state's medicaid utilization management feedback reports, which will include defined performance measures. The emergency department physician and hospital will have a process to take appropriate action in response to the information in the feedback reports if performance measures are not met. The authority must develop feedback reports that include timely emergency room utilization data such as visit rates, medically unnecessary visit rates (by hospital and by client), emergency department imaging utilization rates, and other measures as needed. The authority may utilize the Robert Bree collaborative for assistance related to this best practice.

The requirements for best practices for a critical access hospital should not include adoption of a system to exchange patient information if doing so would pose a financial burden, and should not include requirements related to the authority's patient review and coordination program if the volume of those patients seen at the critical access hospital are small.

Hospitals participating in this medicaid best practices program shall submit to the authority a declaration from executive level leadership indicating hospital adoption of and compliance with the best practices enumerated above. In the declaration, hospitals will affirm that they have in place written policies, procedures, or guidelines to implement these best practices and are willing to share them upon request. The declaration must also give consent for the authority to disclose feedback reports and performance measures on its web site. The authority shall submit a list of declaring hospitals to the relevant policy and fiscal committees of the legislature by July 15, 2012.

If the authority does not receive by July 1, 2012, declarations from hospitals representing at least seventy-five percent of emergency room visits by medicaid clients in fiscal year 2010, the authority may implement a policy of nonpayment of medically unnecessary emergency room visits, with appropriate client and clinical safeguards such as exemptions and expedited prior authorization. The authority shall by January 15, 2013, perform a preliminary fiscal analysis of trends in implementing the best practices in this subsection, focusing on outlier hospitals with high rates of unnecessary visits by medicaid clients, high emergency

room visit rates for patient review and coordination clients, low rates of completion of treatment plans for patient review and coordination clients assigned to the hospital, and high rates of prescribed long-acting opiates. In cooperation with the leadership of the hospital, medical, and emergency physician associations, additional efforts shall be focused on assisting those outlier hospitals and providers to achieve more substantial savings. The authority by January 15, 2013, will report to the legislature about whether assumed savings based on preliminary trend and forecasted data are on target and if additional best practices or other actions need to be implemented.

If necessary, pursuant to RCW 34.05.350(1)(c), the authority may employ emergency rulemaking to achieve the reductions assumed in the appropriations under this section.

Nothing in this subsection shall in any way impact the authority's ability to adopt and implement policies pertaining to the patient review and coordination program.

~~((46))~~ (42) The ~~((department))~~ authority shall seek a medicaid state plan amendment to create a ~~((graduate medical education))~~ professional services supplemental payment managed care program for professional services delivered to managed care recipients by University of Washington medicine and other public professional providers. This program shall be effective as soon as administratively possible and shall operate concurrently with the existing professional services supplemental payment program. ~~((Providers that participate in the graduate medical education supplemental payment program are not eligible to participate in the professional services supplemental payment program.))~~ The ~~((department))~~ authority shall apply federal rules for identifying the difference between ~~((current physician encounter))~~ average commercial rates and fee-for-service medicaid payments ~~((to participating providers and the applicable federal upper payment limit))~~. This difference will be multiplied by the number of managed care encounters and incorporated into the managed care plan capitation rates by a certified actuary. The managed care plans will pay the providers the difference attributable to the increased capitation rate. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the ~~((department))~~ authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating providers. Participating providers shall retain the full amount of supplemental payments provided under this program, net of any costs related to the program that are disallowed due to audits or litigation against the state.

~~((47))~~ (43) The authority shall exclude antiretroviral drugs used to treat HIV/AIDS, anticancer medication that is used to kill or slow the growth of cancerous cells, antihemophilic drugs, insulin and other drugs to lower blood glucose, and immunosuppressive drugs from any formulary limitations implemented to operate within the appropriations provided in this section.

~~((48))~~ (44) If Engrossed Substitute Senate Bill No. 5978 (medicaid fraud) is not enacted by June 30, 2012, the amounts appropriated in this section from the medicaid fraud penalty account--state appropriation shall lapse and an additional \$3,608,000 shall be appropriated from the general fund--state for fiscal year 2013 for medicaid services, fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities.

~~((50))~~ (45) Within the amounts appropriated in this section, the health care authority and the department of social and health services shall implement the state option to provide health homes for enrollees with chronic conditions under section 2703 of the federal affordable care act. The total state match for enrollees who are dually-eligible for both medicare and medicaid and not enrolled in managed care shall be no more than the net savings to the state

from the enhanced match rate for its medicaid-only managed care enrollees under section 2703.

~~((54))~~ (46) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

~~((52))~~ (47) \$66,000 of the general fund--state appropriation for fiscal year 2013 and \$66,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 2536 (children services/delivery). The department of social and health services' programs responsible for administration of mental health, child welfare, and juvenile justice programs will coordinate with the health care authority on the development of contract terms which facilitate efforts to meet requirements of the bill. If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

~~((53))~~ (48) The health care authority shall participate in the work group established by the department of corrections in section 220(2) of this act to review release options for elderly and infirm offenders.

(49) \$208,000 of the medicaid fraud penalty account--state appropriation for fiscal year 2013 and \$728,000 of the general fund--federal appropriation are provided solely for the rebasing of outpatient and inpatient payment methods.

Sec. 1214. 2012 2nd sp.s. c 7 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION	
General Fund--State Appropriation (FY 2012)	\$14,589,000
General Fund--State Appropriation (FY 2013)	((14,147,000))
.....	\$14,504,000
General Fund--Federal Appropriation	\$456,000
General Fund--Private/Local Appropriation.....	((4,048,000))
.....	\$3,940,000
Death Investigations Account--State Appropriation.....	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$8,597,000
TOTAL APPROPRIATION	((42,445,000))
.....	\$42,694,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund--state appropriation for fiscal year 2012 and \$5,000,000 of the general fund--state appropriation for fiscal year 2013, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$321,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based

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on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2012 and \$100,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund--state appropriation for fiscal year 2012 and \$96,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to counties enforcing illegal drug laws and which have been underserved by federally funded state narcotics task forces. The Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the Washington association of county officials shall jointly develop funding allocations for the offices of the county sheriff, county prosecutor, and county clerk in qualifying counties. The commission shall not impose an administrative cost on this program.

Sec. 1215. 2012 2nd sp.s. c 7 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2012)	\$1,829,000
General Fund--State Appropriation (FY 2013)	\$1,801,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	\$3,640,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2012)	\$5,002,000
General Fund--State Appropriation (FY 2013)	\$4,964,000
General Fund--Federal Appropriation	\$3,348,000
General Fund--Private/Local Appropriation.....	(\$4,722,000)
.....	\$5,447,000
Veterans Innovations Program Account--State Appropriation	\$810,000
Veteran Estate Management Account--Private/Local Appropriation	\$1,079,000
TOTAL APPROPRIATION	(\$19,925,000)
.....	\$20,650,000

The appropriations in this subsection are subject to the following conditions and limitations: \$821,000 of the veterans innovations program account--state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency

financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2012)	\$1,743,000
General Fund--Federal Appropriation	(\$61,437,000)
.....	\$63,019,000
General Fund--Private/Local Appropriation.....	(\$29,506,000)
.....	\$30,569,000
TOTAL APPROPRIATION	(\$92,686,000)
.....	\$95,331,000

Sec. 1216. 2012 2nd sp.s. c 7 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2012)	\$79,404,000
General Fund--State Appropriation (FY 2013)	(\$78,114,000)
.....	\$77,589,000
General Fund--Federal Appropriation	(\$553,078,000)
.....	\$573,078,000
General Fund--Private/Local Appropriation.....	(\$148,055,000)
.....	\$144,055,000
Hospital Data Collection Account--State Appropriation	\$214,000
Health Professions Account--State Appropriation	\$99,085,000
Aquatic Lands Enhancement Account--State Appropriation	\$604,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.....	(\$12,300,000)
.....	\$10,523,000
Safe Drinking Water Account--State Appropriation	\$4,464,000
Drinking Water Assistance Account--Federal Appropriation	\$21,965,000
Waterworks Operator Certification--State Appropriation	\$1,528,000
Drinking Water Assistance Administrative Account-- State Appropriation	\$326,000
Site Closure Account--State Appropriation	\$79,000
Biotoxin Account--State Appropriation.....	(\$1,167,000)
.....	\$1,231,000
State Toxics Control Account--State Appropriation.....	\$3,628,000
Medical Test Site Licensure Account--State Appropriation	\$2,311,000
Youth Tobacco Prevention Account--State Appropriation	(\$1,512,000)
.....	\$1,348,000
Community and Economic Development Fee Account--State Appropriation	\$298,000
Public Health Supplemental Account--Private/Local Appropriation	\$3,598,000
Accident Account--State Appropriation	\$295,000
Medical Aid Account--State Appropriation	\$50,000
Tobacco Prevention and Control Account--State Appropriation	\$1,729,000
TOTAL APPROPRIATION	(\$1,013,804,000)
.....	\$1,027,402,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this

act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2012 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for: The review of health care facility construction; review of health facility requests for certificate of need; the regulation and inspection of farm worker housing, hospital licensing, in-home health service agencies, and producers of radioactive waste; the regulation and inspection of shellfish sanitary control, surgical facility licensing, and; fees associated with the following professions: Dietitians and nutritionists, occupational therapists, pharmacy, veterinarian, orthotics and prosthetics, surgical technicians, nursing home administrators, health care assistants, hearing and speech, psychology, hypnotherapy, chiropractic, social workers, physicians, and physician assistants.

(3) Pursuant to RCW 18.130.250, the department is authorized to establish a lower cost fee category for retired licensed practical nurses and registered nurses.

(4) In accordance with RCW 43.135.055, the department is authorized to adopt fees set forth in and previously authorized in chapter 92, Laws of 2010.

(5) \$1,969,000 of the health professions account--state appropriation is provided solely to implement online licensing for health care providers. The department must submit a detailed investment plan for this project to the office of financial management. The office of financial management must review and approve this plan before funding may be expended. The department of health must successfully implement online application and renewal for at least one profession as a pilot project before pursuing additional professions. The department must report to the office of financial management on the outcome of the pilot project.

(6) \$16,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1181 (board of naturopathy). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) \$21,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (health care assistants). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(8) \$54,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1353 (pharmacy technicians). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(9) \$142,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5020 (social workers). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(10) \$336,000 of the health professions account--state appropriation is provided solely for the implementation of Senate Bill No. 5480 (physicians and physician assistants). If the bill is

not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$46,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5071 (online access for midwives and marriage and family therapists). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) \$137,000 of the health professions account--state appropriation is provided solely for implementation of Substitute House Bill No. 1133 (massage practitioner license). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(13) \$85,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the developmental disabilities council to contract for a family-to-family mentor program to provide information and support to families and guardians of persons who are transitioning out of residential habilitation centers. To the maximum extent allowable under federal law, these funds shall be matched under medicaid through the department of social and health services and federal funds shall be transferred to the department for the purposes stated in this subsection. If Second Substitute Senate Bill No. 5459 (people with developmental disabilities) is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(14) \$57,000 of the general fund--state appropriation for fiscal year 2012 and \$58,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program, except from online access to HEAL-WA. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(15) \$118,000 of the general fund--state appropriation for fiscal year 2012 and \$118,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for prevention of youth suicides.

(16) \$87,000 of the general fund--state appropriation for fiscal year 2012 and \$87,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the senior falls prevention program.

(17) \$19,000 of the health professions account--state appropriation is provided solely for implementation of Senate Bill No. 6290 (military spouses and partners). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(18) \$102,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6237 (career pathway/medical assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(19) \$21,000 of the health professions account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6328 (mental health professionals). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(20) \$61,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6103 (reflexologists). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(21) \$28,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5620 (dental anesthesia assistants). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

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(22) Appropriations for fiscal year 2013 include funding for consolidation of the department of ecology's low-level radioactive waste site use permit program in the department of health.

(23) During the remainder of the 2011-2013 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(24) \$15,000 of the health professions account--state appropriation is provided solely to implement Substitute House Bill No. 2056 (assisted living facilities). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(25) \$11,000 of the health professions account--state appropriation is provided solely to implement Engrossed House Bill No. 2186 (licensed midwives). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(26) \$11,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Engrossed Substitute House Bill No. 2229 (hospital employees). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(27) \$48,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2314 (long-term care workers). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(28) \$280,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2366 (suicide assessment and training). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(29) \$11,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Engrossed Substitute House Bill No. 2582 (health care services billing). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(30) \$22,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement Substitute Senate Bill No. 6105 (prescription monitoring program). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(31) \$30,000 of the health professions account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2473 (medication assistant endorsement). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(32) General fund--state appropriations for fiscal year 2013 includes funding to subsidize operating license and inspection fees in the temporary worker housing program. In implementing this subsidy, the department shall evaluate program regulations including but not limited to the use of occupancy levels to determine the fee structure and the frequency of inspections.

Sec. 1217. 2012 2nd sp.s. c 7 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this section. However, after May 1, ~~((2012))~~ 2013, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2012))~~ 2013 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal

committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2012)	\$52,025,000
General Fund--State Appropriation (FY 2013)	((52,981,000))
.....	\$52,706,000
TOTAL APPROPRIATION	((105,006,000))
.....	\$104,731,000

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2012 and \$35,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2012)	\$598,237,000
General Fund--State Appropriation (FY 2013)	((575,457,000))
.....	\$581,890,000
General Fund--Federal Appropriation	\$3,324,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	((14,079,000))
.....	\$13,177,000
Enhanced 911 Account--State Appropriation	\$2,000,000
TOTAL APPROPRIATION	((1,193,097,000))
.....	\$1,198,628,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2011-13 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) The Harborview medical center and the University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(c) \$102,000 of the general fund--state appropriation for fiscal year 2012 and \$102,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement House Bill No. 1290 (health care employee overtime). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(d) \$32,000 of the general fund--state appropriation for fiscal year 2012 and \$33,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to implement Substitute House Bill No. 1718 (offenders with developmental disabilities). If the bill is not enacted by June 30, 2011, the amounts provided in this subsection shall lapse.

(e) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(f) \$311,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of House Bill No. 2346 (correctional officer uniforms). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(g) \$41,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$165,000)~~ \$501,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. The department may not house incarcerated offenders at the maple lane site until specifically directed by the legislature. By November 1, 2012, the department shall report to the appropriate fiscal committees of the house of representatives and the senate with a plan for the future use of the facility.

(h) By December 1, 2012, the department shall provide to the legislative fiscal committees a report that evaluates health care expenditures in Washington state correctional institutions and makes recommendations for controlling health care costs. The report shall evaluate the source of health care costs, including offender health issues, use of pharmaceuticals, offsite and specialist medical care, chronic disease costs, and mental health issues. The department may include information from other states on cost control in offender health care, trends in offender health care that indicate potential cost increases, and management of high-cost diagnoses.

(i) The department shall convene a work group to develop health care cost containment strategies at local jail facilities. The work group shall identify cost containment strategies in place at the department and at local jail facilities, identify the costs and benefits of implementing strategies in jail health-care facilities, and make recommendations on implementing beneficial strategies. The work group shall submit a report on its findings and recommendations to the fiscal committees of the legislature by October 1, 2013. The work group shall include jail administrators, representatives from health care facilities at the local jail level and the state prisons level, and other representatives as deemed necessary.

(j) The department of corrections, with participation of the health care authority and the department of social and health services, aging and adult services administration, shall establish a work group to analyze and review release options for elderly and infirm offenders and submit recommendations to the appropriate policy and fiscal committees of the legislature with release options for these populations no later than December 1, 2012. In making its recommendations, the work group shall identify:

- (i) The most expensive medical conditions for which the department has had to treat its offenders and the offenders receiving the most costly ongoing medical treatments;
- (ii) For identified populations, the age, level of disability, cost of care while incarcerated, safety issues related to release, ease of placement, and time served in relation to the offender's sentence;
- (iii) Potential cost savings to the state that may be generated by the early release of elderly and infirm offenders;

(iv) Housing options to expedite the release of aging and infirm offenders while maintaining the safety of housing providers, other housing residents, and the general public; and

(v) Optimal procedures for reviewing offenders on a case-by-case basis to ensure that the interests of justice and public safety are considered in any early release decision.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2012)	\$127,121,000
General Fund--State Appropriation (FY 2013)	(\$128,494,000)
.....	\$126,251,000
Federal Narcotics Forfeiture Account--Federal	
Appropriation	\$372,000
Controlled Substances Account--State	
Appropriation	\$32,000
TOTAL APPROPRIATION	(\$256,019,000)
.....	\$253,776,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$875,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to implement Engrossed Substitute House Bill No. 5891 (criminal justice cost savings). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(b) ~~(\$6,362,000)~~ \$3,753,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to implement an evidence-based risk-needs-responsivity model for community supervision of offenders.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2012)	\$2,513,000
General Fund--State Appropriation (FY 2013)	\$2,431,000
TOTAL APPROPRIATION	\$4,944,000

The appropriations in this subsection are subject to the following conditions and limitations: \$66,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2012)	\$35,821,000
General Fund--State Appropriation (FY 2013)	(\$27,264,000)
.....	\$27,539,000
TOTAL APPROPRIATION	(\$63,085,000)
.....	\$63,360,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison institutions may use funds appropriated in this subsection to rent uniforms from correctional industries in accordance with existing legislative mandates.

(b) The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

(c) The department shall reduce payments to the department of information services or its successor by \$213,000 in fiscal year 2012 and by \$1,150,000 in fiscal year 2013. The reduction in payment shall be related to the elimination of the offender base tracking system, including moving remaining portions of the offender base tracking system into the offender management network information system.

Sec. 1218. 2012 2nd sp.s. c 7 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2012)	\$2,159,000
General Fund--State Appropriation (FY 2013)	\$2,131,000

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General Fund--Federal Appropriation	(\$19,239,000))
\$19,739,000	
General Fund--Private/Local Appropriation.....	(\$30,000))
.....	\$105,000
TOTAL APPROPRIATION	(\$23,559,000))
.....	\$24,134,000

state by section 903 (d), (f), and (g) of the social security act (Reed act).

(End of part)

**PART XIII
NATURAL RESOURCES**

Sec. 1219. 2012 2nd sp.s. c 7 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation	\$267,069,000
General Fund--Private/Local Appropriation.....	\$33,856,000
Unemployment Compensation Administration Account--	
Federal Appropriation	(\$349,247,000))
.....	\$356,767,000
Administrative Contingency Account--State	
Appropriation	\$20,940,000
Employment Service Administrative Account--State	
Appropriation	\$33,609,000
TOTAL APPROPRIATION	(\$704,721,000))
.....	\$712,241,000

Sec. 1301. 2012 2nd sp.s. c 7 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2012)	\$8,955,000
General Fund--State Appropriation (FY 2013)	\$8,379,000
General Fund--Federal Appropriation	\$5,905,000
Winter Recreation Program Account--State	
Appropriation	(\$1,759,000))
.....	\$2,034,000
ORV and Nonhighway Vehicle Account--State Appropriation	
.....	\$224,000
Snowmobile Account--State Appropriation	\$4,844,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$4,363,000
Parks Renewal and Stewardship Account--State	
Appropriation	\$106,505,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation	\$300,000
TOTAL APPROPRIATION	(\$141,234,000))
.....	\$141,509,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$39,666,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for continuing current unemployment insurance functions and department services to employers and job seekers.

read as follows:

The appropriations in this section are subject to the following conditions and limitations:

(2) \$35,584,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The employment security department shall support the department of revenue and department of labor and industries to develop a common vision to ensure technological compatibility between the three agencies to facilitate a coordinated business tax system for the future that improves services to business customers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer created in Engrossed Substitute Senate Bill No. 5931 (information technology management).

(1) \$8,876,000 of the general fund--state appropriation for fiscal year 2012, \$8,300,000 of the general fund--state appropriation for fiscal year 2013, and \$4,000,000 of the aquatic lands enhancement account--state appropriation are provided solely to operate and maintain state parks as the commission implements a new fee structure. The goal of this structure is to make the parks system self-supporting. By August 1, 2012, state parks must submit a report to the office of financial management detailing its progress toward this goal and outlining any additional statutory changes needed for successful implementation.

(3) \$25,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of system changes to the unemployment insurance tax information system required under chapter 4, Laws of 2011 (unemployment insurance program).

(2) \$79,000 of the general fund--state appropriation for fiscal year 2012 and \$79,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a grant for the operation of the Northwest avalanche center.

(4) \$1,459,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903 (d), (f), and (g) of the social security act (Reed act). This amount is provided solely for implementation of chapter 4, Laws of 2011 (unemployment insurance program).

(3) \$44,528,000 of the parks renewal and stewardship account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) \$80,000 of the unemployment compensation administration account--federal appropriation is provided solely for costs associated with the initial review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). The initial review shall be developed by the joint legislative audit and review committee. This appropriation is provided from funds made available to the

(4) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.

(5) The state parks and recreation commission, in cooperation with the Fort Worden lifelong learning center public development authority authorized under RCW 35.21.730 shall provide a report to the governor and appropriate committees of the legislature no later than October 15, 2012, to create a lifelong learning center at Fort Worden state park. This plan shall support and be based upon the Fort Worden state park long-range plan adopted by the state parks and recreation commission in September 2008. The report shall include a business and governance plan and supporting materials that provide options and recommendations on the long-term

governance of Fort Worden state park, including building maintenance and restoration. While the commission may transfer full or partial operations to the public development authority the state shall retain title to the property. The state parks and recreation commission and the public development authority will agree on the scope and content of the report including the business and governance plan. In preparing this report the state parks and recreation commission and the public development authority shall provide ample opportunity for the public and stakeholders to participate in the development of the business and governance plan. The state parks and recreation commission shall review the report and if it is consistent with the 2008 Fort Worden state park long-range plan shall take action on a long-term governance and business plan no later than December 31, 2012.

(6) Within the appropriations contained in this section, the commission shall review the removal of trees from Brooks memorial state park that have been killed or damaged by fire in order to determine the recovery value from the sale of any timber that is surplus to the needs of the park. The commission shall remove such trees, if the commission determines that the recovery value from the sale of any timber is at least cost neutral and the removal is in a manner consistent with RCW 79A.05.035.

Sec. 1302. 2012 2nd sp.s. c 7 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2012)	\$34,098,000
General Fund--State Appropriation (FY 2013)	(\$23,618,000)
.....	\$26,417,000
General Fund--Federal Appropriation	(\$105,481,000)
.....	\$105,725,000
General Fund--Private/Local Appropriation.....	(\$56,923,000)
.....	\$57,107,000
ORV and Nonhighway Vehicle Account--State Appropriation	\$391,000
Aquatic Lands Enhancement Account--State	
Appropriation	(\$12,113,000)
.....	\$12,125,000
Recreational Fisheries Enhancement--State	
Appropriation	(\$2,794,000)
.....	\$2,809,000
Warm Water Game Fish Account--State Appropriation	
.....	(\$2,841,000)
.....	\$2,842,000
Eastern Washington Pheasant Enhancement Account--State	
Appropriation	\$849,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation	\$204,000
Aquatic Invasive Species Prevention Account--State	
Appropriation	\$848,000
State Wildlife Account--State Appropriation	(\$100,742,000)
.....	\$95,241,000
Special Wildlife Account--State Appropriation.....	\$2,382,000
Special Wildlife Account--Federal Appropriation.....	\$500,000
Special Wildlife Account--Private/Local Appropriation	\$3,415,000
Wildlife Rehabilitation Account--State Appropriation.....	\$259,000
Regional Fisheries Enhancement Salmonid Recovery	
Account--Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account--State Appropriation.....	\$883,000
Oyster Reserve Land Account--State Appropriation.....	\$919,000
Recreation Resources Account--State Appropriation.....	\$3,300,000
Hydraulic Project Approval Account--State Appropriation	
.....	\$337,000
TOTAL APPROPRIATION	(\$357,900,000)
.....	\$355,652,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$294,000 of the aquatic lands enhancement account--state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(2) \$355,000 of the general fund--state appropriation for fiscal year 2012 and \$355,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the department to continue a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:

(a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(3) Prior to submitting its 2013-2015 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(4) \$400,000 of the general fund--state appropriation for fiscal year 2012 and \$400,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for removal of derelict gear in Washington waters.

(6) \$100,000 of the eastern Washington pheasant enhancement account--state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

(7) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall

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aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(8) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of natural resources concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(9) Prior to opening game management unit 490 to public hunting, the department shall complete an environmental impact statement that includes an assessment of how public hunting activities will impact the ongoing protection of the public water supply.

(10) \$18,514,000 of the state wildlife account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5385 (state wildlife account). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(11) \$9,418,000 of the state wildlife account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5622 (state land recreation access). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(12) \$50,000 of the state wildlife account--state appropriation is provided solely for mitigation, claims, and assessment costs for injury or loss of livestock caused by wolves, black bears, and cougars.

(13) \$552,000 of the aquatic lands enhancement account--state appropriation is provided solely for increased law enforcement capacity to reduce the occurrence of geoduck poaching and illegal harvest activities. With these additional funds, the department shall deploy two new fish and wildlife officers and one detective within Puget Sound to address on-the-water and marketplace geoduck harvest compliance.

(14) \$337,000 of the hydraulic project approval--state appropriation is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

Sec. 1303. 2012 2nd sp.s. c 7 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2012)	\$30,907,000
General Fund--State Appropriation (FY 2013)	(\$35,791,000)
.....	\$67,782,000
General Fund--Federal Appropriation	\$27,873,000
General Fund--Private/Local Appropriation.....	\$2,372,000
Forest Development Account--State Appropriation	(\$46,254,000)
.....	\$44,116,000
ORV and Nonhighway Vehicle Account--State	
Appropriation	\$4,373,000
Surveys and Maps Account--State Appropriation	\$2,118,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$69,000
Resources Management Cost Account--State	
Appropriation	\$90,131,000
Surface Mining Reclamation Account--State	
Appropriation	\$3,467,000
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation ..	\$9,784,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation.....	\$838,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation.....	\$34,000
State Toxics Control Account--State Appropriation.....	\$80,000

Air Pollution Control Account--State Appropriation	\$540,000
NOVA Program Account--State Appropriation	\$635,000
Derelict Vessel Removal Account--State Appropriation ..	\$1,761,000
Agricultural College Trust Management Account--State	
Appropriation	\$1,848,000
Forest Practices Application Account--State Appropriation	
.....	\$780,000
Marine Resources Stewardship Trust Account--State	
Appropriation	\$2,100,000
TOTAL APPROPRIATION	(\$262,782,000)
.....	\$296,608,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$710,000 of the general fund--state appropriation for fiscal year 2012 and \$915,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$8,030,000 of the general fund--state appropriation for fiscal year 2012, ~~(\$10,037,000)~~ \$42,028,000 of the general fund--state appropriation for fiscal year 2013, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$4,500,000 of the forest and fish support account--state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded in fiscal year 2013 may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$518,000 of the forest and fish support account--state appropriation is provided solely for outcome-based performance contracts with nongovernmental organizations to participate in the implementation of the forest practices program. Contracts awarded in fiscal year 2013 may only contain indirect cost set at or below a rate of eighteen percent.

(5) During the 2011-2013 fiscal biennium, \$717,000 of the forest and fish support account--state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$1,000,000 of the general fund--federal appropriation and \$1,000,000 of the forest and fish support account--state appropriation are provided solely for continuing scientific studies already underway as part of the adaptive management process. Funds may not be used to initiate new studies unless the department secures new federal funding for the adaptive management process.

(7) The department is authorized to increase the silviculture burning permit fee in the 2011-2013 biennium by up to eighty dollars plus fifty cents per ton for each ton of material burned in excess of one hundred tons.

(8) \$440,000 of the state general fund--state appropriation for fiscal year 2012 and \$440,000 of the state general fund--state

appropriation for fiscal year 2013 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(9) By September 1, 2011, the department shall update its interagency agreement dated September 30, 2010, with the department of fish and wildlife concerning land management services on the department of fish and wildlife's wildlife conservation and recreation lands. The update shall include rates and terms for services.

(10) In partnership with the department of ecology, the departments shall deliver a report to the governor, the appropriate committees of the legislature, and the forest practices board by September 1, 2012, documenting forest practices adaptive management program reforms implemented, or recommended, that streamline existing processes to increase program efficiencies and effectiveness. The departments shall collaborate with interested adaptive management program participants in the development of the report.

(11)(a) \$2,100,000 of the marine resources stewardship account--state appropriation is provided solely for the implementation of chapter 252, Laws of 2012 (marine management planning) and 43.372 RCW. The department will work with the marine interagency team, tribes, and the Washington state marine resource committee to develop a spending plan consistent with the priorities in chapter 252, Laws of 2012, for conducting ecosystem assessments and mapping activities related to marine resources use and potential economic development, developing marine management plans for the state's coastal waters, and otherwise aiding in the implementation of marine planning in the state. As appropriate, the team shall develop a competitive process for projects to be funded by the department in fiscal year 2013.

(b) The department, in consultation with the marine interagency team, shall submit to the office of financial management and the appropriate legislative committees by September 1, 2012, a prioritized list of projects and activities for funding consideration through the marine resources stewardship account in the 2013-2015 fiscal biennium.

~~((+3))~~ (12) \$780,000 of the forest practices application account--state appropriation, \$18,000 of the forest development account--state appropriation, \$23,000 of the resources management cost account--state appropriation, and \$2,000 of the surface mining reclamation account--state appropriation are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 6406 (state natural resources). If the bill is not enacted by June 30, 2012, the amounts provided in this subsection shall lapse.

(End of part)

**PART XIV
TRANSPORTATION**

Sec. 1401. 2012 2nd sp.s. c 7 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2012)	\$35,395,000
General Fund--State Appropriation (FY 2013)	(\$32,323,000)
.....	\$41,947,000
General Fund--Federal Appropriation	\$16,081,000
General Fund--Private/Local Appropriation.....	\$3,021,000
Death Investigations Account--State Appropriation.....	\$5,537,000
County Criminal Justice Assistance Account--State Appropriation	\$3,207,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,286,000
Fire Service Trust Account--State Appropriation.....	\$131,000
Disaster Response Account--State Appropriation	\$8,002,000

Fire Service Training Account--State Appropriation	\$9,386,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$54,000
State Toxics Control Account--State Appropriation.....	\$505,000
Fingerprint Identification Account--State Appropriation	\$10,067,000
Vehicle License Fraud Account--State Appropriation	\$437,000
TOTAL APPROPRIATION	(\$125,432,000)
.....	\$135,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 ~~((and))~~ through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$400,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

(4) In accordance with RCW 43.43.742 the state patrol is authorized to increase the following fees in fiscal year ~~((2012))~~ 2013 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Notary service fee.

(5) \$59,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1776 (child care center licensing). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(6) \$6,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1494 (vulnerable adult referrals). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(7) \$1,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 6296 (background checks). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(End of part)

**PART XV
EDUCATION**

Sec. 1501. 2013 c 147 s 1 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2012)	\$25,322,000
General Fund--State Appropriation (FY 2013)	(\$27,133,000)
.....	\$27,383,000
General Fund--Federal Appropriation	(\$77,011,000)
.....	\$82,011,000
General Fund--Private/Local Appropriation.....	\$4,000,000
TOTAL APPROPRIATION	(\$133,466,000)
.....	\$138,716,000

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The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$16,056,000 of the general fund--state appropriation for fiscal year 2012 and (~~(\$14,875,000)~~) \$15,116,000 of the general fund--state appropriation for fiscal year 2013 is for state agency operations.

(a) \$9,692,000 of the general fund--state appropriation for fiscal year 2012 and (~~(\$8,169,000)~~) \$8,160,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection (1)(a), the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) By January 1, 2012, the office of the superintendent of public instruction shall issue a report to the legislature with a timeline and an estimate of costs for implementation of the common core standards. The report must incorporate feedback from an open public forum for recommendations to enhance the standards, particularly in math.

(iii) Within the amounts provided, and in consultation with the public school employees of Washington and the Washington school counselors' association, the office of the superintendent of public instruction shall develop a model policy that further defines the recommended roles and responsibilities of graduation coaches and identifies best practices for how graduation coaches work in coordination with school counselors and in the context of a comprehensive school guidance and counseling program.

(iv) The office of the superintendent of public instruction shall, no later than August 1, 2011, establish a standard statewide definition of unexcused absence. The definition shall be reported to the ways and means committees of the senate and house of representatives for legislative review in the 2012 legislative session. Beginning no later than January 1, 2012, districts shall report to the office of the superintendent of public instruction, daily student unexcused absence data by school.

(b) \$1,964,000 of the general fund--state appropriation for fiscal year 2012 and \$1,017,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c) \$851,000 of the general fund--state appropriation for fiscal year 2012 and \$851,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(d) \$1,744,000 of the general fund--state appropriation for fiscal year 2012 and \$1,387,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to the professional educator standards board for the following:

(i) \$1,050,000 in fiscal year 2012 and \$1,050,000 in fiscal year 2013 are for the operation and expenses of the Washington professional educator standards board;

(ii) \$694,000 of the general fund--state appropriation for fiscal year 2012 and \$312,000 of the general fund--state appropriation for fiscal year 2013 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling

to teach conditional loan programs. Funding within this subsection (1)(d)(ii) is also provided for the recruiting Washington teachers program. Funding reductions in this subsection (1)(d)(ii) in the 2011-2013 fiscal biennium are intended to be one-time; and

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use.

(e) \$133,000 of the general fund--state appropriation for fiscal year 2012 and \$133,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(g) \$45,000 of the general fund--state appropriation for fiscal year 2012 and \$45,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$159,000 of the general fund--state appropriation for fiscal year 2012 and \$93,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 185, Laws of 2011 (bullying prevention), which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities.

(i) \$1,227,000 of the general fund--state appropriation for fiscal year 2012 and \$1,227,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2012 and \$25,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(k) \$166,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for the implementation of chapter 192, Laws of 2011 (school district insolvency). Funding is provided to develop a clear legal framework and process for dissolution of a school district.

(l) \$1,500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of House Bill No. 2799 (collaborative schools). If such legislation is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(m) \$128,000 of the general fund--state appropriation for fiscal year 2013 is provided solely pursuant to Substitute House Bill No. 2254 (foster care outcomes). The office of the superintendent of public instruction shall report on the implementation of the state's plan of cross-system collaboration to promote educational stability

and improve education outcomes of foster youth. The first report is due December 1, 2012, and annually thereafter through 2015. If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(n) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of House Bill No. 2337 (open K-12 education resources). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(o) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for allocation to the office of the superintendent of public instruction to provide financial assistance to nonhigh school districts that are experiencing budgetary shortfalls due to a significant financial condition, including, but not limited to: Declining total enrollment; increased enrollment of students with special education needs; and debts owed to school districts serving the nonhigh school district's high school aged students. The financial assistance shall be in the form of a loan. The loan agreement shall:

(i) Include conditions, binding on the school district, designed to improve the district's financial condition;

(ii) Include a repayment schedule of no more than five years in length; and

(iii) Prohibit districts that receive loans under this subsection from using cash basis accounting.

(2) \$9,267,000 of the general fund--state appropriation for fiscal year 2012 and \$12,267,000 of the general fund--state appropriation for fiscal year 2013 are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2012 and \$2,541,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$50,000 of the general fund--state appropriation for fiscal year 2012 and \$50,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

\$1,221,000 of the general fund--state appropriation for fiscal year 2012 and \$1,221,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$675,000 of the general fund--state appropriation for fiscal year 2012 and \$675,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(iii) \$2,808,000 of the general fund--state appropriation for fiscal year 2012 and \$2,808,000 of the general fund--state

appropriation for fiscal year 2013 are provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(iv) \$337,000 of the general fund--state appropriation for fiscal year 2012 and \$337,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation of the building bridges statewide program for comprehensive dropout prevention, intervention, and reengagement strategies.

(v) \$135,000 of the general fund--state appropriation for fiscal year 2012 and \$135,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for dropout prevention programs at the office of the superintendent of public instruction, including the jobs for America's graduates (JAG) program.

(vi) \$500,000 of the general fund--state appropriation for fiscal year 2012 and \$1,400,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 340, Laws of 2011 (assessment of students in state-funded full-day kindergarten classrooms), including the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS). Of the amounts in this subsection, \$1,000,000 of the fiscal year 2013 appropriation is for the implementation of House Bill No. 2586 (kindergarten inventory). If the bill is not enacted by June 30, 2012, this amount shall lapse.

(vii) \$2,000,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an urban school turnaround initiative as follows:

(A) The office of the superintendent of public instruction shall select two schools in the largest urban school district in the state. The selected schools shall be among the state's lowest-performing schools; be located within the same community and form a continuum of education for the students in that community; have significant educational achievement gaps; and include a mix of elementary, middle, or high schools.

(B) The office shall allocate the funds under this subsection (2)(c)(vii) to the school district to be used exclusively in the selected schools. The district may not charge an overhead or indirect fee for the allocated funds or supplant other state, federal, or local funds in the selected schools. The school district shall use the funds for intensive supplemental instruction, services, and materials in the selected schools, including but not limited to professional development for school staff; updated curriculum, materials, and technology; extended learning opportunities for students; reduced class size; summer enrichment activities; school-based health clinics; and other research-based initiatives to dramatically turn around the performance and close the achievement gap in the schools. The office shall enter into an expenditure agreement with the school district under which any funds under this subsection (2)(c)(vii) remaining unspent on August 31, 2015, shall be returned to the state. Priorities for the expenditure of the funds shall be determined by the leadership and staff of each school.

(C) The office shall monitor the activities in the selected schools and the expenditure of funds to ensure the intent of this subsection (2)(c)(vii) is met, and submit a report to the legislature by December 1, 2013, including outcomes resulting from the urban school turnaround initiative. The report submitted to the legislature must include a comparison of student learning achievement in the

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selected schools with schools of comparable demographics that have not participated in the grant program.

(D) Funding provided in this subsection (2)(c)(vii) is intended to be one-time.

(viii) \$100,000 of the general fund--state appropriation for fiscal year 2013 is provided solely to subsidize advanced placement exam fees and international baccalaureate class fees and exam fees for low-income students. To be eligible for the subsidy, a student must be either enrolled or eligible to participate in the federal free or reduced price lunch program, and the student must have maximized the allowable federal contribution. The office of the superintendent of public instruction shall set the subsidy in an amount so that the advanced placement exam fee does not exceed \$15.00 and the combined class and exam fee for the international baccalaureate does not exceed \$14.50.

Sec. 1502. 2012 2nd sp.s. c 7 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2012)	\$5,241,233,000
General Fund--State Appropriation (FY 2013) ...((\$5,170,854,000))	
.....	\$5,138,619,000
General Fund--Federal Appropriation	\$22,327,000
TOTAL APPROPRIATION	((\$10,434,414,000))
.....	\$10,402,179,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2011-12 and 2012-13 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2011 to August 31, 2011, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 504, chapter 564, Laws of 2009, as amended through sections 1402 and 1403 of this act.

(d) The appropriations in this section include federal funds provided through section 101 of P.L. No. 111-226 (education jobs fund), which shall be used to support general apportionment program funding. In distributing general apportionment allocations under this section for the 2011-12 school year, the superintendent shall include the additional amount of \$3,327,000 allocated by the United States department of education on September 16, 2011, provided through 101 of P.L. No. 111-226 (education jobs fund) as part of each district's general apportionment allocation.

(e) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2011-12 and 2012-13 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size

allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade		RCW 28A.150.260
Grades K-3	.....	25.23
Grade 4	.....	27.00
Grades 5-6	.....	27.00
Grades 7-8	.....	28.53
Grades 9-12	.....	28.74

The superintendent shall base allocations for career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty school:		
Grades K-3	.....	24.10
Grade 4	.....	27.00
Grades 5-6	.....	27.00
Grades 7-8	.....	28.53
Grades 9-12	.....	28.74

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Laboratory science, advanced placement, and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 students:

Career and Technical Education students.....	2.02 per 1000 student FTE's
Skill Center students	2.36 per 1000 student FTE's

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2011-12 and 2012-13 school years for general education students are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on a district's annual average full-time equivalent student enrollment in each grade.

(b) Students in approved career and technical education and skill center programs generate certificated school building-level

administrator staff units at per student rates that exceed the general education rate in (a) of this subsection by the following percentages:
 Career and Technical Education students..... 2.5 percent
 Skill Center students..... 19.75 percent

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2011-12 and 2012-13 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2011-12 and 2012-13 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and

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career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 3.69 percent for career and technical education students, and 21.92 percent for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 16.33 percent in the 2011-12 school year and 16.34 percent in the 2012-13 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 18.73 percent in the 2011-12 school year and 18.73 percent in the 2012-13 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2011-12 SCHOOL YEAR	2012-13 SCHOOL YEAR
Technology	\$57.42	\$58.28
Utilities and Insurance	\$156.03	\$158.37
Curriculum and Textbooks	\$61.65	\$62.58
Other Supplies and Library Materials	\$130.89	\$132.85
Instructional Professional Development for Certificated and Classified Staff	\$9.53	\$9.68
Facilities Maintenance	\$77.30	\$78.46
Security and Central Office	\$53.55	\$54.35

TOTAL BASIC EDUCATION	\$546.37	\$554.57
MSOC/STUDENT FTE		

(b) Students in approved skill center programs generate per student FTE MSOC allocations which equal the rate for general education students calculated in (a) of this subsection, multiplied by a factor of 2.171.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation that is equal to the rate for general education students calculated in (a) of this subsection, multiplied by a factor of 2.442.

(d) Students in laboratory science courses generate per student FTE MSOC allocations which equal the per student FTE rate for general education students established in (a) of this subsection.

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2011-12 and 2012-13 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section are adjusted to reflect provisions of House Bill No. 2065 (allocation of funding for funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) VOLUNTARY FULL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary full day kindergarten programs in qualifying high poverty schools, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary full-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides full-day kindergarten programs for 21 percent of kindergarten enrollment in the 2011-12 school year, and 22 percent in the 2012-13 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced price lunch eligibility rates in each school. Funding in this section is sufficient to fund voluntary full day kindergarten programs for July and August of the 2010-11 school year.

(12) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under subsection (12) of this section shall generate additional MSOC

allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(13) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(14) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2012 and 2013 as follows:

(a) \$589,000 of the general fund--state appropriation for fiscal year 2012 and \$598,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund--state appropriation for fiscal year 2012 and \$436,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(c) Funding in this section is sufficient to fund adjustments to school districts' allocations resulting from the implementation of the prototypical school funding formula, pursuant to chapter 236, Laws of 2010 (K-12 education funding). The funding in this section is intended to hold school districts harmless in total for funding changes resulting from conversion to the prototypical school formula in the general apportionment program, the learning assistance program, the transitional bilingual program, and the highly capable program, after adjustment for changes in enrollment and other caseload adjustments.

(15) \$208,000 of the general fund--state appropriation for fiscal year 2012 and \$211,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Beginning in the 2011-12 school year, students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment. In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the ~~((higher education coordinating board))~~ student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course

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load analyses at both the high school and community and technical college system.

(18) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(19)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

Sec. 1503. 2012 2nd sp.s. c 7 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION	
General Fund--State Appropriation (FY 2012)	\$322,243,000
General Fund--State Appropriation (FY 2013)	(\$273,642,000)
.....	\$273,893,000
TOTAL APPROPRIATION	(\$595,885,000)
.....	\$596,136,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for the transportation of students as provided in RCW 28A.160.192.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 564, Laws of 2009, as amended through section 1404 of this act.

(3) Any amounts appropriated for maintenance level funding for pupil transportation that exceed actual maintenance level expenditures as calculated under the funding formula that takes effect September 1, 2011, shall be distributed to districts according to RCW 28A.160.192(2)(b).

(4) A maximum of \$892,000 of this fiscal year 2012 appropriation and a maximum of \$892,000 of the fiscal year 2013 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list

established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) Starting with the 2012-13 school year, the office of the superintendent of public instruction shall disburse payments for bus depreciation in August.

Sec. 1504. 2011 2nd sp.s. c 9 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS	
General Fund--State Appropriation (FY 2012)	\$7,111,000
General Fund--State Appropriation (FY 2013)	\$7,111,000
General Fund--Federal Appropriation	(\$436,400,000)
.....	\$506,000,000
TOTAL APPROPRIATION	(\$450,622,000)
.....	\$520,222,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund--state appropriation for fiscal year 2012 and \$7,111,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in (a), (b), and (c) of this subsection.

Sec. 1505. 2012 2nd sp.s. c 7 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS	
General Fund--State Appropriation (FY 2012)	\$648,369,000
General Fund--State Appropriation (FY 2013)	(\$679,832,000)
.....	\$659,913,000
General Fund--Federal Appropriation	(\$486,922,000)
.....	\$499,922,000
Education Legacy Trust Account--State Appropriation	\$756,000
TOTAL APPROPRIATION	(\$1,815,879,000)
.....	\$1,808,960,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts

shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(c) Beginning with the 2010-11 school year award cycle, the office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390.

(b) From July 1, 2011 to August 31, 2011, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$8,914,000 of the general fund--state appropriation for fiscal year 2012, ~~(\$34,200,000)~~ \$9,469,000 of the general fund--state appropriation for fiscal year 2013, and ~~(\$29,574,000)~~ \$32,574,000 of the general fund--federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2011-12 and 2012-13 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) From July 1, 2011 to August 31, 2011, the superintendent shall operate the safety net oversight committee and shall award safety net funds as provided in section 507, chapter 564, Laws of 2009, as amended through section 1406 of this act.

(8) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$251,000 of the general fund--state appropriation for fiscal year 2012 and \$251,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2012, \$50,000 of the general fund--state appropriation for fiscal year 2013, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

Sec. 1506. 2012 2nd sp.s. c 7 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS	
General Fund--State Appropriation (FY 2012)	\$7,894,000
General Fund--State Appropriation (FY 2013)	(\$7,912,000)
.....	\$7,896,000
TOTAL APPROPRIATION	(\$15,806,000)
.....	\$15,790,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and ~~(28A.310.340)~~ 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

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Sec. 1507. 2012 2nd sp.s. c 7 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2012)	\$300,768,000
General Fund--State Appropriation (FY 2013)	(\$298,166,000)
.....	\$299,537,000
General Fund--Federal Appropriation	\$4,400,000
TOTAL APPROPRIATION	(\$603,334,000)
.....	\$604,705,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3 percent from the 2010-11 school year to the 2011-12 school year and 5 percent from the 2011-12 school year to the 2012-13 school year.

Sec. 1508. 2012 2nd sp.s. c 7 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2012)	\$16,694,000
General Fund--State Appropriation (FY 2013)	(\$15,867,000)
.....	\$14,547,000
TOTAL APPROPRIATION	(\$32,561,000)
.....	\$31,241,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$586,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$549,000)~~ \$899,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 1509. 2012 2nd sp.s. c 7 s 510 (uncodified) is amended to read as follows:

FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2012)	\$8,745,000
General Fund--State Appropriation (FY 2013)	(\$8,788,000)
.....	\$9,157,000
TOTAL APPROPRIATION	(\$17,533,000)
.....	\$17,902,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 564, Laws of 2009, as amended through section 1409 of this act.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2012 and \$85,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the centrum program at Fort Worden state park.

Sec. 1510. 2012 2nd sp.s. c 7 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2012)	\$58,078,000
General Fund--State Appropriation (FY 2013)	(\$103,655,000)
.....	\$103,455,000
General Fund--Federal Appropriation	(\$219,147,000)
.....	\$221,147,000
General Fund--Private/Local Appropriation.....	\$4,000,000
Education Legacy Trust Account--State Appropriation ..	\$1,596,000
TOTAL APPROPRIATION	(\$386,476,000)
.....	\$388,276,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,822,000 of the general fund--state appropriation for fiscal year 2012, \$41,614,000 of the general fund--state appropriation for fiscal year 2013, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (a) Development and implementation of retake assessments for high school students who are not successful in one or more content areas and (b) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State funding shall be limited to one collection of evidence payment per student, per content-area assessment.

(2) \$356,000 of the general fund--state appropriation for fiscal year 2012 and \$356,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$980,000 of the general fund--state appropriation for fiscal year 2012 and \$980,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(4) \$3,852,000 of the general fund--state appropriation for fiscal year 2012 and \$2,624,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for continued implementation of chapter 235, Laws of 2010 (education reform) including development of new performance-based evaluation systems for certificated educators.

(5)(a) \$39,296,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,090 per teacher in the 2011-12 and 2012-13 school years, adjusted for inflation in each school year in which Initiative 732 cost of living adjustments are provided;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner. Beginning in the 2011-12 school year, all bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(i) and (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2011-12 and 2012-13 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(6) \$477,000 of the general fund--state appropriation for fiscal year 2012 and \$477,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the leadership internship

program for superintendents, principals, and program administrators.

(7) \$950,000 of the general fund--state appropriation for fiscal year 2012 and \$950,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(8) \$810,000 of the general fund--state appropriation for fiscal year 2012 and \$810,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(9) \$3,234,000 of the general fund--state appropriation for fiscal year 2012 and \$3,234,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible.

(10) \$1,500,000 of the general fund--state appropriation for fiscal year 2012 and \$1,500,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the implementation of chapter 288, Laws of 2011 (actual student success program), including allocations to the opportunity internship program, the jobs for America's graduates program, the building bridges program, services provided by a college scholarship organization. Funding shall not be used in the 2011-2013 fiscal biennium to provide awards for schools and school districts.

(11) \$859,000 of the general fund--state appropriation for fiscal year 2012, \$808,000 of the general fund--state appropriation for fiscal year 2013, and \$248,000 of the education legacy trust account--state appropriation are for administrative support of education reform programs.

(12) \$2,000,000 of the general fund--state appropriation for fiscal year 2012 and \$2,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(13) \$977,000 of the general fund--state appropriation for fiscal year 2012 and \$1,077,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$300,000 of the 2012 appropriation and \$300,000 of the 2013 appropriation shall be used to support FIRST robotics programs. Of the amounts in this subsection, \$100,000 of the fiscal year 2013 appropriation is

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provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(14) \$125,000 of the general fund--state appropriation for fiscal year 2012 and \$125,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(15) \$135,000 of the general fund--state appropriation for fiscal year 2012 and \$135,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2012 and \$1,000,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

(17) \$5,767,000 of the general fund--state appropriation for fiscal year 2013 is provided solely pursuant to Engrossed Substitute Senate Bill No. 5895 (certificated employee evaluations). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

~~((18))~~ (18) \$250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding, a high school must have offered a foundational project lead the way course during the 2011-12 school year. The funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2012-13 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

~~((19))~~ (19) \$150,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for aerospace and manufacturing technical programs housed at two skill centers. The one-time funding is provided for start-up equipment and curriculum purchases. To be eligible for funding, the skill center must agree to provide regional high schools with access to a technology laboratory, expand manufacturing certificate and course offerings at the skill center, and provide a laboratory space for local high school teachers to engage in professional development in the instruction of courses leading to student employment certification in the aerospace and manufacturing industries. The office of the superintendent of public instruction shall administer the grants in consultation with the center for excellence for aerospace and advanced materials manufacturing.

~~((20))~~ (20) \$300,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for start-up grants to twelve high schools to implement the aerospace assembler program. Participating high schools must agree to offer the aerospace

assembler training program to students by spring semester of school year 2012-13. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

Sec. 1511. 2012 2nd sp.s. c 7 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2012)	\$79,575,000
General Fund--State Appropriation (FY 2013)	(\$80,666,000)
.....	\$84,101,000
General Fund--Federal Appropriation	\$71,001,000
TOTAL APPROPRIATION	(\$231,242,000)
.....	\$234,677,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs as provided in RCW 28A.150.260(10)(b). In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student; (ii) fifteen transitional bilingual program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 564, Laws of 2009, as amended through section 1411 of this act.

(c) The allocations in this section reflect the implementation of a new funding formula for the transitional bilingual instructional program, effective September 1, 2011, as specified in RCW 28A.150.260(10)(b).

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 2.79 percent for school year 2011-12 and 2.11 percent for school year 2012-13.

(4) The general fund--federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) In preparing its 2013-15 biennial budget request, the office of the superintendent of public instruction shall prepare for implementation of a funding model for the transitional bilingual program, beginning in school year 2013-14, that is scaled to provide more support to students requiring most intensive intervention, (students with beginning levels of English language proficiency) and less support to students requiring less intervention. The funding model shall also provide up to two years of bonus funding upon successful exit from the bilingual program to facilitate successful transition to a standard program of education.

\$35,000 of the general fund--state appropriation for fiscal year 2012 and \$35,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to track current and former transitional bilingual program students.

Sec. 1512. 2012 2nd sp.s. c 7 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2012)	\$102,619,000
General Fund--State Appropriation (FY 2013)	(\$128,779,000)
.....	\$127,447,000
General Fund--Federal Appropriation	(\$492,207,000)
.....	\$506,207,000
Education Legacy Trust Account--State	
Appropriation	\$23,990,000
TOTAL APPROPRIATION	(\$747,595,000)
.....	\$760,263,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2011-12 and 2012-13 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 1.51560 hours per week per funded learning assistance program student; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2011, to August 31, 2011, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 564, Laws of 2009, as amended through section 1412 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund-state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) The office of the superintendent of public instruction shall research and recommend options for an adjustment factor for middle school and high school free and reduced price lunch eligibility reporting rates pursuant to RCW 28A.150.260(12)(a), and submit a report to the fiscal committees of the legislature by June 1, 2012. For the 2011-12 and 2012-13 school years, the adjustment factor is 1.0.

Sec. 1513. 2012 2nd sp.s. c 7 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of

Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, ~~(2012)~~ 2013, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year ~~(2012)~~ 2013 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(End of part)

**PART XVI
HIGHER EDUCATION**

Sec. 1601. 2012 2nd sp.s. c 7 s 602 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2012)	\$201,226,000
General Fund--State Appropriation (FY 2013)	\$201,612,000
Education Legacy Trust Account--State Appropriation	\$18,579,000
Economic Development Strategic Reserve Account--	
State Appropriation	\$1,500,000
Biotoxin Account--State Appropriation.....	(\$450,000)
.....	\$350,000
Accident Account--State Appropriation	\$6,681,000
Medical Aid Account--State Appropriation	\$6,488,000
TOTAL APPROPRIATION	(\$436,536,000)
.....	\$436,436,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other noninstructional activities.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2012 and \$150,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the development of integrated medical curriculum for the Washington/Wyoming/Alaska/Montana/Idaho (WWAMI) medical education program in Spokane and eastern Washington. Funding is contingent on appropriations being provided to Washington State University for WWAMI program expansion in Spokane and eastern Washington.

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(3) \$52,000 of the general fund--state appropriation for fiscal year 2012 and \$52,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the center for international trade in forest products in the college of forest resources.

(4) \$88,000 of the general fund--state appropriation for fiscal year 2012 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5485 (state's natural resources). If the bill is not enacted by June 30, 2011, the amount provided in this subsection shall lapse.

(5) \$143,000 of the general fund--state appropriation for fiscal year 2012 and \$144,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for the ongoing management of the Washington park arboretum.

(6) \$3,800,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for an expansion in engineering enrollments, including enrollments in the field of computer science. Amounts provided in this subsection may be used only to cover direct costs of instruction associated with this enrollment expansion. By June 30, 2012, the university shall provide a report to the legislature that provides specific detail on how these amounts will be spent. Each September 1st thereafter, the university shall provide an updated report that provides specific detail on how these amounts were spent in the preceding twelve months.

(7) Amounts appropriated in this section are sufficient for the university to conduct a comprehensive review of its tuition waiver policies. The resulting report shall include an overview of tuition waiver uses and costs (forgone revenue) and outcomes and any recommendations for changes to tuition waiver policy and shall be provided to the legislature no later than December 1, 2012.

(8) \$610,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to expand health sciences capacity at the University of Washington for Washington, Wyoming, Alaska, Montana, Idaho (WWAMI) and \$190,000 of the general fund--state appropriation for fiscal year 2012 is provided solely to expand health sciences capacity at the University of Washington for Regional Initiatives in Dental Education (RIDE) for the WWAMI-RIDE program expansion to achieve full ramp-up of first-year medical students and dental students each year of the four-year programs.

(9) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(10) Amounts appropriated in this section are sufficient to cover the costs associated with the implementation of Engrossed Substitute Senate Bill No. 6486 (collective bargaining for post-doctoral researchers).

Sec. 1602. 2012 2nd sp.s. c 7 s 613 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL--OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund--State Appropriation (FY 2013)	(\$247,034,000)
.....	\$212,034,000
General Fund--Federal Appropriation	\$5,812,000
Washington Opportunity Pathways Account--State	
Appropriation	(\$73,500,000)
.....	\$108,500,000
Aerospace Training Student Loan Account--State	
Appropriation	\$12,000
TOTAL APPROPRIATION	(\$326,346,000)
.....	\$326,358,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~\$237,018,000~~) \$202,018,000 of the general fund--state appropriation for fiscal year 2013, and (~~\$73,500,000~~) \$108,500,000 of the opportunity pathways account--state

appropriation are provided solely for student financial aid payments under the state need grant and the state work study programs including up to a four percent administrative allowance for the state work study program.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. The higher education coordinating board shall report to the legislature by December 1, 2013, regarding the number of students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits, and their academic progress including degree completion. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(3) \$1,250,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for implementation of the aerospace training scholarship and student loan program as specified in Engrossed Substitute House Bill No. 1846 (aerospace student loans). If the bill is not enacted by June 30, 2012, the amount provided in this subsection shall lapse.

(4) For fiscal year 2013, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(5) \$1,000,000 of the education legacy trust account--state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the leadership 1000 program.

(7) \$2,436,000 of the general fund--state appropriation for fiscal year 2013 is provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal year 2013 for this purpose.

(8) In addition to the entities listed in RCW 28B.122.010, the aerospace student loan program may provide loans to students attending an aerospace training program at Renton technical college.

(9) The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office of student financial assistance shall coordinate with the department of social and health services to effectively incorporate these conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies.

(10) \$50,000 of the amount provided in this section shall be used to convene the higher education loan program work group. The work group shall develop methods for funding the loan program in the future, as well as recommendations regarding the best loan program structure for providing financial aid to underserved populations. The work group shall seek out technical advice from the housing finance commission. At a minimum, the recommendations regarding the proposed loan program must take into account the following: Whether students could benefit from the creation of a new student loan program; the relationship between the student loan program and the state need grant program and the state need grant qualified student population; mechanisms to achieve interest rates that are below those offered in federally guaranteed and private bank student loans; sources of initial and on-going funding for loans and program operation; and default risks, reserve requirements, and other conditions required for the student loan program. The work group shall provide a report to the legislature no later than December 1, 2012.

Sec. 1603. 2012 2nd sp.s. c 7 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2012)	\$25,497,000
General Fund--State Appropriation (FY 2013)	(\$27,190,000)
.....	\$26,658,000
General Fund--Federal Appropriation	\$280,619,000
Children's Trust Account--State Appropriation	\$142,000
Opportunity Pathways Account--State Appropriation...	\$78,000,000
Home Visiting Services Account--Federal Appropriation	\$300,000
TOTAL APPROPRIATION	(\$411,606,000)
.....	\$411,216,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,028,000 of the general fund--state appropriation for fiscal year 2012, \$18,028,000 of the general fund--state appropriation of fiscal year 2013, \$78,000,000 of the opportunity pathways account appropriation, and \$2,256,000 of the general fund--federal appropriation are provided solely for the early childhood education assistance program services. Of these amounts, \$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) In accordance to RCW 43.215.255(2) and 43.135.055, the department is authorized to increase child care center and child care family home licensure fees in fiscal years 2012 and 2013 for costs to the department for the licensure activity, including costs of necessary inspection. These increases are necessary to support expenditures authorized in this section.

(3) \$64,000 of the general fund--state appropriation for fiscal year 2012, \$638,000 of the general fund--state appropriation for fiscal year 2013, and \$574,000 of the general fund--federal appropriation are provided solely for child care resource and referral network services.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2012 and \$200,000 of the general fund--state appropriation for fiscal year 2013 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(5) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(6) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is

the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

(7) \$934,000 of the general fund--state appropriation for fiscal year 2012, \$934,000 of the general fund--state appropriation for fiscal year 2013, and \$2,400,000 of the general fund--federal appropriation are provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds.

(a) All federal funds received by the department for home visiting activities must be deposited into the home visiting services account.

(b) The department must consult with stakeholders during the development of the Washington home visiting plan and any future proposals for federal funding.

(c) No more than \$300,000 of the home visiting services account--federal appropriation may be expended for program administration for fiscal year 2013 pursuant to RCW 43.215.130. No other funds may be expended for that purpose.

(8)(a) \$153,558,000 of the general fund--federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

(9)(a) \$50,000 of the general fund--state appropriation for fiscal year 2012 and ~~(\$1,050,000)~~ \$329,000 of the general fund--state appropriation for fiscal year 2013 are provided solely for implementation and administration of an electronic benefit transfer system. The system shall include electronic time keeping, integrated with an eligibility information technology system, and an electronic payment system. The department shall coordinate implementation of this system with the department of social and health services.

(b) \$100,000 of the general fund--state appropriation in this subsection is provided solely for the department to contract for an independent consultant to evaluate and recommend the optimum system for the eligibility determination process. The evaluation must include an analysis of lean management processes that, if adopted, could improve the cost effectiveness and delivery of eligibility determination. The department shall coordinate with the department of social and health services for this evaluation. The department must report to the office of financial management and the appropriate fiscal and policy committees of the legislature by December 1, 2012.

(10) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(11) \$1,025,000 of the general fund--state appropriation for fiscal year 2013 and \$6,712,000 of the general fund--federal appropriation are provided solely for the seasonal child care program in fiscal year 2013.

(12) \$2,522,000 of the general fund--state appropriation for fiscal year 2012, \$2,522,000 of the general fund--state appropriation for fiscal year 2013, and \$4,304,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child

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care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

(13)(a) The department shall establish a birth-to-three subcommittee of the early learning advisory council. The subcommittee will be cochaired by the department and nongovernmental private-public partnership created in RCW 43.215.070. The subcommittee shall include at least one representative from each of the following:

- (i) The early learning advisory council;
- (ii) The office of the superintendent of public instruction;
- (iii) The department of social and health services;
- (iv) The department of early learning;
- (v) The nongovernmental private-public partnership created in RCW 43.215.070;
- (vi) The early learning action alliance; and
- (vii) Additional stakeholders with expertise in birth-to-three policy and programs and quality child care, as designated by the early learning advisory council.

(b) The subcommittee may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(c) The subcommittee shall be monitored and overseen by the early learning advisory council created in RCW 43.215.090.

(d) The subcommittee shall develop a birth-to-three implementation proposal, which shall include further development of the Washington state birth-to-three plan.

(e) The subcommittee must include recommendations on the following in its birth-to-three proposal:

- (i) Eligibility criteria for providers and programs;
- (ii) The level of funding necessary to implement birth-to-three programs, including an option which makes available funding equivalent to thirty percent of the funding provided for the program of early learning established in RCW 43.215.141;
- (iii) Options for funding sources for birth-to-three programs;
- (iv) Governance responsibilities for the department of early learning; and
- (v) A timeline for implementation that is concurrent with the expansion to the early learning program outlined in RCW 43.215.142.

The subcommittee must present its recommendations to the early learning advisory council and the appropriate committees of the legislature by December 1, 2012.

(14) \$300,000 of the general fund--federal appropriation is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

Sec. 1604. 2012 2nd sp.s. c 7 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2012)	\$5,776,000
General Fund--State Appropriation (FY 2013)	(\$5,671,000)
.....	\$5,691,000
TOTAL APPROPRIATION	(\$11,447,000)
.....	\$11,467,000

Sec. 1605. 2012 2nd sp.s. c 7 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund--State Appropriation (FY 2012)	\$8,439,000
General Fund--State Appropriation (FY 2013)	(\$8,335,000)
.....	\$8,431,000
TOTAL APPROPRIATION	(\$16,774,000)
.....	\$16,870,000

(End of part)

**PART XVII
SPECIAL APPROPRIATIONS**

Sec. 1701. 2012 2nd sp.s. c 7 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2012)	\$911,643,000
General Fund--State Appropriation (FY 2013)	(\$949,349,000)
.....	\$1,171,965,000
State Building Construction Account--State Appropriation	(\$3,866,000)
.....	\$5,016,000
Columbia River Basin Water Supply Development Account--State Appropriation	(\$121,000)
.....	\$220,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	(\$4,000)
.....	\$5,000
State Taxable Building Construction Account--State Appropriation	(\$90,000)
.....	\$71,000
Gardner-Evans Higher Education Construction Account--State Appropriation	(\$13,000)
.....	\$23,000
Debt-Limit Reimbursable Bond Retire Account--State Appropriation	\$2,300,000
TOTAL APPROPRIATION	(\$1,867,386,000)
.....	\$2,091,243,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2012 shall be expended into the debt-limit general fund bond retirement account by June 30, 2012.

Sec. 1702. 2012 2nd sp.s. c 7 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2012)	\$27,400,000
General Fund--State Appropriation (FY 2013)	\$30,572,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation	(\$140,128,000)
.....	\$137,290,000
TOTAL APPROPRIATION	(\$198,100,000)
.....	\$195,262,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement

account. The entire general fund--state appropriation for fiscal year 2012 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2012.

Sec. 1703. 2011 2nd sp.s. c 9 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2012)	\$1,357,000
General Fund--State Appropriation (FY 2013)	(\$1,357,000)
.....	\$616,000
State Building Construction Account--State	
Appropriation	(\$356,000)
.....	\$761,000
Columbia River Basin Water Supply Development	
Account--State Appropriation.....	\$21,000
Hood Canal Aquatic Rehabilitation Bond Account--State	
Appropriation	\$1,000
State Taxable Building Construction Account--State	
Appropriation	(\$25,000)
.....	\$31,000
Gardner-Evans Higher Education Construction	
Account--State Appropriation.....	(\$2,000)
.....	\$3,000
TOTAL APPROPRIATION	(\$3,119,000)
.....	\$2,790,000

NEW SECTION. Sec. 1704. A new section is added to 2011 1st sp.s. c 50 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2013)	\$728,000
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The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute \$545,000 to Grant county and \$183,000 to Yakima county for extraordinary criminal justice costs.

Sec. 1705. 2012 2nd sp.s. c 7 s 707 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2012 or fiscal year 2013, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) Clint L. Powell, Jr., claim number 99970048.....\$58,155.10
- (2) Chance L. Hawkins, claim number 99970049\$28,838.95
- (3) Edgar L. Hawkins, claim number 99970050.....\$25,507.00
- (4) James Abbott, claim number 99970051\$9,880.00
- (5) Richard Frisk, claim number 99970052\$32,788.50
- (6) Brian Barnd-Spjut, claim number 99970053.....\$122,821.79
- (7) Dwijen Buckendorf, claim number 99970059\$2,100.00
- (8) Todd Chism, claim number 99970061\$56,183.26
- (9) James Glasco, claim number 99970062\$18,800.00
- (10) David Holtzclaw, claim number 99970057.....\$15,154.52
- (11) Gary Richey, claim number 99970063.....\$9,020.00
- (12) Shelly Porter, claim number 99970054\$12,525.72
- (13) Yakov Topik, claim number 99970047.....\$28,500.00
- (14) Luther Wallace, claim number 99970060\$76,256.93
- (15) Mark Fenton, claim number 99970064\$27,637.50
- (16) Reid Woods, claim number 99970065\$7,296.38
- (17) James Daniel Emmett, claim number 99970067..\$9,000.00
- (18) Matthew Collet, claim number 99970068.....\$55,000.00
- (19) Michael Otto, claim number SCJ-2008-12.....\$4,250.00

(End of part)

**PART XVIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 1801. 2012 2nd sp.s. c 7 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance	
premium distributions	(\$8,289,000)
.....	\$7,773,000
General Fund Appropriation for public utility	
district excise tax distributions	(\$44,078,000)
.....	\$49,883,000
General Fund Appropriation for prosecuting	
attorney distributions.....	(\$6,281,000)
.....	\$5,804,000
General Fund Appropriation for boating safety	
and education distributions.....	\$4,000,000
General Fund Appropriation for other tax distributions ..	(\$58,000)
.....	\$63,000
General Fund Appropriation for habitat conservation	
program distributions	\$3,000,000
Death Investigations Account Appropriation for	
distribution to counties for publicly funded	
autopsies	\$2,960,000
Aquatic Lands Enhancement Account Appropriation for	
harbor improvement revenue distribution.....	\$160,000
Timber Tax Distribution Account Appropriation for	
distribution to "timber" counties	(\$58,229,000)
.....	\$61,983,000
County Criminal Justice Assistance Appropriation..	(\$69,566,000)
.....	\$69,532,000
Municipal Criminal Justice Assistance	
Appropriation	(\$26,843,000)
.....	\$26,833,000
City-County Assistance Account Appropriation for local	
government financial assistance distribution	(\$12,159,000)
.....	\$14,922,000
Liquor Excise Tax Account Appropriation for liquor	
excise tax distribution.....	(\$25,617,000)
.....	\$25,889,000
Streamlined Sales and Use Tax Mitigation Account	
Appropriation for distribution to local taxing	
jurisdictions to mitigate the unintended revenue	
redistribution effect of the sourcing law	
changes	\$49,309,000
Columbia River Water Delivery Account Appropriation for	
the Confederated Tribes of the Colville	
Reservation.....	(\$7,478,000)
.....	\$7,481,000
Columbia River Water Delivery Account Appropriation for	
the Spokane Tribe of Indians	(\$4,794,000)
.....	\$4,795,000
Liquor Revolving Account Appropriation for liquor	
profits distribution	(\$85,132,000)
.....	\$96,456,000
TOTAL APPROPRIATION	(\$407,953,000)
.....	\$426,843,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1802. 2012 2nd sp.s. c 7 s 802 (uncodified) is amended to read as follows:

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FOR THE STATE TREASURER--FOR THE COUNTY
 CRIMINAL JUSTICE ASSISTANCE ACCOUNT
 Impaired Driver Safety Account Appropriation((~~\$2,439,000~~))
 \$2,422,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1803. 2012 2nd sp.s. c 7 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--MUNICIPAL CRIMINAL
 JUSTICE ASSISTANCE ACCOUNT
 Impaired Driver Safety Account Appropriation((~~\$1,626,000~~))
\$1,615,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2011-2013 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1804. 2011 1st sp.s. c 50 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR
 DISTRIBUTION
 General Fund Appropriation for federal flood control
 funds distribution.....((~~\$74,000~~))
\$52,000
 General Fund Appropriation for federal grazing fees
 distribution((~~\$2,430,000~~))
\$1,747,000
 Forest Reserve Fund Appropriation for federal forest
 reserve fund distribution.....((~~\$29,175,000~~))
\$39,776,000
 OTAL APPROPRIATION.....((~~\$31,679,000~~))
\$41,575,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1805. 2012 2nd sp.s. c 7 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS
 State Treasurer's Service Account: For transfer to

the state general fund, \$16,300,000
 for fiscal year 2012 and
 ((~~\$24,800,000~~)) \$26,600,000 for fiscal
 year 2013((~~\$41,100,000~~))
\$42,900,000
 Waste Reduction, Recycling, and Litter Control
 Account: For transfer to the state general
 fund, \$4,847,000 for fiscal year
 2012 and \$4,847,000 for fiscal year
 2013\$9,694,000
 Aquatics Lands Enhancement Account: For transfer to
 the state general fund, \$3,500,000 for fiscal
 year 2012 and \$3,500,000 for fiscal year 2013\$7,000,000
 Savings Incentive Account: For transfer to the state
 general fund, \$44,618,000 for fiscal year 2012.....\$44,618,000
 Distinguished Professorship Trust Fund: For transfer to
 the state general fund for fiscal year 2012, an amount
 not to exceed the actual cash balance of the fund\$3,024,000
 Washington Graduate Fellowship Trust Fund: For transfer
 to the state general fund for fiscal year 2012, an
 amount not to exceed the actual cash balance of
 the fund.....\$1,028,000
 College Faculty Awards Trust Fund: For transfer
 to the state general fund for fiscal year 2012, an amount
 not to exceed the actual cash balance of the fund\$1,996,000
 Data Processing Revolving Account: For transfer
 to the state general fund, \$5,960,000 for fiscal
 year 2012\$5,960,000
 Drinking Water Assistance Account: For transfer to
 the drinking water assistance repayment account ...\$38,000,000
 Economic Development Strategic Reserve Account: For
 transfer to the state general fund, \$2,100,000
 for fiscal year 2012 and \$2,100,000 for fiscal
 year 2013\$4,200,000
 General Fund: For transfer to the streamlined sales
 and use tax account, \$24,520,000
 for fiscal year 2012 and \$24,789,000 for fiscal
 year 2013\$49,309,000
 Public Works Assistance Account: For transfer to the
 water pollution control revolving account,
 \$7,750,000 for fiscal year 2012 and \$7,750,000 for
 fiscal year 2013\$15,500,000
 The Charitable, Educational, Penal, and Reformatory
 Institutions Account: For transfer to the state
 general fund, \$4,500,000 for fiscal year 2012 and
 \$4,500,000 for fiscal year 2013.....\$9,000,000
 Thurston County Capital Facilities Account: For
 transfer to the state general fund, \$4,000,000
 for fiscal year 2012 and \$4,000,000 for fiscal
 year 2013\$8,000,000
 Public Works Assistance Account: For transfer to the
 drinking water assistance account, \$10,000,000 for
 fiscal year 2012 and \$5,000,000 for fiscal year
 2013\$15,000,000
 Liquor Control Board Construction and Maintenance
 Account: For transfer to the state general fund,
 \$500,000 for fiscal year 2012\$500,000
 Education Savings Account: For transfer to the state
 general fund, \$54,431,000 for fiscal
 year 2012\$54,431,000
 Department of Retirement Systems Expense Account:
 For transfer to the state general fund,
 \$2,330,000 for fiscal year 2012 and
 \$4,330,000 for fiscal year 2013.....\$6,660,000
 Education Construction Account: For transfer to the

state general fund, \$102,000,000 for fiscal year 2012 and \$102,000,000 for fiscal year 2013.....	\$204,000,000
Public Works Assistance Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2012 and \$40,000,000 for fiscal year 2013.....	\$80,000,000
Foster Care Endowed Scholarship Trust Fund: For transfer to the state general fund, \$200,000 for fiscal year 2012 and \$200,000 for fiscal year 2013.....	\$400,000
Affordable Housing For All Account: For transfer to the home security fund, \$1,000,000 for fiscal year 2012 and \$1,000,000 for fiscal year 2013.....	\$2,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account.....	\$158,205,000
Tobacco Settlement Account: For transfer to the basic health plan stabilization account from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2012.....	\$22,000,000
Tobacco Settlement Account: For transfer to the basic health plan stabilization account from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2013.....	\$22,000,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2012.....	\$6,000,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2013.....	\$6,000,000
The transfer to the life sciences discovery fund is subject to the following conditions: All new grants awarded during the 2011-2013 fiscal biennium shall support and accelerate the commercialization of an identifiable product.	
Financial Services Regulation Fund: For transfer to the state general fund, \$4,000,000 for fiscal year 2012.....	\$4,000,000
State Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2012 and \$250,000 for fiscal year 2013.....	\$500,000
Washington State Heritage Center Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2013.....	\$2,000,000
Local Toxics Control Account: For transfer to the state toxics control account, \$15,000,000 for fiscal year 2012 and \$16,000,000 for fiscal year 2013.....	\$31,000,000
Coastal Protection Account: For transfer to the state general fund, \$500,000 for fiscal year 2012 and \$500,000 for fiscal year 2013.....	\$1,000,000
Multimodal Transportation Account--State: For transfer to the Public Transportation Grant Program Account for the purposes of distributions of \$3,000,000 on each of the last working days of December, March, and June in fiscal year 2013.....	\$9,000,000
Aquatic Lands Enhancement Account: For transfer to the marine resources stewardship trust account, \$2,100,000 for fiscal year 2013.....	\$2,100,000

(End of part)

**PART XIX
MISCELLANEOUS**

Sec. 1901. 2011 1st sp.s. c 41 s 3 (uncodified) is amended to read as follows:

Upon implementation of the expansion directed in RCW 74.09.659, the office of financial management shall reduce general fund--state allotments for the medical assistance program by one million five hundred thousand dollars for fiscal year 2012 (~~and by two million three hundred fifty thousand dollars for fiscal year 2013~~). The amounts reduced from allotments shall be placed in reserve status and remain unexpended.

Sec. 1902. RCW 74.09.215 and 2012 c 241 s 103 are each amended to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, and all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.66 RCW must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, and for other medicaid fraud enforcement activities. For the 2011-2013 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing.

NEW SECTION. Sec. 1903. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1904. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately; except for section 952 of this act which takes effect August 1, 2013, section 968 of this act which takes effect June 30, 2013; sections 978 and 996 of this act which take effect July 28, 2013; and sections 991 and 992 of this act which take effect July 1, 2013.

NEW SECTION. Sec. 1905. Section 957 of this act expires August 1, 2018.

NEW SECTION. Sec. 1906. Section 984 of this act expires June 30, 2016.

(End of Bill)

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MOTION

Senator Smith moved that the following amendment by Senator Smith and others to the striking amendment be adopted.
 On page 50, line 16, increase the General Fund State appropriation for FY 2014 by \$9,815,000
 On page 50, line 17, increase the General Fund State appropriation for FY 2015 by \$40,903,000
 On page 50, line 18, decrease the General Fund Federal appropriation by \$74,627,000
 On page 58, line 33, increase the General Fund State appropriation for FY 2014 by \$224,000
 On page 58, line 34, increase the General Fund State appropriation for FY 2015 by \$364,000
 On page 58, line 35, decrease the General Fund Federal appropriation by \$1,172,000
 On page 61, line 23, increase the General Fund State appropriation for FY 2014 by \$3,483,000
 On page 61, line 24, increase the General Fund State appropriation for FY 2015 by \$8,636,000
 On page 61, line 25, decrease the General Fund Federal appropriation by \$17,685,000
 On page 71, line 5, increase the General Fund State appropriation for FY 2014 by \$3,504,000
 On page 71, line 6, increase the General Fund State appropriation for FY 2015 by \$10,232,000
 On page 71, line 7, decrease the General Fund Federal appropriation by \$76,469,000
 On page 76, line 19, increase the General Fund State appropriation for FY 2014 by \$72,872,000
 On page 76, line 20, increase the General Fund State appropriation for FY 2015 by \$189,597,000
 On page 76, line 21, decrease the General Fund Federal appropriation by \$1,143,994,000
 On page 94, line 18, increase the General Fund State appropriation for FY 2014 by \$347,000

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On page 94, increase the General Fund State appropriation for FY 2015 by \$693,000

On page 97, line 8, increase the General Fund State appropriation for FY 2014 by \$2,608,000

On page 97, line 9, increase the General Fund State appropriation for FY 2014 by \$5,754,000

On page 97, line 10, increase the General Fund Federal appropriation by \$130,000

On page 104, line 16, increase the General Fund State appropriation for FY 2014 by \$723,000

On page 104, line 17, increase the General Fund State appropriation for FY 2014 by \$1,446,000

Adjust total appropriations accordingly in all sections

On page 50, line 23, after "(a)" strike "\$104,999,000" and insert "\$109,342,000"

On page 50, line 24, after "and" strike "\$85,895,000" and insert "\$109,341,000"

On page 50, after line 35, strike all material down through and including line 12 on page 36

On page 53, after line 21, strike all of subsection (1)(k)

On page 55, line 1, strike all of subsection (1)(p)

On page 76, after line 34, strike all of subsection (1) and insert the following:

"(1) No moneys appropriated in this act may be used to implement Medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII)."

On page 77, after line 15, strike all of subsection (2)

On page 86, after line 10, strike all of subsection (30)

On page 88, after line 32, strike all of subsection (44)

Senators Smith, Brown, Padden, Holmquist Newbry, Ericksen and Baumgartner spoke in favor of adoption of the amendment to the striking amendment.

Senators Keiser, Murray and Frockt spoke against adoption of the amendment to the striking amendment.

Senator Smith demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Smith and others on page 50, line 16 to the striking amendment to Second Engrossed Substitute Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Smith and the amendment to the striking amendment was not adopted by the following vote: Yeas, 16; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Benton, Braun, Brown, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Padden, Parlette, Rivers, Roach, Sheldon and Smith

Voting nay: Senators Becker, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Pearson, Ranker, Rolfes, Schlicher, Schoesler, Shin and Tom

Excused: Senator Kline

MOTION

Senator Smith moved that the following amendment by Senator Smith to the striking amendment be adopted:

On page 120, after line 10 of the amendment, insert the following:

"(12) \$480,000 of the general fund--state appropriation for fiscal year 2014, \$480,000 of the general fund--state appropriation for fiscal year 2015, and \$3,900,000 of the state toxics control account--state appropriation are provided solely for the department's water quality program, subject to the conditions and limitations specified in this subsection. Within these amounts, the department shall compile and evaluate all available information on fish consumption in Washington state and present such information to the legislature. This information shall consider whether the fish came from Washington waters, how salmon are incorporated into the consumption rate, and a comparison of regional versus statewide fish consumption rates. The department will also consider relevant studies from Lake Roosevelt and the Columbia river, including related bio-concentration studies. The department will present this information and the status of the rule-making process to the appropriate committees of the 2014 legislature by January 31, 2014, prior to issuing a draft rule to update the water quality standards. The University of Washington shall conduct a study of fish consumption rates within the general population. The study shall identify fish consumption rates and dietary habits, and their distribution in regions and various ethnic groups representative of the state population. The study shall at a minimum include: (a) Average body weight, age, gender, and ethnicity; (b) residence and geographic location; (c) the identification by species of finfish and shellfish consumed, including whether the fish is a marine, freshwater, or anadromous species; (d) the source of the finfish and shellfish consumed, in particular whether the fish was raised and landed in Washington waters; (e) the body part(s) of finfish and shellfish consumed; and (f) the preparation and cooking methods used. This study shall be completed no later than July 1, 2014. All of this information shall be considered and incorporated in the final rule adoption under chapter 173-201A WAC."

Senator Smith spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Smith, the amendment by Senator Smith on page 120, line 10 to the striking amendment to Second Engrossed Substitute Senate Bill No. 5034 was withdrawn.

MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen to the striking amendment be adopted:

On page 120, after line 10 of the amendment, insert the following:

"(12) \$480,000 of the general fund--state appropriation for fiscal year 2014 and \$480,000 of the general fund--state appropriation for fiscal year 2015, and \$3,900,000 of the state toxics control account--state appropriation are provided solely for the department's water quality program, subject to the conditions and limitations specified in this subsection. Within these amounts, the department shall compile and evaluate all available information on fish consumption in Washington state and elsewhere and present such information to the legislature. This information shall consider whether the fish came from Washington waters or elsewhere, whether and how various fish species are incorporated into the consumption rate, and a comparison of regional versus statewide fish consumption rates. The department will also consider relevant studies from Lake Roosevelt and the Columbia river, including

related bio-concentration studies. This information must be considered in rule-making activity to revise the human health criteria for the water quality standards for surface water in chapter 173-201A WAC. The department will present this information and the status of the rule-making process to the appropriate committees of the 2014 legislature by January 31, 2014, prior to issuing a draft rule to update the water quality standards. \$1,600,000 of the state toxics control account--state appropriation is provided solely for the University of Washington school of public health to conduct a study of fish consumption rates within the general population. The study shall characterize fish consumption rates and dietary habits, and their distribution in regions and ethnic groups representative of the state population. The study shall at a minimum include: (a) Body weight, age, gender, and ethnicity; (b) residence and geographic location; (c) the identification by species of fin fish and shellfish consumed, including whether the fish is a marine, freshwater, or anadromous species; (d) the source of the fin fish and shellfish consumed, in particular where the fish was raised and landed; (e) the body parts of fin fish and shellfish consumed; and (f) the preparation and cooking methods used. This study shall be completed no later than January 31, 2015. This study must be completed, considered, and addressed prior to the department's issuance of any draft rule to update water quality standards and in any final rule. No more than thirty percent of the amount provided in this subsection may be used to fund university indirect and administrative expenses."

WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen, the amendment by Senator Ericksen on page 120, line 10 to the striking amendment to Second Engrossed Substitute Senate Bill No. 5034 was withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hill and Hargrove to Second Engrossed Substitute Senate Bill No. 5034.

The motion by Senator Hill carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 2.68.020, 2.28.170, 2.28.170, 13.40.466, 18.43.150, 18.85.061, 19.28.351, 28A.500.020, 28B.15.069, 28B.20.476, 28B.67.030, 28B.95.160, 28B.105.110, 28C.04.535, 28C.10.082, 38.52.540, 41.06.280, 41.06.280, 41.26.802, 43.08.190, 43.09.475, 43.10.150, 43.19.791, 43.24.150, 43.24.150, 43.79.445, 43.79.480, 43.82.010, 43.101.200, 43.155.050, 46.66.080, 46.68.340, 67.70.190, 70.42.090, 70.93.180, 70.96A.350, 70.105D.--, 70.105D.070, 70.148.020, 74.09.215, 74.13.621, 74.09.215, 77.12.201, 77.12.203, 79.64.020, 79.64.040, 82.08.160, 82.14.310, 86.26.007, and 74.09.215; reenacting and amending RCW 28B.15.067, 41.60.050, 41.80.010, 41.80.020, 43.325.040, 71.24.310, and 79.105.150; amending 2013 c 147 s 1 (uncodified); amending 2013 c 306 ss 517, 518, and 519; amending 2012 2nd sp.s. c 7 ss 111, 112, 114, 115, 118, 121, 127, 129, 131, 132, 136, 139, 142, 144, 149, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 218, 219, 220, 221, 222, 303, 307, 308, 402, 502, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 602, 613, 615, 616, 617, 701, 702, 707, 801, 802, 803, and 804 (uncodified); amending 2011 2nd sp.s. c 9 ss 506 and 703 (uncodified); amending 2011 1st sp.s. c 50 s 804 (uncodified); amending 2011 1st sp.s. c 41 s 3 (uncodified); adding a new section to 2011 1st sp.s. c 50 (uncodified); creating new sections; making

appropriations; providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Hill, the rules were suspended, Third Engrossed Substitute Senate Bill No. 5034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill, Hargrove, Schoesler, Benton, Kohl-Welles, Rolfes, Baumgartner, Ranker, Tom, Nelson and Parlette spoke in favor of passage of the bill.

Senator McAuliffe spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Third Engrossed Substitute Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Substitute Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, Mullet, Murray, Nelson, O'Ban, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Hasegawa, McAuliffe, Padden and Smith

Excused: Senator Kline

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Third Engrossed Substitute Senate Bill No. 5034 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5367, by Senators Honeyford, Hatfield, King, Nelson, Delvin and Shin

Concerning Yakima river basin water resource management.

MOTION

On motion of Senator Honeyford, Second Substitute Senate Bill No. 5367 was substituted for Senate Bill No. 5367 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 31, after line 36, insert the following:

NEW SECTION. Sec. 17. FINDINGS--INTENT. (1) The legislature finds that there are significant public infrastructure needs of the state that are unmet, and that the level of unmet need has been exacerbated by the economic downturn. The legislature further finds that there are opportunities to use the state's depository assets to generate additional benefit for the people and the economy of the state. Therefore, the legislature intends to create the Washington investment trust as a legacy institution that amasses sufficient capital reserves to address opportunities now and in the future.

(2) The legislature intends that the investment trust may:

(a) Facilitate investment in, and financing of, public infrastructure systems that will increase public health, safety, and quality of life, improve environmental conditions, and promote community vitality and economic growth; and

(b) Leverage Washington's financial capital and resources, and work in partnership with financial institutions, community-based organizations, economic development organizations, guaranty agencies, and other stakeholder groups.

(3) The mission of the trust is to use Washington's depository assets in ways that afford most efficient use of taxpayer revenues and public resources for the benefit of the people and economy of the state. The legislature intends for the trust to apply business strategies to manage taxpayer revenues while concurrently meeting identified needs and strategic opportunities across the state. In achieving its purpose of improving public infrastructure, the legislature intends for the trust to adhere to the following priorities:

- (a) Institutional safety and soundness;
- (b) Long-term viability;
- (c) Social return and monetary return on investments;
- (d) Prudent and best banking and business practices;
- (e) Highest ethical, accountability, and transparency standards;

and

(f) Insulation from political influence.

NEW SECTION. Sec. 18. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the advisory board of the Washington investment trust.

(2) "Commission" means the Washington investment trust commission.

(3) "Department" means the department of financial institutions.

(4) "Director" means the director of the department of financial institutions.

(5) "Public infrastructure system" means a system of a local government or political subdivision, a special purpose district, a public school district, an institution of higher education as defined in RCW 28B.10.016, a federally recognized Indian tribe, or the state, including but not limited to a system involving: Wastewater treatment; storm water management; solid waste disposal; drinking water treatment; flood control levees; energy efficiency enhancements; roads, streets, and bridges; transportation infrastructure, including freight rail and transit; broadband and telecommunications infrastructure; outdoor recreation and habitat protection facilities; community, social service, or public safety facilities; schools and educational facilities; and affordable housing as defined in RCW 43.63A.510.

(6) "State moneys" has the same meaning as in RCW 43.85.200.

(7) "Treasurer" means the treasurer of the state of Washington.

(8) "Trust" means the Washington investment trust.

NEW SECTION. Sec. 19. CREATION. The Washington investment trust is created.

NEW SECTION. Sec. 20. COMMISSION. (1) The Washington investment trust commission is created as the primary governing authority of the trust. The commission shall consist of the governor, the lieutenant governor, the secretary of state, the attorney general, the state treasurer, the superintendent of public instruction, and the commissioner of public lands.

(2) The commission may adopt rules regarding the:

- (a) Safety and soundness standards of the trust;
- (b) Transparency requirements for trust operations;
- (c) Ethics and conflict of interest requirements for the commission, the board, and officers and employees of the trust, including rules to ensure that they perform their functions in compliance with chapter 42.52 RCW; and
- (d) Other topics as needed for efficient administration of the trust.

(3) The commission shall commence trust operations by July 1, 2014.

(4) The commission may delegate to the trust president such duties and powers as deemed necessary to carry on the business of the trust and enforce this chapter efficiently and effectively. The commission may not delegate its rule-making or policy-making authority.

(5) The commission may adopt policies and procedures for its own governance.

(6) The commission may establish technical advisory committees or consult with public and private sector experts in substantive areas related to the trust's mission, objectives, and duties.

NEW SECTION. Sec. 21. TRANSITION BOARD. (1)(a) The trust transition board is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives jointly shall appoint seven citizen members with a background in financial issues.

(b) The president of the senate and the speaker of the house of representatives jointly shall select the chair from among the citizen membership. The chair shall convene the initial meeting of the trust transition board within forty-five days after the effective date of this section.

(2) The trust transition board shall develop and recommend the following to the commission within the timeline established by the commission:

(a) A start-up business plan for the trust that includes plans and timelines for functions that are new and functions transitioning to the trust that were previously performed by another entity;

(b) Initial capital requirements of the trust;

(c) Options for capitalizing the trust including but not limited to: Federal transportation funds, Taft-Hartley trust funds, revenue bond proceeds, state reserves, and other core capital reserves not needed for liquidity; and

(d) Other items requested by the commission in order to commence trust operations by July 1, 2014.

(3) Legislative members of the trust transition board must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for expenses incurred in the discharge of their duties under chapter 43.--- RCW (the new

chapter created in section 42 of this act) in accordance with RCW 43.03.050 and 43.03.060.

(4) The trust transition board may appoint an interim president and other necessary staff who are exempt from the provisions of chapter 41.06 RCW, and who serve at the board's pleasure on such terms and conditions as the board determines but subject to chapter 42.52 RCW. The department must provide technical assistance to the trust transition board. The board may also contract with additional persons who have specific technical expertise if the expertise is necessary to carry out the requirements of this section.

(5) This section expires July 1, 2014.

NEW SECTION. Sec. 22. DEPOSIT OF PUBLIC FUNDS.

(1)(a) The trust may serve as the depository for state moneys and federal transportation funds once the trust has built sufficient capacity to accept and manage state moneys and federal transportation funds, as determined by the commission. The commission shall establish a process and time frame for the deposit of state moneys and federal transportation funds into the trust. In determining whether the trust has built sufficient capacity, the commission shall consider the minimum leverage capital requirements specified in 12 C.F.R. Sec. 325.3 (2012).

(b) The treasurer and local government agencies shall deposit state moneys and federal transportation funds in the trust in accordance with the time frame and guidelines determined by the commission under this subsection.

(2) All deposits in the trust are guaranteed by the state rather than insured by the federal deposit insurance corporation.

(3) All income earned by the trust on state moneys or federal transportation funds that are deposited in or invested with the trust constitute income of the trust and must be credited to the trust except as otherwise required by law.

(4) The trust may accept deposits of public funds, but is exempt from the requirements of chapter 39.58 RCW.

(5) The trust may accept funds from any public source, including federal funds or other public funds.

(6) The commission shall review state accounts that contain public funds that are not state moneys, and make recommendations to the governor and the appropriate committees of the legislature as to which accounts should be deposited in the trust.

(7)(a) Administrative and strategic planning expenses of the trust are funded from the earnings of the trust, subject to legislative authorization, and from any other appropriations provided by the legislature.

(b) The commission shall establish a separate administrative account within the trust from which its administrative and strategic planning costs must be funded. In each biennial operating budget, the legislature shall authorize the commission to incur a maximum expenditure from the administrative account.

(c) In an amount not to exceed the authorized expenditures, the commission shall proportionally allocate interest earnings from accounts and moneys under its management and shall transfer this amount to the administrative fund. This transfer shall precede the distribution of remaining earnings under applicable statutes.

(d) The trust shall deposit in the general fund any interest earnings that exceed the total of those necessary to make required distributions and those necessary for the continued sound operation of the trust as determined by the commission.

NEW SECTION. Sec. 23. INVESTMENT OF STATE MONEYS. The commission and the state treasurer shall jointly determine the amount of funds necessary to meet the operational needs of state government. The state treasurer retains authority to manage and invest the amount of funds necessary to meet the operational needs of state government. The trust may invest state moneys deposited in the trust that are not reasonably expected to be necessary to meet the short or intermediate-term liquidity needs of the state.

NEW SECTION. Sec. 24. FEDERAL RESERVE SYSTEM MEMBERSHIP. The trust may become a member of the federal reserve system.

NEW SECTION. Sec. 25. INFRASTRUCTURE FUNDING. The trust is authorized to manage and invest state moneys in order to facilitate investment in, and financing of, construction, rehabilitation, replacement, and improvement of new and existing public infrastructure systems. By November 1, 2013, the commission must present an implementation plan and any necessary legislation to the governor and appropriate legislative committees, that:

(1) Identifies any existing accounts in the state treasury associated with state infrastructure programs that the trust recommends be transferred under its umbrella, and the steps and timelines for the transitions;

(2) Identifies additional infrastructure funding that the trust recommends be sought and secured under its umbrella, and the steps and timelines required; and

(3) Demonstrates how the trust plans to maximize revenues and public benefit.

NEW SECTION. Sec. 26. LEGISLATIVE AND STATE AGENCIES AUTHORITIES. Nothing in this chapter affects:

(1) The ability of the legislature to appropriate from public accounts managed by the trust, including the ability to place any conditions or limitations on those appropriations; or

(2) After the legislature appropriates moneys from public accounts managed by the trust, the use of those moneys by the state agencies receiving the appropriations.

NEW SECTION. Sec. 27. MANAGEMENT. (1) The commission shall appoint a trust president. The president is exempt from the provisions of chapter 41.06 RCW. The president shall serve at the commission's pleasure, on such terms and conditions as the commission determines, but subject to chapter 42.52 RCW.

(2) The president shall provide support to the commission and the advisory board, carry out trust policies and programs, and exercise additional authority as may be delegated by the commission.

(3) Subject to available funding and consistent with commission direction, the trust president:

(a) May employ such additional personnel as are necessary to the bank's operations. This employment shall be in accordance with the state civil service law, chapter 41.06 RCW; and

(b) May contract with persons who have the technical expertise needed to carry out a specific, time-limited project.

NEW SECTION. Sec. 28. ADVISORY BOARD. (1)(a) An investment trust advisory board consisting of eleven members is created to review the trust's operations and make recommendations relating to the trust's management, services, policies, and procedures.

(b) The governor shall appoint members of the advisory board, subject to confirmation by the senate. The members of the advisory board must represent a diversity of experience relevant to activities of the trust. Six or more of the members must have expertise in finance. Advisory board members serve at the pleasure of the governor.

(c) The board shall choose its chair from among its membership.

(2) The term of the members is three years. Five of the initial board members must be appointed to serve an initial term of three years, three must be appointed to serve an initial term of two years, and the three remaining members must be appointed to serve an initial term of one year. All subsequent terms are three years. To ensure that the board can continue to act, a member whose term expires shall continue to serve until his or her replacement is appointed. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of

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the person whose position has become vacant. A board member may be removed for cause by the governor.

(3) Members of the advisory board are entitled to reimbursement for expenses incurred in the discharge of their duties under this chapter, as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 29. FINANCIAL OVERSIGHT AND AUDIT. (1) The trust must maintain capital adequacy and other standard indicators of safety and soundness as are appropriate for a publicly owned financial institution.

(2) The director shall examine the trust, taking into consideration the unique circumstances of a publicly owned financial institution. The trust shall pay the director for the reasonable costs of examinations.

(3) The state auditor shall conduct an annual post-audit on all accounts and financial transactions of the trust.

NEW SECTION. Sec. 30. REPORTING REQUIREMENTS. (1) The trust shall submit quarterly reports to the commission in a manner and form prescribed by the commission.

(2) The commission shall make a report to the legislature on the affairs of the trust by December 1st of each year.

NEW SECTION. Sec. 31. ETHICAL REQUIREMENTS. The trust may not make a loan to any advisory board member, the president, or employees of the trust. Advisory board members, the president, and employees of the trust must follow applicable ethical requirements in chapter 42.52 RCW and in rules, policies, and procedures adopted by the commission.

NEW SECTION. Sec. 32. FEES AND TAXES. The trust is exempt from payment of all fees and taxes levied by the state or any of its subdivisions.

NEW SECTION. Sec. 33. TRUST RECORDS. (1) Under RCW 42.56.270 and 42.56.400, certain trust business records and records of the department relating to the trust are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the treasurer. These records may also be used in any suit or administrative hearing involving any provision of this chapter.

(3) This section does not prohibit:

(a) The issuance of general statements based on the reports of persons subject to this chapter as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or the commission of the name of any person violating this chapter and a statement of the manner of the violation of that person.

NEW SECTION. Sec. 34. CAPITALIZATION. The commission must make recommendations to the appropriate fiscal committees of the legislature on options for capitalization of the trust. Any recommendations must include draft legislation for consideration by the legislature.

NEW SECTION. Sec. 35. A new section is added to chapter 39.58 RCW to read as follows:

The Washington investment trust created in section 19 of this act may accept deposits of public funds, but is not a public depository and is not subject to the requirements of this chapter.

NEW SECTION. Sec. 36. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter do not apply to the president of the Washington investment trust in section 27 of this act.

Sec. 37. RCW 30.04.020 and 2010 c 88 s 4 are each amended to read as follows:

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(1) The name of every bank shall contain the word "bank" and the name of every trust company shall contain the word "trust," or the word "bank." Except as provided in RCW 33.08.030 or as otherwise authorized by this section or approved by the director, only a national bank, federal savings bank, a bank or trust company authorized by this title, savings bank under Title 32 RCW, bank holding company or financial holding company, a holding company authorized by this title or Title 32 RCW, or a foreign or alien corporation or other legal person authorized by this title to do so, shall:

(a) Use as a part of his (~~for her~~) or her or its name or other business designation, as a prominent syllable within a word comprising all or a portion of its name or other business designation, or in any manner as if connected with his (~~for her~~) or her or its business or place of business any of the following words or the plural thereof, to wit: "bank," "banking," "banker," "bancorporation," "bancorp," or "trust," or any foreign language designations thereof, including, by way of example, "banco" or "banque."

(b) Use any sign, logo, or marketing message, in any media, or use any letterhead, billhead, note, receipt, certificate, blank, form, or any written, printed, electronic or internet-based instrument or material representation whatsoever, directly or indirectly indicating that the business of such person is that of a bank or trust company.

(2) A foreign corporation or other foreign domiciled legal person, whose name contains the words "bank," "banker," "banking," "bancorporation," "bancorp," or "trust," or the foreign language equivalent thereof, or whose articles of incorporation empower it to engage in banking or to engage in a trust business, may not engage in banking or in a trust business in this state unless the corporation or other legal person (a) is expressly authorized to do so under this title, under federal law, or by the director, and (b) complies with all applicable requirements of Washington state law regarding foreign corporations and other foreign legal persons. If an activity would not constitute "transacting business" within the meaning of RCW 23B.15.010(1) or chapter 23B.18 RCW, then the activity shall not constitute banking or engaging in a trust business. Nothing in this subsection shall prevent operations by an alien bank in compliance with chapter 30.42 RCW.

(3) This section shall not prevent a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act from using the words "mortgage banker" or "mortgage banking" in the conduct of its business, but only if both words are used together in either of the forms which appear in quotations in this sentence.

(4) This section does not prevent the Washington investment trust created in section 19 of this act from being called a trust or from providing banking services without being called a bank.

(5) Any individual or legal person, or director, officer(~~(+)~~), or manager of such legal person, who knowingly violates any provision of this section shall be guilty of a gross misdemeanor.

Sec. 38. RCW 42.56.270 and 2011 1st sp.s. c 14 s 15 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, ~~43.---~~(the new chapter created in section 42 of this act), and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information; and

(21) Financial, commercial, operations, and technical and research information and data submitted to or obtained by innovate Washington in applications for, or delivery of, grants and loans under chapter 43.333 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information.

Sec. 39. RCW 42.56.400 and 2013 c 277 s 5 and 2013 c 65 s 5 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

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(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from the Washington investment trust under chapter 43.--- RCW (the new chapter created in section 42 of this act), from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29. . . (section 1, chapter 65, Laws of 2013); and

(23) Information not subject to public inspection or public disclosure under RCW 48.43. . . (5) (section 1, chapter 277, Laws of 2013).

Sec. 40. RCW 43.08.135 and 2009 c 549 s 5044 are each amended to read as follows:

The state treasurer shall maintain at all times cash, or demand deposits in the Washington investment trust created in section 19 of this act or qualified public depositories in an amount needed to meet the operational needs of state government: PROVIDED, That the state treasurer shall not be considered in violation of RCW 9A.56.060(1) if he or she maintains demand accounts in public depositories in an amount less than all treasury warrants issued and outstanding.

Sec. 41. RCW 43.84.080 and 1982 c 148 s 1 are each amended to read as follows:

Subject to the limitations in section 23 of this act, wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

(2) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state treasurer may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) In motor vehicle fund warrants when authorized by agreement between the state treasurer and the department of transportation requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;

(4) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(5) Bankers' acceptances purchased on the secondary market;

(6) Negotiable certificates of deposit of any national or state commercial or mutual savings bank or savings and loan association doing business in the United States: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board;

(7) Commercial paper: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board.

NEW SECTION. Sec. 42. Sections 17 through 20 and 22 through 34 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 43. Except for section 16 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 39 of this act, which takes effect July 28, 2013.

NEW SECTION. Sec. 44. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "function;" strike the remainder of the title and insert "amending RCW 90.38.005, 90.38.010, 90.38.900, 90.38.902, 84.33.140, 30.04.020, 42.56.270, 43.08.135, and 43.84.080; reenacting and amending RCW 43.84.092, 43.84.092, and 42.56.400; adding new sections to chapter 90.38 RCW; adding a new section to chapter 79.155 RCW; adding a new section to chapter 39.58 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; providing a contingent effective date; providing expiration dates; providing a contingent expiration date; and declaring an emergency."

Senators Hasegawa, Chase spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 31, after line 36 to Second Substitute Senate Bill No. 5367.

The motion by Senator Hasegawa failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Second Substitute Senate Bill No. 5367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5367.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

SECOND SUBSTITUTE SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5913.

MOTION

On motion of Senator Fain, Second Substitute Senate Bill No. 5367 was immediately transmitted to the House of Representatives.

MOTION

At 4:50 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:29 p.m. by President Owen.

PARLIAMENTARY INQUIRY

Senator Fain: "What order are we on?"

REPLY BY THE PRESIDENT

President Owen: "Sixth order."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947, by House Committee on Appropriations (originally sponsored by Representatives Cody, Hunter, Jinkins and Harris)

Concerning the operating expenses of the Washington health benefit exchange.

The measure was read the second time.

MOTION

Senator Becker moved that the following striking amendment by Senators Becker and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.71.010 and 2012 c 87 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. Terms and phrases used in this chapter that are not defined in this section must be defined as consistent with implementation of a state health benefit exchange pursuant to the affordable care act.

(1) "Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(2) "Authority" means the Washington state health care authority, established under chapter 41.05 RCW.

(3) "Board" means the governing board established in RCW 43.71.020.

(4) "Commissioner" means the insurance commissioner, established in Title 48 RCW.

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(5) "Exchange" means the Washington health benefit exchange established in RCW 43.71.020.

(6) "Self-sustaining" means capable of operating (~~without direct state tax subsidy~~) with revenue attributable to the operations of the exchange. Self-sustaining sources include, but are not limited to, federal grants, federal premium tax subsidies and credits, charges to health carriers, (~~and~~) premiums paid by enrollees, and premium taxes under RCW 48.14.0201(5)(b) and 48.14.020(2).

Sec. 2. RCW 43.71.060 and 2012 c 87 s 5 are each amended to read as follows:

(1) The health benefit exchange account is created in the (~~custody of the state treasurer~~) state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used to fund the operation of the exchange and identification, collection, and distribution of premium taxes collected under RCW 48.14.0201(5)(b) and 48.14.020(2).

(2) The following funds must be deposited in the account:

(a) Premium taxes collected under RCW 48.14.0201(5)(b) and 48.14.020(2);

(b) Assessments authorized under section 3 of this act; and

(c) Amounts transferred by the pool administrator as specified in the state omnibus appropriations act pursuant to RCW 48.41.090.

(3) All receipts from federal grants received under the affordable care act may be deposited into the account. Expenditures from the account may be used only for purposes consistent with the grants(~~— Until March 15, 2012, only the administrator of the health care authority, or his or her designee, may authorize expenditures from the account. Beginning March 15, 2012, only the board of the Washington health benefit exchange or designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.~~—(2) This section expires January 1, 2014).

(4) During the 2013-2015 fiscal biennium, the legislature may transfer from the health benefit exchange account to the state general fund such amounts as reflect the excess fund balance of the account.

NEW SECTION. Sec. 3. A new section is added to chapter 43.71 RCW to read as follows:

(1)(a) Beginning January 1, 2015, the exchange may require each issuer writing premiums for qualified health benefit plans or stand-alone dental plans offered through the exchange to pay an assessment in an amount necessary to fund the operations of the exchange, applicable to operational costs incurred beginning January 1, 2015.

(b) The assessment is an exchange user fee as that term is used in 45 C.F.R. 156.80. Assessments of issuers may be made only if the amount of expected premium taxes, as provided under RCW 48.14.0201(5)(b) and 48.14.020(2), and other funds deposited in the health benefit exchange account in the current calendar year are insufficient to fund exchange operations in the following calendar year at the level authorized by the legislature for that purpose in the omnibus appropriations act.

(c) If the exchange is charging an assessment, the exchange shall display the amount of the assessment per member per month for enrollees. A health benefit plan or stand-alone dental plan may identify the amount of the assessment to enrollees, but must not bill the enrollee for the amount of the assessment separately from the premium.

(2) The board, in collaboration with the issuers, the health care authority, and the commissioner, must establish a fair and transparent process for calculating the assessment amount. The process must meet the following requirements:

(a) The assessment only applies to issuers that offer coverage in the exchange and only for those market segments offered and must

be based on the number of enrollees in qualified health plans and stand-alone dental plans in the exchange for a calendar year;

(b) The assessment must be established on a flat dollar and cents amount per member per month, and the assessment for dental plans must be proportional to the premiums paid for stand-alone dental plans in the exchange;

(c) Issuers must be notified of the assessment amount by the exchange on a timely basis;

(d) An appropriate assessment reconciliation process must be established by the exchange that is administratively efficient;

(e) Issuers must remit the assessment due to the exchange in quarterly installments after receiving notification from the exchange of the due dates of the quarterly installments;

(f) A procedure must be established to allow issuers subject to assessments under this section to have grievances reviewed by an impartial body and reported to the board; and

(g) A procedure for enforcement must be established if an issuer fails to remit its assessment amount to the exchange within ten business days of the quarterly installment due date.

(3) The exchange shall deposit proceeds from the assessments in the health benefit exchange account under RCW 43.71.060.

(4) The assessment described in this section shall be considered a special purpose obligation or assessment in connection with coverage described in this section for the purpose of funding the operations of the exchange, and may not be applied by issuers to vary premium rates at the plan level.

(5) The exchange shall monitor enrollment and provide periodic reports which must be available on its web site.

(6) The board shall offer all qualified health plans through the exchange, and the exchange shall not add criteria for certification of qualified health plans beyond those set out in RCW 43.71.065 without specific statutory direction. Nothing shall be construed to limit duties, obligations, and authority otherwise legislatively delegated or granted to the exchange.

(7) The exchange shall report to the joint select committee on health care oversight on a quarterly basis with an update on budget expenses and operations.

(8) By July 1, 2016, the state auditor shall conduct a performance review of the cost of exchange operations and shall make recommendations to the board and the health care committees of the legislature addressing improvements in cost performance and adoption of best practices. The auditor shall further evaluate the potential cost and customer service benefits through regionalization with other states of some exchange operation functions or through a partnership with the federal government. The cost of the state auditor review must be borne by the exchange.

NEW SECTION. Sec. 4. A new section is added to chapter 43.135 RCW to read as follows:

RCW 43.135.034(4) does not apply to the dedication of premium taxes established under RCW 48.14.0201(5)(b) or 48.14.020(2).

Sec. 5. RCW 48.14.0201 and 2013 c 325 s 3 are each amended to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization as defined in RCW 48.46.020, a health care service contractor as defined in chapter 48.44 RCW, or a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010.

(2) Each taxpayer must pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax must be equal to the total amount of all premiums and prepayments for health care services collected or received by the taxpayer under RCW 48.14.090 during the preceding calendar year multiplied by the rate of two percent. For tax purposes, the reporting of premiums and prepayments must be

on a written basis or on a paid-for basis consistent with the basis required by the annual statement.

(3) Taxpayers must prepay their tax obligations under this section. The minimum amount of the prepayments is the percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments is the percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments must be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, self-funded multiple employer welfare arrangement's, or certified health plan's prepayment obligations for the current tax year.

(5)(a) Except as provided in (b) of this subsection, moneys collected under this section are deposited in the general fund.

(b) Beginning January 1, 2014, moneys collected from taxpayers for premiums written on qualified health benefit plans and stand-alone dental plans offered through the health benefit exchange under chapter 43.71 RCW must be deposited in the health benefit exchange account under RCW 43.71.060.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act.

(b) Amounts received by any taxpayer from the state of Washington as prepayments for health care services provided under:

(i) The medical care services program as provided in RCW 74.09.035; or

(ii) The Washington basic health plan on behalf of subsidized enrollees as provided in chapter 70.47 RCW.

(c) Amounts received by any health care service contractor as defined in chapter 48.44 RCW, or any health maintenance organization as defined in chapter 48.46 RCW, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020, except amounts received for pediatric oral services that qualify as coverage for the minimum essential coverage requirement under P.L. 111-148 (2010), as amended.

(d) Participant contributions to self-funded multiple employer welfare arrangements that are not taxable in this state.

(7) Beginning January 1, 2000, the state preempts the field of imposing excise or privilege taxes upon taxpayers and no county, city, town, or other municipal subdivision has the right to impose any such taxes upon such taxpayers. This subsection is limited to premiums and payments for health benefit plans offered by health care service contractors under chapter 48.44 RCW, health maintenance organizations under chapter 48.46 RCW, and self-funded multiple employer welfare arrangements as defined in RCW 48.125.010. The preemption authorized by this subsection must not impair the ability of a county, city, town, or other municipal subdivision to impose excise or privilege taxes upon the health care services directly delivered by the employees of a health maintenance organization under chapter 48.46 RCW.

(8)(a) The taxes imposed by this section apply to a self-funded multiple employer welfare arrangement only in the event that they are not preempted by the employee retirement income security act

of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner must initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing state premium taxes on these arrangements. Once the legality of the taxes has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these taxes.

(b) If there has not been a final determination of the legality of these taxes, then beginning on the earlier of (i) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (ii) April 1, 2006, the arrangement must deposit the taxes imposed by this section into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the taxes are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account must be transferred to the state treasurer.

(9) The effect of transferring contracts for health care services from one taxpayer to another taxpayer is to transfer the tax prepayment obligation with respect to the contracts.

(10) On or before June 1st of each year, the commissioner must notify each taxpayer required to make prepayments in that year of the amount of each prepayment and must provide remittance forms to be used by the taxpayer. However, a taxpayer's responsibility to make prepayments is not affected by failure of the commissioner to send, or the taxpayer to receive, the notice or forms.

Sec. 6. RCW 48.14.020 and 2013 c 325 s 4 are each amended to read as follows:

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection (3) of this section, such tax shall be in the amount of two percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer under RCW 48.14.090 during the preceding calendar year other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For tax purposes, the reporting of premiums shall be on a written basis or on a paid-for basis consistent with the basis required by the annual statement. For the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(2)(a) The taxes imposed in this section do not apply to amounts received by any life and disability insurer for health care services included within the definition of practice of dentistry under RCW 18.32.020 except amounts received for pediatric oral services that qualify as coverage for the minimum essential coverage requirement under P.L. 111-148 (2010), as amended.

(b) Beginning January 1, 2014, moneys collected for premiums written on qualified health benefit plans and stand-alone dental plans offered through the health benefit exchange under chapter 43.71 RCW must be deposited in the health benefit exchange account under RCW 43.71.060.

(3) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of

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such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(4) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of ninety-five one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(5) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their appointed insurance producers, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or these insurance producers.

(6) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums.

Sec. 7. RCW 48.41.090 and 2005 c 405 s 2 are each amended to read as follows:

(1) Following the close of each accounting year, the pool administrator shall determine the total net cost of pool operation which shall include:

(a) Net premium (premiums less administrative expense allowances), the pool expenses of administration, and incurred losses for the year, taking into account investment income and other appropriate gains and losses; and

(b) The amount of pool contributions specified in the state omnibus appropriations act for deposit into the health benefit exchange account under RCW 43.71.060, to assist with the transition of enrollees from the pool into the health benefit exchange created by chapter 43.71 RCW.

(2)(a) Each member's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the member with the commissioner; and shall be determined by multiplying the total cost of pool operation by a fraction. The numerator of the fraction equals that member's total number of resident insured persons, including spouse and dependents, covered under all health plans in the state by that member during the preceding calendar year. The denominator of the fraction equals the total number of resident insured persons, including spouses and dependents, covered under all health plans in the state by all pool members during the preceding calendar year.

(b) For purposes of calculating the numerator and the denominator under (a) of this subsection:

(i) All health plans in the state by the state health care authority include only the uniform medical plan;

(ii) Each ten resident insured persons, including spouse and dependents, under a stop loss plan or the uniform medical plan shall count as one resident insured person;

(iii) Health plans serving medical care services program clients under RCW 74.09.035 are exempted from the calculation; and

(iv) Health plans established to serve elderly clients (~~disabled~~) medicaid clients with disabilities under chapter 74.09 RCW when the plan has been implemented on a demonstration or pilot project basis are exempted from the calculation until July 1, 2009.

(c) Except as provided in RCW 48.41.037, any deficit incurred by the pool, including pool contributions for deposit into the health benefit exchange account, shall be recouped by assessments among members apportioned under this subsection pursuant to the formula set forth by the board among members. The monthly per member assessment may not exceed the 2013 assessment level. If the maximum assessment is insufficient to cover a pool deficit the assessment shall be used first to pay all incurred losses and pool administrative expenses, with the remainder being available for deposit in the health benefit exchange account.

(3) The board may abate or defer, in whole or in part, the assessment of a member if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in subsection (2) of this section. The member receiving such abatement or deferment shall remain liable to the pool for the deficiency.

(4) Subject to the limitation imposed in subsection (2)(c) of this section, the pool administrator shall transfer the assessments for pool contributions for the operation of the health benefit exchange to the treasurer for deposit into the health benefit exchange account with the quarterly assessments for 2014 as specified in the state omnibus appropriations act. If assessments exceed actual losses and administrative expenses of the pool and pool contributions for deposit into the health benefit exchange account, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

NEW SECTION. Sec. 8. A new section is added to chapter 82.04 RCW to read as follows:

(1) The taxes imposed by this chapter do not apply to amounts received by the Washington health benefit exchange established under chapter 43.71 RCW.

(2) This section expires July 1, 2023.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Section 8 of this act applies both prospectively and retroactively."

MOTION

Senator Benton moved that the following amendment by Senator Ericksen to the striking amendment be adopted:

On page 4, line 24, insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.71. RCW to read as follows:

(1) By July 1, 2014, the exchange shall, in collaboration with the office of the insurance commissioner, apply to the secretary of the United States department of health and human services for a waiver to authorize Washington state to explore the opportunity of offering multiple private health benefit exchanges in Washington state by January 1, 2016.

(2) The exchange, in collaboration with the office of the insurance commissioner, must hire a neutral consultant to conduct analyses and make preparations for the transition from a single health benefit exchange to multiple private health benefit exchanges. Research must include, but is not limited to:

(a) Seeking clarity on how advance premium tax credits and cost-sharing subsidies would be accessed through multiple organizations;

(b) Conducting a cost-benefit analysis and assessment of the impacts on consumers and the insurance market; and

(c) Suggested statutory changes required in order to implement the new private health benefit exchanges.

(3) The current exchange may continue to operate after implementation of the private health benefit exchanges. However, the current exchange shall receive no special treatment or aid that would create an unlevel playing field or advantage over the private health benefit exchanges."

Renumber the remaining sections and correct internal references.

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Becker spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 4, line 24 to the striking amendment to Engrossed Substitute House Bill No. 1947.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Becker and Keiser to Engrossed Substitute House Bill No. 1947.

The motion by Senator Becker carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "expenses;" strike the remainder of the title and insert "amending RCW 43.71.010, 43.71.060, 48.14.0201, 48.14.020, and 48.41.090; adding a new section to chapter 43.71 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute House Bill No. 1947 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Keiser, Murray and Schlicher spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1947 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1947 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Parlette, Ranker, Rolfes, Schlicher and Tom

Voting nay: Senators Bailey, Baumgartner, Benton, Braun, Brown, Ericksen, Hewitt, Holmquist Newbry, Honeyford, Padden, Pearson, Rivers, Roach, Schoesler, Sheldon and Smith

Absent: Senator Shin

Excused: Senator Kline

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1450, by Representatives Hunt and Pollet

Regarding assessments in public schools.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed House Bill No. 1450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1450.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1450 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hill, Hobbs, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Parlette, Pearson, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Shin and Tom

Voting nay: Senators Baumgartner, Benton, Brown, Ericksen, Hasegawa, Hewitt, Holmquist Newbry, Honeyford, Padden, Roach, Sheldon and Smith

Excused: Senator Kline

ENGROSSED HOUSE BILL NO. 1450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:54 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 7:25 p.m. by President Owen.

June 28, 2013

MOTION

On motion of Senator Fain, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

June 28, 2013

E2SHB 1872 Prime Sponsor, Committee on Appropriations: Establishing a comprehensive initiative to increase learning opportunities and improve educational outcomes in science, technology, engineering, and mathematics through multiple strategies and statewide partnerships. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:

The House has passed:

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5948, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2069 and passed the bill as amended by the Senate. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5157, SUBSTITUTE SENATE BILL NO. 5679, SUBSTITUTE SENATE BILL NO. 5718, SUBSTITUTE SENATE BILL NO. 5804, ENGROSSED SUBSTITUTE SENATE BILL NO. 5891, ENGROSSED SUBSTITUTE SENATE BILL NO. 5897, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5912, ENGROSSED SUBSTITUTE SENATE BILL NO. 5913, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1306, SUBSTITUTE HOUSE BILL NO. 1866, ENGROSSED HOUSE BILL NO. 2068, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, SENATE BILL NO. 5904, SENATE BILL NO. 5948.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2044, by Representatives Hunter and Sullivan

Delaying the implementation of the family leave insurance program until funding and payment of benefits are authorized in law.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2044 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2044.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2044 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kohl-Welles, Litzow, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Rivers, Rolfes, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Benton, Chase, Harper, Hasegawa, Keiser, McAuliffe, Murray, Ranker, Roach and Schlicher

Excused: Senator Kline

HOUSE BILL NO. 2044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1306,

SUBSTITUTE HOUSE BILL NO. 1866,

ENGROSSED HOUSE BILL NO. 2068.

SECOND READING

HOUSE BILL NO. 2043, by Representatives Hunter and Sullivan

Temporarily suspending inflationary increases in educational employee compensation.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, House Bill No. 2043 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Hargrove spoke in favor of passage of the bill.

Senator McAuliffe spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2043.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2043 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Dammeier, Darneille, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Keiser, King, Litzow,

Mullet, O'Ban, Parlette, Pearson, Rivers, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Brown, Chase, Cleveland, Conway, Eide, Fraser, Frockt, Harper, Hasegawa, Hill, Hobbs, Kohl-Welles, McAuliffe, Murray, Nelson, Padden, Ranker, Roach, Rolfes, Schlicher, Shin and Smith

Excused: Senator Kline

HOUSE BILL NO. 2043, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2051, by House Committee on Appropriations (originally sponsored by Representatives Lytton, Hunter, Sullivan, Maxwell and Pollet)

Implementing basic education expenditures.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Substitute House Bill No. 2051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

Senators Conway and Hobbs spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2051.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2051 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Dammeier, Eide, Fain, Frockt, Hargrove, Hewitt, Hill, Honeyford, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, O'Ban, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Smith and Tom

Voting nay: Senators Baumgartner, Chase, Cleveland, Conway, Darneille, Ericksen, Fraser, Harper, Hasegawa, Hatfield, Hobbs, Holmquist Newbry, Keiser, Nelson, Padden, Rolfes, Schlicher, Sheldon and Shin

Excused: Senator Kline

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:

SEVENTEENTH DAY, JUNE 28, 2013

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5946 with the following amendment(s): 5946-S.E AMH SULP H2726.1

Strike everything after the enacting clause and insert the following:

**"PART I
LEARNING TO READ, READING TO LEARN**

NEW SECTION. Sec. 101. A new section is added to chapter 28A.300 RCW to read as follows:

In support of reading and early literacy, the office of the superintendent of public instruction is responsible for:

(1) Continuing to work collaboratively with state and regional partners such as the department of early learning and the educational service districts to establish early literacy benchmarks and standards and to implement the Washington state comprehensive literacy plan;

(2) Disseminating research and information to school districts about evidence-based programs and practices in reading readiness skills, early literacy, and reading instruction;

(3) Providing statewide models to support school districts that are implementing response to intervention initiatives, positive behavior intervention support systems, or other similar comprehensive models of data-based identification and early intervention; and

(4) Within available funds and in partnership with the educational service districts, providing technical assistance and professional development opportunities for school districts.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.320 RCW to read as follows:

School districts are responsible for providing a comprehensive system of instruction and services in reading and early literacy to kindergarten through fourth grade students that is based on the degree of student need for additional support. Reading and early literacy systems provided by school districts must include:

(1) Annual use of screening assessments and other tools to identify at-risk readers in kindergarten through fourth grade, such as the Washington kindergarten inventory of developing skills, the Washington state early learning and development guidelines for birth through third grade, the second grade reading assessment under RCW 28A.300.310, and locally used assessments and other tools; and

(2) Research-based family involvement and engagement strategies, including strategies to help families and guardians assist in improving students' reading and early literacy skills at home.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.415 RCW to read as follows:

(1) High-quality professional development is essential for educators to keep abreast of the important advances in research that are occurring regarding instructional strategies and curriculum. Professional development in early literacy is especially important to support the instruction of young readers since reading proficiency is a crucial element for student academic success.

(2) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall create partnerships with the educational service districts and public or private institutions of higher education with approved educator preparation programs to develop and deliver research-based professional development learning opportunities in reading instruction and early literacy for teachers of kindergarten through fourth grade students.

NEW SECTION. Sec. 104. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Each school district shall require that report cards for students in kindergarten through fourth grade include information

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regarding how the student is progressing on acquiring reading skills and whether the student is at grade level in reading.

(2) If a student is not reading at or above grade level, the teacher, with the support of other school personnel as appropriate, must explain to the parent or guardian which interventions and strategies will be used to help improve the student's reading skills and must provide strategies for parents or guardians to assist with improving the student's reading skills at home.

(3) Each school shall report to the school district the number of students in grades kindergarten through four who are reading below grade level and the interventions that are being provided to improve the reading skills of the students, with the information disaggregated by subgroups of students. The school district shall aggregate the reports from the schools and provide the reports to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall submit a statewide report annually to the education committees of the legislature and the educational opportunity gap oversight and accountability committee.

NEW SECTION. Sec. 105. A new section is added to chapter 28A.655 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section and section 106 of this act unless the context clearly requires otherwise.

(a) "Basic" means a score on the statewide student assessment at a level two in a four-level scoring system.

(b) "Below basic" means a score on the statewide student assessment at a level one in a four-level scoring system.

(c) "Not meet the state standard" means a score on the statewide student assessment at either a level one or a level two in a four-level scoring system.

(2) Beginning in the 2014-15 school year, for any student who receives a score of below basic on the third grade statewide student assessment in English language arts, a meeting must be scheduled before the end of the school year between the student's parent or guardian, teacher, and the principal of the school the student attends or the principal's designee to discuss appropriate grade placement and recommended intensive strategies to improve the student's reading skills. For students to be placed in fourth grade, the strategies discussed must include an intensive improvement strategy provided, supported, or contracted by the school district that includes a summer program or other option identified by the parents, teacher, principal, or principal's designee as appropriately meeting the student's need to prepare for fourth grade. The parents or guardians must be fully informed about the strategies and the parent's or guardian's consent must be obtained regarding the appropriate grade placement and the intensive improvement strategy to be implemented. The school district must implement the strategy selected in consultation with the student's parents or guardians.

(3) If a student does not have a score in English language arts on the third grade statewide student assessment but the district determines, using district or classroom-based diagnostic assessments or another standardized assessment, that the student's performance is equivalent to below basic in English language arts, the policy in subsection (2) of this section applies.

(4) Students participating in the transitional bilingual instruction program are exempt from the policy in subsection (2) of this section, unless the student has participated in the transitional bilingual instruction program for three school years and receives a score of below basic on the third grade statewide student assessment in English language arts.

(5) Students with disabilities whose individualized education program includes specially designed instruction in reading or English language arts are exempt from subsections (2), (3), and (4)

of this section. Communication and consultation with parents or guardians of such students shall occur through the individualized education program process required under chapter 28A.155 RCW and associated administrative rules.

NEW SECTION. Sec. 106. A new section is added to chapter 28A.655 RCW to read as follows:

(1)(a) Beginning in the 2015-16 school year, except as otherwise provided in this subsection (1), for any student who received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section.

(b) Reading and literacy improvement strategies for students with disabilities whose individualized education program includes specially designed instruction in reading or English language arts shall be as provided in the individualized education program.

(2)(a) Also beginning in the 2015-16 school year, in any school where more than forty percent of the tested students received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, as calculated under this subsection (2), the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section for all students in grades kindergarten through four at the school.

(b) For the purposes of this subsection (2), the office of the superintendent of public instruction shall exclude the following from the calculation of a school's percentage of tested students receiving a score of basic or below basic on the third grade statewide student assessment:

(i) Students enrolled in the transitional bilingual instruction program unless the student has participated in the transitional bilingual instruction program for three school years;

(ii) Students with disabilities whose individualized education program specifies a different standard to measure reading performance than is required for the statewide student assessment; and

(iii) Schools with fewer than ten students in third grade.

(3) The office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop a state menu of best practices and strategies for intensive reading and literacy improvement designed to assist struggling students in reaching grade level in reading by the end of fourth grade. The state menu must also include best practices and strategies to improve the reading and literacy of students who are English language learners and for system improvements that schools and school districts can implement to improve reading instruction for all students. The office of the superintendent of public instruction shall publish the state menu by July 1, 2014, and update the state menu by each July 1st thereafter.

(4) School districts may use an alternative practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction must approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate an increase in improved outcomes for participating students.

PART II REQUIRING THE LEARNING ASSISTANCE PROGRAM TO BE EVIDENCE-BASED

Sec. 201. RCW 28A.165.005 and 2009 c 548 s 701 are each amended to read as follows:

~~(1)~~ This chapter is designed to: ~~((4))~~ (a) Promote the use of ~~((assessment))~~ data when developing programs to assist underachieving students and reduce disruptive behaviors in the classroom; and ~~((2))~~ (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist underachieving students and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance program shall focus first on addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy.

Sec. 202. RCW 28A.165.015 and 2009 c 548 s 702 are each amended to read as follows:

Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) ("Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2)) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

~~((3))~~ (2) "Participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level using multiple measures of performance, including on the statewide student assessments or other assessments and performance measurement tools administered by the school or district and who is identified ~~((in))~~ by the ((approved plan)) district to receive services.

~~((4))~~ (3) "Statewide student assessments" means one or more of the ~~((several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas))~~ assessments administered by ((local)) school districts as required under RCW 28A.655.070.

~~((5))~~ (4) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by ~~((the))~~ statewide, school, or district assessments or other performance measurement tools.

Sec. 203. RCW 28A.165.035 and 2008 c 321 s 4 are each amended to read as follows:

(1) Beginning in the 2015-16 school year, expenditure of funds from the learning assistance program must be consistent with the provisions of section 106 of this act.

(2) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or section 106 of this act, the following are services and activities that may be supported by the learning assistance program:

~~((4))~~ (a) Extended learning time opportunities occurring:

~~((a))~~ (i) Before or after the regular school day;

~~((b))~~ (ii) On Saturday; and

~~((c))~~ (iii) Beyond the regular school year;

~~((2))~~ (b) Services under RCW 28A.320.190;

~~((3))~~ (c) Professional development for certificated and classified staff that focuses on:

~~((a))~~ (i) The needs of a diverse student population;

~~((b))~~ (ii) Specific literacy and mathematics content and instructional strategies; and

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~~((e))~~ (iii) The use of student work to guide effective instruction and appropriate assistance;

~~((4))~~ (d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

~~((5))~~ (e) Tutoring support for participating students; ~~((and~~
~~((6))~~ (f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The office of the superintendent of public instruction must approve any community-based organization or local agency before learning assistance funds may be expended.

(3) In addition to the state menu developed under section 106 of this act, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(4)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (3) of this section or section 106 of this act.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and section 106 of this act.

(5) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and section 106 of this act before the use is required.

NEW SECTION. Sec. 204. A new section is added to chapter 28A.165 RCW to read as follows:

(1) Beginning with the 2014-15 school year, school districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2) By August 1, 2014, and each August 1st thereafter, school districts shall report to the office of the superintendent of public instruction, using a common format prepared by the office:

(a) The amount of academic growth gained by students participating in the learning assistance program;

(b) The number of students who gain at least one year of academic growth; and

(c) The specific practices, activities, and programs used by each school building that received learning assistance program funding.

(3) The office of the superintendent of public instruction shall compile the school district data and report annual and longitudinal gains for the specific practices, activities, and programs used by the school districts to show which are the most effective. The data must be disaggregated by student subgroups.

Sec. 205. RCW 28A.165.055 and 2009 c 548 s 703 are each amended to read as follows:

((Each school district with an approved program is eligible for state funds provided for the learning assistance program.)) The funds for the learning assistance program shall be appropriated ((for the learning assistance program)) in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065 and section 106 of this act.

Sec. 206. RCW 28A.165.065 and 2004 c 20 s 7 are each amended to read as follows:

To ensure that school districts are meeting the requirements of ~~((an approved program))~~ this chapter, the superintendent of public instruction shall monitor ~~((such))~~ learning assistance programs no less than once every four years. ~~((Individual student records shall be maintained at the school district.))~~ The primary purpose of program monitoring is to evaluate the effectiveness of a district's allocation and expenditure of resources and monitor school district fidelity in implementing best practices. The office of the superintendent of public instruction may provide technical assistance to school districts to improve the effectiveness of a learning assistance program.

**PART III
STUDENT DISCIPLINE**

NEW SECTION. Sec. 301. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor's office of Indian affairs, the office of the education ombudsman, school districts, and other education and advocacy organizations.

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year.

Sec. 302. RCW 28A.600.015 and 2006 c 263 s 701 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

(3) Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

Sec. 303. RCW 28A.600.020 and 2006 c 263 s 706 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5)(a) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

~~((a))~~ (i) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

~~((b))~~ (ii) Engages in one or more of the offenses listed in RCW 13.04.155.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

(6) Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than one calendar year from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in returning to an educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school may petition the superintendent of the school district, pursuant to policies and procedures adopted by the office of the superintendent of public instruction, for authorization to exceed the one calendar year limitation provided in this subsection. The superintendent of public instruction shall adopt rules outlining the limited circumstances in which a school may petition to exceed the one calendar year limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school. School districts shall report to the office of the superintendent of public instruction the number of petitions made to the school board and the number of petitions granted on an annual basis.

(7) Nothing in this section prevents a public school district, educational service district, the Washington state center for childhood deafness and hearing loss, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis.

Sec. 304. RCW 28A.600.410 and 1992 c 155 s 1 are each amended to read as follows:

The state of Washington excludes tens of thousands of students from school each year due to out-of-school suspensions and expulsions. Out-of-school suspensions and expulsions contribute to poor academic achievement, lower graduation rates, and higher dropout rates. It is the intent of the legislature to minimize the use of out-of-school suspension and expulsion and its impact on student achievement by reducing the number of days that students are excluded from school due to disciplinary action. Student behavior should not result in the loss of educational opportunity in the public school system.

School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services. Consistent with current law, the conditioning of a student's suspension does not obligate the school district to pay for the counseling or other treatment services except for those stipulated and agreed to by the district at the inception of the suspension.

Sec. 305. RCW 28A.600.460 and 1997 c 266 s 9 are each amended to read as follows:

(1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education

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process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.

(2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.

(3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended.

(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.

(5) All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public (~~upon request. This collection of~~), but public release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address.

Sec. 306. RCW 28A.300.046 and 2011 c 288 s 10 are each amended to read as follows:

(1)(a) The superintendent of public instruction shall adopt rules establishing a standard definition of student absence from school. In adopting the definition, the superintendent shall review current practices in Washington school districts, definitions used in other states, and any national standards or definitions used by the national center for education statistics or other national groups. The superintendent shall also consult with the building bridges work group established under RCW 28A.175.075.

(b) Using the definition of student absence adopted under this section, the superintendent shall establish an indicator for measuring student attendance in high schools for purposes of the PASS program under RCW 28A.175.130.

(2)(a) The K-12 data governance group under RCW 28A.300.507 shall establish the parameters and an implementation schedule for statewide collection through the comprehensive education and data research system of: (i) Student attendance data using the definitions of student absence adopted under this section; and (ii) student discipline data with a focus on suspensions and expulsions from school.

(b) (~~At a minimum,~~) Student suspension and expulsion data collected for the purposes of this subsection (2) must be:

(i) Made publicly available and easily accessible on the superintendent of public instruction's web site; and

(ii) Disaggregated and cross-tabulated as established under RCW 28A.300.042.

(c) School districts must collect and submit student attendance data and student discipline data for high school students through the comprehensive education and data research system for purposes of the PASS program under RCW 28A.175.130 beginning in the 2012-13 school year.

Sec. 307. RCW 28A.300.042 and 2009 c 468 s 4 are each amended to read as follows:

(1) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the

following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

(2) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;
- (e) School;
- (f) Grade level;
- (g) Behavior infraction code, including:
 - (i) Bullying;
 - (ii) Tobacco;
 - (iii) Alcohol;
 - (iv) Illicit drug;
 - (v) Fighting without major injury;
 - (vi) Violence without major injury;
 - (vii) Violence with major injury;
 - (viii) Possession of a weapon; and
- (ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;

(h) Intervention applied, including:

- (i) Short-term suspension;
- (ii) Long-term suspension;
- (iii) Emergency expulsion;
- (iv) Expulsion;
- (v) Interim alternative education settings;
- (vi) No intervention applied; and
- (vii) Other intervention applied that is not described in this subsection (2)(h);

(i) Number of days a student is suspended or expelled, to be counted in half or full days; and

(j) Any other categories added at a future date by the data governance group.

(3) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

(a) School and district;

(b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;

(c) Behavior infraction code; and

(d) Intervention applied.

NEW SECTION. **Sec. 308.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts should convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must

create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

NEW SECTION. Sec. 309. Nothing in chapter . . . , Laws of 2013 2nd sp. sess. (this act) prevents a public school district, law enforcement agencies, or law enforcement personnel from enforcing laws protecting health and human safety.

PART IV EDUCATOR SUPPORT PROGRAM

NEW SECTION. Sec. 401. A new section is added to chapter 28A.415 RCW to read as follows:

(1) The educator support program is established to provide professional development and mentor support for beginning educators and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section.

(2)(a) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team on a competitive basis to individual school districts or consortia of districts. School districts are encouraged to include educational service districts in creating regional consortia. In allocating funds, the office of the superintendent of public instruction shall give priority to school districts with low-performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement. A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional development through the office of the superintendent of public instruction.

(b) A beginning educator support team must include the following components:

(i) A paid orientation or individualized assistance before the start of the school year for beginning educators;

(ii) Assignment of a trained and qualified mentor for the first three years for beginning educators, with intensive support in the first year and decreasing support over the following years depending on the needs of the beginning educator;

(iii) Professional development for beginning educators that is designed to meet their unique needs for supplemental training and skill development;

(iv) Professional development for mentors;

(v) Release time for mentors and their designated educators to work together, as well as time for educators to observe accomplished peers; and

(vi) A program evaluation using a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills, and positive impact on student learning for program participants.

(3) Subject to funds separately appropriated for this specific purpose, the beginning educator support team components under subsection (2) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100.

Sec. 402. RCW 28A.415.010 and 2006 c 263 s 807 are each amended to read as follows:

It shall be the responsibility of each educational service district board to establish a center for the improvement of teaching. The

center shall administer, coordinate, and act as fiscal agent for such programs related to the recruitment and training of certificated and classified K-12 education personnel as may be delegated to the center by the superintendent of public instruction under RCW 28A.310.470. To assist in these activities, each educational service district board shall establish an improvement of teaching coordinating council to include, at a minimum, representatives as specified in RCW 28A.415.040. An existing in-service training task force, established pursuant to RCW 28A.415.040, may serve as the improvement of teaching coordinating council. The educational service district board shall ensure coordination of programs established pursuant to RCW 28A.415.030, 28A.410.060, and ~~((28A.415.250))~~ section 401 of this act.

The educational service district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for professional staff preparation and in-service training in such manner and at such time as the board believes will be of benefit to the teachers and other professional staff of school districts within the educational service district and shall comply with rules of the professional educator standards board pursuant to RCW 28A.410.060 or the superintendent of public instruction ~~((pursuant to RCW 28A.415.250))~~. The board may provide such additional means of teacher and other professional staff preparation and in-service training as it may deem necessary or appropriate and there shall be a proper charge against the educational service district general expense fund when approved by the educational service district board.

Educational service district boards of contiguous educational service districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the educational service districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers and other professional staff, the school district superintendent may hold a teachers' institute of one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this title and rules relating to teachers' institutes held by educational service district superintendents.

PART V ALTERNATIVE LEARNING EXPERIENCES

Sec. 501. 2011 1st sp.s. c 34 s 1 (uncodified) is amended to read as follows:

(1) Under Article IX of the Washington state Constitution, all children are entitled to an opportunity to receive a basic education. Although the state must assure that students in public schools have opportunities to participate in the instructional program of basic education, there is no obligation for either the state or school districts to provide that instruction using a particular delivery method or through a particular program.

(2) The legislature finds ample evidence of the need to examine and reconsider policies under which alternative learning that occurs outside the classroom using an individual student learning plan may be considered equivalent to full-time attendance in school, including for funding purposes. Previous legislative studies have raised questions about financial practices and accountability in alternative learning experience ~~((programs))~~ courses. Since 2005, there has been significant enrollment growth in alternative learning experience online ~~((programs))~~ courses, with evidence of unexpected financial impact when large numbers of nonresident students enroll in ~~((programs))~~ courses. Based on this evidence, there is a rational basis on which to conclude that there are different costs associated with providing ~~((a program))~~ courses not primarily

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based on full-time, daily contact between teachers and students and not primarily occurring on-site in a classroom.

(3) For these reasons, the legislature intends to allow for continuing review and revision of the way in which state funding allocations are used to support alternative learning experience ~~((programs))~~ courses.

Sec. 502. RCW 28A.150.325 and 2011 1st sp.s. c 34 s 2 are each amended to read as follows:

(1) ~~((For purposes of this chapter,))~~ The definitions in this subsection apply throughout this chapter unless the context clearly requires otherwise.

(a) "Alternative learning experience ~~((program))~~ course" means a course ~~((or set of courses))~~, or for grades kindergarten through eight grade-level coursework, that is a delivery method for the program of basic education and is:

~~((a))~~ (i) Provided in whole or in part independently from a regular classroom setting or schedule, but may include some components of direct instruction;

~~((b))~~ (ii) Supervised, monitored, assessed, evaluated, and documented by a certificated teacher employed by the school district or under contract as permitted by applicable rules; and

~~((c))~~ (iii) Provided in accordance with a written student learning plan that is implemented pursuant to the school district's policy and rules adopted by the superintendent of public instruction for alternative learning experiences.

(b) "In-person" means face-to-face instructional contact in a physical classroom environment.

(c) "Instructional contact time" means instructional time with a certificated teacher. Instructional contact time must be for the purposes of actual instruction, review of assignments, testing, evaluation of student progress, or other learning activities or requirements identified in the student's written student learning plan. Instructional contact time must be related to an alternative learning experience course identified in the student's written student learning plan. Instructional contact time may occur in a group setting between the teacher and multiple students and may be delivered either in-person or remotely using technology.

(d) "Online course" means an alternative learning experience course that has the same meaning as provided in RCW 28A.250.010.

(e) "Remote course" means an alternative learning experience course that is not an online course where the student has in-person instructional contact time for less than twenty percent of the total weekly time for the course. No minimum in-person instructional contact time is required.

(f) "Site-based course" means an alternative learning experience course where the student has in-person instructional contact time for at least twenty percent of the total weekly time for the course.

(g) "Total weekly time" means the estimated average hours per school week the student will engage in learning activities to meet the requirements of the written student learning plan.

(2) ~~((The broad categories of alternative learning experience programs include, but are not limited to:~~

(a) Online programs as defined in RCW 28A.150.262;

(b) Parent partnership programs that include significant participation and partnership by parents and families in the design and implementation of a student's learning experience; and

(c) ~~Contract-based learning programs))~~ School districts may claim state funding under section 503 of this act, to the extent otherwise allowed by state law including the provisions of RCW 28A.250.060, for students enrolled in remote, site-based, or online alternative learning experience courses. High school courses must meet district or state graduation requirements and be offered for high school credit.

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(3) School districts that offer alternative learning experience ~~((programs))~~ courses may not provide any compensation, reimbursement, gift, reward, or gratuity to any parents, guardians, or students for participation in the courses. School district employees are prohibited from receiving any compensation or payment as an incentive to increase student enrollment of out-of-district students in ~~((a))~~ alternative learning experience ~~((program))~~ courses. This prohibition includes, but is not limited to, providing funds to parents, guardians, or students for the purchase of educational materials, supplies, experiences, services, or technological equipment. A district may purchase educational materials, equipment, or other nonconsumable supplies for students' use in alternative learning experience ~~((programs))~~ courses if the purchase is consistent with the district's approved curriculum, conforms to applicable laws and rules, and is made in the same manner as such purchases are made for students in the district's regular instructional program. Items so purchased remain the property of the school district upon program completion. School districts may not purchase or contract for instructional or cocurricular experiences and services that are included in an alternative learning experience written student learning plan, including but not limited to lessons, trips, and other activities, unless substantially similar experiences and services are available to students enrolled in the district's regular instructional program. School districts that purchase or contract for such experiences and services for students enrolled in an alternative learning experience ~~((program))~~ course must submit an annual report to the office of the superintendent of public instruction detailing the costs and purposes of the expenditures. These requirements extend to contracted providers of alternative learning experience ~~((programs))~~ courses, and each district shall be responsible for monitoring the compliance of its providers with these requirements. However, nothing in this ~~((section))~~ subsection shall prohibit school districts from contracting with school district employees to provide services or experiences to students, or from contracting with online providers approved by the office of the superintendent of public instruction pursuant to chapter 28A.250 RCW.

(4) ~~((Part-time enrollment in alternative learning experiences is subject to the provisions of RCW 28A.150.350.~~

(5) The superintendent of public instruction shall adopt rules defining minimum requirements and accountability for alternative learning experience programs)) Each school district offering or contracting to offer alternative learning experience courses must:

(a) Report annually to the superintendent of public instruction regarding the course types and offerings, and number of students participating in each;

(b) Document the district of residence for each student enrolled in an alternative learning experience course; and

(c) Beginning in the 2013-14 school year and continuing through the 2016-17 school year, pay costs associated with a biennial measure of student outcomes and financial audit of the district's alternative learning experience courses by the office of the state auditor.

(5) A school district offering or contracting to offer an alternative learning experience course to a nonresident student must inform the resident school district if the student drops out of the course or is otherwise no longer enrolled.

(6) School districts must assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students must also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to

participate in the assessments required under chapter 28A.655 RCW. The rules must address how students who reside outside the geographic service area of the school district are to be assessed.

(7) Beginning with the 2013-14 school year, school districts must designate alternative learning experience courses as such when reporting course information to the office of the superintendent of public instruction under RCW 28A.300.500.

(8)(a) The superintendent of public instruction shall adopt rules necessary to implement this section.

(b) Rules adopted for weekly direct personal contact requirements and monthly progress evaluation must be flexible and reflect the needs of the student and the student's individual learning plan rather than specifying an amount of time. In addition, the rules must reduce documentation requirements, particularly for students making satisfactory progress, based on the unique aspects of the alternative learning experience course types defined in this section and taking into consideration the technical and system capabilities associated with the different course types.

(c) The rules must establish procedures that address how the counting of students must be coordinated by resident and nonresident districts for state funding so that no student is counted for more than one full-time equivalent in the aggregate.

NEW SECTION. Sec. 503. The superintendent of public instruction shall separately calculate and allocate moneys appropriated under RCW 28A.150.260 to school districts for each full-time equivalent student enrolled in an alternative learning experience course. The calculation shall be based on the estimated statewide annual average allocation per full-time equivalent student in grades nine through twelve in general education, excluding small high school enhancements, and including applicable rules and provisions of the omnibus appropriations act.

Sec. 504. RCW 28A.250.010 and 2011 1st sp.s. c 34 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Multidistrict online provider" means:

(i) A private or nonprofit organization that enters into a contract with a school district to provide online courses or programs to K-12 students from more than one school district;

(ii) A private or nonprofit organization that enters into contracts with multiple school districts to provide online courses or programs to K-12 students from those districts; or

(iii) Except as provided in (b) of this subsection, a school district that provides online courses or programs to students who reside outside the geographic boundaries of the school district.

(b) "Multidistrict online provider" does not include a school district online learning program in which fewer than ten percent of the students enrolled in the program are from other districts under the interdistrict student transfer provisions of RCW 28A.225.225. "Multidistrict online provider" also does not include regional online learning programs that are jointly developed and implemented by two or more school districts or an educational service district through an interdistrict cooperative program agreement that addresses, at minimum, how the districts share student full-time equivalency for state basic education funding purposes and how categorical education programs, including special education, are provided to eligible students.

(2)(a) "Online course" means a course or grade-level coursework where:

(i) More than half of the course content is delivered electronically using the internet or other computer-based methods; ~~(and)~~

(ii) More than half of the teaching is conducted from a remote location through an online course learning management system or other online or electronic tools;

(iii) A certificated teacher has the primary responsibility for the

student's instructional interaction. Instructional interaction between the teacher and the student includes, but is not limited to, direct instruction, review of assignments, assessment, testing, progress monitoring, and educational facilitation; and

(iv) Students have access to the teacher synchronously, asynchronously, or both.

(b) "Online school program" means a school program that(:

(i) Offers courses or grade-level coursework that is delivered primarily electronically using the internet or other computer-based methods;

(ii) Offers courses or grade-level coursework that is taught by a teacher primarily from a remote location using online or other electronic tools. Students enrolled in an online program may have access to the teacher synchronously, asynchronously, or both;

(iii)) offers a sequential set of online courses or grade-level coursework that may be taken in a single school term or throughout the school year in a manner that could provide a full-time basic education program if so desired by the student. Students may enroll in the program as part-time or full-time students(; and

(iv) Has an online component of the program with online lessons and tools for student and data management)).

(c) An online course or online school program may be delivered to students at school as part of the regularly scheduled school day. An online course or online school program also may be delivered to students, in whole or in part, independently from a regular classroom schedule, but such courses or programs must comply with RCW (~~(28A.150.262)~~) 28A.150.325 (as recodified by this act) and associated rules adopted by the superintendent of public instruction to qualify for state basic education funding.

(3) "Online provider" means any provider of an online course or program, including multidistrict online providers, all school district online learning programs, and all regional online learning programs.

Sec. 505. RCW 28A.250.020 and 2011 1st sp.s. c 34 s 6 are each amended to read as follows:

(1) The superintendent of public instruction, in collaboration with the state board of education, shall develop and implement approval criteria and a process for approving online providers; a process for monitoring and if necessary rescinding the approval of courses or programs offered by an online provider; and an appeals process. The criteria and processes for multidistrict online providers shall be adopted by rule by December 1, 2009.

(2) When developing the approval criteria, the superintendent of public instruction shall require that providers offering online courses or programs have accreditation, or are candidates for accreditation, through the Northwest accreditation commission or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction (~~(after consultation with the Washington coalition for online learning)~~). In addition to other criteria, the approval criteria shall include the degree of alignment with state academic standards and require that all teachers be certificated in accordance with Washington state law. When reviewing online providers that offer high school courses, the superintendent of public instruction shall assure that the courses offered by the provider are eligible for high school credit. However, final decisions regarding whether credit meets the school district's graduation requirements shall remain the responsibility of the school districts.

(3) Initial approval of online providers by the superintendent of public instruction shall be for four years. The superintendent of public instruction shall develop a process for the renewal of approvals and for rescinding approvals based on noncompliance with approval requirements. Any multidistrict online provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before July 26, 2009, and that meets the teacher certification requirements of subsection (2) of this section, is exempt from the initial approval process under

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this section until August 31, 2012, but must comply with the process for renewal of approvals and must comply with approval requirements.

(4) The superintendent of public instruction shall make the first round of decisions regarding approval of multidistrict online providers by April 1, 2010. The first round of decisions regarding approval of online providers that are not multidistrict online providers shall be made by April 1, 2013. Thereafter, the superintendent of public instruction shall make annual approval decisions no later than November 1st of each year.

(5) The superintendent of public instruction shall establish an online learning advisory committee within existing resources that shall provide advice to the superintendent regarding the approval criteria, major components of the web site, the model school district policy, model agreements, and other related matters. The committee shall include a representative of each of the following groups: Private and public online providers, parents of online students, accreditation organizations, educational service districts, school principals, teachers, school administrators, school board members, institutions of higher education, and other individuals as determined by the superintendent. Members of the advisory committee shall be selected by the superintendent based on nominations from statewide organizations, shall serve three-year terms, and may be reappointed. The superintendent shall select the chair of the committee.

Sec. 506. RCW 28A.250.050 and 2011 1st sp.s. c 34 s 11 are each amended to read as follows:

(1) By August 31, 2010, all school district boards of directors shall develop policies and procedures regarding student access to online courses and online learning programs. The policies and procedures shall include but not be limited to: Student eligibility criteria; the types of online courses available to students through the school district; the methods districts will use to support student success, which may include a local advisor; when the school district will and will not pay course fees and other costs; the granting of high school credit; and a process for students and parents or guardians to formally acknowledge any course taken for which no credit is given. The policies and procedures shall take effect beginning with the 2010- 11 school year. School districts shall submit their policies to the superintendent of public instruction by September 15, 2010. By December 1, 2010, the superintendent of public instruction shall summarize the school district policies regarding student access to online courses and submit a report to the legislature.

(2) School districts must award credit and grades for online high school courses successfully completed by a student that meet the school district's graduation requirements and are provided by an approved online provider.

(3) School districts shall provide students with information regarding online courses that are available through the school district. The information shall include the types of information described in subsection (1) of this section.

(4) When developing local or regional online learning programs, school districts shall incorporate into the program design the approval criteria developed by the superintendent of public instruction under RCW 28A.250.020.

Sec. 507. RCW 28A.250.060 and 2011 1st sp.s. c 34 s 8 are each amended to read as follows:

(1) Beginning with the 2011-12 school year, school districts may claim state funding under (~~RCW 28A.150.260~~) section 503 of this act, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are:

(a) Offered by a multidistrict online provider approved under RCW 28A.250.020 by the superintendent of public instruction;

(b) Offered by a school district online learning program if the program serves students who reside within the geographic boundaries of the school district, including school district programs in which fewer than ten percent of the program's students reside outside the school district's geographic boundaries; or

(c) Offered by a regional online learning program where courses are jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative program agreement.

(2) Beginning with the 2013-14 school year, school districts may claim state funding under (~~RCW 28A.150.260~~) section 503 of this act, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are offered by an online provider approved under RCW 28A.250.020 by the superintendent of public instruction.

(3) Criteria shall be established by the superintendent of public instruction to allow online courses that have not been approved by the superintendent of public instruction to be eligible for state funding if the course is in a subject matter in which no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements.

Sec. 508. RCW 28A.250.070 and 2009 c 542 s 8 are each amended to read as follows:

Nothing in this chapter is intended to diminish the rights of students to attend a nonresident school district in accordance with RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in online courses or online school programs. The office of online learning under RCW 28A.250.030 shall develop a standard form, which must be used by all school districts, for releasing a student to a nonresident school district for the purposes of enrolling in an online course or online school program.

NEW SECTION. Sec. 509. A new section is added to chapter 28A.250 RCW to read as follows:

An online school program may request a waiver from the office of the superintendent of public instruction to administer one or more sections of the statewide student assessment for grades three through eight for some or all students enrolled in the program on alternate days or on an alternate schedule, as long as the administration is within the testing period established by the office. The office may deny a request for a waiver if the online school program's proposal does not maintain adequate test security or would reduce the reliability of the assessment results by providing an inequitable advantage for some students.

Sec. 510. RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2 are each reenacted and amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school, and may charge the adults reasonable tuition.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district or the request of a parent or guardian for his or her child to transfer as a student receiving home-based instruction.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition; or

(d) The purpose of the transfer is for the student to enroll in an online course or online school program offered by an online provider approved under RCW 28A.250.020.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) Beginning with the 1993-94 school year, school districts may not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

Sec. 511. RCW 28A.225.225 and 2013 c 192 s 2 are each amended to read as follows:

(1) Except for students who reside out-of-state and students under RCW 28A.225.217, a district shall accept applications from nonresident students who are the children of full-time certificated and classified school employees, and those children shall be permitted to enroll:

(a) At the school to which the employee is assigned;

(b) At a school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or

(c) At a school in the district that provides early intervention services pursuant to RCW 28A.155.065 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.

(2) A district may reject applications under this section if:

(a) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;

(b) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (2)(b) must apply uniformly to both resident and nonresident applicants; ~~((or))~~

(c) Enrollment of a child under this section would displace a child who is a resident of the district, except that if a child is admitted under subsection (1) of this section, that child shall be permitted to remain enrolled at that school, or in that district's kindergarten through twelfth grade continuum, until he or she has completed his or her schooling; or

(d) The student has repeatedly failed to comply with requirements for participation in an online school program, such as participating in weekly direct contact with the teacher or monthly progress evaluations.

(3) A nonhigh district that is participating in an innovation academy cooperative may not accept an application from a high school student that conflicts with RCW 28A.340.080.

(4) Except as provided in subsection (1) of this section, all districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:

(a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;

(b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;

(c) Accepting of the nonresident student would conflict with RCW 28A.340.080; or

(d) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (4)(d) must apply uniformly to both resident and nonresident applicants.

For purposes of subsections (2)(a) and (4)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(5) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

Sec. 512. RCW 28A.150.100 and 2011 1st sp.s. c 34 s 10 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" means all full-time equivalent classroom teachers, teacher librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff in the following programs as defined for statewide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full-time equivalent students. This requirement does not apply to that portion of a district's annual average full-time equivalent enrollment that is enrolled in alternative learning experience ~~((programs))~~ courses as defined in RCW 28A.150.325 (as recodified by this act).

Sec. 513. RCW 28A.525.162 and 2012 c 244 s 2 are each amended to read as follows:

(1) Funds appropriated to the superintendent of public instruction from the common school construction fund shall be allotted by the superintendent of public instruction in accordance with this chapter.

(2) No allotment shall be made to a school district until such district has provided local funds equal to or greater than the difference between the total approved project cost and the amount of state funding assistance to the district for financing the project computed pursuant to RCW 28A.525.166, with the following exceptions:

(a) The superintendent of public instruction may waive the local requirement for state funding assistance for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015.

(b) No such local funds shall be required as a condition to the allotment of funds from the state for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state funding assistance percentage under RCW 28A.525.166 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after May 11, 1989:

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(i) For districts which have been designated as serving high school districts under RCW 28A.540.110, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW 28A.540.110, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool students with disabilities included in the enrollment count shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the district's resident high school students served by the high school district;

(c) The number of kindergarten students included in the enrollment count shall be counted as one headcount student; and

(d) The number of students residing outside the school district who are enrolled in alternative learning experience (~~(programs)~~) courses under RCW 28A.150.325 (as recodified by this act) shall be excluded from the total.

(4) In lieu of the exclusion in subsection (3)(d) of this section, a district may submit an alternative calculation for excluding students enrolled in alternative learning experience (~~(programs)~~) courses. The alternative calculation must show the student headcount use of district classroom facilities on a regular basis for a regular duration by out- of-district alternative learning experience (~~(program)~~) students subtracted by the headcount of in-district alternative learning experience (~~(program)~~) students not using district classroom facilities on a regular basis for a reasonable duration. The alternative calculation must be submitted in a form approved by the office of the superintendent of public instruction. The office of the superintendent of public instruction must develop rules to define "regular basis" and "reasonable duration."

(5) The superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall prescribe such rules as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

(6) For the purposes of this section, "preschool students with disabilities" means children of preschool age who have developmental disabilities who are entitled to services under RCW 28A.155.010 through 28A.155.100 and are not included in the kindergarten enrollment count of the district.

Sec. 514. RCW 28A.525.166 and 2012 c 244 s 3 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.525.162 through 28A.525.180 shall be made by the superintendent of public instruction and the amount of state funding assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the superintendent.

(2) The state funding assistance percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

$$\begin{array}{r}
 \text{District adjusted} \quad \text{Total state} \\
 \text{3-valuation} \quad \div \quad \text{adjusted valuation} \\
 \text{Computed} \quad \text{per pupil} \quad \text{per pupil} \quad \text{State} \\
 \text{State} = \frac{\quad}{\quad} = \text{\% Funding} \\
 \text{Ratio} \quad \text{District adjusted} \quad \text{Total state} \quad \text{Assistance} \\
 \text{3+valuation} \quad \div \quad \text{adjusted valuation} \\
 \text{per pupil} \quad \text{per pupil}
 \end{array}$$

PROVIDED, That in the event the state funding assistance percentage to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state funding assistance under RCW 28A.525.162 through 28A.525.180, the superintendent may establish for such district a state funding assistance percentage not in excess of twenty percent of the approved cost of the project, if the superintendent finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed state funding assistance percentage developed in subsection (2) of this section, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed state funding assistance percentage for each percent of growth, with a maximum of twenty percent.

(4) In computing the state funding assistance percentage in subsection (2) of this section and adjusting the percentage under subsection (3) of this section, students residing outside the school district who are enrolled in alternative learning experience (~~(programs)~~) courses under RCW 28A.150.325 (as recodified by this act) shall be excluded from the count of total pupils. In lieu of the exclusion in this subsection, a district may submit an alternative calculation for excluding students enrolled in alternative learning experience (~~(programs)~~) courses. The alternative calculation must show the student headcount use of district classroom facilities on a regular basis for a reasonable duration by out-of-district alternative learning experience (~~(program)~~) students subtracted by the headcount of in- district alternative learning experience (~~(program)~~) students not using district classroom facilities on a regular basis for a reasonable duration. The alternative calculation must be submitted in a form approved by the office of the superintendent of public instruction. The office of the superintendent of public instruction must develop rules to define "regular basis" and "reasonable duration."

(5) The approved cost of the project determined in the manner prescribed in this section multiplied by the state funding assistance percentage derived as provided for in this section shall be the amount of state funding assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the superintendent: PROVIDED, FURTHER,

That additional state funding assistance may be allowed if it is found by the superintendent, considering policy recommendations from the school facilities citizen advisory panel that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from projects of statewide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state funding assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state funding assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d), and (e) of this subsection, creating a like emergency.

NEW SECTION. Sec. 515. (1) The office of financial management shall conduct a study, in consultation with, at minimum, one representative each from school districts that administer remote, site- based, and online alternative learning experience courses; the office of the superintendent of public instruction; the Washington state institute for public policy; individuals with expertise in outcome- based public school funding models; a Washington state nonprofit organization with expertise in alternative learning education; and the legislative evaluation and accountability program committee.

(2) The purpose of the study is to create a proposal for efficiently and sustainably funding alternative learning experience courses and to recommend steps to increase the focus on educational outcomes. The study may recommend the funding method established in section 503 of this act or another method of funding. The study shall review alternative learning funding models used in other states and consider the advantages and disadvantages of applying state policies, including funding policies, differentially depending on the type of alternative learning experience course. The study should also include but not be limited to, recommendations for establishing baseline data regarding alternative learning experience student proficiency and achievement in relation to students in a comparable demographic, identifying outcome targets and methods to measure progress toward targets, identifying methods to ensure ongoing evaluation of outcomes that account for the student demographics being served, and improving alternative learning experience accountability.

(3) The office of financial management shall report its findings from the study to the quality education council by November 1, 2013. The quality education council shall review the findings and make recommendations to the education and fiscal committees of the legislature by December 15, 2013.

NEW SECTION. Sec. 516. RCW 28A.150.262 (Defining full-time equivalent student--Students receiving instruction through alternative learning experience online programs--Requirements) and 2011 1st sp.s. c 34 s 3, 2009 c 542 s 9, & 2005 c 356 s 2 are each repealed.

NEW SECTION. Sec. 517. (1) RCW 28A.150.325 is recodified as a section in chapter 28A.-- RCW (the new chapter created in section 518 of this act).

(2) 2011 1st sp.s. c 34 s 1 is codified as a section in chapter 28A.-- RCW (the new chapter created in section 518 of this act).

NEW SECTION. Sec. 518. Sections 501 and 503 of this act constitute a new chapter in Title 28A RCW.

PART VI MISCELLANEOUS

NEW SECTION. Sec. 601. The following acts or parts of acts are each repealed:

(1) RCW 28A.165.025 (School district program plan) and 2009 c 556 s 1 & 2004 c 20 s 3;

(2) RCW 28A.165.045 (Plan approval process) and 2009 c 556 s 2 & 2004 c 20 s 5;

(3) RCW 28A.415.250 (Teacher assistance program--Provision for mentor teachers) and 2009 c 539 s 5, 1993 c 336 s 401, 1991 c 116 s 19, 1990 c 33 s 403, 1987 c 507 s 1, & 1985 c 399 s 1; and

(4) RCW 28A.415.260 (Pilot program using full-time mentor teachers) and 1998 c 245 s 12 & 1993 c 336 s 402.

NEW SECTION. Sec. 602. Section 503 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 603. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Dammeier moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5946.

Senators Dammeier, Ranker, Mullet, Frockt and Smith spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Dammeier that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5946.

The motion by Senator Dammeier carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5946 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5946, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5946, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

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Voting nay: Senators Hasegawa and Padden

Excused: Senator Kline

ENGROSSED SUBSTITUTE SENATE BILL NO. 5946, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5882, by Senator Hill

Relating to revenue. Revised for 1st Substitute: Creating, expanding, or extending tax preferences.

MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5882 was substituted for Senate Bill No. 5882 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fain moved that the following striking amendment by Senator Fain be adopted:

Strike everything after the enacting clause and insert the following:

"PART I Payroll Services"

NEW SECTION. Sec. 101. (1) The legislature finds that the supreme court's decision in *William Rogers v. Tacoma*, while clarifying the taxation of temporary staffing agencies, resulted in differing interpretations of regulatory requirements in order to qualify for a pass-through exclusion from Washington B&O taxes for payroll reimbursements made within an affiliated group.

(2) The legislature passed Second Engrossed Substitute Senate Bill No. 6143 during the 2010 legislative session that directed the department of revenue to conduct a review and provide a report on the state's tax policies with respect to the taxation of intercompany transactions. The report affirms that centralized payroll reporting systems can result in an additional layer of tax for Washington businesses. Exclusions for payroll reimbursements allow businesses to have efficient administrative costs without incurring an additional tax obligation resulting exclusively from streamlining payroll processes. Further, this treatment of allowing for an exclusion of payroll cost reimbursements within a centralized payroll system is consistent with historical tax practices of the department of revenue prior to the *William Rogers* decision.

(3) The department of revenue continues to work with taxpayers to study taxation of transactions within and between affiliated business organizations in order to determine the appropriate policies and to identify areas where statutory and regulatory changes may be necessary.

(4) The legislature finds that the tax policy of allowing exclusions for payroll cost reimbursements within a centralized payroll reporting system is appropriate and should be affirmed. The legislature adopts the historical tax policy of allowing exclusions for payroll cost reimbursements within a centralized payroll reporting system of an affiliated group and requires the

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implementation of such tax policy from the effective date of this section. In affirming this tax policy, the legislature also intends to monitor these transactions to ensure they are being used appropriately and not for tax avoidance purposes and to monitor the potential impact on state revenue collections. The legislature does not intend for part I of this act to retroactively create a right of refund for taxes paid on payroll cost reimbursements prior to the enactment of this statute.

NEW SECTION. Sec. 102. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax, amounts that a qualified employer of record engaged in providing paymaster services receives from an affiliated business to cover employee costs of a qualified employee. However, no exclusion is allowed under this section for any employee costs incurred in connection with a contractual obligation of the taxpayer to provide services, including staffing services as defined in RCW 82.04.540.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Affiliated" has the same meaning as provided in RCW 82.32.655(7).

(b) "Employee costs" are the actual cost of wages and salaries, benefits, workers' compensation, payroll taxes, withholding, or other assessments paid to or on behalf of an employee.

(c) "Functional employment relationship" means having control over the work schedule and activities of the employees and control over all employment decisions such as salary, discipline, hiring, or layoffs.

(d) "Paymaster services" means providing payroll and related human resource services.

(e) "Qualified employee" means an employee with whom the affiliated business has a functional employment relationship. Neither the employer of record, nor any other affiliate, may have a functional employment relationship with the employee.

(f) "Qualified employer of record" is a person who:

(i) Has no functional employment relationship with a qualified employee; and

(ii) Has no contractual liability with a qualified employee for the employee costs. A qualified employer of record may have statutory or common law liability to the qualified employees or to third parties for employee costs.

(3) Section 1701(1) of this act does not apply to the deduction authorized in this section.

PART II Dairy Products

NEW SECTION. Sec. 201. The intent of part II of this act is to incentivize the creation of additional jobs in Washington in the dairy industry and related industries that manufacture dairy-based products. More specifically, it is the intent of part II of this act to encourage infant formula producers to locate new facilities in Washington or expand existing facilities in Washington through an extension of a preferential business and occupation tax rate for dairy producers. It is the further intent of the legislature to provide this tax incentive in a fiscally responsible manner where the actual revenue impact of the legislation substantially conforms with the fiscal estimate provided in the legislation's fiscal note.

Sec. 202. RCW 82.04.260 and 2012 2nd sp.s. c 6 s 602 and 2012 2nd sp.s. c 6 s 204 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2015, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Beginning July 1, 2015, dairy products ((that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same)); or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than seventy percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d) Beginning July 1, 2015, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Wood biomass fuel as defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

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If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual report with the department under RCW 82.32.534.

(e) This subsection (11) does not apply on and after July 1, 2024.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including

by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual survey with the department under RCW 82.32.585.

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.365 percent through June 30, 2013, and beginning July 1, 2013, multiplied by the rate of 0.35 percent.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual report with the department under RCW 82.32.534.

Sec. 203. RCW 82.04.260 and 2012 2nd sp.s. c 6 s 204 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2015, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Beginning July 1, 2015, dairy products ((that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same)); or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than seventy percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this

subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d) Beginning July 1, 2015, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Wood biomass fuel as defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be

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moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual report with the department under RCW 82.32.534.

(e) This subsection (11) does not apply on and after July 1, 2024.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual survey with the department under RCW 82.32.585.

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual report with the department under RCW 82.32.534.

Sec. 204. RCW 82.04.4268 and 2012 2nd sp.s. c 6 s 202 are each amended to read as follows:

(1) (~~This chapter does not apply to~~) In computing tax there may be deducted from the measure of tax, the value of products or the gross proceeds of sales derived from:

(a) Manufacturing dairy products; or

(b) Selling ((~~manufactured dairy products to purchasers who transport in the ordinary course of business the goods out of this state~~) dairy products manufactured by the seller to purchasers who either transport in the ordinary course of business the goods out of this state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(2) "Dairy products" ((means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein)) has the same meaning as provided in RCW 82.04.260.

(3) A person claiming the exemption provided in this section must file a complete annual survey with the department under RCW 82.32.585.

(4) This section expires July 1, 2015.

PART III Honey Beekeepers

NEW SECTION. Sec. 301. (1) The legislature finds that in 2008 the legislature passed Second Substitute Senate Bill No. 6468, which provided temporary tax relief for honey beekeepers. The legislature further finds that the 2008 legislation included the following intent language: "The legislature finds that recent occurrences of colony collapse disorder and the resulting loss of bee hives will have an economic impact on the state's agricultural sector. The legislature intends to provide temporary business and occupation tax relief for Washington's apiarists." The legislature further finds that in 2013, colony collapse disorder is still a significant problem for the apiary industry.

(2) Because of the continuing problems associated with colony collapse disorder, it is the legislature's intent to extend the tax relief provided in the 2008 legislation, subject to a rigorous and periodic review of the health of honey bee colonies in Washington to determine whether colony collapse disorder is still a significant problem in the apiary industry. It is the legislature's intent that the tax relief provided in part III of this act will not be extended when data indicates that honey bee colony survivorship has improved, as provided in the colony collapse disorder progress report, published annually by the United States department of agriculture, and data provided by the Washington state department of agriculture to the joint legislative audit and review committee.

NEW SECTION. Sec. 302. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of feed to an eligible apiarist for use in the raising of a bee colony used to make honey bee products.

(2) This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department.

(3) The definitions in RCW 82.04.629 apply to this section.

(4) This section expires July 1, 2017.

NEW SECTION. Sec. 303. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of feed to an eligible apiarist for use in the raising of a bee colony used to make honey bee products.

(2) The definitions in RCW 82.04.629 apply to this section.

(3) This section expires July 1, 2017.

NEW SECTION. Sec. 304. A new section is added to chapter 43.136 RCW to read as follows:

(1) As part of the joint legislative audit and review committee's tax preference review under this chapter for the tax preferences contained within part III of this act, the joint legislative audit and review committee must also evaluate whether Washington state taxes are a disproportionately large percentage of a commercial beekeeper's operational or capital costs, including an analysis of the impact of Washington state taxes on similar sized businesses.

(2) This section expires July 1, 2017.

NEW SECTION. Sec. 305. (1) The department of agriculture must convene a honey bee work group to address challenges facing the honey bee industry and to develop a report outlining solutions that bolster the use of Washington honey bee colonies used to pollinate tree fruits, berries, and seeds. The work group must include the following members: Two members from the Washington state beekeepers association; one apiarist as defined in RCW 15.60.005 with no less than one thousand hives; one apiarist as defined in RCW 15.60.005 with no more than twenty-five hives; one member from the Washington State University apiary lab; one member from the Washington state department of

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agriculture; one member from the tree fruit industry; and one member from the seed industry.

(2) The work group may include or seek input from other agencies, organizations, or stakeholders. By December 31, 2014, and in compliance with RCW 43.01.036, the department must submit the work group's report to the legislature that includes the following: (a) Proposed changes to the industry's tax structure to increase competitiveness with out-of-state beekeepers for pollination contracts; (b) providing analytics and metrics to measure the value of the proposed tax structure changes; (c) proposed additional resources needed to continue applied and basic research to support commercial beekeepers in the state and to recover colony losses; (d) identifying colony levels needed to meet the pollination demands of the Washington agricultural industry; (e) identifying other policy changes that would increase the competitiveness of Washington beekeepers; (f) other industry needs that would increase the market share of pollination contracts awarded to Washington beekeepers; and (g) metrics needed to provide accountability for state resources invested in the honey bee industry.

(3) This section expires July 1, 2017.

Sec. 306. RCW 82.04.629 and 2008 c 314 s 2 are each amended to read as follows:

(1) This chapter does not apply to amounts derived from the wholesale sale of honey bee products by an eligible apiarist who owns or keeps bee colonies and who does not qualify for an exemption under RCW 82.04.330 in respect to such sales.

(2) The exemption provided in subsection (1) of this section does not apply to any person selling such products at retail or to any person selling manufactured substances or articles.

(3) The definitions in this subsection apply ~~((t))~~ throughout this section unless the context clearly requires otherwise.

(a) "Bee colony" means a natural group of honey bees containing seven thousand or more workers and one or more queens, housed in a man-made hive with movable frames, and operated as a beekeeping unit.

(b) "Eligible apiarist" means a person who owns or keeps one or more bee colonies and who grows, raises, or produces honey bee products for sale at wholesale and is registered under RCW 15.60.021.

(c) "Honey bee products" means queen honey bees, packaged honey bees, honey, pollen, bees wax, propolis, or other substances obtained from honey bees. "Honey bee products" does not include manufactured substances or articles.

(4) This section expires July 1, 2017.

Sec. 307. RCW 82.04.630 and 2008 c 314 s 3 are each amended to read as follows:

(1) This chapter does not apply to amounts received by an eligible apiarist, as defined in RCW 82.04.629, for providing bee pollination services to a farmer using a bee colony owned or kept by the person providing the pollination services.

(2) The definitions in RCW 82.04.213 apply to this section.

(3) This section expires July 1, 2017.

Sec. 308. RCW 82.08.0204 and 2008 c 314 s 4 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale of honey bees to an eligible apiarist, as defined in RCW 82.04.629. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department.

(2) This section expires July 1, 2017.

Sec. 309. RCW 82.12.0204 and 2008 c 314 s 5 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of honey bees by an eligible apiarist, as defined in RCW 82.04.629. This exemption is available only if the buyer provides the seller with

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an exemption certificate in a form and manner prescribed by the department.

(2) This section expires July 1, 2017.

NEW SECTION. Sec. 310. 2008 c 314 s 7 (uncodified) is repealed.

PART IV Clay Targets

NEW SECTION. Sec. 401. The legislature intends for the tax preferences in sections 402 and 403 of this act to be temporary in order for the legislature to assess the actual fiscal impact of the tax preferences to ensure that they reasonably conform with the fiscal estimate provided in the legislation's fiscal note. It is not the legislature's intent to establish a broad policy of providing sales and use tax exemptions for business consumables used by businesses in the provision of services to customers.

NEW SECTION. Sec. 402. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of clay targets purchased by a nonprofit gun club for use in providing the activity of clay target shooting for a fee.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files. For sellers who electronically file their taxes, the department must provide a separate tax reporting line for exemption amounts claimed under this section.

(3) This section expires July 1, 2017.

NEW SECTION. Sec. 403. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use by a nonprofit gun club of clay targets that are provided while conducting the activity of clay target shooting for a fee.

(2) This section expires July 1, 2017.

PART V Products that Impart Flavor to Food

NEW SECTION. Sec. 501. The intent of part V of this act is to provide tax relief to restaurants for business inputs that cannot be reused and are consumed for a specific purpose during the cooking process. More specifically, it is the intent of part V of this act to provide a sales and use tax exemption for specific items used in the cooking process that impart flavor and therefore are similar to an ingredient added to a final product that is sold to the consumer. It is also the intent of the legislature to provide this tax preference in a fiscally responsible manner where the actual revenue impact of the legislation substantially conforms with the fiscal estimate provided in the legislation's fiscal note. Therefore, the legislature intends for this tax preference to be temporary so the legislature can assess the actual fiscal impact of the tax preference and whether the tangible personal property subject to the exemption is being used in a manner consistent with an ingredient or component that becomes part of a product sold to a final consumer.

NEW SECTION. Sec. 502. A new section is added to chapter 82.08 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the tax levied by RCW 82.08.020 does not apply to sales to restaurants of products that impart flavor to food during the cooking process and that:

(a) Are completely or substantially consumed by combustion during the cooking process, such as wood chips, charcoal, charcoal briquettes, and grape vines; or

(b) Support the food during the cooking process and are comprised entirely of wood, such as cedar grilling planks.

(2) The exemption provided by this section does not apply to any type of gas fuel.

(3) Sellers making tax-exempt sales under this section must obtain an exemption certificate from the buyer in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement. For sellers who electronically file their taxes, the department must provide a separate tax reporting line for exemption amounts claimed under this section.

(4) For purposes of this subsection, "restaurant" has the same meaning as provided in RCW 82.08.9995.

(5) This section expires July 1, 2017.

NEW SECTION. Sec. 503. A new section is added to chapter 82.12 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the provisions of this chapter do not apply to restaurants with respect to the use of products that impart flavor to food during the cooking process and that:

(a) Are completely or substantially consumed by combustion during the cooking process, such as wood chips, charcoal, charcoal briquettes, and grape vines; or

(b) Support the food during the cooking process and are comprised entirely of wood, such as cedar grilling planks.

(2) The exemption provided by this section does not apply to any type of gas fuel.

(3) For purposes of this subsection, "restaurant" has the same meaning as provided in RCW 82.08.9995.

(4) This section expires July 1, 2017.

PART VI

Cooperative Finance Organizations

NEW SECTION. Sec. 601. (1) The intent of part VI of this act is to provide tax relief for customers of rural electric cooperatives by providing a business and occupation tax deduction for interest income on loans made by certain finance organizations to rural electric cooperatives. It is the further intent of the legislature to provide this tax deduction in a fiscally responsible manner where the actual revenue impact of the legislation substantially conforms with the fiscal estimate provided in the legislation's fiscal note.

(2) To measure the effectiveness of this tax preference in meeting its policy objectives, the joint legislative audit and review committee shall specifically evaluate customer rates charged by rural electric cooperatives that are repaying debt to the national rural utilities cooperative finance organization, or any similar financing organization, and the impact the business and occupation deduction provided under part VI of this act has had on those rates.

NEW SECTION. Sec. 602. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax, amounts received by a cooperative finance organization where the amounts are derived from loans to rural electric cooperatives or other nonprofit or governmental providers of utility services organized under the laws of this state.

(2) For the purposes of this section, the following definitions apply:

(a) "Cooperative finance organization" means a nonprofit organization with the primary purpose of providing, securing, or otherwise arranging financing for rural electric cooperatives.

(b) "Rural electric cooperative" means a nonprofit, customer-owned organization that provides utility services to rural areas.

(3) This section expires July 1, 2017.

NEW SECTION. Sec. 603. Section 602 of this act applies to amounts received on or after October 1, 2013.

PART VII

Investment Data for Investment Firms

NEW SECTION. Sec. 701. (1) The legislature finds that in 2007, Engrossed Substitute House Bill No. 1981 was enacted into law, which provided a sales tax exemption for electronically delivered standard financial information if the sales were to an investment management company or financial institution. The legislature further finds that in 2009 and 2010, Engrossed Substitute House Bill No. 2075 and Substitute House Bill No. 2620 were passed, to address the taxation of electronically delivered products. The legislature further finds that this legislation imposed sales and use tax on most digital services, goods, and prewritten software, but provided a broad business exemption for digital goods. The legislature further finds that the sales tax exemption for standard financial information from the 2007 legislation was eliminated because it was believed that the broader business exemption in Engrossed Substitute House Bill No. 2075 covered these transactions. The legislature further finds that the method of transmission of data by data providers to investment management companies has evolved over time where data providers add search tools to their web-based data, which makes it subject to sales tax.

(2) The legislature's intent under part VII of this act is to conform with a previously determined policy objective of exempting certain standard financial information purchased by international investment management companies from sales and use tax on the understanding that the fiscal impact is minimal. Therefore, it is the legislature's further intent to reevaluate the exemption in three years to ensure that actual fiscal impact on state revenues reasonably conforms with the fiscal estimate in the fiscal note for this legislation.

NEW SECTION. Sec. 702. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to sales of standard financial information to qualifying international investment management companies. The exemption provided in this section applies regardless of whether the standard financial information is provided to the buyer in a tangible format or on a tangible storage medium or as a digital product transferred electronically.

(2) Sellers making tax-exempt sales under this section must obtain an exemption certificate from the buyer in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement. For sellers who electronically file their taxes, the department must provide a separate tax reporting line for exemption amounts claimed under this section.

(3) A buyer may not continue to claim the exemption under this section once the buyer has purchased standard financial information during the current calendar year with an aggregate total selling price in excess of fifteen million dollars and an exemption has been claimed under this section or section 703 of this act for such standard financial information. The fifteen million dollar limitation under this subsection does not apply to any other exemption under this chapter that applies to standard financial information. Sellers are not responsible for ensuring a buyer's compliance with the fifteen million dollar limitation under this

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subsection. Sellers may not be assessed for uncollected sales tax on a sale to a buyer claiming an exemption under this section after having exceeded the fifteen million dollar limitation under this subsection, except as provided in RCW 82.08.050 (4) and (5).

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a)(i) "Qualifying international investment management company" means a person:

(A) Who is primarily engaged in the business of providing investment management services; and

(B) Who has gross income that is at least ten percent derived from providing investment management services to:

(I) Persons or collective investment funds residing outside the United States; or

(II) Collective investment funds with at least ten percent of their investments located outside the United States.

(ii) The definitions in RCW 82.04.293 apply to this subsection (4)(a).

(b)(i) "Standard financial information" means financial data, facts, or information, or financial information services, not generated, compiled, or developed only for a single customer. Standard financial information includes, but is not limited to, financial market data, bond ratings, credit ratings, and deposit, loan, or mortgage reports.

(ii) For purposes of this subsection (4)(b), "financial market data" means market pricing information, such as for securities, commodities, and derivatives; corporate actions for publicly and privately traded companies, such as dividend schedules and reorganizations; corporate attributes, such as domicile, currencies used, and exchanges where shares are traded; and currency information.

(5) This section expires July 1, 2021.

NEW SECTION. Sec. 703. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of standard financial information by qualifying international investment management companies. The exemption provided in this section applies regardless of whether the standard financial information is in a tangible format or resides on a tangible storage medium or is a digital product transferred electronically to the qualifying international investment management company.

(2) The definitions, conditions, and requirements in section 702 of this act apply to this section.

(3) This section expires July 1, 2021.

PART VIII Dancing

NEW SECTION. Sec. 801. It is the intent of part VIII of this act to provide a sales tax exemption for cover charges to patrons at establishments that provide the opportunity to dance. The intent is to provide tax relief to businesses who have been reporting the income for cover charges under the service and other classification, but not intending to avoid their tax obligation of collecting retail sales tax because of department and taxpayer confusion regarding the appropriate tax treatment of this income. To ensure proper tax reporting in the future by businesses who provide the opportunity to dance, the legislature intends to review the tax preference and its actual fiscal impact on state revenues to determine if the fiscal impact to state revenues reasonably conforms with the fiscal estimate in the fiscal note for this legislation.

Sec. 802. RCW 82.04.050 and 2011 c 174 s 202 are each amended to read as follows:

(1)(a) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated,

or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who:

(i) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(ii) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(iii) Purchases for the purpose of consuming the property purchased in producing for sale as a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(iv) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(v) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065; or

(vi) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(b) The term includes every sale of tangible personal property that is used or consumed or to be used or consumed in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property is resold or used as provided in (a)(i) through (vi) of this subsection following such use.

(c) The term also means every sale of tangible personal property to persons engaged in any business that is taxable under RCW 82.04.280(1) (a), (b), and (g), 82.04.290, and 82.04.2908.

(2) The term "sale at retail" or "retail sale" includes the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and also includes the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement

and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing buildings or structures, but does not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" means those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it is presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The installing, repairing, altering, or improving of digital goods for consumers;

(h) Persons taxable under (a), (b), (c), (d), (e), (f), and (g) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection may be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section may be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" includes the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a)(i) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers.

(ii) Until July 1, 2017, amusement and recreation services do not include the opportunity to dance provided by an establishment in exchange for a cover charge.

(iii) For purposes of this subsection (3)(a):

(A) "Cover charge" means a charge, regardless of its label, to enter an establishment or added to the purchaser's bill by an establishment or otherwise collected after entrance to the establishment, and the purchaser is provided the opportunity to dance in exchange for payment of the charge.

(B) "Opportunity to dance" means that an establishment provides a designated physical space, on either a temporary or permanent basis, where customers are allowed to dance and the establishment either advertises or otherwise makes customers aware that it has an area for dancing;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and

brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term also includes the renting or leasing of tangible personal property to consumers.

(b) The term does not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term also includes the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6)(a) The term also includes the sale of prewritten computer software to a consumer, regardless of the method of delivery to the end user. For purposes of this subsection (6)(a), the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may be characterized by the vendor or by the purchaser.

The term "retail sale" does not include the sale of or charge made for:

(i) Custom software; or

(ii) The customization of prewritten computer software.

(b)(i) The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.

(ii)(A) The service described in (b)(i) of this subsection (6) includes the right to access and use prewritten computer software to perform data processing.

(B) For purposes of this subsection (6)(b)(ii), "data processing" means the systematic performance of operations on data to extract the required information in an appropriate form or to convert the data to usable information. Data processing includes check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities.

(7) The term also includes the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

(8)(a) The term also includes the following sales to consumers of digital goods, digital codes, and digital automated services:

(i) Sales in which the seller has granted the purchaser the right of permanent use;

(ii) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(iii) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

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(iv) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(b) A retail sale of digital goods, digital codes, or digital automated services under this subsection (8) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(c) For purposes of this subsection, "permanent" means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

(9) The term also includes the charge made for providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (9), an operator must do more than maintain, inspect, or set up the tangible personal property.

(10) The term does not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(11) The term also does not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor does it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

(12) The term does not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor does the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor does the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development.

(13) The term does not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the

labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

(14) The term does not include the sale for resale of any service described in this section if the sale would otherwise constitute a "sale at retail" and "retail sale" under this section.

PART IX Solar Extension

NEW SECTION. Sec. 901. (1) The legislature finds that to attract and maintain clean energy technology manufacturing businesses, a competitive business climate is crucial. The legislature further finds that specific tax preferences can facilitate a positive business climate in Washington. The legislature further finds that businesses in the solar silicon industry have had to reduce employment due to global conditions. Therefore, the legislature intends to extend a preferential business and occupation tax rate to manufacturers and wholesalers of specific solar energy material and parts to maintain and grow jobs in the solar silicon industry.

(2) The joint legislative audit and review committee, as part of its tax preference review process, must assess the actual fiscal impact of this tax preference in relation to the fiscal estimate for the tax preference and assess changes in employment for firms claiming the preferential tax rate.

Sec. 902. RCW 82.04.294 and 2011 c 179 s 1 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules or stirring converters, or of manufacturing solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems; as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.275 percent.

(2) Upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules or stirring converters, or of solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business is equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules or stirring converters, or of the solar grade silicon to be used exclusively in components of such systems, multiplied by the rate of 0.275 percent.

(3) Silicon solar wafers, silicon solar cells, thin film solar devices, solar grade silicon, or compound semiconductor solar wafers are "semiconductor materials" for the purposes of RCW 82.08.9651 and 82.12.9651.

(4) The definitions in this subsection apply throughout this section.

(a) "Compound semiconductor solar wafers" means a semiconductor solar wafer composed of elements from two or more different groups of the periodic table.

(b) "Module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

(c) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(d) "Silicon solar cells" means a photovoltaic cell manufactured from a silicon solar wafer.

(e) "Silicon solar wafers" means a silicon wafer manufactured for solar conversion purposes.

(f) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(g) "Solar grade silicon" means high-purity silicon used exclusively in components of solar energy systems using photovoltaic modules to capture direct sunlight. "Solar grade silicon" does not include silicon used in semiconductors.

(h) "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

(i) "Thin film solar devices" means a nonparticipating substrate on which various semiconducting materials are deposited to produce a photovoltaic cell that is used to generate electricity.

(5) A person reporting under the tax rate provided in this section must file a complete annual ~~(report)~~ survey with the department under RCW ~~((82.32.534))~~ 82.32.585.

(6) This section expires June 30, ~~((2014))~~ 2017.

PART X Hog Fuel

NEW SECTION. Sec. 1001. It is the intent of the legislature to retain and grow family wage jobs in rural, economically distressed areas; to promote healthy forests; and to utilize Washington's abundant natural resources to promote diversified renewable energy use in the state.

Sec. 1002. RCW 82.08.956 and 2009 c 469 s 301 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of hog fuel used to produce electricity, steam, heat, or biofuel. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) For the purposes of this section the following definitions apply:

(a) "Hog fuel" means wood waste and other wood residuals including forest derived biomass. "Hog fuel" does not include firewood or wood pellets; and

(b) "Biofuel" has the same meaning as provided in RCW 43.325.010.

(3) If a taxpayer who claimed an exemption under this section closes a facility in Washington for which employment positions were reported under section 1004 of this act, resulting in a loss of jobs located within the state, the department must declare the amount of the tax exemption claimed under this section for the previous two calendar years to be immediately due.

(4) This section expires June 30, ~~((2013))~~ 2024.

Sec. 1003. RCW 82.12.956 and 2009 c 469 s 302 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of hog fuel for production of electricity, steam, heat, or biofuel.

(2) For the purposes of this section:

(a) "Hog fuel" has the same meaning as provided in RCW 82.08.956; and

(b) "Biofuel" has the same meaning as provided in RCW 43.325.010.

(3) This section expires June 30, ~~((2013))~~ 2024.

NEW SECTION. Sec. 1004. A new section is added to chapter 82.32 RCW to read as follows:

(1) Every taxpayer claiming an exemption under RCW 82.08.956 or 82.12.956 must file with the department a complete annual survey as required under RCW 82.32.585, except that the taxpayer must file a separate survey for each facility owned or operated in the state of Washington.

(2) This section expires June 30, 2024.

NEW SECTION. Sec. 1005. A new section is added to chapter 43.136 RCW to read as follows:

(1) The intent of the tax exemption provided in RCW 82.08.956 and 82.12.956 is to promote the retention of relatively high wage jobs in the counties where facilities who purchase and use hog fuel are located. Specifically, in a time when there is increasing pressure to close industrial facilities like mills and relocate this economic activity out of state or overseas, rural areas of the state are at risk of losing critical jobs that directly, or indirectly, support entire communities. The legislature, in enacting the hog fuel tax exemption, hopes to retain seventy five percent of the jobs at each facility in the state at which the exemption is claimed, between now and June 30, 2024.

(2) The joint legislative audit and review committee must review the performance through July 1, 2018, of the tax preferences established in RCW 82.08.956 and 82.12.956, and prepare a report to the legislature by October 31, 2019.

(3) The department of revenue must provide the committee with annual survey information and any other tax data necessary to conduct the review required in subsection (2) of this section. The employment security department and other agencies, as requested, must cooperate with the committee by providing information about the average wage of employment in the county where each facility owned or operated by a company claiming the exemption is located. The report is not limited to, but must include, the following information:

(a) Identification of the baseline number of jobs existing as of January 1, 2013, in facilities where the preference has been claimed, as well as related wage and benefit information;

(b) Identification of how the number of jobs at these facilities has changed during the duration of the credit;

(c) Analysis of how the wages provided to employees at affected facilities compare to the average wages in the county in which the facility is located;

(d) Analysis of how the benefits, including medical and other health care benefits, provided to employees at affected facilities compare to the average wages in the county in which the facility is located; and

(e) Whether and to what extent the goal has been achieved, of retaining seventy-five percent of employment at the facilities at which the exemption has been claimed.

(4) This section expires June 30, 2024.

PART XI Large Airplanes

NEW SECTION. Sec. 1101. (1) The legislature intends to promote the economic development of our state's aerospace cluster and increase the tax revenues collected by the state through promoting a competitive marketplace for storing and modifying unfurnished, noncommercial aircraft. The legislature finds that Washington is currently losing these types of jobs to other states, resulting in the loss of high-wage jobs and new tax revenue. Further, the legislature finds that the current tax statutes are an impediment to encouraging the development of aerospace clusters in our state. Therefore, the legislature intends to modify our state's tax policy to encourage aerospace cluster development within the state and increase tax revenues.

(2) The joint legislative audit and review committee, as part of its tax preference review process, must estimate the net impact on state tax revenues by comparing the decrease in state revenues resulting from the changes made in part XI of this act to the additional tax revenues generated from the direct, indirect, and induced economic impacts from those changes. The committee must also, to the extent practicable, estimate job growth in the aerospace cluster resulting from the changes made in part XI of this

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act. The committee must conduct its tax preference review of part XI of this act during calendar year 2016 and report its findings and recommendations to the legislature by January 1, 2017.

Sec. 1102. RCW 47.68.250 and 2003 c 375 s 4 are each amended to read as follows:

(1) Every aircraft ~~((shall))~~ **must** be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars ~~((shall be))~~ **is** charged for each such registration and each annual renewal thereof.

(2) Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section ~~((shall be))~~ **are** the only requisites for registration of an aircraft under this section.

(3) The registration fee imposed by this section ~~((shall be))~~ **is** payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and ~~((shall))~~ **must** be collected by the secretary at the time of the collection by him or her of the ~~((said))~~ excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she ~~((shall thereupon))~~ **must** issue to the owner of the aircraft a certificate of registration therefor. The secretary ~~((shall))~~ **must** pay to the state treasurer the registration fees collected under this section, which registration fees ~~((shall))~~ **must** be credited to the aeronautics account in the transportation fund.

(4) It ~~((shall))~~ **is** not ~~((be))~~ necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary ~~((shall))~~ **must** issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

(5) The provisions of this section ~~((shall))~~ **do** not apply to:

~~((+))~~ (a) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

~~((2))~~ (b) An aircraft registered under the laws of a foreign country;

~~((3))~~ (c) An aircraft ~~((which))~~ **that** is owned by a nonresident ~~((and registered in another state: PROVIDED, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section))~~ **if:**

~~((i))~~ The aircraft remains in this state or is based in this state, or **both, for a period less than ninety days; or**

~~((ii))~~ The aircraft is a large private airplane as defined in section 1103 of this act and remains in this state for a period of ninety days or longer, but only when:

~~((A))~~ The airplane is in this state exclusively for the purpose of repairs, alterations, or reconstruction, including any flight testing related to the repairs, alterations, or reconstruction, or for the purpose of continual storage of not less than one full calendar year;

~~((B))~~ An employee of the facility providing these services is on board the airplane during any flight testing; and

~~((C))~~ Within ninety days of the date the airplane first arrived in this state during the calendar year, the nonresident files a written statement with the department indicating that the airplane is exempt from registration under this subsection (5)(c)(ii). The written statement must be filed in a form and manner prescribed by the department and must include such information as the department requires. The department may require additional periodic

verification that the airplane remains exempt from registration under this subsection (5)(c)(ii) and that written statements conform with the provisions of RCW 9A.72.085;

~~((4))~~ (d) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

~~((5))~~ (e) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

~~((6))~~ (f) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW; and

~~((7))~~ (g) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

(6) The secretary ~~((shall))~~ **must** be notified within thirty days of any change in ownership of a registered aircraft. The notification ~~((shall))~~ **must** contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

(7) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, ~~((shall))~~ **must** require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hanger space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. The airport ~~((shall))~~ **must** work with the aviation division to assist in its efforts to register aircraft by providing information about based aircraft on an annual basis as requested by the division.

NEW SECTION. Sec. 1103. A new section is added to chapter 82.08 RCW to read as follows:

(1)(a) The tax levied by RCW 82.08.020 does not apply to:

(i) Sales of large private airplanes to nonresidents of this state; and

(ii) Sales of or charges made for labor and services rendered in respect to repairing, cleaning, altering, or improving large private airplanes owned by nonresidents of this state.

(b) The exemption provided by this section applies only when the large private airplane is not required to be registered with the department of transportation, or its successor, under chapter 47.68 RCW. The airplane owner or lessee claiming an exemption under this section must provide the department, upon request, a copy of the written statement required under RCW 47.68.250(5)(c)(ii) documenting the airplane's registration exemption and any additional information the department may require.

(2) Sellers making tax-exempt sales under this section must obtain an exemption certificate from the buyer in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement. For sellers who electronically file their taxes, the department must provide a separate tax reporting line for exemption amounts claimed under this section.

(3) Upon request, the department of transportation must provide to the department of revenue information needed by the department of revenue to verify eligibility under this section.

(4) For purposes of this section "large private airplane" means an airplane not used in interstate commerce, not owned or leased by a government entity, weighing more than forty-one thousand pounds, and assigned a category A, B, C, or D test flow management system aircraft weight class by the federal aviation administration's office of aviation policy and plans.

NEW SECTION. Sec. 1104. A new section is added to chapter 82.12 RCW to read as follows:

(1)(a) The tax levied by RCW 82.12.020 does not apply to the use of:

(i) Large private airplanes owned by nonresidents of this state; and

(ii) Labor and services rendered in respect to repairing, cleaning, altering, or improving large private airplanes owned by nonresidents of this state.

(b) The exemption provided by this section applies only when the large private airplane is not required to be registered with the department of transportation, or its successor, under chapter 47.68 RCW. The airplane owner or lessee claiming an exemption under this section must provide the department, upon request, a copy of the written statement required under RCW 47.68.250(5)(c)(ii) documenting the airplane's registration exemption and any additional information the department may require.

(2) Upon request, the department of transportation must provide to the department of revenue information needed by the department of revenue to verify eligibility under this section.

(3) For purposes of this section, the conditions, limitation, and definitions in section 1103 of this act apply to this section.

Sec. 1105. RCW 82.48.100 and 2010 1st sp.s. c 12 s 2 are each amended to read as follows:

This chapter does not apply to:

(1) Aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which are not engaged in carrying persons or property for commercial purposes;

(2) Aircraft registered under the laws of a foreign country;

(3) Aircraft ((which)) that are owned by a nonresident and registered in another state((. However, if any such aircraft remains in and/or is based in this state for a period of ninety days or longer it is not exempt under this section)), if the aircraft remains in this state or is based in this state, or both, for a period less than ninety days;

(4)(a) Aircraft engaged principally in commercial flying ((which)) that constitutes interstate or foreign commerce, except as provided in (b) of this subsection.

(b) The exemption provided by (a) of this subsection does not apply to aircraft engaged principally in commercial flying that constitutes interstate or foreign commerce when such aircraft will be in this state exclusively for the purpose of continual storage of not less than one full calendar year; ((and))

(5) Aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

((5)) (6) Aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

((6)) (7) Aircraft owned by a nonresident of this state if the aircraft is kept at an airport in this state and that airport is jointly owned or operated by a municipal corporation or other governmental entity of this state and a municipal corporation or other governmental entity of another state, and the owner or operator of the aircraft provides the department with proof that the owner or operator has paid all taxes, license fees, and registration fees required by the state in which the owner or operator resides; and

((7)) (8) Aircraft that are: (a) Owned by a nonprofit organization that is exempt from federal income taxation under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code; and (b) exclusively used to provide emergency medical transportation services.

PART XII Blood Banks

NEW SECTION. Sec. 1201. Part XII of this act is intended to allow flexibility for nonprofit organizations where qualifying activities will be provided by more than one organization. It is not the legislature's intent to expand the lines of nontaxable activity. Therefore, the legislature further intends to reassess the changes made in part XII of this act to ensure the actual fiscal impact reasonably conforms with the fiscal estimate provided in the fiscal note for the legislation.

Sec. 1202. RCW 82.04.324 and 2004 c 82 s 1 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, this chapter does not apply to amounts received by a qualifying blood bank, a qualifying tissue bank, or a qualifying blood and tissue bank to the extent the amounts are exempt from federal income tax.

(2) For the purposes of this section:

(a) "Qualifying blood bank" means ((a blood bank that qualifies as)) an exempt organization under 26 U.S.C. 501(c)(3) as existing on June 10, 2004, that is registered pursuant to 21 C.F.R., part 607 as existing on June 10, 2004, and whose primary business purpose is the collection, preparation, ((and processing of blood)) testing or processing of blood, on behalf of itself or other qualifying blood bank or qualifying blood and tissue bank. "Qualifying blood bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.

(b) "Qualifying tissue bank" means a tissue bank that qualifies as an exempt organization under 26 U.S.C. 501(c)(3) as existing on June 10, 2004, is registered pursuant to 21 C.F.R., part 1271 as existing on June 10, 2004, and whose primary business purpose is the recovery, processing, storage, labeling, packaging, or distribution of human bone tissue, ligament tissue and similar musculoskeletal tissues, skin tissue, heart valve tissue, or human eye tissue. "Qualifying tissue bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.

(c) "Qualifying blood and tissue bank" ((is a bank that qualifies as)) means an exempt organization under 26 U.S.C. 501(c)(3) as existing on June 10, 2004, that is registered pursuant to 21 C.F.R., part 607 and part 1271 as existing on June 10, 2004, and whose primary business purpose is the collection, preparation, ((and processing of blood)) testing, or processing of blood, on behalf of itself or other qualifying blood bank or qualifying blood and tissue bank, and the recovery, processing, storage, labeling, packaging, or distribution of human bone tissue, ligament tissue and similar musculoskeletal tissues, skin tissue, and heart valve tissue. "Qualifying blood and tissue bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.

(3) A person claiming the exemption under this section must report amounts exempt under this section to the department. Except for persons whose primary business purpose is the collection, preparation, and processing of blood, a person may not claim an exemption under this section for more than one hundred fifty thousand dollars in tax per calendar year.

PART XIII Mint Growers

NEW SECTION. Sec. 1301. The legislature finds that mint growers utilize fuel to generate heat to extract oil from harvested mint and thereby produce a saleable agricultural product. Diesel fuel is often used as the fuel source that generates heat to distill mint. This on-farm diesel fuel is currently exempt from sales and use tax. The legislature further finds that propane and natural gas are alternative sources of cleaner burning fuel. A transition by mint

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growers to these alternative fuel sources, though costly, provides air quality benefits as compared to the use of diesel. It is the intent of the legislature to provide an incentive to mint growers to make the transition to cleaner fuels by extending the sales and use tax exemptions to propane and natural gas used by farmers who produce mint oil.

NEW SECTION. Sec. 1302. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to farmers of propane or natural gas used exclusively to distill mint on a farm.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files. For sellers who electronically file their taxes, the department must provide a separate line for exemption amounts claimed under this section.

(3) For the purposes of this section, "farmer" has the same meaning as provided in RCW 82.04.213.

(4) This section expires July 1, 2017.

NEW SECTION. Sec. 1303. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of propane or natural gas by a farmer to exclusively distill mint on a farm.

(2) For the purposes of this section, "farmer" has the same meaning as provided in RCW 82.04.213.

(3) This section expires July 1, 2017.

PART XIV Nonprofit Fund-raising Activities

NEW SECTION. Sec. 1401. It is the intent of part XIV of this act to provide use tax relief for individuals who support charitable activities by purchasing or winning articles of personal property from a nonprofit organization or library when the personal property is sales tax exempt. It is also the intent of the legislation to provide this tax preference in a fiscally responsible manner by capping the exemption for articles of personal property that are valued at ten thousand dollars or less.

NEW SECTION. Sec. 1402. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of any article of personal property, valued at less than ten thousand dollars, purchased or received as a prize in a contest of chance, as defined in RCW 82.04.285, from a nonprofit organization or a library, if the gross income the nonprofit organization or library receives from the sale is exempt under RCW 82.04.3651.

(2) This section expires July 1, 2017.

PART XV Renewable Energy Extension

NEW SECTION. Sec. 1501. It is the intent of the legislature to help promote energy independence in the state of Washington and to better position Washington to attract a vibrant clean energy technology manufacturing sector to the state. The purpose of the tax preference created in part XV of this act is to incentivize electricity generation from renewable energy sources, reducing the costs of transitioning to these sources and technologies by exempting machinery, equipment, and labor and service charges associated with such electricity generation from the retail sales and use tax. This tax preference makes the most of the local renewable resources, protects us from the price volatility of certain fossil fuel

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sources, and helps the state achieve its greenhouse gas emissions targets. In addition, promoting manufacture and installation of facilities capable of generating power from renewable sources can create economic benefits in both rural and urban counties, creating high-quality jobs and developing a skilled workforce in an industry sector in which significant job growth is anticipated over the coming decades.

Sec. 1502. RCW 82.08.962 and 2009 c 469 s 101 are each amended to read as follows:

(1)(a) Except as provided in RCW 82.08.963, purchasers who have paid the tax imposed by RCW 82.08.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than one thousand watts of electricity.

(b) Beginning on July 1, 2009, through June 30, 2011, the tax levied by RCW 82.08.020 does not apply to the sale of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(c) Beginning on July 1, 2011, through ~~(June 30, 2013)~~ January 1, 2020, the amount of the exemption under this subsection (1) is equal to seventy-five percent of the state and local sales tax paid. The purchaser is eligible for an exemption under this subsection (1)(c) in the form of a remittance.

(2) For purposes of this section and RCW 82.12.962, the following definitions apply:

(a) "Biomass energy" includes: (i) By-products of pulping and wood manufacturing process; (ii) animal waste; (iii) solid organic fuels from wood; (iv) forest or field residues; (v) wooden demolition or construction debris; (vi) food waste; (vii) liquors derived from algae and other sources; (viii) dedicated energy crops; (ix) biosolids; and (x) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(b) "Fuel cell" means an electrochemical reaction that generates electricity by combining atoms of hydrogen and oxygen in the presence of a catalyst.

(c) "Landfill gas" means biomass fuel, of the type qualified for federal tax credits under Title 26 U.S.C. Sec. 29 of the federal internal revenue code, collected from a "landfill" as defined under RCW 70.95.030.

(d)(i) "Machinery and equipment" means fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power.

(ii) "Machinery and equipment" does not include: (A) Hand-powered tools; (B) property with a useful life of less than one year; (C) repair parts required to restore machinery and equipment to normal working order; (D) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (E) buildings; or (F) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.

(3)(a) Machinery and equipment is "used directly" in generating electricity by wind energy, solar energy, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas power if it provides any part of the process that captures the energy of the wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(b) Machinery and equipment is "used directly" in generating electricity by fuel cells if it provides any part of the process that captures the energy of the fuel, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(4)(a) A purchaser claiming an exemption in the form of a remittance under subsection (1)(c) of this section must pay the tax imposed by RCW 82.08.020 and all applicable local sales taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The purchaser may then apply to the department for remittance in a form and manner prescribed by the department. A purchaser may not apply for a remittance under this section more frequently than once per quarter. The purchaser must specify the amount of exempted tax claimed and the qualifying purchases for which the exemption is claimed. The purchaser must retain, in adequate detail, records to enable the department to determine whether the purchaser is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the purchaser, which is subject to audit verification by the department. The department must on a quarterly basis remit exempted amounts to qualifying purchasers who submitted applications during the previous quarter.

(5) This section expires (~~July 1, 2013~~) January 1, 2020.

NEW SECTION. Sec. 1503. A new section is added to chapter 82.32 RCW to read as follows:

Every taxpayer claiming an exemption under RCW 82.08.962 or 82.12.962 must file with the department a complete annual survey as required under RCW 82.32.585, except that the taxpayer must file a separate survey for each facility owned or operated in the state of Washington developed with machinery, equipment, services, or labor for which the exemption under part XV of this act is claimed.

NEW SECTION. Sec. 1504. A new section is added to chapter 43.136 RCW to read as follows:

(1) The intent of the tax preference provided in RCW 82.08.962 and 82.12.962 is to promote electricity generation by facilities with generating capacity of not less than one thousand watts, using renewable energy fuel sources in order to improve energy security and decrease greenhouse gas emissions. Encouraging the development of more facilities that generate power from renewable energy has both immediate and long-term value to the state.

(2) As part of the joint legislative audit and review committee's 2019 tax preference reviews conducted under this chapter, the joint legislative audit and review committee must assess the performance of the tax preferences established in RCW 82.08.956 and 82.12.956 with reference to the intent and performance milestones established in this section.

(3) The department of revenue must provide the joint legislative audit and review committee with annual survey information and any other tax data necessary to conduct the review required in subsection (2) of this section. The Washington State University energy program, department of ecology, and other agencies, as

requested, must cooperate with the committee by providing information to assist the committee's analysis.

(4) The report is not limited to, but must include, the following information:

(a) Identification of the baseline number of facilities, prior to July 1, 2009, with generating capacity of not less than one thousand watts, using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power.

(b) The number of facilities developed each year by purchasers claiming the preference for machinery, equipment, labor, or other services, and the increase in the number of such facilities, as compared to the baseline established in (a) of this subsection.

(c) The total generating capacity in megawatts and total power production in kilowatt-hours of the facilities reported in (b) of this subsection.

(d) The estimated greenhouse gas emissions avoided as a result of power generation from renewable energy sources by the facilities reported in (b) of this subsection.

(e) The number of barrels of oil and tons of coal avoided as a result of power generation from renewable energy sources by the facilities reported in (b) of this subsection, as estimated from the average fuel mix of electricity generated statewide.

(f) The number of employees and wages and benefits reported by taxpayers claiming the exemption at the facilities reported in (a) of this subsection.

(g) Subject to data availability, analysis of how the wages and benefits reported in (e) of this subsection compare with statewide averages and averages in the county in which the facility is located.

(5) This section expires January 1, 2020.

Sec. 1505. RCW 82.12.962 and 2009 c 469 s 102 are each amended to read as follows:

(1)(a) Except as provided in RCW 82.12.963, consumers who have paid the tax imposed by RCW 82.12.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than one thousand watts of electricity.

(b) Beginning on July 1, 2009, through June 30, 2011, the provisions of this chapter do not apply in respect to the use of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(c) Beginning on July 1, 2011, through (~~June 30, 2013~~) January 1, 2020, the amount of the exemption under this subsection (1) is equal to seventy-five percent of the state and local sales tax paid. The consumer is eligible for an exemption under this subsection (1)(c) in the form of a remittance.

(2)(a) A person claiming an exemption in the form of a remittance under subsection (1)(c) of this section must pay the tax imposed by RCW 82.12.020 and all applicable local use taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The consumer may then apply to the department for remittance in a form and manner prescribed by the department. A consumer may not apply for a remittance under this section more frequently than once per quarter. The consumer must specify the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The consumer must retain, in

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adequate detail, records to enable the department to determine whether the consumer is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the consumer, which is subject to audit verification by the department. The department must on a quarterly basis remit exempted amounts to qualifying consumers who submitted applications during the previous quarter.

(3) Purchases exempt under RCW 82.08.962 are also exempt from the tax imposed under RCW 82.12.020.

(4) The definitions in RCW 82.08.962 apply to this section.

(5) This section expires (~~June 30, 2013~~) January 1, 2020.

PART XVI Small Solar Extension

NEW SECTION. **Sec. 1601.** It is the intent of the legislature to help promote energy independence in the state of Washington. The purpose of the tax preference created in part XVI of this act is to incentivize electricity generation from solar energy, reducing the costs of transitioning to solar energy by exempting machinery, equipment, and labor and service charges from the retail sales and use tax to increase affordability for Washington residents. It is also the intent of the legislature to provide this tax preference in a fiscally responsible manner where the actual revenue impact of the legislation substantially conforms with the fiscal estimate provided in the legislation's fiscal note. Therefore, the legislature intends for this tax preference to be temporary so the legislature can assess the actual fiscal impact of the tax preference.

Sec. 1602. RCW 82.08.963 and 2009 c 469 s 103 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment used directly in generating electricity or producing thermal heat using solar energy, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not more than ten kilowatts of electricity or producing not more than three million British thermal units per day and provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files. For sellers who electronically file their taxes, the department must provide a separate tax reporting line for exemption amounts claimed by a buyer under this section.

(2) For purposes of this section and RCW 82.12.963:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity or production and use of thermal heat using solar energy;

(b) "Machinery and equipment" does not include: (i) Hand-powered tools; (ii) property with a useful life of less than one year; (iii) repair parts required to restore machinery and equipment to normal working order; (iv) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (v) buildings; or (vi) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building; (~~and~~)

(c) Machinery and equipment is "used directly" in generating electricity with solar energy if it provides any part of the process that captures the energy of the sun, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution

systems; and

(d) Machinery and equipment is "used directly" in producing thermal heat with solar energy if it uses a solar collector or a solar hot water system that (i) meets the certification standards for solar collectors and solar hot water systems developed by the solar rating and certification corporation; or (ii) is determined by the Washington State University extension whether a solar collector or solar hot water system is an equivalent collector or system.

(3) This section expires June 30, (~~2013~~) 2018.

Sec. 1603. RCW 82.12.963 and 2009 c 469 s 104 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to machinery and equipment used directly in generating not more than ten kilowatts of electricity or producing not more than three million British thermal units per day using solar energy, or to the use of labor and services rendered in respect to installing such machinery and equipment.

(2) The definitions in RCW 82.08.963 apply to this section.

(3) This section expires June 30, (~~2013~~) 2018.

PART XVII Tax Preference Transparency and Accountability

NEW SECTION. **Sec. 1701.** A new section is added to chapter 82.32 RCW to read as follows:

(1)(a) Except as otherwise provided in this section, every new tax preference expires on the first day of the calendar year that is subsequent to the calendar year that is ten years from the effective date of the tax preference. With respect to any new property tax exemption, the exemption does not apply to taxes levied for collection beginning in the calendar year that is subsequent to the calendar year that is ten years from the effective date of the tax preference.

(b) A future amendment that expands a tax preference does not extend the tax preference beyond the period provided in this subsection unless an extension is expressly and unambiguously stated in the amendment.

(2) Subsection (1) of this section does not apply if legislation creating a new tax preference includes an expiration date for the new tax preference.

(3) Subsection (1) of this section does not apply to any existing tax preference that is amended to clarify an ambiguity or correct a technical inconsistency. Future enacted legislation intended to make such clarifications or corrections must explicitly indicate this intent.

(4) For the purposes of this section, the following definitions apply:

(a) "New tax preference" means a tax preference that initially takes effect after August 1, 2013, or a tax preference in effect as of August 1, 2013, that is expanded or extended after August 1, 2013, even if the expanding or extending amendment includes any other change to the tax preference.

(b) "Tax preference" has the same meaning as in RCW 43.136.021 with respect to any state tax administered by the department, except does not include the Washington estate and transfer tax in chapter 83.100 RCW.

(5) The department must provide written notice to the office of the code reviser of a ten-year expiration date required under this section for a new tax preference.

NEW SECTION. **Sec. 1702.** A new section is added to chapter 82.32 RCW to read as follows:

(1) As provided in this section, every bill enacting a new tax preference must include a tax preference performance statement.

(2) A tax preference performance statement must state the legislative purpose for the new tax preference. The tax preference

performance statement must indicate one or more of the following general categories, by reference to the applicable category specified in this subsection, as the legislative purpose of the new tax preference:

- (a) Tax preferences intended to induce certain designated behavior by taxpayers;
- (b) Tax preferences intended to improve industry competitiveness;
- (c) Tax preferences intended to create or retain jobs;
- (d) Tax preferences intended to reduce structural inefficiencies in the tax structure;
- (e) Tax preferences intended to provide tax relief for certain businesses or individuals; or
- (f) A general purpose not identified in (a) through (e) of this subsection.

(3) In addition to identifying the general legislative purpose of the tax preference under subsection (2) of this section, the tax preference performance statement must provide additional detailed information regarding the legislative purpose of the new tax preference.

(4) A new tax preference performance statement must specify clear, relevant, and ascertainable metrics and data requirements that allow the joint legislative audit and review committee and the legislature to measure the effectiveness of the new tax preference in achieving the purpose designated under subsection (2) of this section.

(5) If the tax preference performance statement for a new tax preference indicates a legislative purpose described in subsection (2)(b) or (c) of this section, any taxpayer claiming the new tax preference must file an annual survey in accordance with RCW 82.32.585.

(6)(a) Taxpayers claiming a new tax preference must report the amount of the tax preference claimed by the taxpayer to the department as otherwise required by statute or determined by the department as part of the taxpayer's regular tax reporting responsibilities. For new tax preferences allowing certain types of gross income of the business to be excluded from business and occupation or public utility taxation, the tax return must explicitly report the amount of the exclusion, regardless of whether it is structured as an exemption or deduction, if the taxpayer is otherwise required to report taxes to the department on a monthly or quarterly basis. For a new sales and use tax exemption, the total sales or uses subject to the exemption claimed by the buyer must be reported on an addendum to the buyer's tax return if the buyer is otherwise required to report taxes to the department on a monthly or quarterly basis and the buyer is required to submit an exemption certificate, or similar document, to the seller.

(b) This subsection does not apply to:

- (i) Property tax exemptions;
- (ii) Tax preferences required by constitutional law;
- (iii) Tax preferences for which the tax benefit to the taxpayer is less than one thousand dollars per calendar year; or
- (iv) Taxpayers who are annual filers.

(c) The department may waive the filing requirements of this subsection for taxpayers who are not required to file electronically any return, report, or survey under this chapter.

(7)(a) Except as otherwise provided in this subsection, the amount claimed by a taxpayer for any new tax preference is subject to public disclosure and is not considered confidential tax information under RCW 82.32.330, if the reporting periods subject to disclosure ended at least twenty-four months prior to the date of disclosure and the taxpayer is required to report the amount of the tax preference claimed by the taxpayer to the department under subsection (6) of this section.

(b)(i) The department may waive the public disclosure requirement under (a) of this subsection (7) for good cause. Good

cause may be demonstrated by a reasonable showing of economic harm to a taxpayer if the information specified under this subsection is disclosed. The waiver under this subsection (7)(b)(i) only applies to the new tax preferences provided in this act.

(ii) The amount of the tax preference claimed by a taxpayer during a calendar year is confidential under RCW 82.32.330 and may not be disclosed under this subsection if the amount for the calendar year is less than ten thousand dollars.

(c) In lieu of the disclosure and waiver requirements under this subsection, the requirements under RCW 82.32.585 apply to any tax preference that requires a survey.

(8) If a new tax preference does not include the information required under subsections (2) through (4) of this section, the joint legislative audit and review committee is not required to perform a tax preference review under chapter 43.136 RCW, and it is legislatively presumed that it is the intent of the legislature to allow the new tax preference to expire upon its scheduled expiration date.

(9) For the purposes of this section, "tax preference" and "new tax preference" have the same meaning as provided in section 1701 of this act.

NEW SECTION. Sec. 1703. A new section is added to chapter 43.136 RCW to read as follows:

(1) The legislative auditor, with the assistance of a task force, must make recommendations on the appropriate data and metrics that should be included in tax preference performance statements to evaluate new tax preferences, as provided under section 1702 of this act.

(2)(a) The task force is comprised of five members: (i) One person from the department of revenue; (ii) one person from an association representing Washington businesses; (iii) one person from the office of financial management; (iv) the legislative auditor or a designee of the legislative auditor; and (v) an economist with substantial experience in state taxes.

(b) The task force must choose its chair from among its membership.

(3) By January 1, 2014, and in compliance with RCW 43.01.036, the legislative auditor must submit a report to the appropriate fiscal committees of the legislature the findings and recommendations of the task force.

NEW SECTION. Sec. 1704. A new section is added to chapter 82.04 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1705. A new section is added to chapter 82.08 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1706. A new section is added to chapter 82.12 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1707. A new section is added to chapter 82.14B RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1708. A new section is added to chapter 82.16 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1709. A new section is added to chapter 82.18 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1710. A new section is added to chapter 82.19 RCW to read as follows:

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See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1711. A new section is added to chapter 82.21 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1712. A new section is added to chapter 82.23A RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1713. A new section is added to chapter 82.23B RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1714. A new section is added to chapter 82.24 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1715. A new section is added to chapter 82.26 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1716. A new section is added to chapter 82.27 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1717. A new section is added to chapter 82.29A RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1718. A new section is added to chapter 82.45 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1719. A new section is added to chapter 82.48 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1720. A new section is added to chapter 82.64 RCW to read as follows:

See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

NEW SECTION. Sec. 1721. A new section is added to chapter 84.52 RCW to read as follows:

(1) See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under RCW 84.52.065.

(2) See section 1702 of this act for reporting requirements for any new tax preference for the tax imposed under RCW 84.52.065.

NEW SECTION. Sec. 1722. A new section is added to chapter 54.28 RCW to read as follows:

(1) See section 1701 of this act for the expiration date of new tax preferences for the tax imposed under this chapter.

(2) See section 1702 of this act for reporting requirements for any new tax preference for the tax imposed under this chapter.

PART XVIII

Recommendations to Update and Improve Annual Surveys and Reports

NEW SECTION. Sec. 1801. By December 1, 2013, the department of revenue, in consultation with the joint legislative audit and review committee, must make recommendations to the appropriate fiscal committees of the legislature on ways to update and improve the annual report and annual survey. The recommendations must include suggested revisions to the report and

survey that would make the data more relevant and reduce the administrative burden on the taxpayer.

**PART XIX
Miscellaneous Provisions**

NEW SECTION. Sec. 1901. Section 202 of this act expires July 1, 2015.

NEW SECTION. Sec. 1902. Section 203 of this act takes effect July 1, 2015.

NEW SECTION. Sec. 1903. Parts III, X, XV, and XVI of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2013.

NEW SECTION. Sec. 1904. Except as otherwise provided in this act, this act takes effect October 1, 2013.

NEW SECTION. Sec. 1905. Part XI of this act takes effect January 1, 2014.

NEW SECTION. Sec. 1906. Part XI of this act expires July 1, 2021.

NEW SECTION. Sec. 1907. 2013 2nd sp. sess. c . . . s 1202 (section 1202 of this act), as now existing, is repealed, effective July 1, 2016."

MOTION

Senator Padden moved that the following amendment by Senator Padden and others to the striking amendment be adopted:

On page 63, after line 29 of the amendment, insert the following:

**"PART XIX
NONPROFIT RELIGIOUS ORGANIZATIONS**

Sec. 1901. RCW 84.36.020 and 2010 c 186 s 2 are each amended to read as follows:

The following real and personal property is exempt from taxation:

(1) All lands, buildings, and personal property required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

(2)(a) All churches, personal property, and the ground, not exceeding five acres in area, upon which a church of any nonprofit recognized religious denomination is or will be built, together with a parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property. The area exempted in any case includes all ground covered by the church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property, does not exceed the equivalent of one hundred twenty by one hundred twenty feet except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements. The parsonage and convent need not be on land contiguous to the church property. Except as otherwise provided in this subsection, to be exempt the property must be wholly used for church purposes.

(b)(i) The exemption provided in this subsection (2) is not nullified by:

(A) The loan or rental of property otherwise exempt under this subsection (2) to a nonprofit organization, association, or corporation, or school for use for:

~~(I) An eleemosynary activity ((or for use for)); or~~
 (II) Activities related to a farmers market, ~~((does not nullify the exemption provided in this subsection if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property. However,))~~ if such activities ~~((related to a farmers market may))~~ do not occur on the property more than fifty-three days each assessment year. For the purposes of this section, "farmers market" has the same meaning as "qualifying farmers market" as defined in RCW 66.24.170; or

(B) The use of the property for pecuniary gain, if the use of the property is a fund-raising activity for the nonprofit religious organization and such use does not exceed fifteen days each assessment year.

(ii) Rental income, if any, for uses specified under (b)(i) of this subsection (2) must be reasonable and devoted to the operation and maintenance of the property or capital improvements for the property.

Sec. 1902. RCW 84.36.020 and 1994 c 124 s 16 are each amended to read as follows:

The following real and personal property ~~((shall be))~~ is exempt from taxation:

(1) All lands, buildings, and personal property required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

(2)(a) All churches, personal property, and the ground, not exceeding five acres in area, upon which a church of any nonprofit recognized religious denomination is or ~~((shall))~~ will be built, together with a parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property. The area exempted ~~((shall))~~ in any case includes all ground covered by the church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property, ~~((shall))~~ does not exceed the equivalent of one hundred twenty by one hundred twenty feet except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements. The parsonage and convent need not be on land contiguous to the church property. To be exempt the property must be wholly used for church purposes~~((: PROVIDED, That))~~

(b)(i) The exemption provided in this subsection (2) is not nullified by:

(A) The loan or rental of property otherwise exempt under this ~~((paragraph))~~ subsection (2) to a nonprofit organization, association, or corporation, or school for use for an eleemosynary activity ~~((shall not nullify the exemption provided in this paragraph if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property)); or~~

(B) The use of the property for pecuniary gain, if the use of the property is a fund-raising activity for the nonprofit religious organization and such use does not exceed fifteen days each assessment year.

(ii) Rental income, if any, for uses specified under (b)(i) of this subsection (2) must be reasonable and devoted to the operation and maintenance of the property or capital improvements for the property.

NEW SECTION. Sec. 1903. Section 1901 of this act expires December 31, 2020.

NEW SECTION. Sec. 1904. Section 1902 of this act takes effect December 31, 2020."

Re-number the remaining sections and part headings consecutively and correct any internal references accordingly.

On page 64, line 21 of the title amendment, after "82.08.963," strike "and 82.12.963" and insert "82.12.963, 84.36.020, and 84.36.020"

Senators Padden and Fain spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden and others on page 63, after line 29 to the striking amendment to Substitute Senate Bill No. 5882.

The motion by Senator Padden carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fain as amended to Substitute Senate Bill No. 5882.

The motion by Senator Fain carried and the striking amendment as amended was adopted by voice vote.

MOTION

Senator Fain moved that Engrossed Substitute Senate Bill No. 5882 be advanced to third reading, second considered the third and the bill be placed on final passage.

REMARKS BY THE PRESIDENT

President Owen: "Senator Fain? Right now the motion is to advance to third reading and final passage."

MOTION

On motion of Senator Fain, the motion by Senator Fain that Engrossed Substitute Senate Bill No. 5882 be advanced to third reading, second considered the third and the bill be placed on final passage was withdrawn.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5882 was deferred and the bill held its place on the second reading calendar.

MOTION

At 8:17 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:43 p.m. by President Owen.

MOTION

Senator Fain, having voted on the prevailing side, moved that the vote by which the striking amendment by Senator Fain as amended to Substitute Senate Bill No. 5882 was adopted by the Senate earlier in the day be immediately reconsidered.

Senators Padden and Hargrove spoke on the motion.

The President declared the question before the Senate to be the motion to immediately reconsider the vote by which the striking amendment by Senator Fain as amended to Substitute Senate Bill No. 5882 was adopted by the Senate.

The motion by Senator Fain carried and the Senate immediately reconsidered the vote by which the striking amendment by Senator Fain as amended to Substitute Senate Bill No. 5882 was adopted by the Senate by voice vote.

MOTION

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Senator Fain, having voted on the prevailing side, moved that the vote by which the amendment by Senator Padden and others on page 63, after line 29 to the striking amendment to Substitute Senate Bill No. 5882 was adopted by the Senate earlier in the day be immediately reconsidered.

The President declared the question before the Senate to be the motion to immediately reconsider the vote by which the amendment by Senator Padden and others on page 63, after line 29 to the striking amendment to Substitute Senate Bill No. 5882 was adopted by the Senate.

The motion by Senator Fain carried and the Senate immediately reconsidered the vote by which the amendment by Senator Padden and others on page 63, after line 29 to the striking amendment to Substitute Senate Bill No. 5882 was adopted by the Senate by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden and others on page 63, after line 29 to the striking amendment to Substitute Senate Bill No. 5882 on immediate reconsideration.

Senator Fain spoke against adoption of the amendment to the striking amendment.

The motion by Senator Padden failed on immediate reconsideration and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fain to Substitute Senate Bill No. 5882.

The motion by Senator Fain carried and the striking amendment was adopted by voice vote on reconsideration.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2, after "preferences;" strike the remainder of the title and insert "amending RCW 82.04.260, 82.04.4268, 82.04.629, 82.04.630, 82.08.0204, 82.12.0204, 82.04.050, 82.04.294, 82.08.956, 82.12.956, 47.68.250, 82.48.100, 82.04.324, 82.08.962, 82.12.962, 82.08.963, and 82.12.963; reenacting and amending RCW 82.04.260; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding new sections to chapter 43.136 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.14B RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.18 RCW; adding a new section to chapter 82.19 RCW; adding a new section to chapter 82.21 RCW; adding a new section to chapter 82.23A RCW; adding a new section to chapter 82.23B RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; adding a new section to chapter 82.27 RCW; adding a new section to chapter 82.29A RCW; adding a new section to chapter 82.45 RCW; adding a new section to chapter 82.48 RCW; adding a new section to chapter 82.64 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 54.28 RCW; creating new sections; repealing 2008 c 314 s 7 (uncodified); repealing 2013 2nd sp.s. c ... s 1202; providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Substitute Senate Bill No. 5882 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain, Honeyford and Baumgartner spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5882 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, Mullet, Murray, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Frockt, Hasegawa, McAuliffe and Nelson

Excused: Senator Kline

ENGROSSED SUBSTITUTE SENATE BILL NO. 5882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Engrossed Substitute Senate Bill No. 5882 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Billig, Senator Shin was excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1872, by House Committee on Appropriations (originally sponsored by Representatives Maxwell, Dahlquist, Lytton, Sullivan, McCoy, Upthegrove, Bergquist, Seaquist, Morrell, Wylie, Goodman, Ryu, Tarleton, Tharinger, Springer, Stonier, Jinkins, Orwall, Pollet, Fey, Hansen, Lias and Freeman)

Establishing a comprehensive initiative to increase learning opportunities and improve educational outcomes in science, technology, engineering, and mathematics through multiple strategies and statewide partnerships.

The measure was read the second time.

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Second Substitute House Bill No. 1872 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1872.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1872 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Kline and Shin

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2079, by Representative Dunshee

Concerning the environmental legacy stewardship account.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, House Bill No. 2079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2079.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2079 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Benton, Billig, Braun, Chase, Cleveland, Conway, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Ranker, Rivers, Rolfes, Schlicher, Sheldon and Tom

Voting nay: Senators Bailey, Becker, Brown, Dammeier, Hatfield, Holmquist Newbry, Honeyford, Padden, Parlette, Pearson, Roach, Schoesler and Smith

Excused: Senators Kline and Shin

HOUSE BILL NO. 2079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:21 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:47 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:

The Speaker has signed:

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5034,

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,

SENATE BILL NO. 5904,

SENATE BILL NO. 5948,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947 and passed the bill as amended by the Senate.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5882,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1971, by House Committee on Appropriations (originally sponsored by Representatives Carlyle and Nealey)

Concerning communications services reform.

The measure was read the second time.

MOTION

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On motion of Senator Ericksen, the rules were suspended, Second Engrossed Second Substitute House Bill No. 1971 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Padden: "Mr. President, what time is it and how late are we authorized to do the Senates business?"

REPLY BY THE PRESIDENT

President Owen: "Well, accordingly to the clock the President goes by here, it's 10:52 and we're working through 10:00 without a suspension of the rules, which I sense this coming."

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute House Bill No. 1971.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1971 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Rivers, Rolfes, Schoesler and Tom

Voting nay: Senators Baumgartner, Benton, Brown, Holmquist Newbry, O'Ban, Padden, Pearson, Roach, Schlicher, Sheldon and Smith

Excused: Senators Kline and Shin

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1971, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:58 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:25 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 28, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1632,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 11:25 p.m., on motion of Senator Fain, the Senate adjourned until 1:00 p.m. Saturday, June 29, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

EIGHTEENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Saturday, June 29, 2013

The Senate was called to order at 1:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Kline, Mullet and Murray.

The Sergeant at Arms Color Guard consisting of Senate Staff Elise Greef and Steve Jones, presented the Colors. Senator Pearson offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5951 by Senator Roach

AN ACT Relating to costs of incarceration for impaired driving offenders; and amending RCW 9.94A.760 and 10.01.160.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 1:10 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:36 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5644, by Senators Schoesler and Murray

Concerning sales for resale by retail licensees of liquor.

MOTION

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 5644 was substituted for Senate Bill No. 5644 and the substitute bill was placed on the second reading and read the second time.

PARLIAMENTARY INQUIRY

Senator Darneille: "I would like to inquire Mr. President as to how many votes are required to pass this bill as it is quite clearly amending Initiative 1183? Thank you."

REPLY BY THE PRESIDENT

President Owen: "Senator Darneille, we are on second reading and we have an amendment to deal with and, until we complete the amending process, I will get to your ruling when we get to third reading."

MOTION

Senator Holmquist Newbry moved that the following striking amendment by Senator Holmquist Newbry and Harper be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.055 and 2012 c 2 s 105 (Initiative Measure No. 1183) are each amended to read as follows:

(1) There is a license for spirits distributors to (a) sell spirits purchased from manufacturers, distillers, or suppliers including, without limitation, licensed Washington distilleries, licensed spirits importers, other Washington spirits distributors, or suppliers of foreign spirits located outside of the United States, to spirits retailers including, without limitation, spirits retail licensees, special occasion license holders, interstate common carrier license holders, restaurant spirits retailer license holders, spirits, beer, and wine private club license holders, hotel license holders, sports entertainment facility license holders, and spirits, beer, and wine nightclub license holders, and to other spirits distributors; and (b) export the same from the state.

(2) By January 1, 2012, the board must issue spirits distributor licenses to all applicants who, upon December 8, 2011, have the right to purchase spirits from a spirits manufacturer, spirits distiller, or other spirits supplier for resale in the state, or are agents of such supplier authorized to sell to licensees in the state, unless the board determines that issuance of a license to such applicant is not in the public interest.

(3)(a) As limited by (b) of this subsection and subject to (c) of this subsection, each spirits distributor licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee calculated as follows:

(i) In each of the first ~~((two years))~~ twenty-seven months of licensure, ten percent of the total revenue from all the licensee's sales of spirits made during the ~~((year))~~ month for which the fee is due, respectively; and

(ii) In the ~~((third year))~~ twenty-eighth month of licensure and each ~~((year))~~ month thereafter, five percent of the total revenue from all the licensee's sales of spirits made during the ~~((year))~~ month for which the fee is due, respectively.

(b) The fee required under this subsection (3) is calculated only on sales of items which the licensee was the first spirits distributor in the state to have received:

(i) In the case of spirits manufactured in the state, from the distiller; or

(ii) In the case of spirits manufactured outside the state, from an authorized out-of-state supplier.

(c) By March 31, 2013, all persons holding spirits distributor licenses on or before March 31, 2013, must have paid collectively

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one hundred fifty million dollars or more in spirits distributor license fees. If the collective payment through March 31, 2013, totals less than one hundred fifty million dollars, the board must, according to rules adopted by the board for the purpose, collect by May 31, 2013, as additional spirits distributor license fees the difference between one hundred fifty million dollars and the actual receipts, allocated among persons holding spirits distributor licenses at any time on or before March 31, 2013, ratably according to their spirits sales made during calendar year 2012. Any amount by which such payments exceed one hundred fifty million dollars by March 31, 2013, must be credited to future license issuance fee obligations of spirits distributor licensees according to rules adopted by the board.

(d) A retail licensee selling for resale must pay a distributor license fee under the terms and conditions in this section on resales of spirits the licensee has purchased on which no other distributor license fee has been paid. The board must establish rules setting forth the frequency and timing of such payments and reporting of sales dollar volume by the licensee, with payments due quarterly in arrears.

(e) No spirits inventory may be subject to calculation of more than a single spirits distributor license issuance fee.

(4) In addition to the payment set forth in subsection (3) of this section, each spirits distributor licensee renewing its annual license must pay an annual license renewal fee of one thousand three hundred twenty dollars for each licensed location.

(5) There is no minimum facility size or capacity for spirits distributor licenses, and no limit on the number of such licenses issued to qualified applicants. License applicants must provide physical security of the product that is substantially as effective as the physical security of the distribution facilities currently operated by the board with respect to preventing pilferage. License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing distributor premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits distributor licenses.

NEW SECTION. Sec. 2. The changes made in section 1 of this act apply to spirits distributors licensed on or after January 1, 2012.

NEW SECTION. Sec. 3. A new section is added to chapter 66.24 RCW to read as follows:

(1) Beginning on the effective date of this section, the license issuance fee under RCW 66.24.630(4) does not apply to a spirits retail licensee that was a contract liquor store manager with respect to sales of spirits in original containers from the location of its spirits retail licensed premises to retailers licensed to sell spirits for consumption on the premises for resale at their licensed premises.

(2) Beginning on the effective date of this section, the license issuance fee under RCW 66.24.630(4) does not apply to a spirits retail licensee that was a former state store auction buyer, with respect to sales of spirits in original containers from the location of its spirits retail licensed premises to retailers licensed to sell spirits for consumption on the premises for resale at their licensed premises.

(3) The exemptions created in this section attach to any successor, by purchase or otherwise, to the spirits retail license, except that an exemption does not attach to any such successor that owns, directly or indirectly, any interest in a spirits retail license that is not derived directly from a former contract liquor store manager or a former state store auction buyer.

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NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

On motion of Senator Billig, Senators Kline, Mullet and Murray were excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Holmquist Newbry and Harper to Substitute Senate Bill No. 5644.

The motion by Senator Holmquist Newbry carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "license issuance fees of former contract liquor stores, former state store auction buyers, and spirits distributors; amending RCW 66.24.055; adding a new section to chapter 66.24 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Substitute Senate Bill No. 5644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

RULING BY THE PRESIDENT

President Owen: "Senator Darneille had raised the point of order as to the number of votes necessary to pass Substitute Senate Bill No. 5644. The President believes that the bill clearly amends Initiative 1183 and it would take thirty-three votes or two-thirds of the members."

Senators Ericksen, Sheldon and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5644.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5644 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Nelson, O'Ban, Parlette, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Braun, Hargrove, Hill, Padden and Pearson

Excused: Senators Kline, Mullet and Murray
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Engrossed Substitute Senate Bill No. 5644 was immediately transmitted to the House of Representatives.

The President announced the following appointment to the Joint Legislative Audit and Review Committee:

Senators Becker, Rivers, Braun Holmquist Newbry, Cleveland, Kohl-Welles, Mullet and Nelson.

MOTION

On motion of Senator Fain the appointments were confirmed by voice vote.

MOTION

On motion of Senator Fain, the Senate reverted to the fifth order of business.

POINT OF ORDER

Senator Padden: "Mr. President, could you please help? A little decorum, there's a lot of noise in the wings and it's hard to follow what's going on here on the floor. Thank you."

REPLY BY THE PRESIDENT

President Owen: "Thank you Senator Padden. I think that message has been sent and I will keep a better eye on it – or gavel on it."

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1632 by House Committee on Transportation (originally sponsored by Representatives Shea, Blake, Kristiansen, Sells, Warnick, Upthegrove, Wilcox, Scott, Moscoso, Fagan and Condotta)

AN ACT Relating to regulating the use of off-road vehicles in certain areas; amending RCW 46.09.310, 46.09.310, 46.09.360, 46.09.400, 46.09.410, 46.09.420, 46.09.450, 46.09.460, 46.09.530, 46.17.350, 46.30.020, 46.63.020, 79A.80.010, 46.63.030, 43.84.092, and 43.84.092; reenacting and amending RCW 46.09.470; adding new sections to chapter 46.09 RCW; creating a new section; prescribing penalties; providing effective dates; providing a contingent effective date; providing an expiration date; providing a contingent expiration date; and declaring an emergency.

MOTION

Senator Fain moved that the rules be suspended and Engrossed Substitute House Bill No. 1632 be placed on the second reading calendar.

Senator Eide spoke against the motion to suspend the rules and advance the bill.

Senator Fain spoke in favor of the motion to suspend the rules and advance the bill.

PARLIAMENTARY INQUIRY

Senator Frockt: "Thank you Mr. President. The motion before us is on the motion to boost. Is that correct?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

The motion by Senator Fain failed and Engrossed Substitute House Bill No. 1632 advanced on a rising vote.

MOTION

At 1:59 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:27 p.m. by President Owen.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5882,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5946.

MOTION

Senator Schlicher, having voted on the prevailing side, moved that the vote by which the motion by Senator Fain to suspend the rules and place Engrossed Substitute House Bill No. 1632 on the second reading calendar failed earlier in the day be immediately reconsidered.

The President declared the question before the Senate to be the motion to immediately reconsider the vote by which the motion by Senator Fain to suspend the rules and place Engrossed Substitute House Bill No. 1632 on the second reading calendar failed.

The motion by Senator Schlicher carried and the Senate immediately reconsidered the vote by which the motion by Senator Fain to suspend the rules and place Engrossed Substitute House Bill No. 1632 on the second reading calendar failed by voice vote.

The President declared the question before the Senate to be the motion by Senator Fain to suspend the rules and place Engrossed Substitute House Bill No. 1632 on the second reading calendar of the day on immediate reconsideration.

The motion by Senator Fain carried on immediate reconsideration, the rules were suspended, and Engrossed Substitute House Bill No. 1632 was placed on the second reading calendar by voice vote.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1632, by House Committee on Transportation (originally sponsored by Representatives Shea, Blake, Kristiansen, Sells, Warnick, Upthegrove, Wilcox, Scott, Moscoso, Fagan and Condotta)

At 3:42 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:43 p.m. by President Owen.

Regulating the use of off-road vehicles in certain areas.

MOTION

The measure was read the second time.

Senator Eide moved that the Senate advance to the ninth order of business.

MOTION

POINT OF ORDER

On motion of Senator Smith, the rules were suspended, Engrossed Substitute House Bill No. 1632 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler: "Thank you Mr. President. I believe we were preparing the sixth order of business with the gentleman here to my right?"

Senators Smith, Rolfes, Pearson, Becker, Ranker and Parlette spoke in favor of passage of the bill.

REPLY BY THE PRESIDENT

MOTION

President Owen: "Senator Schoesler, Senator Eide has the floor. She's made a motion. She has the right to do that. Senator Eide."

On motion of Senator Hobbs, Senator Nelson was excused.

POINT OF INQUIRY

REMARKS BY THE PRESIDENT

Senator Ericksen: "Would Senator Smith yield to a question? It's my understanding the fifty dollar fee included in this bill is a one-time fee paid for inspection of the vehicle to be used for this purpose and will not be charged on a yearly basis. Is that also your understanding of the bill.?"

President Owen: "Senator Eide, let the President make a clarification. Your motion is to advance to the ninth order of business but it is not appropriate to, in the motion, to have the bills you're going to deal with. You can explain, the President allows an explanation for and against, as you know, as a practice, brief explanation and you can state that, those bills, at that time. The motion is only to go to the ninth order of business."

Senator Smith: "Yes sir, that is my understanding of the bill."

REMARKS BY SENATOR EIDE

Senator Fraser and Hill spoke in favor of passage of the bill.

Senator Eide: "That's correct. Can I explain the bills that I've requested?"

MOTION

REPLY BY THE PRESIDENT

On motion of Senator Billig, Senators Eide, Hargrove, Murray and Shin were excused.

President Owen: "Senator Eide, the President does not believe that it would be appropriate to spend time on explaining the bills other than to state what they are. Not saying just the number but basically, what they are but not in detail or to debate the merits of the bills. Then we will allow the majority to respond."

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1632.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate advance to the ninth order of business.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1632 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 5; Absent, 0; Excused, 5.

Senator Eide spoke in favor of the motion.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Ericksen, Fain, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

REMARKS BY THE PRESIDENT

Voting nay: Senators Darneille, Eide, Fraser, Kohl-Welles and Murray

President Owen: "Senator Eide, you are now slipping off of the explanation of what you would like to deal with in the motion."

Excused: Senators Hargrove, Kline, Mullet, Nelson and Shin
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

MOTION

President Owen: "Senator Eide, you are off the issue at this point. I believe I got a feeling that's what the point of order was going to be."

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Schoesler spoke against the motion.

POINT OF ORDER

Senator Murray: "Procedural not political, I think is..."

RULING BY THE PRESIDENT

President Owen: "Senator Murray, it's not appropriate to be arguing the thing at this point."

ROLL CALL

The Secretary called the roll on the motion by Senator Eide to advance to the ninth order of business and the motion failed by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Rolfes and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Kline and Mullet

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 29, 2013

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5367,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5644,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 29, 2013

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1450,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1872,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947,

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE

BILL NO. 1971,

HOUSE BILL NO. 2043,

HOUSE BILL NO. 2044,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2051,

SUBSTITUTE HOUSE BILL NO. 2069,

HOUSE BILL NO. 2079,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5036, by Senators Honeyford, Nelson and Shin

Concerning state general obligation bonds and related accounts.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5036 was substituted for Senate Bill No. 5036 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following striking amendment by Senators Honeyford and Nelson be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 2011-2013 and 2013-2015 fiscal biennia, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two billion thirty-six million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 2. (1) The proceeds from the sale of bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(a) One billion six hundred seventy million six hundred eighty-five thousand dollars to remain in the state building construction account created by RCW 43.83.020;

(b) Twenty-five million five hundred thousand dollars to the outdoor recreation account created by RCW 79A.25.060;

(c) Twenty-five million five hundred thousand dollars to the habitat conservation account created by RCW 79A.15.020;

(d) Eight million five hundred thousand dollars to the riparian protection account created by RCW 79A.15.120;

(e) Five million five hundred thousand dollars to the farmlands preservation account created by RCW 79A.15.130;

(f) Two hundred seventy-nine million five hundred thousand dollars to the state taxable building construction account. All receipts from taxable bond issues are to be deposited into the account. If the state finance committee deems it necessary or advantageous to issue more than the amount specified in this subsection (1)(f) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds or in order to reduce the total financing costs for bonds issued, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. If the state finance committee determines that a portion of the amount specified in this subsection (1)(f) as taxable bonds may be

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issued as nontaxable bonds in compliance with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, then such bond proceeds shall be transferred to the state building construction account in lieu of the transfer to the state taxable building construction account otherwise provided by this subsection (1)(f). The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation.

(2) These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 2(1) (a) through (f) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 2(1) (a) through (f) of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(1) (a) through (f) of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 4. (1) Bonds issued under sections 1 through 3 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 5. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 2 and 3 of this act shall not be deemed to provide an exclusive method for the payment.

Sec. 6. RCW 43.99G.162 and 2006 c 167 s 203 are each amended to read as follows:

The proceeds from the sale of the bonds authorized in RCW 43.99G.160 shall be deposited in the Columbia river basin water supply development account created in chapter 6, Laws of 2006. If the state finance committee deems it necessary to issue the bonds authorized in RCW 43.99G.160 as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the ~~((state taxable building construction))~~ Columbia river basin taxable bond water supply development account in lieu of any deposit otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the ~~((state taxable building construction))~~ Columbia river basin taxable bond water supply development account is necessary. Moneys in the account may be spent only after appropriation. The proceeds shall be used exclusively for the purposes specified in RCW 43.99G.160 and for the payment of expenses incurred in the

issuance and sale of the bonds. These proceeds shall be administered by the office of financial management, subject to legislative appropriation.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Honeyford and Nelson spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford and others to Substitute Senate Bill No. 5036.

The motion by Senator Honeyford carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "accounts;" strike the remainder of the title and insert "amending RCW 43.99G.162; adding a new chapter to Title 43 RCW; and declaring an emergency."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5036.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5036 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Kohl-Welles

Excused: Senators Kline and Mullet

ENGROSSED SUBSTITUTE SENATE BILL NO. 5036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SECOND SUBSTITUTE SENATE BILL NO. 5367,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5644.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED HOUSE BILL NO. 1450,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1872,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947,
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1971,
HOUSE BILL NO. 2043,
HOUSE BILL NO. 2044,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2051,
SUBSTITUTE HOUSE BILL NO. 2069,
HOUSE BILL NO. 2079.

MOTION

On motion of Senator Fain, Engrossed Substitute Senate Bill No. 5036 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5035, by Senators Honeyford, Nelson and Shin

Adopting the 2013-2015 capital budget.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5035 was substituted for Senate Bill No. 5035 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2015, out of the several funds specified in this act.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

(a) "Fiscal year 2014" or "FY 2014" means the period beginning July 1, 2013, and ending June 30, 2014.

(b) "Fiscal year 2015" or "FY 2015" means the period beginning July 1, 2014, and ending June 30, 2015.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

(3) Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(4) The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2015-2017 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

(5) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2013, from the 2011-2013 biennial appropriations for each project.

**PART 1
GENERAL GOVERNMENT**

NEW SECTION. Sec. 1001. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Review of Public Lands (92000002)

The appropriation in this section is subject to the following conditions and limitation: The appropriation is provided solely for a three part study of public recreation and habitat lands. Parts two and three of the study must be conducted under contract with a qualified economist at one of Washington's public universities.

(1) Part one of the study is a review of the operating budget impacts of recreation and habitat land acquisitions by the departments of fish and wildlife, natural resources, and by the state parks and recreation commission over the past ten years. The review must describe the separate acquisitions by each agency, including the location, number of acres, the acquisition price, a general description of the land, the intended use of the land at the time of acquisition, and the source or sources of funding for the acquisition. The report must also identify the current use of the land and whether the current use matches the intended use at the time of acquisition. The review must estimate the current biennial operating budget costs to manage the land acquired and what the estimated capital and operating budget costs are to put the land to its intended use if that has not yet occurred.

(2) Part two of the study is a review of estimated economic benefits and costs from acquisitions of recreation and habitat lands. The study must review and summarize the available literature describing and quantifying the economic benefits and costs of public recreation and habitat lands. The study must evaluate the reliability and validity of measures used by federal and state agencies to estimate the economic benefits of recreation and habitat lands.

(3) Part three of the study is an analysis of differences in public land ownership among Washington's thirty-nine counties. The analysis must report the number of acres and percentage of total acres in each county owned by federal, state, tribal and local governmental agencies by the following categories:

- (a) Developed recreation land,
- (b) Habitat and passive recreation land,
- (c) Timber lands,
- (d) Agricultural lands, and
- (e) Other public lands.

The analysis must evaluate the hypothesis that higher amounts or percentages of acres of public lands in the categories above are

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detrimental to measures of economic vitality in the county. Measures of economic vitality should include taxable sales per capita, median household income, median per capita income, annual employment growth, and unemployment rate. The study should control for other relevant location related factors including elevation, population size and density, urban or rural status, and proximity to major transportation hubs such as commercial airports and seaports. The study should include a review and compilation of literature and studies on this topic.

(4) The report must be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 2014.

Appropriation:

State Building Construction Account—State	\$320,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$320,000

NEW SECTION. Sec. 1002. FOR THE OFFICE OF THE SECRETARY OF STATE

Archives Facilities Mechanical Systems Chiller Replacement (30000003)

Appropriation:

State Building Construction Account--State.....	\$128,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$128,000

NEW SECTION. Sec. 1003. FOR THE OFFICE OF THE SECRETARY OF STATE

Office of Financial Management Emergency Funds (30000027)

Reappropriation:

State Building Construction Account--State.....	\$28,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$28,000

NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMERCE

Rural Washington Loan Fund (19882002)

Reappropriation:

Rural Washington Loan Account--State.....	\$105,000
Prior Biennia (Expenditures).....	\$13,260,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$13,365,000

NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions in section 131, chapter 488, Laws of 2005.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

Reappropriation:

State Building Construction Account--State.....	\$692,000
Prior Biennia (Expenditures).....	\$45,210,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$45,902,000

NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMERCE

Rural Washington Loan Fund (20064010)

Reappropriation:

Rural Washington Loan Account--State.....	\$2,656,000
Prior Biennia (Expenditures).....	\$1,471,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$4,127,000

NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMERCE

Job and Economic Development Grants (20064950)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 107, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State.....	\$1,406,000
Prior Biennia (Expenditures).....	\$45,051,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$46,457,000

NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMERCE

Jobs in Communities (20064951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 140, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State.....	\$1,428,000
Prior Biennia (Expenditures).....	\$10,822,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$12,250,000

NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMERCE

Drinking Water Assistance Program (20074004)

Reappropriation:

Drinking Water Assistance Repayment Account--State.....	\$15,693,000
Prior Biennia (Expenditures).....	\$18,347,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$34,040,000

NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMERCE

Public Works Trust Fund (20074005)

Reappropriation:

Public Works Assistance Account--State.....	\$32,000,000
Prior Biennia (Expenditures).....	\$295,000,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$327,000,000

NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMERCE

Rural Washington Loan Fund (20074008)

Reappropriation:

Rural Washington Loan Account--State.....	\$1,751,000
Prior Biennia (Expenditures).....	\$276,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,027,000

NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMERCE

Housing Assistance, Weatherization, and Affordable Housing (20074009)

Reappropriation:

State Taxable Building Construction Account--State.....	\$4,434,000
Prior Biennia (Expenditures).....	\$195,566,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$200,000,000

NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMERCE

Job Development Fund Grants (20074010)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the

provisions of section 1032, chapter 520, Laws of 2007 and section 1005, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$4,061,000
Prior Biennia (Expenditures).....	\$44,869,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$48,930,000

NEW SECTION. Sec. 1014. FOR THE DEPARTMENT

OF COMMERCE

Longview Regional Water Treatment Plant Dredging (20081001)

Reappropriation:

State Building Construction Account--State.....	\$24,000
Prior Biennia (Expenditures).....	\$126,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$150,000

NEW SECTION. Sec. 1015. FOR THE DEPARTMENT

OF COMMERCE

Local and Community Projects (20084001)

The reappropriation in this section is subject to the following conditions and limitations: Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

Reappropriation:

State Building Construction Account--State.....	\$750,000
Prior Biennia (Expenditures).....	\$124,394,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$125,144,000

NEW SECTION. Sec. 1016. FOR THE DEPARTMENT

OF COMMERCE

Innovation Partnership Zones (20082003)

Reappropriation:

State Building Construction Account--State.....	\$42,000
Prior Biennia (Expenditures).....	\$4,958,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 1017. FOR THE DEPARTMENT

OF COMMERCE

Community Development Fund (20084850)

Reappropriation:

State Building Construction Account--State.....	\$1,410,000
Prior Biennia (Expenditures).....	\$19,506,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$20,916,000

NEW SECTION. Sec. 1018. FOR THE DEPARTMENT

OF COMMERCE

Belfair Sewer Improvements (20084852)

Reappropriation:

State Building Construction Account--State.....	\$506,000
Prior Biennia (Expenditures).....	\$9,794,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$10,300,000

NEW SECTION. Sec. 1019. FOR THE DEPARTMENT

OF COMMERCE

2008 Local and Community Projects (20084861)

The reappropriation in this section is subject to the following conditions and limitations: Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or

both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

Reappropriation:

State Building Construction Account--State.....	\$1,535,000
Prior Biennia (Expenditures).....	\$16,209,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$17,744,000

NEW SECTION. Sec. 1020. FOR THE DEPARTMENT

OF COMMERCE

Drinking Water State Revolving Fund Loan Program (30000005)

Reappropriation:

Drinking Water Assistance Account--State	\$10,233,000
Drinking Water Assistance Repayment Account--State.....	
.....	\$31,201,000
Subtotal Reappropriation.....	\$41,434,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$41,434,000

NEW SECTION. Sec. 1021. FOR THE DEPARTMENT

OF COMMERCE

Community Economic Revitalization Board (30000010)

Reappropriation:

Public Facility Construction Loan Revolving Account--State.....	\$5,076,000
Prior Biennia (Expenditures).....	\$1,177,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$6,253,000

NEW SECTION. Sec. 1022. FOR THE DEPARTMENT

OF COMMERCE

Innovation Partnership Zones (30000012)

Reappropriation:

State Building Construction Account--State.....	\$750,000
Prior Biennia (Expenditures).....	\$750,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,500,000

NEW SECTION. Sec. 1023. FOR THE DEPARTMENT

OF COMMERCE

Housing Assistance, Weatherization, and Affordable Housing (30000013)

Reappropriation:

State Building Construction Account--State.....	\$1,964,000
Washington Housing Trust Account--State	\$751,000
Subtotal Reappropriation.....	\$2,715,000
Prior Biennia (Expenditures).....	\$127,285,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$130,000,000

NEW SECTION. Sec. 1024. FOR THE DEPARTMENT

OF COMMERCE

Local and Community Projects (30000019)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

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Reappropriation:

State Building Construction Account--State.....	\$556,000
Prior Biennia (Expenditures).....	\$19,589,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$20,145,000

NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMERCE

2010 Local and Community Projects (30000082)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

Reappropriation:

State Building Construction Account--State.....	\$3,961,000
Prior Biennia (Expenditures).....	\$10,169,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$14,130,000

NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMERCE

Community Schools (91000002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1013, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$150,000
Prior Biennia (Expenditures).....	\$6,350,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$6,500,000

NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMERCE

Temporary Public Works Grant Program (92000021)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are subject to the provisions of section 6001, chapter 49, Laws of 2011 1st sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$1,049,000
State Taxable Building Construction Account--State.....	\$69,000
Subtotal Reappropriation.....	\$1,118,000
Prior Biennia (Expenditures).....	\$40,252,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$41,370,000

NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMERCE

Jobs Act for K-12 Public Schools and Higher Education Institutions (91000085)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1016, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$3,643,000
Prior Biennia (Expenditures).....	\$41,166,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$44,809,000

NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board - Export Assistance Grants and Loans (92000069)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1018, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

Public Facility Construction Loan Revolving Account--State.....	\$601,000
Prior Biennia (Expenditures).....	\$2,399,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$3,000,000

NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMERCE

Drinking Water State Revolving Fund Loan Program (30000095)

The reappropriations in this section are subject to the following conditions and limitations: For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

Reappropriation:

Drinking Water Assistance Repayment Account--State.....	\$92,000,000
Drinking Water Assistance Account--State	\$16,000,000
Subtotal Reappropriation.....	\$108,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$108,000,000

NEW SECTION. Sec. 1031. FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board (30000097)

Reappropriation:

Public Facility Construction Loan Revolving Account--State.....	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 1032. FOR THE DEPARTMENT OF COMMERCE

Housing Assistance, Weatherization, Affordable Housing Trust Fund (30000098)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1026, chapter 49, Laws of 2011 1st sp. sess.

Reappropriation:

State Taxable Building Construction Account--State.....	\$28,332,000
Prior Biennia (Expenditures).....	\$21,668,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$50,000,000

NEW SECTION. Sec. 1033. FOR THE DEPARTMENT OF COMMERCE

Youth Recreational Facilities Grants (30000100)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1029, chapter 49, Laws of 2011 1st sp. sess.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount

sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

Reappropriation:

State Building Construction Account--State.....	\$1,554,000
Prior Biennia (Expenditures).....	\$2,699,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$4,253,000

NEW SECTION. Sec. 1034. FOR THE DEPARTMENT OF COMMERCE

Building for the Arts Grants (30000101)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1030, chapter 49, Laws of 2011 1st sp. sess.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

Reappropriation:

State Building Construction Account--State.....	\$1,137,000
Prior Biennia (Expenditures).....	\$1,325,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,462,000

NEW SECTION. Sec. 1035. FOR THE DEPARTMENT OF COMMERCE

Building Communities Fund Grants (30000102)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1027, chapter 49, Laws of 2011 1st sp. sess.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

Reappropriation:

State Building Construction Account--State.....	\$3,727,000
Prior Biennia (Expenditures).....	\$9,676,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$13,403,000

NEW SECTION. Sec. 1036. FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Program (30000103)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1021, chapter 48, Laws of 2011 1st sp. sess.

Reappropriation:

Public Works Assistance Account--State.....	\$213,483,000
Prior Biennia (Expenditures).....	\$8,329,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$221,812,000

NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects (30000166)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1002, chapter 2, Laws of 2012 2nd sp. sess.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

Reappropriation:

State Building Construction Account--State.....	\$8,541,000
Prior Biennia (Expenditures).....	\$8,276,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$16,817,000

EW SECTION. Sec. 1038. FOR THE DEPARTMENT OF COMMERCE

Clean Energy Partnership (30000175)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for implementation of the recommendations of the clean energy leadership council by providing state matching funds for projects that:

- (a) Integrate energy efficiency and renewable energy in buildings;
- (b) Integrate renewable energy into the regional electrical grid;
- (c) Advance bioenergy in the state.

(2) State funding must not exceed fifty percent of the total program or project funds.

(3) Eligible projects must:

- (a) Involve a majority of companies that are located in Washington state;
- (b) Represent a substantially new solution that is not widely available today; and
- (c) Be designed to generate solutions that are applicable both inside and outside of the state.

Reappropriation:

Public Facility Construction Loan Revolving Account--State.....	\$5,499,000
Prior Biennia (Expenditures).....	\$1,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,500,000

NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF COMMERCE

Financing Energy/Water Efficiency (30000180)

Reappropriation:

Public Works Assistance Account--State.....	\$4,927,000
Prior Biennia (Expenditures).....	\$73,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Program 2013 Loan List (30000184)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the list of projects in LEAP capital document No. 2012-1B, developed February 18, 2012.

Reappropriation:

Public Works Assistance Account--State.....	\$152,781,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$152,781,000

NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF COMMERCE

Energy Efficiency Grants for Local Governments (91000241)

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The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 301, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$17,797,000
Prior Biennia (Expenditures).....	\$203,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$18,000,000

NEW SECTION. Sec. 1042. FOR THE DEPARTMENT

OF COMMERCE

Energy Efficiency Grants for Higher Education (91000242)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 307, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$19,910,000
Prior Biennia (Expenditures).....	\$90,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$20,000,000

NEW SECTION. Sec. 1043. FOR THE DEPARTMENT

OF COMMERCE

Weatherization (91000247)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account--State.....	\$20,534,000
Prior Biennia (Expenditures).....	\$4,466,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$25,000,000

NEW SECTION. Sec. 1044. FOR THE DEPARTMENT

OF COMMERCE

Connell Klindworth Water Line Distribution (91000318)

Reappropriation:

State Building Construction Account--State.....	\$28,000
Prior Biennia (Expenditures).....	\$512,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$540,000

NEW SECTION. Sec. 1045. FOR THE DEPARTMENT

OF COMMERCE

Public Works Preconstruction Loan Program (91000319)

Reappropriation:

Public Works Assistance Account--State.....	\$3,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$3,000,000

NEW SECTION. Sec. 1046. FOR THE DEPARTMENT

OF COMMERCE

Housing for Families with Children (91000409)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 310, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account--State.....	\$8,250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$8,250,000

NEW SECTION. Sec. 1047. FOR THE DEPARTMENT

OF COMMERCE

Housing for People with Developmental Disabilities (91000410)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1009, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account--State.....	\$2,900,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,900,000

NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF COMMERCE

Housing for Seniors and People with Physical Disabilities (91000411)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 311, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account--State.....	\$9,666,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$9,666,000

NEW SECTION. Sec. 1049. FOR THE DEPARTMENT OF COMMERCE

Housing for People with Chronic Mental Illness (91000412)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account--State.....	\$1,125,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,125,000

NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF COMMERCE

Housing for the Homeless (91000413)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1011, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account--State.....	\$28,944,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$28,944,000

NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF COMMERCE

Housing for Farmworkers (91000414)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1012, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account--State.....	\$6,215,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$6,215,000

NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF COMMERCE

Housing for People At Risk of Homelessness (91000415)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 312, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account--State.....	\$2,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,500,000

NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF COMMERCE

Housing for Low-Income Households (91000416)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1013, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account--State	\$2,982,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,982,000

NEW SECTION. Sec. 1054. FOR THE DEPARTMENT OF COMMERCE

2012 Local and Community Projects (91000417)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 302, chapter 1, Laws of 2012 2nd sp. sess.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

Reappropriation:

State Building Construction Account--State	\$9,097,000
Prior Biennia (Expenditures)	\$526,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,623,000

NEW SECTION. Sec. 1055. FOR THE DEPARTMENT OF COMMERCE

Housing Competitive Pool (91000432)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1014, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account--State	\$4,530,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,530,000

NEW SECTION. Sec. 1056. FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects 2012 (91000437)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 1003, chapter 2, Laws of 2012 2nd sp. sess.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the reappropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the reappropriation is released for design costs only.

Reappropriation:

State Building Construction Account--State	\$31,000
State Taxable Building Construction Account--State	\$1,800,000
Subtotal Reappropriation	\$1,831,000
Prior Biennia (Expenditures)	\$1,004,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,835,000

NEW SECTION. Sec. 1057. FOR THE DEPARTMENT OF COMMERCE

Innovation Partnership Zones - Facilities and Infrastructure (92000089)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 309, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Building Construction Account--State	\$13,177,000
Prior Biennia (Expenditures)	\$343,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,520,000

NEW SECTION. Sec. 1058. FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board Administered Economic Development, Innovation, and Export Grants (92000096)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 304, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Building Construction Account--State	\$14,891,000
Public Works Assistance Account--State	\$15,836,000
Subtotal Reappropriation	\$30,727,000
Prior Biennia (Expenditures)	\$1,871,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,598,000

NEW SECTION. Sec. 1059. FOR THE DEPARTMENT OF COMMERCE

Main Street Improvement Grants (92000098)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 305, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Building Construction Account--State	\$13,771,000
Public Works Assistance Account--State	\$793,000
Subtotal Reappropriation	\$14,564,000
Prior Biennia (Expenditures)	\$286,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,850,000

NEW SECTION. Sec. 1060. FOR THE DEPARTMENT OF COMMERCE

Brownfield Redevelopment Grants (92000100)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for redevelopment of the Bellingham waterfront.

Reappropriation:

Local Toxics Control Account--State	\$1,492,000
Prior Biennia (Expenditures)	\$8,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 1061. FOR THE DEPARTMENT OF COMMERCE

Port and Export Related Infrastructure (92000102)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 306, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Building Construction Account--State	\$30,222,000
Prior Biennia (Expenditures)	\$2,928,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,150,000

NEW SECTION. Sec. 1062. FOR THE DEPARTMENT OF COMMERCE

Youth Recreational Facilities Grants (30000185)

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The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Camp Korey.....	\$303,000
Boys and Girls Clubs of Bellevue.....	\$388,000
Boys and Girls Clubs of King county.....	\$140,000
Boys and Girls Clubs of Skagit county.....	\$100,000
YMCA of Greater Seattle.....	\$800,000
Boys and Girls Clubs of Southwest Washington.....	\$800,000
Boys and Girls Clubs of South Puget Sound.....	\$800,000
New Life Community Development Agency.....	\$800,000
TOTAL.....	\$4,131,000

Appropriation:

State Building Construction Account--State.....	\$4,131,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$32,000,000
TOTAL.....	\$36,131,000

NEW SECTION. Sec. 1063. FOR THE DEPARTMENT OF COMMERCE

Building for the Arts Grants (30000186)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Washington Center for the Performing Arts.....	\$816,000
Tacoma Art Museum.....	\$2,000,000
Coyote Central.....	\$115,000
Icicle Creek Center for the Arts.....	\$1,052,000
Capitol Hill Housing Foundation.....	\$565,000
Bellevue Youth Theatre Foundation.....	\$199,000
Broadway Center for the Performing Arts.....	\$1,300,000
Capitol Theatre Committee.....	\$833,000
Bainbridge Island Museum of Art.....	\$1,750,000
Tacoma Musical Playhouse.....	\$240,000
Spokane Public Radio.....	\$1,000,000
Stageworks Northwest.....	\$334,000
TOTAL.....	\$10,204,000

Appropriation:

State Building Construction Account--State.....	\$10,204,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$48,000,000
TOTAL.....	\$58,204,000

NEW SECTION. Sec. 1064. FOR THE DEPARTMENT OF COMMERCE

Housing for Homeless Veterans (91000455)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for Homeless Veterans" in LEAP capital document No. 2013-1A, developed April 10, 2013. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may reallocate the funding to the highest ranking project on the alternate list in LEAP capital document No. 2013-1A, developed April 10, 2013. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction	
Account--State.....	\$9,367,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$9,367,000

NEW SECTION. Sec. 1065. FOR THE DEPARTMENT OF COMMERCE

Housing for Farmworkers (91000457)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is provided for the ranked list of projects in the category "Housing for Farmworkers" in LEAP capital document No. 2013-1A, developed April 10, 2013. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may reallocate the funding to the highest ranking project on the alternate list in LEAP capital document No. 2013-1A, developed April 10, 2013. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction	
Account--State.....	\$27,050,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$27,050,000

NEW SECTION. Sec. 1066. FOR THE DEPARTMENT OF COMMERCE

Housing for People with Developmental Disabilities (91000458)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for People with Developmental Disabilities" in LEAP capital document No. 2013-1A, developed April 10, 2013. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may reallocate the funding to the highest ranking project on the alternate list in LEAP capital document No. 2013-1A, developed April 10, 2013. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction	
Account--State.....	\$9,019,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$9,019,000

NEW SECTION. Sec. 1067. FOR THE DEPARTMENT

OF COMMERCE

Housing for People with Chronic Mental Illness (91000459)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for the ranked list of projects in the category "Housing for People with Chronic Mental Illness" in LEAP capital document No. 2013- 1A, developed April 10, 2013. The department shall evaluate projects on the LEAP list and allocate the funding based on the requirements of RCW 43.185.050 and 43.185.070. Upon review of a completed application, if the department determines that a project is not eligible or is not ready to proceed, the department may reallocate the funding to the highest ranking project on the alternate list in LEAP capital document No. 2013-1A, developed April 10, 2013. The department shall, at its discretion, determine the actual amount of funding to be allocated to each project, provided that the total allocation does not exceed the appropriation provided in this section.

Appropriation:

State Taxable Building Construction	
Account--State.....	\$6,064,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$6,064,000

NEW SECTION. Sec. 1068. FOR THE DEPARTMENT

OF COMMERCE

Sand Point Building 9 (91000446)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of the appropriation in this section is provided solely for the renovation of Sand Point Building 9 into affordable housing units for low-income tenants.

(2) Up to \$4,000,000 of the appropriation in this section is for reimbursement to the University of Washington for its expenditures associated with Sand Point Building 9 for infrastructure, major repairs, operations and maintenance, staffing and development preparation.

(3) The department may not expend the appropriation provided in this section unless and until the United States department of education and the United States department of the Navy provide the University of Washington with title to Sand Point Building 9 that is either free and clear or that, at a minimum, does not prohibit use of that property for affordable housing. If the federal government does not provide such title by January 1, 2015, the appropriation provided in this section shall lapse.

Appropriation:

State Taxable Building Construction	
Account--State.....	\$14,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$14,000,000

NEW SECTION. Sec. 1069. FOR THE DEPARTMENT

OF COMMERCE

Housing Preservation (91000448)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to local housing authorities for the purchase of the housing projects designated in this section. The purpose of providing the grants is to assure the retention of subsidized housing for low-income tenants.

(2) The appropriation is provided solely for the following list of projects:

Charter House.....	\$777,000
Emerson Manor	\$829,000
Naches House	\$1,065,000
Wenatchee House	\$1,173,000
Harbor Manor	\$656,000
TOTAL.....	\$4,500,000

Appropriation:

State Building Construction

Account--State.....	\$2,000,000
Washington Housing Trust Account--State	\$2,500,000
Subtotal Appropriation.....	\$4,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$4,500,000

NEW SECTION. Sec. 1070. FOR THE DEPARTMENT

OF COMMERCE

Community Economic Revitalization Board (30000190)

The appropriation in this section is subject to the following conditions and limitations: During the 2013-2015 fiscal biennium, the community economic revitalization board may make loans to municipalities to finance public facilities projects that will improve opportunities for revitalizing existing retail, industrial, or commercial properties located within incorporated areas. These properties must have either been abandoned, or have more than seventy- five percent of their square footage vacant.

(1) Municipalities include: Cities, towns, counties, port districts, and housing authorities of this state.

(2) Public facilities projects include: Planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of: Bridges; roads; research, testing, training, and incubation facilities in areas designated as innovation partnership zones under RCW 43.330.270; buildings or structures; domestic and industrial water; earth stabilization; sanitary sewer; storm sewer; railroad; electricity; telecommunications; transportation; natural gas; and port facilities.

(3) The board may make a revitalization loan only for a public facilities project approved by a municipality that demonstrates convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(4) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(5) An application for a revitalization loan must be made in the form and manner prescribed by the board. When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:

(a) The project's value to the community, including evidence of support from affected local businesses and government;

(b) The project's feasibility, using standard economic principles;

(c) Commitment of local matching resources and local participation;

(d) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements;

(e) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees; and

(f) The project's readiness to proceed.

(6) In making revitalization loans, the board must conform to the following requirements:

(a) The board must provide reasonable terms and conditions for repayment for loans;

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(b) The board must not make loans that exceed twenty years in duration;

(c) A municipality must begin repayment of a loan five years after receiving it; and

(d) One or a combination of loans made to a municipality for a specific project must not exceed two million dollars.

(7) The board must not provide financing for any public facilities project that:

(a) Has the primary purpose of facilitating or promoting a retail shopping development with a floor exceeding ten thousand square feet;

(b) Will result in a development or expansion that would displace existing jobs in any other community in the state;

(c) Has the primary purpose of facilitating or promoting gambling;

(d) Is located outside the jurisdiction of the applicant; or

(e) Will result in a development or expansion of a professional sports arena.

Appropriation:

Public Facility Construction Loan Revolving	
Account--State.....	\$9,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$36,000,000
TOTAL.....	\$45,000,000

NEW SECTION. Sec. 1071. FOR THE DEPARTMENT OF COMMERCE

Mental Health Beds (91000447)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services, to issue grants to hospitals or other entities to establish new community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, or crisis stabilization facilities with sixteen or fewer beds for the purpose of providing short term detention services through the publicly funded mental health system. Funds may be used for construction and equipment costs associated with establishment of the community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, or crisis stabilization facilities. These funds shall not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of grants and priority shall be given to those proposals to establish new community hospital inpatient psychiatric beds or free-standing evaluation and treatment facilities. The criteria shall include:

(1) Evidence that the application was developed in collaboration with one or more regional support networks, as defined in RCW 71.24.025;

(2) Evidence that the applicant has assessed and would meet gaps in geographical access to short term detention services under chapter 71.05 RCW in their region;

(3) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act at chapter 71.05 RCW;

(4) Evidence of capacity of the applicant to serve individuals with medical and psychiatric comorbidities;

(5) A commitment by the applicant to maintain the beds or facility for at least a ten year period;

(6) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(7) A detailed estimate of the costs associated with opening the beds; and

(8) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

To accommodate the emergent need for inpatient psychiatric services, the department of health and the department of commerce, in collaboration with the department of social and health services shall establish a concurrent and expedited process for the purpose of grant applicants meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, or crisis stabilization facilities.

Appropriation:

State Building Construction	
Account--State.....	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 1072. FOR THE DEPARTMENT OF COMMERCE

Building Communities Fund Grants (30000188)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.125.

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Interfaith community health center.....	\$559,000
LaCrosse community pride.....	\$ 20,000
Gay city health project	\$ 64,000
YWCA Pierce county	\$305,000
University Heights center for the community.....	\$367,000
Brigit Collins family support center.....	\$ 62,000
Safeplace.....	\$241,000
Spokane neighborhood action partners.....	\$638,000
Associated ministries of Tacoma-Pierce county.....	\$105,000
Friends of youth.....	\$476,000
Behavioral health resources	\$1,000,000
Ryther.....	\$240,000
PROVAIL.....	\$268,000
Vadis.....	\$73,000
New Life CDA.....	\$800,000
MLK FAME community center	\$61,000
TOTAL.....	\$5,279,000

Appropriation:

State Building Construction Account--State.....	\$5,279,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL.....	\$45,279,000

NEW SECTION. Sec. 1073. FOR THE DEPARTMENT OF COMMERCE

Drinking Water State Revolving Fund Loan Program (30000189)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,400,000 for fiscal year 2014 and \$4,400,000 for fiscal year 2015 is provided solely as state match for federal safe drinking water funds.

(2) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

Appropriation:

State Building Construction Account--State.....	\$8,800,000
Drinking Water Assistance Repayment Account--State.....	
.....	\$200,000,000
Subtotal Appropriation.....	\$208,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$680,000,000
TOTAL.....	\$888,800,000

NEW SECTION. Sec. 1074. FOR THE DEPARTMENT OF COMMERCE

Clean Energy and Energy Freedom Program (910000582)

The appropriations in this section are subject to the following conditions and limitations:

(1) All expenditures from the state taxable building construction account--state appropriation in this section must be used for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions or otherwise increase energy independence for the state. All expenditures must be used for projects that develop and acquire assets that have a useful life of at least thirteen years. These requirements must be specified in funding agreements issued by the department.

(2) For any project funded from the state taxable building construction account--state appropriation in this section, state funds must not exceed fifty percent of the estimated cost of a project, and funding preference must be provided to projects that offer a higher percentage of nonstate match funds.

(3)(a) \$15,000,000 of the state taxable building construction account--state appropriation in this section is provided solely to create a revolving loan fund to support the widespread use of proven building energy efficiency and renewable energy technologies now inhibited by lack of access to capital.

(b) To create the loan fund, the department shall provide grant funds to a competitively selected nonprofit lender that will provide matching private capital and will administer the loan fund. The department must select the loan fund administrator through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines for the lender related to applicant eligibility, the screening process, and evaluation and selection criteria. The criteria must include requiring evidence of support for the proposed project from the impacted community and consistency with economic growth strategies and plans of the affected local governments. Applications for loans from the revolving fund must disclose all sources of public funding to be provided for a project. The nonprofit lender must use the revolving loan fund to make affordable loans for projects including, but not limited to: Residential and commercial energy retrofits, residential and community- scale solar installations, anaerobic digesters to treat dairy and organic waste, and combined heat and power projects using woody biomass as a fuel source.

(d) The department must conduct due diligence activities associated with the use of public funds, including oversight of the project selection process and project monitoring.

(e) Projects seeking financing of solar installations under this section must agree in contract to not participate in the cost-recovery program under RCW 82.16.120.

(4) \$15,000,000 of the state taxable building construction account--state appropriation in this section is provided solely for grants to advance renewable energy technologies by public and private electrical utilities that serve retail customers in the state. The department shall work with utilities to offer matching grants for projects that demonstrate new smart grid technologies. The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. Applications for grants must disclose all sources of public funding to be provided for a project. The grant funds must be used to fund projects that demonstrate how to: Integrate intermittent renewables through energy storage and information technology, dispatch energy storage resources from utility control rooms, use the thermal properties and electric load of commercial buildings and district energy systems to store energy, or otherwise improve the reliability and reduce the costs of intermittent or distributed renewable energy.

(5) \$6,000,000 of the state taxable building construction account-- state appropriation in this section is provided solely for grants to match federal funds used to develop and demonstrate clean energy technologies. The department shall work with the University of Washington, Washington State University, and the Pacific Northwest National Laboratory to offer matching funds for projects including, but not limited to: Advancing energy storage and solar technologies, and federal manufacturing innovation centers related to use of light-weight carbon fiber components to advance energy efficiency in the aeronautical, automotive, and marine sectors.

(6) The department must report on number and results of projects funded through the clean energy fund, including the number of job hours created and the number of jobs maintained and created, to the governor and the legislature, by November 1, 2014.

(7) The energy recovery act account--federal appropriation in this section is provided solely for loans, loan guarantees, and grants that encourage the establishment of innovative and sustainable industries for renewable energy and energy efficiency technology, consistent with provisions of RCW 43.325.040 (energy freedom account).

Appropriation:

State Taxable Building Construction Account--State.....	
.....	\$36,000,000
Energy Recovery Act Account--Federal.....	\$4,000,000
Subtotal Appropriation.....	\$40,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$40,000,000

NEW SECTION. Sec. 1075. FOR THE DEPARTMENT OF COMMERCE

2013-2015 Energy Efficiency Grants (30000193)

The appropriation in this section is subject to the following conditions and limitations: \$18,000,000 for fiscal year 2014 and \$7,000,000 for fiscal year 2015 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(1) At least ten percent of each competitive grant round must be awarded to small cities or towns with a population of five thousand or fewer residents.

(2) In each competitive round, the higher the leverage ratio of non-state funding sources to state grant and the higher the energy savings, the higher the project ranking.

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(3) The department must develop rating criteria and a scoring system that provide access to at least five million dollars in energy efficiency grants for projects that involve the purchase and installation of Washington-manufactured solar energy systems, including solar modules and inverters.

Appropriation:

State Building Construction Account--State.....\$25,000,000

Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$240,000,000
 TOTAL.....\$265,000,000

NEW SECTION. Sec. 1076. FOR THE DEPARTMENT OF COMMERCE

Weatherization (30000192)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of the appropriation in this section is provided solely for low-income weatherization through the energy matchmakers program.

(2) \$10,000,000 of the appropriation in this section is provided solely for continuation of the community energy efficiency program administered by the Washington State University energy extension.

Appropriation:

State Taxable Building Construction Account--State.....\$20,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$20,000,000
 TOTAL.....\$40,000,000

NEW SECTION. Sec. 1077. FOR THE DEPARTMENT OF COMMERCE

Projects for Jobs and Economic Development (92000151)

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriations are released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriations are provided solely for the following list of projects:

Projects for Jobs & Economic Development

City of Bremerton Puget Sound Naval Safety Project \$1,300,000

Fairchild Airforce Base	\$2,700,000
City of Lynnwood Main Street Improvements	\$250,000
Port of Everett: Roll-On/Roll-Off Cargo Berth	\$1,500,000
Kittitas County Infrastructure and Facilities	\$5,000,000
City of Kennewick Industrial Land	\$1,000,000
Perry Tech Institute Building	\$1,000,000
City of Buckley Drinking Water Improvements	\$350,000
Coronado Reservoir Replacement	\$525,000
Hopelink Cleveland Street Project	\$1,000,000
Redmond Connector	\$1,300,000
Washougal Storm Water Decant Facility	\$1,000,000
Roslyn Renaissance Northwest Improvement Company Building	\$500,000
Everett/Tulalip Water Pipeline Construction	\$1,000,000
Renton Aerospace Training Center Construction	\$5,000,000
Renton Riverview Bridge Replacement	\$1,100,000
Omak City Sewer, Collection System, and Treatment Plant	\$2,000,000
Harper Pier Replacement	\$800,000
University Place Main Street Redevelopment	\$975,000
Sultan Alder Avenue Water/Sewer Line Replacement	\$185,000
Quincy Industrial Water Reclamation & Reuse	\$700,000
NW Medical School	\$136,000
Ione - 8th St Lift Station Replacement	\$165,000
Stevens PUD Projects	\$532,000
Port Orchard Bay St. Pedestrian Path - Phase 2	\$336,000
Dekalb Pier - Phase 2	\$255,000
Kenmore Village	\$300,000
South Kirkland TOD/Cross Kirkland Corridor	\$1,300,000
Washington Agriculture Discovery Center	\$100,000
Mountlake Terrace Mainstreet Grant	\$2,000,000
Issaquah - North Roadway Network Improvement	\$5,000,000
TRIDEC Development of Small Modular Reactor Proposal	\$500,000
City of Shelton Wastewater	\$1,500,000
Port of Moses Lake Firefighting System	\$300,000

Seattle Chinatown/ID Development \$500,000

TOTAL \$42,109,000

Appropriation:

State Building Construction Account--State.....\$35,009,000
 Public Facility Construction Loan Revolving
 Account--State.....\$7,100,000
 Subtotal Appropriation.....\$42,109,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$42,109,000

NEW SECTION. Sec. 1078. FOR THE DEPARTMENT OF COMMERCE

Projects That Strengthen Communities and Quality of Life (92000230)

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) \$1,500,000 of the appropriation in this section from the state building construction account--state is provided solely for design development to align ongoing planning for the replacement of the Seattle multimodal terminal at Colman dock with the creation of a public park. The scope of work must provide a design plan that includes an elevated park and corresponding amenities above the terminal. Design development shall be delivered through the city of Seattle. The scope of this project does not preclude any current plans for Colman dock to replace or seismically upgrade the facility, nor does it reduce the amount of general and commercial traffic, high occupancy vehicles, transit, bicyclist and pedestrian movement.

(8) \$500,000 of the appropriation from the environmental legacy stewardship account--state is provided solely for an investigation of possible contaminated soils around the Colman dock.

(9) The appropriation is provided solely for the following list of projects:

Quality of Life

Ft. Vancouver - Mother Joseph Academy & Infantry Barracks	\$1,000,000
LaConner Boardwalk	\$1,600,000
Kent Interurban Trail Connector	\$750,000
Town of Concrete Public Safety Building	\$785,000
Complete Development of Ashford Park Facilities	\$1,000,000
Jackson Park Renovation	\$1,000,000
South Whatcom Library Construction	\$90,000
Guemes Channel Trail Project	\$700,000
Seabrook Trail	\$437,000
Vashon Island Allied Arts	\$2,000,000
Federal Way Performing Arts	\$2,000,000
Japanese Gulch Land Acquisition	\$1,000,000
Milton - Triangle Park ADA Upgrades	\$225,000
Langston Hughes Performing Arts Center - Storage	\$150,000
Wood Pellet Heat in Schools Pilot	\$500,000
Snohomish County Sheriff's Office South Precinct	\$1,000,000
Ravensdale Park	\$650,000
Worthington Park	\$210,000
Eastside Tacoma Community Center	\$400,000
228th Street Trail	\$500,000
Institute for Community Leadership	\$275,000
FISH of Vancouver/Nonprofit Community Service Center	\$1,000,000
Yelm Community Center	\$1,000,000
Ellensburg Depot	\$500,000
Roslyn City Hall	\$400,000
Northwest Carriage Museum	\$375,000
People's Community Center and Pool	\$500,000
Town of Concrete Fire and Life Safety Facility	\$500,000
Chehalis Pool	\$250,000
Mount Rainier Park Ranger Memorial	\$60,000
McAllister Air Museum	\$500,000
Repairs to Stevenson Grange	\$50,000

Projects that Strengthen Communities &

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Meydenbauer Park Improvements	\$3,000,000
Sixty Acres Park Enhancements	\$750,000
Covington Community Park Phase 2	\$2,100,000
Johnson Farm Museum - Anderson Island	\$250,000
Nikolai Project	\$40,000
Ft. Steilacoom Building Preservation	\$250,000
Plaza Roberto Maestas - Building the Beloved Community	\$1,000,000
Seattle Multimodal Terminal at Colman Dock/Public Park	\$2,000,000
Confluence Project	\$747,000
Castle Rock Citywide Residential Street Project	\$504,000
UWAVE	\$30,000
Transit-Community Center	\$800,000
Mt. Spokane Lodge	\$250,000
TOTAL	\$33,128,000

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Projects that Strengthen Youth & Families

Emmanuel Family Life Center	\$250,000
Lower Falls Community Center	\$230,000
Jerry Taylor Memorial Plaza for Veterans	\$65,000
Spokane Valley Foodbank Remodel	\$225,000
Rainier Beach Urban Farm Youth Program	\$300,000
Algona Community Center	\$125,000
Community Center at the Village Green	\$500,000
Milton - Activities Center	\$250,000
S Everett Community Resource Center	\$53,000
Dynamic Aquatic and Autism Center	\$250,000
Disabled Veterans' Recreation Improvements	\$500,000
B. F. Day School Playground	\$157,000
YWCA Facility Improvements	\$231,000
King County Boys and Girls Club	\$1,000,000
The Children's Center - Vancouver	\$1,200,000
Food Lifeline Relocation	\$3,100,000
Camp Primetime Repairs and Improvements	\$100,000
Boys & Girls Club Community Center/Clubhouse	\$300,000
Safe Routes to School - 68th Avenue NW	\$471,000
Drug Abuse Prevention Center	\$114,000
SERA Campus Multi-Sports Facility	\$1,000,000
Adna School District Track	\$160,000
Safe Harbor	\$100,000
HUB Center for Seniors	\$500,000
Small Faces Child Development Center	\$500,000
Meals on Wheels Services Center	\$496,000
Cottages at Forest Park	\$500,000
Pasco Second Harvest Distribution Center Construction Phase 2	\$3,000,000
Thurston County Food Bank	\$1,000,000

Appropriation:

State Building Construction Account--State.....	\$32,628,000
Environmental Legacy Stewardship Account--State ...	\$500,000
Subtotal Appropriation.....	\$33,128,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$33,128,000

NEW SECTION. Sec. 1079. FOR THE DEPARTMENT OF COMMERCE

Projects That Strengthen Youth and Families (92000227)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

Auburn Community Center at Les Grove Park Campus	\$3,000,000
TOTAL	\$19,677,000

Appropriation:

State Building Construction Account--State	\$19,677,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,677,000

NEW SECTION. Sec. 1080. FOR THE DEPARTMENT

OF COMMERCE

Pacific Medical Center (91000445)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for predesign, design, renovation, and other development or transition costs necessary for Pacific Tower to be used for community college health career training programs, offices for the department of commerce or other appropriate state agencies, and other nonprofit community uses, including community meeting and training facilities. Funds may be allotted only after a memorandum of understanding containing the lease provisions and a plan for construction management has been executed between the state of Washington and the Pacific hospital preservation and development authority.

Appropriation:

State Building Construction Account--State	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION. Sec. 1081. FOR THE DEPARTMENT

OF COMMERCE

Public Works Assistance Account Project Backfill (91000581)

The appropriation in this section is subject to the following conditions and limitations: \$104,000,000 for fiscal year 2014 and \$54,000,000 for fiscal year 2015 is provided solely for the anticipated drawdown of funds associated with previously authorized projects under sections 1010, 1036, 1039, 1040, 1058, and 1059 of this act.

Appropriation:

State Taxable Building Construction Account--State	\$158,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$158,000,000

NEW SECTION. Sec. 1082. FOR THE OFFICE OF

FINANCIAL MANAGEMENT

Cowlitz River Dredging (20082856)

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$1,250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 1083. FOR THE OFFICE OF

FINANCIAL MANAGEMENT

Chehalis River Basin Flood Relief Projects (91000398)

Reappropriation:

State Building Construction Account--State	\$4,689,000
Prior Biennia (Expenditures)	\$311,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 1084. FOR THE OFFICE OF

FINANCIAL MANAGEMENT

Catastrophic Flood Relief (20084850)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$9,200,000 of the appropriation is for design alternatives for large capital flood damage reduction projects, including basin-level water retention and Interstate 5 protection projects.

(2) Up to \$15,092,000 of the appropriation is for construction of priority local flood protection projects, including multipurpose projects that reduce flood damage and benefit fish habitat.

(3) Up to \$1,750,000 of the appropriation is for projects to reduce damage to residential and other structures in the floodplain, through flood proofing and buyouts.

(4) Up to \$2,160,000 of the appropriation is for state agency technical assistance, stakeholder project management, project support, and coordination.

Reappropriation:

State Building Construction Account--State	\$752,000
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Appropriation:

State Building Construction Account--State	\$28,202,000
Prior Biennia (Expenditures)	\$8,733,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$37,687,000

NEW SECTION. Sec. 1085. FOR THE OFFICE OF

FINANCIAL MANAGEMENT

Oversight of State Facilities (30000035)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management in consultation with the department of enterprise services, shall work with all appropriate public and private stakeholders that lease and/or build commercial office space and/or warehouse facilities to the state of Washington to review and recommend policies relating to lease renewals, request for proposals, cancellation clauses, backfill policy of private sector real estate, and other related issues. Members of the appropriate fiscal committees of the legislature must be invited to participate in stakeholder meetings. The office of financial management must recommend improvements to these policies to ensure cancellation clauses are used in a financially advantageous way, and renewal practices minimize unnecessary relocation costs.

Appropriation:

State Building Construction Account--State	\$2,080,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,080,000

NEW SECTION. Sec. 1086. FOR THE OFFICE OF

FINANCIAL MANAGEMENT

Aerospace and Manufacturing Training Equipment Pool (91000003)

Reappropriation:

State Building Construction Account--State	\$2,265,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,265,000

NEW SECTION. Sec. 1087. FOR THE OFFICE OF

FINANCIAL MANAGEMENT

Emergency Repairs (90000008)

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, an emergency declaration signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The emergency declaration must include a description of the health and safety hazard, the possible cause, the proposed scope of emergency repair

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work and related cost estimate, and identification of other funding that may be applied to the project. For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and senate ways and means committee as emergency projects are approved for funding.

Appropriation:

State Building Construction Account--State.....	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 1088. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Office of Financial Management Capital Staff (30000034)

The appropriation in this section is subject to the following conditions and limitation:

(1) Up to \$100,000 of the appropriation in this section is for the office of financial management to review and update the existing cost estimating process and electronic forms to more accurately reflect project costs and alternative public works. The scope of the review must include, at a minimum, construction inflation, project management fees, the architectural and engineering fee schedule, consultant extra services, project contingencies, and project cost ranges. The office of financial management shall confer with legislative staff and other agencies with public works authority. Inflation must be adjusted biennially while the governor's budget is being developed using the construction cost index from global insight.

(2) The department of enterprise services, in consultation with the office of financial management, shall provide the capital project cost estimates source data, business logic, and electronic copies to the legislative evaluation and accountability program. The source data and electronic copies of the cost estimates shall be provided with the agency request and governor budget submittals to the legislature. The business logic used for creation of the cost estimates developed for the 2013 legislative session must be provided to the legislative evaluation and accountability program by July 31, 2013. Any changes to the cost estimate business logic must be shared with the legislative evaluation and accountability program on an ongoing basis. Projects may also be adjusted by the legislature with new inflation forecasts using the cost estimate tool developed by the legislative evaluation and accountability program.

(3) The office of financial management shall report to the senate ways and means committee and the house capital budget committee by November 30, 2013, on these efforts.

Appropriation:

State Building Construction Account--State.....	\$900,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$900,000

NEW SECTION. Sec. 1089. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Emergency Repair Pool for K-12 Public Schools (91000399)

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day- to-day operations of the school facility. To be eligible for funds from the emergency repair pool, an emergency declaration must be signed by the school district board of directors and the superintendent of public instruction, and submitted to the office of financial management for consideration. The emergency

declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as emergency projects are approved for funding.

Appropriation:

State Building Construction Account--State.....	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 1090. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Higher Education Preservation Information (91000427)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely to refresh preservation information that resides in the state's comparable framework for higher education buildings including any necessary revisions or adjustments that will enable more direct translation of information, updates for last renewal or replacement of major systems, and quality assurance field sampling. In executing this continued capital study, the office of financial management shall consult the legislative fiscal committees about its workplan to ensure field sampling of facilities prioritized for renovation or replacement, and timely delivery of assembled facilities information and related capital models in an easy to understand format. As a general condition, upon appropriations provided to higher education agencies in this act, the state board for community and technical colleges and each state baccalaureate institution shall provide requested facilities information in a timely manner to enable the office of financial management to complete the tasks and oversight assigned in this section.

Appropriation:

University of Washington Building Account--State....	\$130,000
Washington State University Building Account--State .	\$94,000
Eastern Washington University Capital Projects	
Account--State.....	\$23,000
Central Washington University Capital Projects	
Account--State.....	\$19,000
The Evergreen State College Capital Projects	
Account--State.....	\$13,000
Western Washington University Capital Projects	
Account--State.....	\$21,000
Subtotal Appropriation.....	\$300,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$300,000

NEW SECTION. Sec. 1091. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Construction Contingency Pool (91000428)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for construction projects that confront emergent and unavoidable costs in excess of the construction contingency and management reserves included in the project appropriation. For requests occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting contingency funds from the office of financial management. Eligible agencies that may apply to the pool include higher education institutions, the state parks and recreation commission,

the department of corrections, the department of enterprise services, and the department of health. Eligible construction projects are only projects that had project cost reductions. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and senate ways and means committee as projects are approved for funding.

Appropriation:

State Building Construction Account--State.....	\$4,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$4,000,000

NEW SECTION. Sec. 1092. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Culverts in Three State Agencies (92000004)

Appropriation:

State Building Construction Account--State.....	\$7,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$7,000,000

NEW SECTION. Sec. 1093. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Natural Resource Building Roof Replacement/Exterior Foam Insulation Repairs (30000546)

Reappropriation:

State Building Construction Account--State.....	\$510,000
Prior Biennia (Expenditures).....	\$3,972,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$4,482,000

NEW SECTION. Sec. 1094. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

East Plaza - Water Infiltration and Elevator Repairs (30000548)

Appropriation:

State Vehicle Parking Account--State.....	\$793,000
State Building Construction Account--State.....	\$2,310,000
Subtotal Appropriation.....	\$3,103,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$7,444,000
TOTAL.....	\$10,547,000

NEW SECTION. Sec. 1095. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Minor Works Preservation (30000550)

Reappropriation:

State Building Construction Account--State.....	\$1,698,000
Prior Biennia (Expenditures).....	\$636,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,334,000

NEW SECTION. Sec. 1096. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Dredging (30000571)

The reappropriation in this section is subject to the following conditions and limitations: Within the reappropriation, the department must prepare a long term financing plan for maintenance dredging activities that may be required to either maintain Capitol Lake or support estuary restoration efforts. In consultation with the involved local governments, the department must recommend an equitable cost sharing formula for the cost of maintenance dredging based on the relative benefits received by the state and the various local governments.

Reappropriation:

State Toxics Control Account--State.....	\$181,000
Prior Biennia (Expenditures).....	\$19,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$200,000

NEW SECTION. Sec. 1097. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Critical Exterior Repairs (30000577)

Reappropriation:

State Building Construction Account--State.....	\$64,000
Prior Biennia (Expenditures).....	\$892,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$956,000

NEW SECTION. Sec. 1098. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Engineering and Architectural Services: Staffing (30000580)

The appropriations in this section are subject to the following conditions and limitations: Within the appropriations the department must determine the rough feasibility and economic benefits of recovering heat energy from wastewater at one of the state's large facilities. If likely to be feasible and economically beneficial, the department must recommend an institution for a pilot project.

Appropriation:

Charitable, Educational, Penal and Reformatory Institutions Account--State.....	\$1,000,000
State Vehicle Parking Account--State.....	\$500,000
Thurston County Capital Facilities Account--State.....	\$1,850,000
State Building Construction Account--State.....	\$9,550,000
Subtotal Appropriation.....	\$12,900,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$56,600,000
TOTAL.....	\$69,500,000

NEW SECTION. Sec. 1099. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Critical Hydronic Loop Repairs (30000584)

Reappropriation:

State Building Construction Account--State.....	\$1,075,000
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Appropriation:

State Building Construction Account--State.....	\$851,000
Prior Biennia (Expenditures).....	\$104,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,030,000

NEW SECTION. Sec. 1100. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Reuse General Administration Building for Heritage Center, State Library, and State Patrol (92000003)

Reappropriation:

Washington State Heritage Center Account--State.....	\$75,000
Prior Biennia (Expenditures).....	\$75,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$150,000

NEW SECTION. Sec. 1101. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Critical Exterior Repairs (92000004)

Reappropriation:

State Building Construction Account--State.....	\$557,000
Prior Biennia (Expenditures).....	\$843,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,400,000

NEW SECTION. Sec. 1102. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Natural Resources Building Garage Fire Suppression System Repairs (30000578)

Appropriation:

State Vehicle Parking Account--State.....	\$738,000
State Building Construction Account--State.....	\$1,500,000
Subtotal Appropriation.....	\$2,238,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,238,000

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NEW SECTION. Sec. 1103. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Minor Works Preservation (30000635)

Appropriation:

State Building Construction Account--State.....	\$3,218,000
Thurston County Capital Facilities Account--State.....	\$810,000
Subtotal Appropriation.....	\$4,028,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$12,000,000
TOTAL.....	\$16,028,000

NEW SECTION. Sec. 1104. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Campus Underground Utility Repairs (30000687)

Appropriation:

State Building Construction Account--State.....	\$1,983,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$8,827,000
TOTAL.....	\$10,810,000

NEW SECTION. Sec. 1105. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Natural Resource Building Repairs Phase 1 (91000009)

The appropriations in this section are subject to the following conditions and limitations: The natural resource building repairs phase 1 project must include at a minimum the multipurpose room water infiltration project and the roof project. After this work is completed, the department may include work that was in the department's 2013-2015 capital budget request for other repairs to the building.

Appropriation:

State Building Construction Account--State.....	\$4,161,000
Thurston County Capital Facilities Construction Account--State.....	\$940,000
Subtotal Appropriation.....	\$5,101,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,101,000

NEW SECTION. Sec. 1106. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Campus Steam System and Chiller Upgrades (91000014)

The appropriations in this section are subject to the following conditions and limitations: The campus steam system repairs and powerhouse chiller projects must be done as one project, with energy savings from heat recovery paying for as much of the project as practical. Energy savings must also be used to upgrade the HVAC system in the governor's residence, and provide hot water boilers in as many buildings as needed to shut down the powerhouse in the summer months.

Appropriation:

State Building Construction Account--State.....	\$2,497,000
Thurston County Capital Facilities Construction Account--State.....	\$1,500,000
Subtotal Appropriation.....	\$3,997,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,997,000

NEW SECTION. Sec. 1107. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Archives Building and Capitol Court HVAC Upgrades (91000015)

The appropriation in this section is subject to the following conditions and limitations: The archives building HVAC upgrade and capitol court HVAC upgrade projects must be done as one project, with energy savings from heat recovery paying for as much of the project as practical.

Appropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,000,000

NEW SECTION. Sec. 1108. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Exterior Repairs (30000604)

Appropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,000,000

NEW SECTION. Sec. 1109. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

1063 Block Replacement (91000016)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for predesign and bridging documents, design, competition honoraria, project management, demolition, and other planning activities including permits. The predesign must specify the tenants of the building as directed by the office of financial management. The predesign must indicate the estimated annual cost increase for state agency tenants compared to the cost of their existing leases. The estimated cost increase may take into account estimated cost savings in staff costs and other costs that may result in more efficient building design and layout of office space. The director of the office of financial management must review these cost estimates and submit a report to the appropriate committees of the legislature indicating the budget increase that would be required sixty days prior to executing any construction contracts for the building. The lease for any prospective tenant may not be extended beyond the anticipated occupancy date of the building. The building will be alternatively financed as authorized in section 7014 of this act.

Appropriation:

State Building Construction Account--State.....	\$13,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$13,000,000

NEW SECTION. Sec. 1110. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Security Improvements Division 3 Court of Appeals (92000006)

Appropriation:

State Building Construction Account--State.....	\$104,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$104,000

NEW SECTION. Sec. 1111. FOR THE MILITARY DEPARTMENT

Minor Works Preservation (30000560)

Reappropriation:

General Fund--Federal.....	\$1,840,000
State Building Construction Account--State.....	\$417,000
Subtotal Reappropriation.....	\$2,257,000
Prior Biennia (Expenditures).....	\$2,542,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,799,000

NEW SECTION. Sec. 1112. FOR THE MILITARY DEPARTMENT

Minor Works Program (30000561)

Reappropriation:

General Fund--Federal.....	\$4,728,000
Prior Biennia (Expenditures).....	\$5,230,000
Future Biennia (Projected Costs).....	\$0

TOTAL.....\$9,958,000
NEW SECTION. Sec. 1113. FOR THE MILITARY

DEPARTMENT

Information Operations Readiness Center-Joint Base Lewis
McChord (30000589)

Appropriation:

General Fund--Federal\$35,000,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$35,000,000

NEW SECTION. Sec. 1114. FOR THE MILITARY
DEPARTMENT

Pierce County Readiness Center (30000593)

Appropriation:

General Fund--Federal\$26,942,000
State Building Construction Account--State\$3,659,000
Military Department Capital Account--State\$3,000,000
Subtotal Appropriation.....\$33,601,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$33,601,000

NEW SECTION. Sec. 1115. FOR THE MILITARY
DEPARTMENT

Thurston County Readiness Center (30000594)

Appropriation:

State Building Construction Account--State\$2,800,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$44,249,000
TOTAL.....\$47,049,000

NEW SECTION. Sec. 1116. FOR THE MILITARY
DEPARTMENT

Minor Works Preservation - 2013-2015 Biennium (30000602)

Appropriation:

General Fund--Federal\$3,726,000
State Building Construction Account--State\$1,500,000
Subtotal Appropriation.....\$5,226,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$13,121,000
TOTAL.....\$18,347,000

NEW SECTION. Sec. 1117. FOR THE MILITARY
DEPARTMENT

Minor Works Program - 2013-2015 Biennium (30000605)

Appropriation:

General Fund--Federal\$12,925,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$29,397,000
TOTAL.....\$42,322,000

NEW SECTION. Sec. 1118. FOR THE MILITARY
DEPARTMENT

Yakima Training Center Barracks (30000696)

Appropriation:

General Fund--Federal\$18,000,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$18,000,000

NEW SECTION. Sec. 1119. FOR THE MILITARY
DEPARTMENT

Thurston County Readiness Center (91000005)

Reappropriation:

General Fund--Federal\$75,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$75,000

NEW SECTION. Sec. 1120. FOR THE DEPARTMENT
OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Heritage Barn Preservation Program (30000005)

Reappropriation:

State Building Construction Account--State.....\$105,000
Prior Biennia (Expenditures).....\$95,000
Future Biennia (Projected Costs)\$0
TOTAL.....\$200,000

NEW SECTION. Sec. 1121. FOR THE DEPARTMENT
OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Courthouse Preservation (30000006)

Reappropriation:

State Building Construction Account--State.....\$673,000
Prior Biennia (Expenditures).....\$77,000
Future Biennia (Projected Costs)\$0
TOTAL.....\$750,000

NEW SECTION. Sec. 1122. FOR THE DEPARTMENT
OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Historic Courthouse Preservation Grants (92000001)

Appropriation:

State Building Construction Account--State.....\$2,000,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$2,000,000

NEW SECTION. Sec. 1123. FOR THE DEPARTMENT
OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Heritage Barn Preservation Program (92000002)

Appropriation:

State Building Construction Account--State.....\$500,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$500,000

(End of part)

**PART 2
HUMAN SERVICES**

NEW SECTION. Sec. 2001. FOR THE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Westlake Building Renovation
(30000852)

Reappropriation:

State Building Construction Account--State.....\$300,000
Prior Biennia (Expenditures).....\$1,575,000
Future Biennia (Projected Costs)\$0
TOTAL.....\$1,875,000

NEW SECTION. Sec. 2002. FOR THE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation: Health, Safety, and Code
Requirements (30001264)

Reappropriation:

State Building Construction Account--State.....\$1,500,000
Prior Biennia (Expenditures).....\$2,000,000
Future Biennia (Projected Costs)\$0
TOTAL.....\$3,500,000

NEW SECTION. Sec. 2003. FOR THE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation: Infrastructure Preservation
(30001290)

Reappropriation:

State Building Construction Account--State.....\$2,000,000
Prior Biennia (Expenditures).....\$2,000,000
Future Biennia (Projected Costs)\$0
TOTAL.....\$4,000,000

NEW SECTION. Sec. 2004. FOR THE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation: Facilities Preservation (30001291)

Reappropriation:

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State Building Construction Account--State.....	\$3,315,000
Prior Biennia (Expenditures).....	\$2,760,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$6,075,000

NEW SECTION. Sec. 2005. FOR THE DEPARTMENT

OF SOCIAL AND HEALTH SERVICES

Hazards Abatement and Demolition (30002221)

Reappropriation:

State Building Construction Account--State.....	\$600,000
Prior Biennia (Expenditures).....	\$400,000
Future Biennia (Projected Costs)	\$4,244,000
TOTAL.....	\$5,244,000

NEW SECTION. Sec. 2006. FOR THE DEPARTMENT

OF SOCIAL AND HEALTH SERVICES

Capacity to Replace Maple Lane School (92000005)

Reappropriation:

State Building Construction Account--State.....	\$50,000
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Prior Biennia (Expenditures).....	\$2,410,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,460,000

NEW SECTION. Sec. 2007. FOR THE DEPARTMENT

OF SOCIAL AND HEALTH SERVICES

Rainier School: Cottages Remodel and Renovation (91000017)

Reappropriation:

State Building Construction Account--State.....	\$2,800,000
Prior Biennia (Expenditures).....	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$3,000,000

NEW SECTION. Sec. 2008. FOR THE DEPARTMENT

OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp-Three Cottages: Renovation (20081222)

Appropriation:

State Building Construction Account--State.....	\$1,900,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,900,000

NEW SECTION. Sec. 2009. FOR THE DEPARTMENT

OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital and Western State Hospital - All Wards:

Patient Safety Improvements (91000019)

Appropriation:

Charitable, Educational, Penal and Reformatory Institutions Account--State.....	\$4,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$4,800,000

NEW SECTION. Sec. 2010. FOR THE DEPARTMENT

OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide (30002235)

Appropriation:

State Building Construction Account--State.....	\$11,755,000
Charitable, Educational, Penal and Reformatory Institutions Account--State.....	\$2,400,000
Subtotal Appropriation.....	\$14,155,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$14,155,000

NEW SECTION. Sec. 2011. FOR THE DEPARTMENT

OF SOCIAL AND HEALTH SERVICES

Medical Lake Infrastructure Modernization Study (92000007)

Appropriation:

State Building Construction Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$0

Future Biennia (Projected Costs)	\$0
TOTAL.....	\$500,000

NEW SECTION. Sec. 2012. FOR THE DEPARTMENT

OF HEALTH

Drinking Water Assistance Program (30000013)

Reappropriation:

Drinking Water Assistance Account--Federal	\$75,670,000
Prior Biennia (Expenditures).....	\$51,840,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$127,510,000

NEW SECTION. Sec. 2013. FOR THE DEPARTMENT

OF HEALTH

Safe Reliable Drinking Water Grants (92000002)

Reappropriation:

State Building Construction Account--State.....	\$9,628,000
Prior Biennia (Expenditures).....	\$2,010,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$11,638,000

NEW SECTION. Sec. 2014. FOR THE DEPARTMENT

OF HEALTH

HVAC Systems Upgrade Continuation (30000298)

Appropriation:

State Building Construction Account--State.....	\$2,809,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,809,000

NEW SECTION. Sec. 2015. FOR THE DEPARTMENT

OF HEALTH

Minor Works - Facility Preservation (30000300)

Appropriation:

State Building Construction Account--State.....	\$958,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$1,800,000
TOTAL.....	\$2,758,000

NEW SECTION. Sec. 2016. FOR THE DEPARTMENT

OF HEALTH

Drinking Water Assistance Program (30000323)

Appropriation:

Drinking Water Assistance Account--Federal	\$28,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$115,200,000
TOTAL.....	\$144,000,000

NEW SECTION. Sec. 2017. FOR THE DEPARTMENT

OF VETERANS AFFAIRS

Minor Works Facilities Preservation (30000094)

Appropriation:

State Building Construction Account--State.....	\$1,313,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,313,000

NEW SECTION. Sec. 2018. FOR THE DEPARTMENT

OF VETERANS AFFAIRS

Walla Walla Nursing Facility (20082008)

Reappropriation:

General Fund--Federal	\$31,200,000
State Building Construction Account--State.....	\$15,978,000
Subtotal Reappropriation.....	\$47,178,000
Prior Biennia (Expenditures).....	\$947,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$48,125,000

NEW SECTION. Sec. 2019. FOR THE DEPARTMENT

OF CORRECTIONS

Washington State Penitentiary: Housing Units, Kitchen, and Site Work (30000482)

Reappropriation:

State Building Construction Account--State.....\$9,130,000
 Prior Biennia (Expenditures).....\$38,442,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$47,572,000

NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF CORRECTIONS

SW: Minor Works - Infrastructure Preservation (30000539)
 Reappropriation:
 State Building Construction Account--State.....\$1,026,000
 Prior Biennia (Expenditures).....\$1,474,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$2,500,000

NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF CORRECTIONS

SW: Minor Works - Facility Preservation (30000540)
 Reappropriation:
 State Building Construction Account--State.....\$1,506,000

Prior Biennia (Expenditures).....\$994,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$2,500,000

NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Complex: Close Sewer Lagoon (20082022)
 Reappropriation:

State Building Construction Account--State.....\$294,000
 Prior Biennia (Expenditures).....\$1,097,000
 Future Biennia (Projected Costs)\$8,500,000
 TOTAL.....\$9,891,000

NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF CORRECTIONS

SW: Minor Works - Health, Safety, and Code (30000541)
 Reappropriation:
 State Building Construction Account--State.....\$1,740,000
 Prior Biennia (Expenditures).....\$860,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$2,600,000

NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: WSR Living Units Roofs (30000542)
 Appropriation:

State Building Construction Account--State.....\$1,785,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$1,785,000

NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Replace Intensive Management Unit Roof (30000723)
 Appropriation:

State Building Construction Account--State.....\$1,071,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$1,071,000

NEW SECTION. Sec. 2026. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: WSR Replace Fire Alarm System (30000724)
 Appropriation:

State Building Construction Account--State.....\$2,616,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$2,616,000

NEW SECTION. Sec. 2027. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Corrections Center: Replace Fire Alarm System (30000725)
 Appropriation:

State Building Construction Account--State.....\$3,399,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$3,399,000

NEW SECTION. Sec. 2028. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Replace Fire Alarm System (30000727)
 Appropriation:

State Building Construction Account--State.....\$2,569,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$2,569,000

NEW SECTION. Sec. 2029. FOR THE DEPARTMENT OF CORRECTIONS

SW: Minor Works - Preservation Projects (30000734)
 Appropriation:

State Building Construction Account--State.....\$10,100,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$51,618,000
 TOTAL.....\$61,718,000

NEW SECTION. Sec. 2030. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Corrections Center: Security Electronics Renovations (30000726)
 Appropriation:

State Building Construction Account--State.....\$5,047,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$5,047,000

NEW SECTION. Sec. 2031. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Security Video System (30000791)
 Appropriation:

State Building Construction Account--State.....\$6,972,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$6,972,000

NEW SECTION. Sec. 2032. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: TRU Security Video System (30000801)
 Appropriation:

State Building Construction Account--State.....\$3,876,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$3,876,000

NEW SECTION. Sec. 2033. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Security Video System (30000802)
 Appropriation:

State Building Construction Account--State.....\$3,421,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$3,421,000

NEW SECTION. Sec. 2034. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: SOU IMU Security Video (30000803)

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Appropriation:

State Building Construction Account--State.....	\$2,640,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,640,000

NEW SECTION. Sec. 2035. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: WSR Security Video System (30000795)

Appropriation:

State Building Construction Account--State.....	\$5,233,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,233,000

NEW SECTION. Sec. 2036. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: TRU Support Building Repair Fire Detection System (30000733)

Appropriation:

State Building Construction Account--State.....	\$1,058,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,058,000

NEW SECTION. Sec. 2037. FOR THE DEPARTMENT OF CORRECTIONS

Department of Corrections Centralized Pharmacy (92000034)

Appropriation:

State Building Construction Account--State.....	\$700,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$700,000

NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF CORRECTIONS

OFM Emergency Funds (90000027)

Reappropriation:

State Building Construction Account--State.....	\$250,000
Prior Biennia (Expenditures).....	\$1,050,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,300,000

(End of part)

**PART 3
NATURAL RESOURCES**

NEW SECTION. Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (19742006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State.....	\$552,000
Prior Biennia (Expenditures).....	\$19,998,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$20,550,000

NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY

Low-Level Nuclear Waste Disposal Trench Closure (19972012)

Reappropriation:

Site Closure Account--State.....	\$11,885,000
Prior Biennia (Expenditures).....	\$3,548,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$15,433,000

NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY

Twin Lake Aquifer Recharge Project (20042951)

Reappropriation:

State Building Construction Account--State.....	\$191,000
Prior Biennia (Expenditures).....	\$559,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$750,000

NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (20044006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State.....	\$51,000
Prior Biennia (Expenditures).....	\$13,467,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$13,518,000

NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY

Water Conveyance Infrastructure Projects (20052850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions in section 322, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State.....	\$1,569,000
Prior Biennia (Expenditures).....	\$4,143,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,712,000

NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY

Quad Cities Water Right Mitigation (20052852)

Reappropriation:

State Building Construction Account--State.....	\$421,000
Prior Biennia (Expenditures).....	\$1,179,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,600,000

NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (20062003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions in section 136, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State.....	\$364,000
Prior Biennia (Expenditures).....	\$12,436,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$12,800,000

NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Basin Water Supply Development Program (20062950)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3008, chapter 49, Laws of 2011 1st sp. sess.

Reappropriation:

Columbia River Basin Water Supply Development Account--State.....	\$29,705,000
Columbia River Basin Taxable Bond Water Supply Development Account--State.....	\$10,404,000
Subtotal Reappropriation.....	\$40,109,000
Prior Biennia (Expenditures).....	\$51,391,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$91,500,000

EW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (20064002)

Reappropriation:

Water Pollution Control Revolving Account--State \$5,223,000

Water Pollution Control Revolving Account--Federal \$8,453,000

Subtotal Reappropriation.....\$13,676,000

Prior Biennia (Expenditures).....\$225,940,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$239,616,000

NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (20064007)

Reappropriation:

State Building Construction Account--State.....\$317,000

Water Quality Capital Account--State\$32,000

Subtotal Reappropriation.....\$349,000

Prior Biennia (Expenditures).....\$47,151,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$47,500,000

NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (20064008)

Reappropriation:

State Building Construction Account--State.....\$9,066,000

Prior Biennia (Expenditures).....\$89,834,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$98,900,000

NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY

Transfer of Water Rights for Cabin Owners (20081951)

Reappropriation:

State Building Construction Account--State.....\$305,000

Prior Biennia (Expenditures).....\$145,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$450,000

NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (20084008)

Reappropriation:

State Building Construction Account--State.....\$14,108,000

Prior Biennia (Expenditures).....\$78,767,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$92,875,000

NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (20084010)

Reappropriation:

State Building Construction Account--State.....\$771,000

Water Quality Capital Account--State\$401,000

State Toxics Control Account--State.....\$997,000

Subtotal Reappropriation.....\$2,169,000

Prior Biennia (Expenditures).....\$64,314,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$66,483,000

NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Loan Program (20084011)

Reappropriation:

Water Pollution Control Revolving Account--State\$14,581,000

Water Pollution Control Revolving Account--Federal.....\$19,068,000

Subtotal Reappropriation.....\$33,649,000

Prior Biennia (Expenditures).....\$106,351,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$140,000,000

NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Storage Feasibility Study (20084026)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for completion of the United States bureau of reclamation's Yakima basin storage feasibility study, including the associated joint national environmental policy act, the state environmental policy act, and the environmental impact statement. The reappropriated funds are to be used by the bureau of reclamation and the department of ecology to evaluate potential in basin storage facilities such as the proposed Bumping Lake and Wymer reservoirs and other reasonable alternatives that will enhance water supplies and streamflows in the Yakima Basin.

Reappropriation:

State Building Construction Account--State.....\$83,000

Prior Biennia (Expenditures).....\$5,167,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$5,250,000

NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (20084029)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions in section 3054, chapter 520, Laws of 2007.

Reappropriation:

State Building Construction Account--State.....\$2,897,000

Prior Biennia (Expenditures).....\$11,103,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$14,000,000

NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Fund Program (30000007)

Reappropriation:

Water Pollution Control Revolving Account--State\$16,325,000

Water Pollution Control Revolving Account--Federal.....\$16,825,000

Water Pollution Control Revolving Account--Federal Stimulus.....\$2,720,000

Subtotal Reappropriation.....\$35,870,000

Prior Biennia (Expenditures).....\$142,830,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$178,700,000

NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000008)

Reappropriation:

State Building Construction Account--State.....\$8,925,000

Prior Biennia (Expenditures).....\$21,075,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$30,000,000

NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY

Upper Columbia River Black Sand Beach Cleanup (30000016)

Reappropriation:

State Building Construction Account--State.....\$117,000

Prior Biennia (Expenditures).....\$383,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$500,000

NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000028)

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Reappropriation:

State Building Construction Account--State.....	\$2,612,000
Prior Biennia (Expenditures).....	\$3,388,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$6,000,000

NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY

Kittitas Groundwater Study (30000029)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds may be provided to develop and implement water banking and transfer methods and agreements that are fully protective of senior water rights and that protect domestic groundwater users and improve the profitability of farming operations. The legislature finds such activities to be in the public interest because they can help sustain the viability of the agricultural economy and enhance the certainty of water supplies for domestic groundwater users.

(2) Funds may be provided to lease or purchase water rights to create a reserve water supply for domestic groundwater users that have a groundwater right with a priority date later than May 10, 1905, as well as for all out-of-priority groundwater users. In securing water for such domestic groundwater users, strong preference must be given to the use of water banking and transfer methods that provide alternatives to permanent purchase and dry-up of agricultural water rights in the basin, including dry-year options, water banking, long-term water supply lease agreements, long-term agricultural land fallowing agreements, and reduced consumptive use through efficiency or alternative cropping arrangements while maintaining historic return flows.

(3) A portion of the reappropriation may be used for administrative costs, not to exceed four percent, and other costs associated with leasing or acquiring and transferring the water rights. All costs must be fully recovered from participating domestic water users for their prorated portion of the cost, including, but not limited to, the costs of securing a water right or rights for this purpose, costs associated with the development and implementation of alternative agricultural water transfer methods, associated annual operational costs, and federal water service contract costs owed to the United States bureau of reclamation. Funds recovered in this manner must be deposited in the state and local improvements revolving account and may be used for any purpose provided in this section.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State.....	\$263,000
Prior Biennia (Expenditures).....	\$437,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$700,000

NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000039)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3006, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

Local Toxics Control Account--State	\$17,019,000
State Building Construction Account--State.....	\$3,062,000
Subtotal Reappropriation.....	\$20,081,000
Prior Biennia (Expenditures).....	\$55,830,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$75,911,000

NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY

Storm Water Retrofit and Low-Impact Development Grant Program (30000097)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3005, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State and Local Improvements Revolving Account--State.....	\$973,000
Local Toxics Control Account--State	\$1,151,000
State and Local Improvements Revolving Account--Waste Facilities 1980--State.....	\$325,000
State Building Construction Account--State.....	\$20,812,000
State Toxics Control Account--State.....	\$5,564,000
Subtotal Reappropriation.....	\$28,825,000
Prior Biennia (Expenditures).....	\$25,784,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$54,609,000

NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY

Reducing Diesel Particle Emissions in Tacoma (30000139)

Reappropriation:

Air Pollution Control Account--State	\$350,000
Prior Biennia (Expenditures).....	\$650,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,000,000

NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Fund Program (30000142)

Reappropriation:

Water Pollution Control Revolving Account--Federal	\$8,793,000
Water Pollution Control Revolving Account--State.....	\$21,742,000
Subtotal Reappropriation.....	\$30,535,000
Prior Biennia (Expenditures).....	\$6,465,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$37,000,000

NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxic Sites - Puget Sound (30000144)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3021, chapter 48, Laws of 2011 1st sp. sess.

Reappropriation:

Cleanup Settlement Account--State	\$7,402,000
State Toxics Control Account--State.....	\$6,670,000
Subtotal Reappropriation.....	\$14,072,000
Prior Biennia (Expenditures).....	\$27,126,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$41,198,000

NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY

Settlement Funding To Clean Up Toxic Sites (30000145)

Reappropriation:

Cleanup Settlement Account--State	\$299,000
Prior Biennia (Expenditures).....	\$8,201,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$8,500,000

NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY

Habitat Mitigation (91000007)

Reappropriation:

State Building Construction Account--State.....	\$3,338,000
Prior Biennia (Expenditures).....	\$1,062,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$4,400,000

NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY

Protect Communities from Flood and Drought (92000002)

Reappropriation:

State Building Construction Account--State.....	\$3,984,000
Prior Biennia (Expenditures).....	\$10,991,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$14,975,000

NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY

Wastewater Treatment and Water Reclamation (92000041)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3016, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$1,641,000
Prior Biennia (Expenditures).....	\$1,789,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$3,430,000

NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000208)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3024, chapter 48, Laws of 2011 1st sp. sess.

Reappropriation:

State Toxics Control Account--State.....	\$20,904,000
Prior Biennia (Expenditures).....	\$13,196,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$34,100,000

NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Fund Program (30000209)

The reappropriations in this section are subject to the following conditions and limitations: For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its water pollution control revolving fund program loan.

Reappropriation:

Water Pollution Control Revolving Account--Federal.....	\$58,594,000
Water Pollution Control Revolving Account--State.....	\$97,068,000
Subtotal Reappropriation.....	\$155,662,000
Prior Biennia (Expenditures).....	\$36,482,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$192,144,000

NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Prevention and Cleanup (30000210)

Reappropriation:

Waste Tire Removal Account--State	\$263,000
Prior Biennia (Expenditures).....	\$737,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,000,000

NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY

Wood Stove Pollution Reduction (30000211)

Reappropriation:

Local Toxics Control Account--State	\$2,111,000
Prior Biennia (Expenditures).....	\$889,000
Future Biennia (Projected Costs)	\$0

TOTAL.....	\$3,000,000
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NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY

Diesel Emissions Reduction (30000212)

Reappropriation:

Local Toxics Control Account--State	\$3,419,000
Prior Biennia (Expenditures).....	\$3,581,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$7,000,000

NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000213)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3030, chapter 49, Laws of 2011 1st sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$6,219,000
Prior Biennia (Expenditures).....	\$1,781,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$8,000,000

NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY

Hood Canal Regional Septic Repair Loan Program (30000215)

Reappropriation:

State Building Construction Account--State.....	\$395,000
Prior Biennia (Expenditures).....	\$2,855,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$3,250,000

NEW SECTION. Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000216)

Reappropriation:

Local Toxics Control Account--State	\$51,463,000
Prior Biennia (Expenditures).....	\$12,371,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$63,834,000

NEW SECTION. Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000217)

Reappropriation:

State Toxics Control Account--State.....	\$4,146,000
Prior Biennia (Expenditures).....	\$1,854,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$6,000,000

NEW SECTION. Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY

Burlington Northern Santa Fe Skykomish Restoration (30000218)

Reappropriation:

Cleanup Settlement Account--State	\$284,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$284,000

NEW SECTION. Sec. 3042. FOR THE DEPARTMENT OF ECOLOGY

Safe Soils Remediation Program - Central Washington (30000263)

Reappropriation:

State Toxics Control Account--State.....	\$2,693,000
Prior Biennia (Expenditures).....	\$1,018,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$3,711,000

NEW SECTION. Sec. 3043. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000265)

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Reappropriation:

State Toxics Control Account--State.....	\$15,410,000
Prior Biennia (Expenditures).....	\$990,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$16,400,000

NEW SECTION. Sec. 3044. FOR THE DEPARTMENT OF ECOLOGY

Yakima Basin Integrated Water Management Plan Implementation (30000278)

Reappropriation:

State Building Construction Account--State.....	\$220,000
Prior Biennia (Expenditures).....	\$1,780,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,000,000

NEW SECTION. Sec. 3045. FOR THE DEPARTMENT OF ECOLOGY

ASARCO - Tacoma Smelter Plume and Mines (30000280)

Reappropriation:

Cleanup Settlement Account--State.....	\$17,963,000
Prior Biennia (Expenditures).....	\$2,684,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$20,647,000

NEW SECTION. Sec. 3046. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Boat Launch (30000281)

Reappropriation:

General Fund--Federal	\$100,000
Prior Biennia (Expenditures).....	\$220,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$320,000

NEW SECTION. Sec. 3047. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Federal Capital Projects (30000282)

Reappropriation:

General Fund--Federal	\$800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$800,000

NEW SECTION. Sec. 3048. FOR THE DEPARTMENT OF ECOLOGY

Coastal Wetlands Federal Funds Administration (30000283)

Reappropriation:

General Fund--Federal	\$17,413,000
Prior Biennia (Expenditures).....	\$5,787,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$23,200,000

NEW SECTION. Sec. 3049. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (30000285)

Reappropriation:

State Building Construction Account--State.....	\$549,000
Prior Biennia (Expenditures).....	\$451,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,000,000

NEW SECTION. Sec. 3050. FOR THE DEPARTMENT OF ECOLOGY

Statewide Storm Water Projects (30000294)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for construction projects or design/construction projects statewide that result in the greatest improvements necessary to meet national pollution discharge elimination system requirements for communities least able to pay for those projects or for jurisdictions that are early adopters of new regulations and effective new technology. The department must develop specific evaluative

criteria to award grants on a competitive basis to projects that meet the policy objectives in this section, demonstrate readiness to proceed, and have a minimum cash match of twenty-five percent.

Reappropriation:

Local Toxics Control Account--State	\$29,334,000
Prior Biennia (Expenditures).....	\$666,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$30,000,000

NEW SECTION. Sec. 3051. FOR THE DEPARTMENT OF ECOLOGY

Green River Flood Levee Improvements (30000295)

Reappropriation:

State Building Construction Account--State.....	\$4,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$4,000,000

NEW SECTION. Sec. 3052. FOR THE DEPARTMENT OF ECOLOGY

Mount Vernon Flood Protection (30000297)

Reappropriation:

State Building Construction Account--State.....	\$700,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$700,000

NEW SECTION. Sec. 3053. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (91000032)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the following list of projects:

Project	Authorized Amount
Port Gamble Bay - Open up 90 acres of geoduck tracts	\$2,000,000
Port Gamble Bay - Source control, habitat preservation and clean-up sustainability Administration	\$7,000,000
	\$180,000
TOTAL	\$9,180,000

Reappropriation:

State Toxics Control Account--State.....	\$9,180,000
Prior Biennia (Expenditures).....	\$90,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$9,270,000

NEW SECTION. Sec. 3054. FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (91000033)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3003, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

State Toxics Control Account--State.....	\$1,543,000
Prior Biennia (Expenditures).....	\$2,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,545,000

NEW SECTION. Sec. 3055. FOR THE DEPARTMENT OF ECOLOGY

Fiscal Year 2012 Statewide Storm Water Grant Program (91000053)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3004, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

Local Toxics Control Account--State	\$23,161,000
Prior Biennia (Expenditures).....	\$912,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$24,073,000

NEW SECTION. Sec. 3056. FOR THE DEPARTMENT OF ECOLOGY

Storm Water Retrofit and Local Improvement District Competitive Grants (91000054)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3005, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

Local Toxics Control Account--State	\$14,459,000
Prior Biennia (Expenditures).....	\$4,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$14,463,000

NEW SECTION. Sec. 3057. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Management Projects (91000179)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 502, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

Columbia River Basin Water Supply Development	
Account--State.....	\$2,000,000
Prior Biennia (Expenditures).....	\$2,500,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$4,500,000

NEW SECTION. Sec. 3058. FOR THE DEPARTMENT OF ECOLOGY

Skagit Mitigation (91000181)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the department to develop mitigation options and alternative water sources or tools to make water available for stream flows and for rural domestic permit-exempt uses within the Carpenter/Fisher, East Nookachamps, and Upper Nookachamps subbasins. Up to \$500,000 of the amount specified shall be used to develop a rural domestic demonstration project to determine if surface or groundwater infiltration can mitigate for ground water use during low flow periods to meet the mitigation requirements of chapter 173-503 WAC.

Reappropriation:

State Building Construction Account--State	\$2,156,000
Prior Biennia (Expenditures).....	\$69,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,225,000

NEW SECTION. Sec. 3059. FOR THE DEPARTMENT OF ECOLOGY

Flood Levee Improvements (92000057)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section from the state building construction account is provided solely for the Mt. Vernon flood protection project.

(2) The reappropriation in this section from the local toxics control account is provided solely for the King county flood district for the Briscoe-Desimone levee improvement project.

Reappropriation:

State Building Construction Account--State.....	\$1,500,000
Local Toxics Control Account--State	\$7,000,000
Subtotal Reappropriation.....	\$8,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$8,500,000

NEW SECTION. Sec. 3060. FOR THE DEPARTMENT OF ECOLOGY

Ground Water Management Yakima Basin (92000061)

Reappropriation:

Columbia River Basin Water Supply Development	
Account--State.....	\$450,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$450,000

NEW SECTION. Sec. 3061. FOR THE DEPARTMENT OF ECOLOGY

Coordinated Prevention Grants (30000321)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall allocate the appropriation in this section through a distribution formula to eligible jurisdictions.

(2) The department must grant the entire appropriation according to the distribution formula and match requirements in chapter 70.95 RCW.

(3) The state grant funding must not be used to supplant local funds.

(4) If eligible jurisdictions are unable to use their entire allocation, the department may offer competitive grants for solid waste enforcement and implementation.

Appropriation:

Local Toxics Control Account--State	\$28,240,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$131,520,000
TOTAL.....	\$159,760,000

NEW SECTION. Sec. 3062. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Cleanup and Prevention (30000322)

Appropriation:

Waste Tire Removal Account--State	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 3063. FOR THE DEPARTMENT OF ECOLOGY

Mercury Switch Removal (30000323)

Appropriation:

State Toxics Control Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$500,000

NEW SECTION. Sec. 3064. FOR THE DEPARTMENT OF ECOLOGY

Reducing Toxic Diesel Emissions (30000324)

Appropriation:

State Toxics Control Account--State.....	\$4,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL.....	\$24,500,000

NEW SECTION. Sec. 3065. FOR THE DEPARTMENT OF ECOLOGY

Reducing Toxic Wood Stove Emissions (30000325)

Appropriation:

State Toxics Control Account--State.....	\$4,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL.....	\$20,000,000

NEW SECTION. Sec. 3066. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000326)

The appropriations in this section are subject to the following conditions and limitations:

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(1) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its centennial clean water program grant.

(2) \$3,000,000 of the appropriation in this section is provided solely for the Port of Walla Walla/Burbank school district septic system replacement project.

Appropriation:

Environmental Legacy Stewardship Account--State	\$50,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$240,000,000
TOTAL.....	\$290,000,000

NEW SECTION. Sec. 3067. FOR THE DEPARTMENT

OF ECOLOGY

Water Pollution Control Revolving Program (30000327)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,750,000 for fiscal year 2014 and \$7,750,000 for fiscal year 2015 of the state building construction account--state is provided solely as state match for federal clean water funds.

(2) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its water pollution control program loan.

Appropriation:

State Building Construction Account--State.....	\$15,500,000
Water Pollution Control Revolving Account--State	
.....	\$184,500,000
Water Pollution Control Revolving Account--Federal.....	\$50,000,000
Subtotal Appropriation.....	\$250,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$510,000,000
TOTAL.....	\$760,000,000

NEW SECTION. Sec. 3068. FOR THE DEPARTMENT

OF ECOLOGY

Coastal Wetlands Federal Funds (30000328)

Appropriation:

General Fund--Federal	\$9,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL.....	\$49,800,000

NEW SECTION. Sec. 3069. FOR THE DEPARTMENT

OF ECOLOGY

Floodplain Management and Control Grants (92000078)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$11,250,000 of the appropriation in this section is provided solely for making grants for flood hazard reduction projects on a competitive basis to the following eligible entities: Counties; cities; federally recognized Indian tribes; port districts; flood control zone districts; flood control districts; and diking and drainage districts. Preference may be given to entities with approved comprehensive flood hazard management plans. Applicants must provide a twenty percent match with nonstate dollars. The department must evaluate, score, and rank applications according to the following criteria:

(a) Projects that provide cost-effective hazard reduction to people, property, critical facilities, and transportation corridors.

(b) Projects that achieve multiple benefits, including, but not limited to, salmon recovery, water quality improvements, habitat restoration, and channel migration zone protection.

(c) Projects that minimize or eliminate future costs for maintenance, operation, or emergency response.

(d) Projects that have been examined through a planning process that includes public comment, such as a comprehensive flood hazard management plan, a hazard mitigation plan, a comprehensive plan, a watershed plan, or other applicable plans.

(e) Projects that are ready to proceed with the scope of work, and whose sponsors have the capacity to complete the project successfully.

(2) \$33,000,000 of the appropriation in this section is provided solely for floodplain restoration grants for the following specific projects and amounts:

(a) Calistoga Reach Setback Levee and Side-Channel Construction.....	\$5,708,000
(b) Canyon Creek Integrated Flood-Fish	\$2,086,000
(c) Lower Cedar River Integrated Floodplain Restoration	\$4,103,000
(d) Lower Dungeness Floodplain Recovery	\$7,828,000
(e) Lower Stillaguamish Fish, Farm, and Flood Management	\$4,272,000
(f) Neadham Road Setback Levee	\$3,394,000
(g) Skokomish River Floodplain Restoration and Sediment Management	\$1,387,000
(h) Lower Snohomish River Restoration and Infrastructure Assessment.....	\$894,000
(i) Snoqualmie River Fall City Corridor	\$3,328,000

(3) \$5,000,000 of the appropriation in this section is provided solely for the Mt. Vernon protection project.

(4) \$750,000 of the appropriation is provided solely for the Prairie Creek Drainage Improvements.

Appropriation:

State Building Construction Account--State.....	\$50,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL.....	\$74,000,000

NEW SECTION. Sec. 3070. FOR THE DEPARTMENT

OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000331)

Appropriation:

State Building Construction Account--State.....	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL.....	\$14,000,000

NEW SECTION. Sec. 3071. FOR THE DEPARTMENT

OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (30000332)

Appropriation:

State Building Construction Account--State.....	\$3,055,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$5,900,000
TOTAL.....	\$8,955,000

NEW SECTION. Sec. 3072. FOR THE DEPARTMENT

OF ECOLOGY

ASARCO Cleanup (30000334)

The appropriation in this section is subject to the following conditions and limitations: \$400,000 of the appropriation in this section is provided solely for the department to contract for the cleanup and remediation of the former Ruston Way tunnel.

Appropriation:

Cleanup Settlement Account--State	\$30,660,000
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State Building Construction Account--State.....	\$4,000,000
Subtotal Appropriation.....	\$34,660,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$34,660,000

NEW SECTION. Sec. 3073. FOR THE DEPARTMENT

OF ECOLOGY

Padilla Bay Federal Capital Projects - Programmatic (30000335)

Appropriation:

General Fund--Federal.....	\$500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,000,000
TOTAL.....	\$2,500,000

NEW SECTION. Sec. 3074. FOR THE DEPARTMENT

OF ECOLOGY

Padilla Bay Federal Capital Projects - Preservation (30000336)

Appropriation:

General Fund--Federal.....	\$100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,000,000
TOTAL.....	\$2,100,000

NEW SECTION. Sec. 3075. FOR THE DEPARTMENT

OF ECOLOGY

Cleanup Toxics Sites - Puget Sound (30000337)

Appropriation:

Environmental Legacy Stewardship Account--State.....	\$31,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$35,517,000
TOTAL.....	\$67,017,000

NEW SECTION. Sec. 3076. FOR THE DEPARTMENT

OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000351)

Appropriation:

Environmental Legacy Stewardship Account--State.....	\$10,300,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$9,047,000
TOTAL.....	\$19,347,000

NEW SECTION. Sec. 3077. FOR THE DEPARTMENT

OF ECOLOGY

Yakima River Basin Water Supply (30000373)

Appropriation:

State Building Construction Account--State.....	\$32,100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$85,000,000
TOTAL.....	\$117,100,000

NEW SECTION. Sec. 3078. FOR THE DEPARTMENT

OF ECOLOGY

Columbia River Water Supply Development Program (30000372)

Appropriation:

Columbia River Basin Water Supply Development Account--State.....	\$43,955,000
Columbia River Basin Taxable Bond Water Supply Development Account--State.....	\$30,545,000
Subtotal Appropriation.....	\$74,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$74,500,000

NEW SECTION. Sec. 3079. FOR THE DEPARTMENT

OF ECOLOGY

Remedial Action Grants (30000374)

Appropriation:

Local Toxics Control Account--State.....	\$62,537,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$260,000,000

TOTAL.....	\$322,537,000
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NEW SECTION. Sec. 3080. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000389)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for technical assistance and grants to conservation districts for the purpose of implementing water conservation measures and irrigation efficiencies. The department and the state conservation commission shall give preference in order of priority to projects located in the 16 fish critical basins, other water short basins, and basins with significant water resource and instream flow issues. Projects that are not within basins as described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants listed in subsection (1) of this section. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed eighty-five percent of the total cost of the conservation measure or irrigation efficiency.

Appropriation:

State Building Construction Account--State.....	\$4,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$13,000,000
TOTAL.....	\$17,000,000

NEW SECTION. Sec. 3081. FOR THE DEPARTMENT OF ECOLOGY

Storm Water Improvements (92000076)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$81,081,000 of the appropriation in this section is provided solely for grants to cities and counties to perform project-specific planning, design, and construction of projects that reduce storm water impacts from existing infrastructure and development. The grants are intended to build on and expand a city's or county's storm water program.

(a) In consultation with storm water stakeholders, the department shall develop and implement a competitive grant program by July 1, 2014, that is designed to fund storm water projects and activities that have been proven effective at reducing environmental degradation from storm water.

(b) In order to receive funding, projects must have a high water quality or ecological benefit and address pollution from existing development.

(c) A project that relies on low-impact development retrofit techniques to reduce storm water impacts that is otherwise rated equally to a project that does not rely on low-impact development retrofit techniques must be given priority for grant funding.

(d) Projects required by court or administrative order or for mitigation purposes are not eligible for funding.

(e) Up to \$15,000,000 of the appropriation provided in this subsection may be allocated to cities or counties covered by a phase I or II national pollutant discharge elimination system permit for project-specific planning and design activities that prepare projects for application to the competitive grant program to be implemented under subsection (1)(a) of this section. As a condition for funding, cities or counties shall prepare low-impact development retrofit projects for the competitive grant program. Cities or counties may also use project-specific planning and design funds for other projects that have high water quality and ecological benefits that

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address pollution from existing development. The department must provide notice to all cities and counties that are eligible for planning and design grants. The notice of eligibility must also include information on grant requirements so that those who elect to participate understand the requirements for funding.

(2)(a) \$150,000 of the appropriation in this section is provided solely to the department to develop an ongoing comprehensive, statewide storm water financial assistance program to be implemented beginning no later than July 1, 2015. The program will provide grants to local governments for the protection and improvement of statewide water quality and to improve watershed functionality by reducing the transport of toxics and other pollutants through storm water runoff, and by reducing uncontrolled runoff flows.

(b) The department must collaborate with storm water stakeholders to develop the funding criteria for the storm water financial assistance program, and include the new statewide storm water financial assistance program into the department's integrated water quality funding cycle process.

(c) The storm water financial assistance program may include, but not be limited to: Funding for retrofit capital improvement projects; low-impact development; research and development components and investments in learning; pass-through funding for local government storm water permit implementation, education, and outreach; prioritized watershed basin retrofit strategies; purchase of pooled equipment for local government use; and preconstruction awards solely for the planning and design of either new storm water facilities or a retrofit of existing storm water facilities.

(3) \$18,769,000 of the appropriation in this section is provided solely for the following list of projects.

Storm Water Improvements

Bellingham Shipping Terminal Storm Water Project	\$1,500,000
Camas Storm Water Projects	\$2,000,000
Centralia Station Storm Water Project	\$750,000
Clark County Storm Water Projects	\$1,531,000
Kennewick Storm Water Projects	\$1,780,000
Tacoma Regional Stormwater Facility	\$3,000,000
Port of Bellingham Marine Trades Storm Water Project	\$1,000,000
15th Street Water Quality Infrastructure Project	\$2,184,000
Richland Storm Water Projects	\$900,000
Spanaway Lake Management Plan	\$400,000
Spokane Storm Water Projects	\$2,000,000
Sunnyside Storm Water Project	\$455,000
Union Gap Storm Water Project	\$495,000
West Richland Yakima River Outfall Elimination	\$124,000
Zillah Storm Water Project	\$650,000
TOTAL	\$18,769,000

Appropriation:

Environmental Legacy Stewardship Account--State	\$100,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$100,000,000

NEW SECTION. Sec. 3082. FOR THE DEPARTMENT OF ECOLOGY

Dungeness Water Supply and Mitigation (30000333)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to develop projects and acquire water rights to enhance flows and to mitigate for rural development within the basin. The department will work with the Dungeness local leaders workgroup to coordinate water supply and mitigation projects for implementation that have been developed in cooperation with local stakeholders.

Appropriation:

State Building Construction Account--State.....	\$2,050,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,050,000

NEW SECTION. Sec. 3083. FOR THE DEPARTMENT OF ECOLOGY

Lower Yakima GWMA Program Development (92000085)

Appropriation:

State Building Construction Account--State.....	\$1,614,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,614,000

NEW SECTION. Sec. 3084. FOR THE DEPARTMENT OF ECOLOGY

Veterans' Conservation Corps (91000237)

Appropriation:

Environmental Legacy Stewardship Account--State	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,000,000

NEW SECTION. Sec. 3085. FOR THE STATE PARKS AND RECREATION COMMISSION

Bay View Park: Wide Wastewater Treatment System (20082041)

Reappropriation:

State Building Construction Account--State.....	\$370,000
Prior Biennia (Expenditures).....	\$1,817,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,187,000

NEW SECTION. Sec. 3086. FOR THE STATE PARKS AND RECREATION COMMISSION

Ike Kinswa State Park: Improvement (20082950)

Reappropriation:

Parks Renewal and Stewardship Account--Private/Local	\$490,000
Prior Biennia (Expenditures).....	\$10,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$500,000

NEW SECTION. Sec. 3087. FOR THE STATE PARKS AND RECREATION COMMISSION

Fish Barrier Removal (30000540)

Reappropriation:

State Building Construction Account--State.....	\$700,000
Prior Biennia (Expenditures).....	\$538,000
Future Biennia (Projected Costs)	\$0

TOTAL.....\$1,238,000
NEW SECTION. Sec. 3088. FOR THE STATE PARKS AND RECREATION COMMISSION
 Iron Horse Tunnel Hazard Repair (30000552)
 Reappropriation:
 State Building Construction Account--State.....\$600,000
 Prior Biennia (Expenditures).....\$1,296,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$1,896,000
NEW SECTION. Sec. 3089. FOR THE STATE PARKS AND RECREATION COMMISSION
 Minor Works - Health and Safety (30000667)
 Reappropriation:
 State Building Construction Account--State.....\$3,200,000
 Prior Biennia (Expenditures).....\$1,800,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$5,000,000
NEW SECTION. Sec. 3090. FOR THE STATE PARKS AND RECREATION COMMISSION
 Minor Works - Facilities and Infrastructure Preservation (30000766)
 Reappropriation:
 State Building Construction Account--State.....\$1,700,000
 Prior Biennia (Expenditures).....\$1,300,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$3,000,000
NEW SECTION. Sec. 3091. FOR THE STATE PARKS AND RECREATION COMMISSION
 Facility and Infrastructure Backlog Reduction (30000770)
 Reappropriation:
 State Building Construction Account--State.....\$400,000
 Prior Biennia (Expenditures).....\$900,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$1,300,000
NEW SECTION. Sec. 3092. FOR THE STATE PARKS AND RECREATION COMMISSION
 Picnic Shelters (91000018)
 Reappropriation:
 State Building Construction Account--State.....\$490,000
 Prior Biennia (Expenditures).....\$10,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$500,000
NEW SECTION. Sec. 3093. FOR THE STATE PARKS AND RECREATION COMMISSION
 Rocky Reach Trail (91000035)
 Reappropriation:
 State Building Construction Account--State.....\$325,000
 Prior Biennia (Expenditures).....\$75,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$400,000
NEW SECTION. Sec. 3094. FOR THE STATE PARKS AND RECREATION COMMISSION
 Comfort Stations (91000036)
 Reappropriation:
 State Building Construction Account--State.....\$1,500,000
 Prior Biennia (Expenditures).....\$254,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$1,754,000
NEW SECTION. Sec. 3095. FOR THE STATE PARKS AND RECREATION COMMISSION
 Deferred Maintenance (91000030)
 Reappropriation:
 State Building Construction Account--State.....\$400,000
 Prior Biennia (Expenditures).....\$670,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$1,070,000

NEW SECTION. Sec. 3096. FOR THE STATE PARKS AND RECREATION COMMISSION
 Energy Conservation (91000040)
 Reappropriation:
 State Building Construction Account--State.....\$156,000
 Prior Biennia (Expenditures).....\$59,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$215,000
NEW SECTION. Sec. 3097. FOR THE STATE PARKS AND RECREATION COMMISSION
 Culverts (91000046)
 Reappropriation:
 State Building Construction Account--State.....\$1,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$1,000,000
NEW SECTION. Sec. 3098. FOR THE STATE PARKS AND RECREATION COMMISSION
 Wallace Falls: Footbridge (91000047)
 Reappropriation:
 State Building Construction Account--State.....\$470,000
 Prior Biennia (Expenditures).....\$16,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$486,000
NEW SECTION. Sec. 3099. FOR THE STATE PARKS AND RECREATION COMMISSION
 Spencer Spit: Water System Replacement (30000140)
 Appropriation:
 State Building Construction Account--State.....\$983,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$983,000
NEW SECTION. Sec. 3100. FOR THE STATE PARKS AND RECREATION COMMISSION
 Peace Arch: Waterline Replacement and Upgrade (30000375)
 Appropriation:
 State Building Construction Account--State.....\$972,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$972,000
NEW SECTION. Sec. 3101. FOR THE STATE PARKS AND RECREATION COMMISSION
 Dosewallips: Wastewater Treatment System (30000523)
 Appropriation:
 State Building Construction Account--State.....\$4,079,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$4,079,000
NEW SECTION. Sec. 3102. FOR THE STATE PARKS AND RECREATION COMMISSION
 Lewis and Clark: Replace Wastewater System (30000544)
 Appropriation:
 State Building Construction Account--State.....\$1,077,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$1,077,000
NEW SECTION. Sec. 3103. FOR THE STATE PARKS AND RECREATION COMMISSION
 Potholes: Replace Failed Recreational Vehicle Campsites Electrical Hookups (30000549)
 Appropriation:
 State Building Construction Account--State.....\$997,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$997,000

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NEW SECTION. Sec. 3104. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish State Park: Sunset Beach Bathhouse Replacement (30000653)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall enter into an interagency agreement with the office of financial management to provide funding for a budget evaluation study. The office of financial management shall use a budget evaluation study team approach using value engineering techniques and life cycle cost analysis in conducting the study. The office of financial management shall select the budget evaluation team members, contract for the study, and report the results to the legislature and agencies in a timely manner following the study. Funds must not be allotted until the scope of work is approved by the office of financial management as recommended by the study.

Appropriation:

State Building Construction Account--State.....	\$2,984,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,984,000

NEW SECTION. Sec. 3105. FOR THE STATE PARKS AND RECREATION COMMISSION

Flaming Geyser State Park: Infrastructure (30000810)

Appropriation:

State Building Construction Account--State.....	\$1,325,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,325,000

NEW SECTION. Sec. 3106. FOR THE STATE PARKS AND RECREATION COMMISSION

Flaming Geyser State Park: Day Use Renovation (30000832)

Appropriation:

State Building Construction Account--State.....	\$1,002,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,002,000

NEW SECTION. Sec. 3107. FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition Account (91000056)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the acquisition of property adjacent to existing state park property and shall not be used to purchase property to establish new parks.

(2) The appropriation of state building construction account--state is provided solely for the development of a report that identifies parks and recreation commission lands that are poorly used and/or not well positioned for future directions of the commission. The commission must identify estimated sale price, potential lease revenue, or other income that may be derived from disposal or alternative use of these lands. The legislature intends to use these under used commission assets for development of undeveloped park lands that have significant potential as destination state parks.

Appropriation:

State Building Construction Account--State.....	\$250,000
Parkland Acquisition Account--State.....	\$2,000,000
Subtotal Appropriation.....	\$2,250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL.....	\$10,250,000

NEW SECTION. Sec. 3108. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Facility and Infrastructure Preservation (30000845)

Appropriation:

State Building Construction Account--State.....	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$10,000,000

NEW SECTION. Sec. 3109. FOR THE STATE PARKS AND RECREATION COMMISSION

Fish Barrier Removal (30000854)

Appropriation:

State Building Construction Account--State.....	\$1,048,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$4,368,000
TOTAL.....	\$5,416,000

NEW SECTION. Sec. 3110. FOR THE STATE PARKS AND RECREATION COMMISSION

Rocky Reach - Chelan County Public Utility District Grant (30000855)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$600,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$600,000

NEW SECTION. Sec. 3111. FOR THE STATE PARKS AND RECREATION COMMISSION

Clean Vessel Boating Pump-out Grants (30000856)

Appropriation:

General Fund--Federal	\$2,600,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,600,000

NEW SECTION. Sec. 3112. FOR THE STATE PARKS AND RECREATION COMMISSION

Local Grant Authority (30000857)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$1,200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL.....	\$5,200,000

NEW SECTION. Sec. 3113. FOR THE STATE PARKS AND RECREATION COMMISSION

Federal Grant Authority (30000858)

The appropriations in this section are subject to the following conditions and limitations: Prior to opening the Fudge Point state park area for public use, the commission shall work with the Mason County Board of Commissioners and local stakeholders to identify and appropriately mitigate environmental and public service impacts of park development and use.

Appropriation:

General Fund--Federal	\$1,750,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$3,000,000
TOTAL.....	\$4,750,000

NEW SECTION. Sec. 3114. FOR THE STATE PARKS AND RECREATION COMMISSION

Backlog Repairs and Enhanced Amenities (92000007)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to reduce the backlog of deferred maintenance projects and for purchase, installation, and construction of park amenities that will produce additional park revenue. The state parks commission must limit charges against

these capital appropriations for state parks throughout this act for project management and indirect and overhead costs to no more than fifteen percent of total project costs. The state parks commission must provide an annual progress report each December 1st on achieving these savings and the progress in reducing the backlog of deferred maintenance.

(2) The state parks and recreation commission shall report to the appropriate legislative fiscal committees by November 30, 2014, on how many cabins and yurts have been installed, their locations, and the number of cabins and yurts contracted for completion by June 30, 2015. Cabins or yurts may not have a total cost of more than \$52,000 each.

Appropriation:

State Building Construction Account--State.....\$9,404,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$9,404,000

NEW SECTION. Sec. 3115. FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment Trail Development (30000419)

Appropriation:

State Building Construction Account--State.....\$517,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$4,379,000
TOTAL.....\$4,896,000

NEW SECTION. Sec. 3116. FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment North Head Parking (30000522)

Appropriation:

State Building Construction Account--State.....\$925,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$1,365,000
TOTAL.....\$2,290,000

NEW SECTION. Sec. 3117. FOR THE STATE PARKS AND RECREATION COMMISSION

Kopachuck Day Use Development Design and Permit (30000820)

Appropriation:

State Building Construction Account--State.....\$319,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$4,974,000
TOTAL.....\$5,293,000

NEW SECTION. Sec. 3118. FOR THE STATE PARKS AND RECREATION COMMISSION

Twanoh State Park Storm Water Improvements Construction Phase 1 (30000851)

Appropriation:

State Building Construction Account--State.....\$354,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$1,578,000
TOTAL.....\$1,932,000

NEW SECTION. Sec. 3119. FOR THE STATE PARKS AND RECREATION COMMISSION

Camano Island Day Use Access and Facility Renovation (30000782)

Appropriation:

State Building Construction Account--State.....\$301,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$1,549,000
TOTAL.....\$1,850,000

NEW SECTION. Sec. 3120. FOR THE STATE PARKS AND RECREATION COMMISSION

Millersylvania Replace Environmental Learning Center Cabins (30000821)

Appropriation:

State Building Construction Account--State.....\$1,089,000

Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$1,089,000

NEW SECTION. Sec. 3121. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Revenue Generation (30000847)

Appropriation:

State Building Construction Account--State.....\$437,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$1,592,000
TOTAL.....\$2,029,000

NEW SECTION. Sec. 3122. FOR THE STATE PARKS AND RECREATION COMMISSION

Rocky Reach State Park Trail Development (30000853)

Appropriation:

State Building Construction Account--State.....\$3,755,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$3,755,000

NEW SECTION. Sec. 3123. FOR THE STATE PARKS AND RECREATION COMMISSION

Deception Pass - Kukutali Access and Interpretation (30000774)

Appropriation:

State Building Construction Account--State.....\$225,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$525,000
TOTAL.....\$750,000

NEW SECTION. Sec. 3124. FOR THE STATE PARKS AND RECREATION COMMISSION

Ice Age Floods Interpretive Panels (30000827)

Appropriation:

State Building Construction Account--State.....\$154,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$154,000

NEW SECTION. Sec. 3125. FOR THE STATE PARKS AND RECREATION COMMISSION

Lyons Ferry State Park (91000055)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for capital expenses associated with re-establishing Lyons Ferry State Park. The operating costs for re-establishing the park will be offset by reduced services on Columbia Plateau Trail State Park. Other than taking actions, both in operating expenditures and use of limited staff time, to minimize state liabilities, such as maintaining culverts, noxious weed controls, oversight to access and easements, and other legal obligations as landowner, the agency shall not spend any additional operating funds on improvements to the following 85.5 mile undeveloped portion of Columbia Plateau Trail State Park: From Mile Post 256.5 to Mile Post 342, the Martin Road Trailhead.

Appropriation:

State Building Construction Account--State.....\$600,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs)\$0
TOTAL.....\$600,000

NEW SECTION. Sec. 3126. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Funding Board Programs (20044001)

Reappropriation:

General Fund--Federal\$3,500,000
State Building Construction Account--State.....\$161,000
Subtotal Reappropriation.....\$3,661,000
Prior Biennia (Expenditures).....\$42,714,000
Future Biennia (Projected Costs)\$0

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TOTAL.....\$46,375,000

NEW SECTION. Sec. 3127. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife and Recreation Program (20044002)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that are not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State \$415,000
Habitat Conservation Account--State \$200,000
Subtotal Reappropriation.....\$615,000
Prior Biennia (Expenditures).....\$43,915,000
Future Biennia (Projected Costs) \$0
TOTAL.....\$44,530,000

NEW SECTION. Sec. 3128. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Youth Athletic Fields (20062952)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 172, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State.....\$63,000
Prior Biennia (Expenditures).....\$2,437,000
Future Biennia (Projected Costs) \$0
TOTAL.....\$2,500,000

NEW SECTION. Sec. 3129. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Funding Board Programs (20064001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 403, chapter 488, Laws of 2005.

Reappropriation:

General Fund--Federal \$3,600,000
State Building Construction Account--State.....\$950,000
Subtotal Reappropriation.....\$4,550,000
Prior Biennia (Expenditures).....\$57,450,000
Future Biennia (Projected Costs) \$0
TOTAL.....\$62,000,000

NEW SECTION. Sec. 3130. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife and Recreation Program (20064002)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 404, chapter 488, Laws of 2005.

Reappropriation:

Outdoor Recreation Account--State \$928,000
Habitat Conservation Account--State \$2,300,000
Subtotal Reappropriation.....\$3,228,000
Prior Biennia (Expenditures).....\$46,772,000
Future Biennia (Projected Costs) \$0
TOTAL.....\$50,000,000

NEW SECTION. Sec. 3131. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Nonhighway and Off-Road Vehicle Activities Program (20064004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 170, chapter 371, Laws of 2006.

Reappropriation:

NOVA Program Account--State \$437,000
Prior Biennia (Expenditures).....\$7,142,000
Future Biennia (Projected Costs) \$0

TOTAL.....\$7,579,000

NEW SECTION. Sec. 3132. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Family Forest and Fish Passage Program (20082001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3138, chapter 520, Laws of 2007.

Reappropriation:

State Building Construction Account--State.....\$239,000
Prior Biennia (Expenditures).....\$5,761,000
Future Biennia (Projected Costs) \$0
TOTAL.....\$6,000,000

NEW SECTION. Sec. 3133. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Facilities Program (20084001)

Reappropriation:

Recreation Resources Account--State \$469,000
Prior Biennia (Expenditures).....\$7,552,000
Future Biennia (Projected Costs) \$0
TOTAL.....\$8,021,000

NEW SECTION. Sec. 3134. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Firearms and Archery Range Recreation (20084003)

Reappropriation:

Firearms Range Account--State \$48,000
Prior Biennia (Expenditures).....\$424,000
Future Biennia (Projected Costs) \$0
TOTAL.....\$472,000

NEW SECTION. Sec. 3135. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Restoration and Acquisition (20084004)

Reappropriation:

State Building Construction Account--State.....\$783,000
Prior Biennia (Expenditures).....\$39,967,000
Future Biennia (Projected Costs) \$0
TOTAL.....\$40,750,000

NEW SECTION. Sec. 3136. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (20084005)

Reappropriation:

State Building Construction Account--State.....\$264,000
Prior Biennia (Expenditures).....\$4,761,000
Future Biennia (Projected Costs) \$0
TOTAL.....\$5,025,000

NEW SECTION. Sec. 3137. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Nonhighway and Off-Road Vehicle Activities Program (20084008)

Reappropriation:

NOVA Program Account--State \$425,000
Prior Biennia (Expenditures).....\$8,611,000
Future Biennia (Projected Costs) \$0
TOTAL.....\$9,036,000

NEW SECTION. Sec. 3138. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife Recreation Grants (20084011)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3146, chapter 520, Laws of 2007.

Reappropriation:

Outdoor Recreation Account--State \$1,174,000
Habitat Conservation Account--State \$7,217,000
Subtotal Reappropriation.....\$8,391,000
Prior Biennia (Expenditures).....\$90,101,000
Future Biennia (Projected Costs) \$0

TOTAL.....\$98,492,000
EW SECTION, Sec. 3139. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Funding Board Programs (20084851)
 Reappropriation:
 State Building Construction Account--State.....\$1,929,000
 Prior Biennia (Expenditures).....\$58,071,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$60,000,000

NEW SECTION, Sec. 3140. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife Recreation Grants (30000002)
 Reappropriation:
 Outdoor Recreation Account--State.....\$619,000
 Habitat Conservation Account--State.....\$6,721,000
 Riparian Protection Account--State.....\$3,600,000
 Farmlands Preservation Account--State.....\$1,040,000
 Subtotal Reappropriation.....\$11,980,000
 Prior Biennia (Expenditures).....\$57,465,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$69,445,000

NEW SECTION, Sec. 3141. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Funding Board Programs (30000003)
 Reappropriation:
 General Fund--Federal.....\$10,300,000
 State Building Construction Account--State.....\$213,000
 Subtotal Reappropriation.....\$10,513,000
 Prior Biennia (Expenditures).....\$59,487,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$70,000,000

NEW SECTION, Sec. 3142. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Land and Water Conservation Fund (30000005)
 Reappropriation:
 General Fund--Federal.....\$1,160,000
 Prior Biennia (Expenditures).....\$2,840,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$4,000,000

NEW SECTION, Sec. 3143. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000007)
 The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are provided solely for the list of projects in LEAP capital document No. 2009-3, developed March 9, 2009.

Reappropriation:
 Aquatic Lands Enhancement Account--State.....\$390,000
 State Building Construction Account--State.....\$324,000
 Subtotal Reappropriation.....\$714,000
 Prior Biennia (Expenditures).....\$4,311,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$5,025,000

NEW SECTION, Sec. 3144. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Firearms and Archery Range Recreation (30000009)
 Reappropriation:
 Firearms Range Account--State.....\$210,000
 Prior Biennia (Expenditures).....\$285,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$495,000

NEW SECTION, Sec. 3145. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Acquisition and Restoration (30000080)
 Reappropriation:
 State Building Construction Account--State.....\$4,369,000

Prior Biennia (Expenditures).....\$28,631,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$33,000,000

NEW SECTION, Sec. 3146. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Estuary and Salmon Restoration Program (30000081)
 Reappropriation:

State Building Construction Account--State.....\$2,101,000
 Prior Biennia (Expenditures).....\$4,899,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$7,000,000

NEW SECTION, Sec. 3147. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Facilities Program (30000138)
 Reappropriation:
 Recreation Resources Account--State.....\$4,300,000
 Prior Biennia (Expenditures).....\$3,700,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$8,000,000

NEW SECTION, Sec. 3148. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife Recreation Grants (30000139)
 The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are provided solely for the list of projects in LEAP capital document No. 2011-3A, developed May 24, 2011.

Reappropriation:
 Riparian Protection Account--State.....\$650,000
 Farmlands Preservation Account--State.....\$314,000
 Outdoor Recreation Account--State.....\$8,330,000
 Habitat Conservation Account--State.....\$7,567,000
 Subtotal Reappropriation.....\$16,861,000
 Prior Biennia (Expenditures).....\$25,139,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$42,000,000

NEW SECTION, Sec. 3149. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Funding Board Programs (30000140)
 Reappropriation:
 General Fund--Federal.....\$50,000,000
 State Building Construction Account--State.....\$7,350,000
 Subtotal Reappropriation.....\$57,350,000
 Prior Biennia (Expenditures).....\$12,712,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$70,062,000

NEW SECTION, Sec. 3150. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Nonhighway and Off-Road Vehicle Activities Program (30000141)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3067, chapter 48, Laws of 2011 1st sp. sess.

Reappropriation:
 NOVA Program Account--State.....\$3,347,000
 Prior Biennia (Expenditures).....\$2,153,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$5,500,000

NEW SECTION, Sec. 3151. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Land and Water Conservation Fund (30000142)
 Reappropriation:
 General Fund--Federal.....\$3,750,000
 Prior Biennia (Expenditures).....\$250,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$4,000,000

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NEW SECTION. Sec. 3152. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000143)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the list of projects in LEAP capital document No. 2011-3B, revised April 10, 2013.

Reappropriation:

Aquatic Lands Enhancement Account--State	\$2,601,000
Prior Biennia (Expenditures).....	\$4,205,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$6,806,000

NEW SECTION. Sec. 3153. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Firearms and Archery Range Recreation (30000144)

Reappropriation:

Firearms Range Account--State	\$45,000
Prior Biennia (Expenditures).....	\$320,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$365,000

NEW SECTION. Sec. 3154. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Improvement Grants (30000145)

Reappropriation:

General Fund--Federal	\$359,000
Prior Biennia (Expenditures).....	\$1,741,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,100,000

NEW SECTION. Sec. 3155. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Recreational Trails Program (30000146)

Reappropriation:

General Fund--Federal	\$3,960,000
Prior Biennia (Expenditures).....	\$1,040,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 3156. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Estuary and Salmon Restoration Program (30000148)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall not be expended on the acquisition of lands by state agencies.

Reappropriation:

State Building Construction Account--State.....	\$3,455,000
Prior Biennia (Expenditures).....	\$1,545,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 3157. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Family Forest Fish Passage Program (91000001)

Reappropriation:

State Building Construction Account--State.....	\$188,000
Prior Biennia (Expenditures).....	\$4,812,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 3158. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Restoration (30000147)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall not be expended on the acquisition of lands by state agencies.

Reappropriation:

State Building Construction Account--State.....	\$10,684,000
Prior Biennia (Expenditures).....	\$4,316,000

Future Biennia (Projected Costs)	\$0
TOTAL.....	\$15,000,000

NEW SECTION. Sec. 3159. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Family Forest Fish Passage Program (30000203)

Reappropriation:

State Building Construction Account--State.....	\$367,000
Prior Biennia (Expenditures).....	\$16,633,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$17,000,000

NEW SECTION. Sec. 3160. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Family Forest Fish Passage Program (91000097)

Reappropriation:

State Toxics Control Account--State.....	\$8,981,000
Prior Biennia (Expenditures).....	\$1,019,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$10,000,000

NEW SECTION. Sec. 3161. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife Recreation Grants (30000205)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the list of projects in LEAP capital document No. 2013-6A, developed June 29, 2013.

(2) Amounts allocated to the Okanogan Similkameen 2012 project must not be disbursed until the recreation conservation office has reevaluated the level of local support for the project, including consultation with the Okanogan county board of commissioners, reported to the appropriate committees of the legislature the results of the reevaluation, and the legislature has amended this appropriation to allow the project to move forward.

Appropriation:

Outdoor Recreation Account--State	\$25,500,000
Habitat Conservation Account--State	\$25,500,000
Riparian Protection Account--State	\$8,500,000
Farmlands Preservation Account--State.....	\$5,500,000
Subtotal Appropriation.....	\$65,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$360,000,000
TOTAL.....	\$425,000,000

NEW SECTION. Sec. 3162. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Funding Board Programs (30000206)

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the state building construction account--state appropriation is provided solely for the recreation and conservation office, in consultation with the department of transportation and using only existing state licensed technologies, to identify transportation mitigation projects that minimize permit delays and optimize salmon habitat restoration.

Appropriation:

General Fund--Federal	\$60,000,000
State Building Construction Account--State.....	\$15,000,000
Subtotal Appropriation.....	\$75,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL.....	\$475,000,000

NEW SECTION. Sec. 3163. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Facilities Program (30000207)

Appropriation:

Recreation Resources Account--State.....	\$6,363,000
Prior Biennia (Expenditures).....	\$0

Future Biennia (Projected Costs)\$38,000,000
 TOTAL.....\$44,363,000

NEW SECTION. Sec. 3164. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Nonhighway Off-Road Vehicle Activities (30000208)

Appropriation:

NOVA Program Account--State\$8,500,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$34,000,000
 TOTAL.....\$42,500,000

NEW SECTION. Sec. 3165. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000210)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the list of projects in LEAP capital document No. 2013-2B, developed April 10, 2013.

Appropriation:

Aquatic Lands Enhancement Account--State\$6,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$26,400,000
 TOTAL.....\$32,400,000

NEW SECTION. Sec. 3166. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Acquisition and Restoration (30000211)

Appropriation:

State Building Construction Account--State.....\$70,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$140,000,000
 TOTAL.....\$210,000,000

NEW SECTION. Sec. 3167. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Estuary and Salmon Restoration Program (30000212)

Appropriation:

State Building Construction Account--State.....\$10,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$25,000,000
 TOTAL.....\$35,000,000

NEW SECTION. Sec. 3168. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Firearms and Archery Range Recreation (30000213)

The appropriations in this section are subject to the following conditions and limitations: \$35,000 of the appropriation is provided solely for a grant for improvements at Klickitat Co. law enforcement/public shooting range.

Appropriation:

Firearms Range Account--State\$800,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$1,750,000
 TOTAL.....\$2,550,000

NEW SECTION. Sec. 3169. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Recreational Trails Program (30000214)

Appropriation:

General Fund--Federal\$5,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$20,000,000
 TOTAL.....\$25,000,000

NEW SECTION. Sec. 3170. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Infrastructure Grants (30000215)

Appropriation:

General Fund--Federal\$2,200,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$8,800,000

TOTAL.....\$11,000,000

NEW SECTION. Sec. 3171. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Land and Water Conservation (30000216)

Appropriation:

General Fund--Federal\$4,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$16,000,000
 TOTAL.....\$20,000,000

NEW SECTION. Sec. 3172. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Family Forest Fish Passage Program (30000218)

Appropriation:

State Building Construction Account--State.....\$2,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$14,540,000
 TOTAL.....\$16,540,000

NEW SECTION. Sec. 3173. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Youth Recreation Grants (92000055)

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided solely for grants to the following list of projects:

Bellingham Sports Fields\$1,500,000
 Northshore Athletic Fields\$750,000
 Playfields at Woodway High School\$680,000
 Redmond Ridge Athletic Fields\$700,000
 TOTAL.....\$3,630,000

Appropriation:

State Building Construction Account--State.....\$3,630,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$3,630,000

NEW SECTION. Sec. 3174. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Public Lands Inventory (91000445)

The appropriation in this section is subject to the following conditions and limitations: The recreation and conservation office, in collaboration with the joint legislative audit and review committee, shall:

(1) Provide an updated, centralized inventory of lands in Washington owned by federal, state, and local governments, and by Native American tribes.

(a) The inventory must be in a web-accessible format, including a GIS-based interactive map that allows users to find out information about specific areas. The data must be standardized to allow summary information to be accessible.

(b) The inventory must include the following information:

(i) Ownership (federal; state, by state agency; local government; and tribal);

(ii) Ownership type (fee simple or easements);

(iii) Location;

(iv) Acreage;

(v) Principal use of these lands (intended use at the time of acquisition and current use) including, but not limited to, developed recreation land, habitat and passive recreation land, and revenue-generation uses; and

(vi) Acquisition costs if acquired by state agencies over the last ten years, including acquisition funding sources.

(2) Develop recommendations for standardization of acquisition and disposal recordkeeping on a biennial basis, including identifying a preferred process for centralizing acquisition data.

(3) Submit a status report on the inventory to the appropriate committees of the legislature by January 1, 2014, and a final report by July 1, 2014.

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Appropriation:

State Building Construction Account--State.....	\$200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$200,000

NEW SECTION. Sec. 3175. FOR THE STATE

CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (91000007)

Reappropriation:

State Building Construction Account--State.....	\$850,000
Prior Biennia (Expenditures).....	\$427,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,277,000

NEW SECTION. Sec. 3176. FOR THE STATE

CONSERVATION COMMISSION

Farms and Water Quality (91000004)

Reappropriation:

State Building Construction Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$4,500,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 3177. FOR THE STATE

CONSERVATION COMMISSION

CREP Riparian Cost Share - State Match (30000009)

Appropriation:

State Building Construction Account--State.....	\$2,590,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$11,000,000
TOTAL.....	\$13,590,000

NEW SECTION. Sec. 3178. FOR THE STATE

CONSERVATION COMMISSION

Natural Resources Investment for the Economy and Environment (30000010)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,500,000 of the state building construction account--state appropriation and \$500,000 of the general fund--federal appropriation are provided solely for grants to complete natural resource enhancement projects necessary to improve water quality in shellfish growing areas.

(2) \$4,500,000 of the state building construction account--state appropriation and \$500,000 of the general fund--federal appropriation are provided solely for grants to complete natural resource enhancement projects necessary to improve water quality in non-shellfish growing areas.

Appropriation:

State Building Construction Account--State.....	\$9,000,000
General Fund--Federal	\$1,000,000
Subtotal Appropriation.....	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL.....	\$30,000,000

NEW SECTION. Sec. 3179. FOR THE STATE

CONSERVATION COMMISSION

CREP PIP Loan Program (30000011)

Appropriation:

Conservation Assistance Revolving Account--State ...	\$180,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$720,000
TOTAL.....	\$900,000

NEW SECTION. Sec. 3180. FOR THE STATE

CONSERVATION COMMISSION

Conservation Reserve Enhancement Program Riparian Contract Funding (30000012)

Appropriation:

State Building Construction Account--State.....	\$2,231,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$8,924,000
TOTAL.....	\$11,155,000

NEW SECTION. Sec. 3181. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Voights Creek Hatchery (20081003)

Reappropriation:

State Building Construction Account--State.....	\$13,300,000
Prior Biennia (Expenditures).....	\$1,997,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$15,297,000

NEW SECTION. Sec. 3182. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Stemilt Basin Acquisition (20082029)

Reappropriation:

State Building Construction Account--State.....	\$153,000
Prior Biennia (Expenditures).....	\$47,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$200,000

NEW SECTION. Sec. 3183. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Facility Preservation (30000300)

Reappropriation:

State Building Construction Account--State.....	\$1,350,000
Prior Biennia (Expenditures).....	\$1,207,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,557,000

NEW SECTION. Sec. 3184. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Road Maintenance and Abandonment Plan (30000295)

Reappropriation:

State Building Construction Account--State.....	\$1,505,000
Prior Biennia (Expenditures).....	\$321,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,826,000

NEW SECTION. Sec. 3185. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Access Areas Preservation (30000296)

Reappropriation:

State Building Construction Account--State.....	\$336,000
Prior Biennia (Expenditures).....	\$691,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,027,000

NEW SECTION. Sec. 3186. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Dam and Dike (30000297)

Reappropriation:

State Building Construction Account--State.....	\$750,000
Prior Biennia (Expenditures).....	\$293,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,043,000

NEW SECTION. Sec. 3187. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Migratory Waterfowl Habitat (30000653)

Appropriation:

State Wildlife Account--State	\$600,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$1,800,000
TOTAL.....	\$2,400,000

NEW SECTION. Sec. 3188. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Lab Equipment (30000656)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department to purchase lab equipment for the Manchester and Mukilteo research stations as specified by the national oceanic and atmospheric administration to support the Washington state shellfish initiative.

Appropriation:

State Building Construction Account--State.....	\$100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$100,000

NEW SECTION. Sec. 3189. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Leque Island Highway 532 Road Protection (92000019)

Reappropriation:

State Building Construction Account--State.....	\$394,000
Prior Biennia (Expenditures).....	\$286,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$680,000

NEW SECTION. Sec. 3190. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitchell Act Federal Grant (91000021)

Reappropriation:

General Fund--Federal.....	\$2,328,000
Prior Biennia (Expenditures).....	\$672,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$3,000,000

NEW SECTION. Sec. 3191. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation Projects and Dedicated Funding (20082048)

The appropriations are subject to the following conditions and limitations: The department must prepare an inventory of their agricultural land holdings. Agricultural land holdings are department owned lands that support agricultural activities, including raising nonnative crops for sale or use by wildlife, or grazing of domestic animals. The inventory must be submitted to the appropriate committees of the legislature by December 1, 2013. The inventory must also be submitted to the recreation conservation office for inclusion in the office's computer system for lands the department acquired through grants from recreation conservation office programs. The inventory must describe:

- (1) The size, location, and amount of any water right of each parcel used for agricultural activities;
- (2) The date of acquisition of the parcel, the amount and source of funds for the acquisition, and the intended purpose of the land at the time of acquisition;
- (3) The nature of the agricultural activities over the past five years;
- (4) Whether the activities are conducted by department employees or through a contract or lease to a private agricultural operator, and the terms of any lease;
- (5) The amount of the harvest and revenue received from the agricultural activities; and
- (6) A description of current leasing policies and procedures for leasing department lands for agricultural uses.

Reappropriation:

General Fund--Federal.....	\$12,778,000
Special Wildlife Account--Federal.....	\$300,000
Special Wildlife Account--Private/Local.....	\$203,000
Subtotal Reappropriation.....	\$13,281,000

Appropriation:

Special Wildlife Account--Federal.....	\$800,000
Special Wildlife Account--Private/Local.....	\$1,600,000
State Wildlife Account--State.....	\$1,500,000
General Fund--Private/Local.....	\$2,500,000
General Fund--Federal.....	\$29,600,000

Subtotal Appropriation.....	\$36,000,000
Prior Biennia (Expenditures).....	\$81,515,000
Future Biennia (Projected Costs)	\$90,750,000
TOTAL.....	\$221,546,000

NEW SECTION. Sec. 3192. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Health Safety and Code Requirements (30000284)

Reappropriation:

State Building Construction Account--State.....	\$693,000
Prior Biennia (Expenditures).....	\$548,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,241,000

NEW SECTION. Sec. 3193. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Infrastructure Preservation (30000298)

Reappropriation:

State Building Construction Account--State.....	\$600,000
Prior Biennia (Expenditures).....	\$1,930,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,530,000

NEW SECTION. Sec. 3194. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Fish Passage Barrier Corrections (30000372)

Reappropriation:

State Building Construction Account--State.....	\$841,000
Prior Biennia (Expenditures).....	\$439,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,280,000

NEW SECTION. Sec. 3195. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Beebe Springs Development (92000026)

Reappropriation:

State Building Construction Account--State.....	\$960,000
Prior Biennia (Expenditures).....	\$931,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,891,000

NEW SECTION. Sec. 3196. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fishway Improvements/Diversion (91000033)

Reappropriation:

State Building Construction Account--State.....	\$7,300,000
Prior Biennia (Expenditures).....	\$700,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$8,000,000

NEW SECTION. Sec. 3197. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery Improvements (91000036)

Reappropriation:

State Building Construction Account--State.....	\$32,250,000
Prior Biennia (Expenditures).....	\$2,525,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$34,775,000

NEW SECTION. Sec. 3198. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dry Forest Restoration (91000039)

Reappropriation:

State Building Construction Account--State.....	\$496,000
Prior Biennia (Expenditures).....	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$796,000

NEW SECTION. Sec. 3199. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Dam and Dike (91000042)

Reappropriation:

State Building Construction Account--State.....	\$197,000
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Prior Biennia (Expenditures).....	\$3,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$200,000

NEW SECTION. Sec. 3200. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Minor Works - Access Sites (91000044)

Reappropriation:

State Building Construction Account--State.....	\$6,125,000
Prior Biennia (Expenditures).....	\$1,281,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$7,406,000

NEW SECTION. Sec. 3201. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Minor Works - Fish Passage Barriers (Culverts) (91000045)

Reappropriation:

State Building Construction Account--State.....	\$1,300,000
Prior Biennia (Expenditures).....	\$195,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,495,000

NEW SECTION. Sec. 3202. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Minor Works - Road Maintenance and Abandonment Plan (91000046)

Reappropriation:

State Building Construction Account--State.....	\$495,000
Prior Biennia (Expenditures).....	\$21,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$516,000

NEW SECTION. Sec. 3203. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Acquire Dryden Gravel Pit from Washington DOT (92000028)

Reappropriation:

State Building Construction Account--State.....	\$251,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$251,000

NEW SECTION. Sec. 3204. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Minor Works Programmatic (300000644)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000 of the appropriation is provided solely for expansion of the incubation room at the Hurd Creek Hatchery.

(2) \$350,000 of the appropriation is provided solely for net pens infrastructure and equipment at Mayfield Lake.

(3) \$25,000 of the appropriation is provided solely for the department to construct a primitive road, of a minimum of one mile, with no adverse impacts on streams or riparian areas, in the Naneum road planning area within Kittitas county. This is to replace the lost general public access as a result of the Stray-Tekison road abandonment. The department shall collaborate in the placement of the road with the Kittitas county field and stream club. Further, as part of the Naneum to Columbia river recreational planning process, the department is instructed to adopt a plan that results in a net increase of green dot access roads in Kittitas county.

Appropriation:

State Building Construction Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$500,000

NEW SECTION. Sec. 3205. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Deschutes Watershed Center (20062008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$6,000,000 of the appropriation is provided solely to renovate the existing Tumwater Falls facility.

(2) \$680,000 of the appropriation is provided solely for site work at the Pioneer Park site, including walking trails, educational or interpretive displays, a public feature, access, construction staging, parking and contouring.

(3) \$620,000 of the appropriation is provided solely for constructing the water delivery system for the future hatchery facility including development of existing well, constructing an aeration tower, and installing pumps and piping.

Reappropriation:

State Building Construction Account--State.....	\$219,000
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Appropriation:

State Building Construction Account--State.....	\$7,300,000
Prior Biennia (Expenditures).....	\$2,976,000
Future Biennia (Projected Costs)	\$31,234,000
TOTAL.....	\$41,729,000

NEW SECTION. Sec. 3206. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Minor Works Preservation (30000479)

Appropriation:

State Building Construction Account--State.....	\$9,975,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$135,900,000
TOTAL.....	\$145,875,000

NEW SECTION. Sec. 3207. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Wooten Wildlife Area Improve Flood Plain (30000481)

The appropriations in this section are subject to the following conditions and limitations: The state building construction account-- state appropriation is provided solely to relocate an existing campground out of the floodplain. The general fund--federal appropriation is provided solely as authority to expend anticipated funding by the Bonneville power administration for habitat enhancement in the Wooten wildlife area.

Appropriation:

General Fund--Federal	\$2,600,000
State Building Construction Account--State.....	\$500,000
Subtotal Appropriation.....	\$3,100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$18,197,000
TOTAL.....	\$21,297,000

NEW SECTION. Sec. 3208. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Replace Fire Damaged Fencing (30000655)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for repair and replacement of deer and elk fencing damaged in recent fires. Up to \$422,000 of this amount is provided for repair or replacement of fencing along state highway 97A destroyed in the 2012 Byrd complex fire. The department must work with the department of natural resources to pursue possible insurance claims for the damaged fencing. Any insurance payments received must be deposited in the state wildlife account.

Appropriation:

State Building Construction Account--State.....	\$1,612,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,612,000

NEW SECTION. Sec. 3209. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Cooperative Fencing (91000147)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a cooperative fencing program between the department and landowners who experience chronic crop damage caused by deer and elk. Cooperative agreements shall be negotiated with landowners and materials provided, facilities constructed, or easements purchased to abate property damage.

(2) \$210,000 of the appropriation in this section is provided solely for the Stemilt wildlife fence.

Appropriation:

State Building Construction Account--State.....	\$350,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$350,000

NEW SECTION. Sec. 3210. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Derelict Net Removal (91000148)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to the department of fish and wildlife to work cooperatively with the northwest straits foundation for the removal of shallow water legacy nets from high priority areas of Puget Sound. The high priority areas are those where high historical fishing pressure coincides with sea bed characteristics likely to snag nets. Legacy nets are those nets lost in previous years of fishing, rather than newly lost nets.

Appropriation:

State Building Construction Account--State.....	\$3,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$3,500,000

NEW SECTION. Sec. 3211. FOR THE DEPARTMENT

OF FISH AND WILDLIFE

Beebe Springs (92000034)

Appropriation:

State Building Construction Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$500,000

NEW SECTION. Sec. 3212. FOR THE PUGET SOUND

PARTNERSHIP

Community Partnership Restoration Grants (30000007)

Reappropriation:

General Fund--Federal	\$1,155,000
Prior Biennia (Expenditures).....	\$445,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,600,000

NEW SECTION. Sec. 3213. FOR THE DEPARTMENT

OF NATURAL RESOURCES

Land Acquisition Grants (20052021)

Reappropriation:

General Fund--Federal	\$3,714,000
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Appropriation:

General Fund--Federal	\$4,000,000
Prior Biennia (Expenditures).....	\$39,240,000
Future Biennia (Projected Costs)	\$16,000,000
TOTAL.....	\$62,954,000

NEW SECTION. Sec. 3214. FOR THE DEPARTMENT

OF NATURAL RESOURCES

Marine Station (20081015)

Reappropriation:

Resources Management Cost Account--State.....	\$318,000
State Building Construction Account--State.....	\$316,000
Subtotal Reappropriation.....	\$634,000
Prior Biennia (Expenditures).....	\$866,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,500,000

NEW SECTION. Sec. 3215. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy (30000060)

Reappropriation:

General Fund--Federal	\$11,519,000
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Appropriation:

General Fund--Federal	\$7,000,000
Prior Biennia (Expenditures).....	\$2,481,000
Future Biennia (Projected Costs)	\$28,000,000
TOTAL.....	\$49,000,000

NEW SECTION. Sec. 3216. FOR THE DEPARTMENT OF NATURAL RESOURCES

Hazardous Fuels Reduction, Forest Health, and Ecosystem Improvements (91000001)

Reappropriation:

General Fund--Federal Stimulus	\$100,000
Prior Biennia (Expenditures).....	\$19,900,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$20,000,000

NEW SECTION. Sec. 3217. FOR THE DEPARTMENT OF NATURAL RESOURCES

National Coastal Wetland Conservation Program Lands Acquisition (91000007)

Reappropriation:

General Fund--Federal	\$593,000
Prior Biennia (Expenditures).....	\$407,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,000,000

NEW SECTION. Sec. 3218. FOR THE DEPARTMENT OF NATURAL RESOURCES

Replacing State Forest Lands with Productive Forests (91000029)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The total reappropriation is provided solely to the department to transfer from state forest land status to natural resources conservation area status certain state forest lands in counties with a population of 25,000 or less that are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The approved list of properties for transfer is identified in the LEAP capital document No. 2011-5A, revised April 10, 2013.

(2) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110, in the same manner as valuable material revenues from other state forest lands in the applicable counties. The value of the land transferred must be deposited in the park land trust revolving account and be solely used to buy replacement state forest land within the same county as the property transferred, consistent with RCW 79.22.060.

(3) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose.

(4) The department and applicable counties shall work in good faith to carry out the intent of this section. However, the department or applicable counties may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide

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interest of either the state forest trust or the natural resources conservation area program.

Reappropriation:

State Building Construction Account--State.....	\$727,000
Prior Biennia (Expenditures).....	\$1,273,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,000,000

NEW SECTION. Sec. 3219. FOR THE DEPARTMENT OF NATURAL RESOURCES

Puget SoundCorps (91000046)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$3,000,000
State Building Construction Account--State.....	\$8,436,000
Subtotal Reappropriation.....	\$11,436,000
Prior Biennia (Expenditures).....	\$1,564,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$13,000,000

NEW SECTION. Sec. 3220. FOR THE DEPARTMENT OF NATURAL RESOURCES

Derelict Vessel Removal and Disposal (91000049)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for the expedited removal and disposal of derelict vessels under RCW 79.100.100 and for vessels eligible for the voluntary vessel turn-in program established in chapter 291, Laws of 2013 (Engrossed Substitute House Bill No. 1245).

(1) The department must streamline the process for removing and disposing of derelict vessels in order to expedite the elimination of the backlog of identified derelict vessels. Department staff resources must prioritize their time on the legal process of identifying legal ownership and responsibility and contracting for the removal and disposal of identified derelict vessels. The department must develop and execute contracts for removal and disposal of derelict vessels that:

- (a) Ensure proper management of any hazardous wastes;
- (b) Expedite the removal of identified derelict vessels; and
- (c) Balance costs of removal and disposal after accounting for salvage value with the need to develop contractor capacity to achieve the expedited elimination of the backlog of identified derelict vessels.

(2) The department may expend up to three percent of the appropriations for administration of the project.

(3) The department must submit a progress report each December 1st and May 1st of each year of the biennium. The report must include a list of the vessels removed and disposed of, the costs incurred for administration, removal, and disposal, and the number of vessels remaining to be removed and disposed of at the end of the reporting period.

Reappropriation:

State Building Construction Account--State.....	\$589,000
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Appropriation:

Environmental Legacy Stewardship Account--State	\$4,500,000
Prior Biennia (Expenditures).....	\$2,411,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$7,500,000

NEW SECTION. Sec. 3221. FOR THE DEPARTMENT OF NATURAL RESOURCES

Urban Forest Restoration (Puget Sound Basin) (91000051)

Reappropriation:

State Building Construction Account--State.....	\$399,000
Prior Biennia (Expenditures).....	\$1,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$400,000

NEW SECTION. Sec. 3222. FOR THE DEPARTMENT OF NATURAL RESOURCES

Large Debris Removal (91000052)

Reappropriation:

State Building Construction Account--State.....	\$188,000
Prior Biennia (Expenditures).....	\$12,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$200,000

NEW SECTION. Sec. 3223. FOR THE DEPARTMENT OF NATURAL RESOURCES

Secret Harbor Estuary Restoration - Cypress Island (91000053)

Reappropriation:

State Building Construction Account--State.....	\$415,000
Prior Biennia (Expenditures).....	\$120,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$535,000

NEW SECTION. Sec. 3224. FOR THE DEPARTMENT OF NATURAL RESOURCES

Restoration Projects to Improve Natural Resources (91000054)

Reappropriation:

State Building Construction Account--State.....	\$1,200,000
Prior Biennia (Expenditures).....	\$1,360,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,560,000

NEW SECTION. Sec. 3225. FOR THE DEPARTMENT OF NATURAL RESOURCES

Point Ruston Sediment Capping/Shoreline Restoration Stabilization (91000065)

Reappropriation:

Cleanup Settlement Account--State	\$6,584,000
Prior Biennia (Expenditures).....	\$616,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$7,200,000

NEW SECTION. Sec. 3226. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Hazard Reduction and Safety (91000066)

Reappropriation:

State Building Construction Account--State.....	\$3,941,000
Prior Biennia (Expenditures).....	\$4,529,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$8,470,000

NEW SECTION. Sec. 3227. FOR THE DEPARTMENT OF NATURAL RESOURCES

Shoreline Restoration Projects (92000011)

Reappropriation:

State Building Construction Account--State.....	\$2,944,000
Prior Biennia (Expenditures).....	\$1,022,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$3,966,000

NEW SECTION. Sec. 3228. FOR THE DEPARTMENT OF NATURAL RESOURCES

Creosote Piling Removal (92000014)

Reappropriation:

State Building Construction Account--State.....	\$880,000
Prior Biennia (Expenditures).....	\$770,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,650,000

NEW SECTION. Sec. 3229. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Facilities Preservation and Access (30000208)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for ecological restoration of the upland buffer areas within the Elk River natural resource conservation area.

Reappropriation:

Aquatic Land Enhancement Account--State.....	\$345,000
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Prior Biennia (Expenditures).....	\$1,500,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,845,000

NEW SECTION. Sec. 3230. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Riparian Easement Program (30000198)

Appropriation:

State Building Construction Account--State.....	\$2,000,000
Prior Biennia (Expenditures).....	\$1,000,000
Future Biennia (Projected Costs)	\$41,336,000
TOTAL.....	\$44,336,000

NEW SECTION. Sec. 3231. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer (30000200)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$300,000 of the appropriation in this section is provided solely for a state trust land inventory evaluation. The inventory evaluation shall determine the acreage of department managed trust lands, by asset class, that may be eligible for the trust land transfer program over the next several decades, based on currently available information. The department shall provide an interim report to the legislature by January 31, 2014, on project scope, progress to date, and recommended criteria for lease or transfer program. The department shall provide a final report by January 1, 2015.

(2) The remaining appropriation is provided solely to the department to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes. The approved list of properties for lease or transfer is identified in the LEAP capital document No. 2013-3A, developed April 10, 2013.

(3) Property transferred under this section must be appraised and transferred at fair market value. By September 30, 2013, the department must deposit in the common school construction account the portion of the appropriation in this section that represents the estimated value of the timber on the transferred properties. This transfer must be made in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the natural resources real property replacement account.

(4) Property subject to lease agreements under this section must be appraised at fair market value. Lease terms must be fifty years with options to renew for an additional fifty years. Lease payments must be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and must be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. No later than September 30, 2013, the department must transfer to the common school construction account the portion of the appropriation in this section that is attributable to receipts from lease payments.

(5) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs and shall not exceed one and nine-tenths percent of the appropriation.

(6) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(7) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the originally intended public purpose and the department and legislature approves such uses.

(8) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(9) \$39,232,000 of the appropriation must be deposited in the common school construction account by September 30, 2013. The department shall execute trust land transfers so that after the deduction of reasonable costs as provided in subsection (4) of this section on an aggregate basis eighty percent of the total value of transferred property is timber value or lease payments and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers or transfer properties originally intended as leases.

(10) By June 30, 2015, the state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section.

Appropriation:

State Building Construction Account--State.....	\$56,345,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$240,000,000
TOTAL.....	\$296,345,000

NEW SECTION. Sec. 3232. FOR THE DEPARTMENT OF NATURAL RESOURCES

Sustainable Recreation (30000207)

Appropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 3233. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road Maintenance and Abandonment Plans (RMAP) (30000211)

Appropriation:

State Building Construction Account--State.....	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,000,000

NEW SECTION. Sec. 3234. FOR THE DEPARTMENT OF NATURAL RESOURCES

2013-2015 Minor Works Preservation (30000213)

Appropriation:

Resources Management Cost Account--State.....	\$743,000
Forest Development Account--State	\$517,000
Subtotal Appropriation.....	\$1,260,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL.....	\$9,260,000

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NEW SECTION. Sec. 3235. FOR THE DEPARTMENT OF NATURAL RESOURCES

2013-2015 Minor Works Programmatic (30000216)

Appropriation:

Forest Development Account--State	\$442,000
Resources Management Cost Account--State.....	\$961,000
Subtotal Appropriation.....	\$1,403,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$31,700,000
TOTAL.....	\$33,103,000

NEW SECTION. Sec. 3236. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Preservation, Access, and Road Maintenance and Abandonment Plans (RMAP) (30000218)

Appropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL.....	\$5,000,000

NEW SECTION. Sec. 3237. FOR THE DEPARTMENT OF NATURAL RESOURCES

Rivers and Habitat Open Space Program (30000221)

Appropriation:

State Building Construction Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL.....	\$2,500,000

NEW SECTION. Sec. 3238. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Replacement (30000222)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for acquiring replacement trust lands. Regarding the portion of state trust land that is known as "Pasco 16" that is south of Interstate 82 and west of Road 68 in undeveloped and/or in agricultural use, the legislature directs the department of natural resources to:

(1) Coordinate with the city of Pasco to rezone current agriculture land in the area to reflect proposed residential and commercial land use that is consistent with the planning map held by the department and coordinate with the city in their efforts to finalize the plans for a frontage road and any other municipality improvements. The costs for rezoning, road planning, and making municipality improvements shall be borne by the city and/or passed through to future development;

(2) Sell at auction the areas of Pasco 16 that are designated as residential or multifamily as per chapter 79.11 RCW by June 30, 2015;

(3) Reinvest the proceeds according to the department's current authorities; and

(4) Manage the land north of the proposed frontage road designated as commercial land use through leases negotiated by the department to be consistent with the planned commercial land use.

Appropriation:

Resources Management Cost Account--State.....	\$25,000,000
Natural Resources Real Property Replacement--State	\$25,000,000
Community and Technical College Forest Reserve Account--State.....	\$500,000
Subtotal Appropriation.....	\$50,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$202,000,000
TOTAL.....	\$252,500,000

NEW SECTION. Sec. 3239. FOR THE DEPARTMENT OF NATURAL RESOURCES

State Forest Land Replacement (30000223)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to the department to transfer from state forest land status to natural resources conservation area status certain state forest lands in counties with a population of twenty-five thousand or less which are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The total appropriation is to be used equally for the transfer of qualifying state forest lands in the qualifying counties.

(2) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forest land, consistent with RCW 79.22.060.

(3) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose.

(4) The department and applicable counties shall work in good faith to carry out the intent of this section. The department will identify eligible properties for transfer, consistent with subsection (1) of this section, in consultation with the applicable counties, and will not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account--State.....	\$1,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,500,000

NEW SECTION. Sec. 3240. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Hazard Reduction (30000224)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for forest health hazard reduction treatments on state, federal, and private lands. The appropriation may be used for mechanical treatments, project planning, site preparation, permitting, or prescribed burning. The department, in consultation with the forest health technical advisory group, shall provide a report to the governor and the legislature by October 1, 2014, on its work to reduce forest health hazards from fiscal year 2010 through fiscal year 2014. This report must include an estimate of work needed through fiscal year 2020 on state, federal, and private lands and recommended mechanisms to fund this work.

Appropriation:

State Building Construction Account--State.....	\$4,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL.....	\$24,000,000

NEW SECTION. Sec. 3241. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road Maintenance and Abandonment Plan (RMAP) (91000040)

Reappropriation:

State Building Construction Account--State.....	\$3,710,000
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Prior Biennia (Expenditures).....\$3,124,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$6,834,000

NEW SECTION. Sec. 3242. FOR THE DEPARTMENT OF NATURAL RESOURCES

Barbeque Flats Road Access (91000081)

Appropriation:

State Building Construction Account--State.....\$500,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$500,000

NEW SECTION. Sec. 3243. FOR THE DEPARTMENT OF NATURAL RESOURCES

Quinault Coastal Forest and Watershed Restoration Grant (92000019)

Appropriation:

State Building Construction Account--State.....\$1,800,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$1,800,000

NEW SECTION. Sec. 3244. FOR THE DEPARTMENT OF NATURAL RESOURCES

Patterson Pipeline (92000020)

Appropriation:

Resource Management Cost Account--State.....\$2,500,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$2,500,000

NEW SECTION. Sec. 3245. FOR THE DEPARTMENT OF NATURAL RESOURCES

Yakima Basin Integrated Plan Land Purchase (92000018)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for acquisition of the approximately 50,272 acres in the upper Kittitas county known as the Teanaway Property, owned by American Forest Holdings, LLC at the agreed upon purchase price of \$97 million plus \$2,344,000 closing, and transaction costs, based on prior appraisals of the property. The department must expedite the review and execution of the transaction by September 15, 2013. The land must be held in the community forest trusts under chapter 79.155 RCW to serve the purposes of the community forest trust including the protection of Yakima river basin functioning as authorized in Second Substitute Senate Bill No. 5367. If Second Substitute Senate Bill No. 5367 is not enacted by June 30, 2013, this section is null and void.

(2) The legislature recognizes and declares that the appropriation in this section from the natural resource real property replacement account constitutes a loan from the irreducible principal of the common school trust. The legislature finds that the provisions in Second Substitute Senate Bill No. 5367 regarding purchase review and approval, transitional management plans, and eventual loan repayment or land disposition requirements ensure that the interest of the common school trust beneficiaries are protected.

(3) The department must propose to the board of natural resources a schedule for transfer of trust land inholdings within the land purchase by this appropriation through the trust land transfer program.

Appropriation:

Natural Resources Real Property Replacement Account--State.....\$10,000,000
 State Building Construction Account--State.....\$89,344,000
 Subtotal Appropriation.....\$99,344,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$99,344,000

NEW SECTION. Sec. 3246. FOR THE DEPARTMENT OF AGRICULTURE

Health and Safety Improvements at Fairs (91000003)

Appropriation:

State Building Construction Account--State.....\$1,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$1,000,000

NEW SECTION. Sec. 3247. FOR THE DEPARTMENT OF AGRICULTURE

Animal Disease Traceability (91000004)

Appropriation:

Public Facility Construction Loan Revolving Account--State.....\$881,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$881,000

(End of part)

**PART 4
 TRANSPORTATION**

NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL

Emergency Repairs (30000031)

Appropriation:

Fire Service Training Account--State.....\$200,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$800,000
 TOTAL.....\$1,000,000

NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL

Burn Building Repair (30000032)

Appropriation:

Fire Service Training Account--State.....\$300,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$300,000
 TOTAL.....\$600,000

NEW SECTION. Sec. 4003. FOR THE WASHINGTON STATE PATROL

Fire Training Academy Burn Building Replacement (30000071)

Appropriation:

Fire Service Training Account--State.....\$1,500,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$13,000,000
 TOTAL.....\$14,500,000

(End of part)

**PART 5
 EDUCATION**

NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2007-2009 School Construction Assistance Grant Program (20084200)

The reappropriation in this section is subject to the following conditions and limitations: For school construction projects funded through the school construction assistance grant program, the superintendent of public instruction shall require mapping the design of new facilities and remapping the design of facilities to be remodeled.

Reappropriation:

Common School Construction Account--State.....\$650,000

Prior Biennia (Expenditures).....\$791,109,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$791,759,000

NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Northeast King County Skills Center (20084855)

Reappropriation:

School Construction and Skill Centers Building
 Account--State.....\$41,000
 Prior Biennia (Expenditures).....\$8,561,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$8,602,000

NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Pierce County Skills Center (20084856)

Reappropriation:

State Building Construction Account--State.....\$6,198,000
 School Construction and Skills Center Building
 Account--State.....\$50,000
 Subtotal Reappropriation.....\$6,248,000

Appropriation:

State Building Construction Account--State.....\$11,609,000
 Prior Biennia (Expenditures).....\$17,688,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$35,545,000

NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2009-2011 School Construction Assistance Grant Program (30000031)

The reappropriations in this section are subject to the following conditions and limitations: Up to \$14,000,000 of the state building construction account--state reappropriation in this section is for the Grand Coulee Dam school district school project, contingent on the availability of sufficient contributions from federal, local, private, or other sources to make up the remainder of the total cost of the project. The Grand Coulee Dam school district is faced with a unique set of local funding barriers and federal or other funds may substitute as the usual requirement for school district participation. In the event sufficient matching contributions are not secured by the Grand Coulee Dam school district, these funds shall lapse.

Reappropriation:

State Building Construction Account--State.....\$14,000,000
 Common School Construction Account--State.....\$12,000,000
 Subtotal Reappropriation.....\$26,000,000
 Prior Biennia (Expenditures).....\$490,595,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$516,595,000

NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Energy Efficiency and Small Repair Grants (91000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5007, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account--State.....\$2,424,000
 Prior Biennia (Expenditures).....\$67,465,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$69,889,000

NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2011-2013 School Construction Assistance Program (30000071)

Reappropriation:

State Building Construction Account--State.....\$52,566,000

Common School Construction Account--State.....\$281,191,000
 Subtotal Reappropriation.....\$333,757,000
 Prior Biennia (Expenditures).....\$223,435,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$557,192,000

NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Yakima Valley Technical Skills Center (30000076)

Reappropriation:

State Building Construction Account--State.....\$12,962,000
 Prior Biennia (Expenditures).....\$12,481,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$25,443,000

NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

SEA-Tech Branch Campus of Tri-Tech Skills Center (30000078)

Reappropriation:

State Building Construction Account--State.....\$10,570,000
 Prior Biennia (Expenditures).....\$949,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$11,519,000

NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Grant County Branch Campus of Wenatchee Valley Skills Center (30000091)

Reappropriation:

State Building Construction Account--State.....\$18,861,000
 Prior Biennia (Expenditures).....\$547,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$19,408,000

NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Clark County Skills Center (30000093)

Reappropriation:

State Building Construction Account--State.....\$650,000

Appropriation:
 State Building Construction Account--State.....\$7,151,000
 Prior Biennia (Expenditures).....\$100,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$7,901,000

NEW SECTION. Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Energy Operational Savings Project Grants (30000097)

Reappropriation:

State Building Construction Account--State.....\$4,351,000
 Prior Biennia (Expenditures).....\$15,649,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$20,000,000

NEW SECTION. Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Energy Efficiency Grants for K-12 Schools (91000017)

Reappropriation:

State Building Construction Account--State.....\$37,238,000
 Prior Biennia (Expenditures).....\$2,762,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$40,000,000

NEW SECTION. Sec. 5013. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Wenatchee Valley Skills Center (92000004)

Reappropriation:

State Building Construction Account--State.....\$9,386,000
 Prior Biennia (Expenditures).....\$114,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$9,500,000

NEW SECTION. Sec. 5014. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Spokane Area Professional - Technical Skills Center (92000005)

Reappropriation:

State Building Construction Account--State.....\$1,800,000

Appropriation:

State Building Construction Account--State.....\$11,887,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$13,687,000

NEW SECTION. Sec. 5015. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

WA-NIC (Washington Network for Innovative Careers) Skills Center - Snoqualmie Valley School District/Bellevue Community College (92000006)

Reappropriation:

State Building Construction Account--State.....\$1,715,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$1,715,000

NEW SECTION. Sec. 5016. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Puget Sound Skills Center (92000007)

The reappropriation in this section is subject to the following conditions and limitations: The office of the superintendent of public instruction and the Puget Sound skills center shall enter into an interagency agreement with the office of financial management to provide funding for a budget evaluation study. The office of financial management shall use a budget evaluation study team approach using value engineering techniques and life cycle cost analysis in conducting the study. The office of financial management shall select the budget evaluation team members, contract for the study, and report the results to the legislature, the office of the superintendent of public instruction, and the Puget Sound skills center in a timely manner following completion of the study. The study must also include a review of land acquisitions for the project site, including whether there was adequate disclosure of fill materials that contained toxic substances or substandard soils that would require disposal prior to construction, and whether those disclosed conditions were accounted for in setting the purchase price and other considerations for the land acquisition.

Reappropriation:

State Building Construction Account--State.....\$1,500,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$1,500,000

NEW SECTION. Sec. 5017. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (92000009)

Reappropriation:

State Building Construction Account--State.....\$22,415,000
 Prior Biennia (Expenditures).....\$4,985,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$27,400,000

NEW SECTION. Sec. 5018. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Yakima Valley Technical Skills Center Sunnyside Satellite (92000013)

Reappropriation:

State Building Construction Account--State.....\$5,938,000
 Prior Biennia (Expenditures).....\$287,000

Future Biennia (Projected Costs)\$0
 TOTAL.....\$6,225,000

NEW SECTION. Sec. 5019. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Program Administration (30000128)

Appropriation:

Common School Construction Account--State.....\$3,854,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$16,246,000
 TOTAL.....\$20,100,000

NEW SECTION. Sec. 5020. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2013-2015 School Construction Assistance Program - Maintenance (30000145)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,340,000 of the common school construction account--state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for all public school districts once every six years.

(2) \$933,000 of the common school construction account--state appropriation is provided solely for mapping the design of new facilities and remapping the design of facilities to be remodeled, for school construction projects funded through the school construction assistance program.

(3) \$250,000 of the common school construction account--state appropriation is provided solely for the superintendent of public instruction to create interagency agreements for the following purposes:

(a) An interagency agreement with The Evergreen State College for a study by the Washington state institute for public policy on the relationship between school design and student performance. The institute must review available research on the relationship between school design and quality of school facilities and student performance. The institute must develop recommendations on how the school construction assistance program can better support state policy objectives to reform and improve public education if the review finds credible research that supports those recommendations. The institute must prepare a report describing the recommendations and their projected costs and benefits. The report must be submitted to the appropriate committees of the legislature by September 1, 2014. The institute must convene an advisory group to assist in the development of these recommendations. The advisory group must include representation from general classroom teachers at various grade levels, teachers of subjects that require specialized facilities such as science laboratories and vocational facilities, school facility managers, school facility designers, and other experts on the relationship between the quality and design of educational facilities, the efficacy of teaching and instruction, and student academic performance. The advisory group must review and consider findings and recommendations in the 2009 joint legislative task force on school construction funding. The recommendations must consider ways to provide financial assistance to develop and improve educational facilities to support at least the following policy objectives:

- (i) Greater access and more effective instruction in science, technology, engineering, and math;
- (ii) Improved instruction;
- (iii) Class size reduction in grades K-3;
- (iv) Expanded college and career readiness programs that require specialized facilities like skill centers.

(b) An interagency agreement with the office of financial management to coordinate a review and make recommendations regarding the financing of specialized school facilities such as skill centers. A report to the appropriate committees of the legislature

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must be submitted by September 1, 2014. The review and recommendations must include:

- (i) Brief overview of current funding mechanisms;
- (ii) Options for improving consistency, predictability, and cost-sharing;
- (iii) Options for revising the school construction assistance program and/or local levy authority to accommodate skill centers, facilities shared among districts, or other specialized educational program needs;
- (iv) A review of siting decision factors; financial incentives; education demands; and recommendations for maximizing the appropriate statewide siting of specialized facilities;
- (v) An evaluation of the benefit-cost of skill center expansion to satellite and branch campuses as implemented under RCW 28A.245.030;
- (vi) Options for increasing efficiency in the use of high-cost specialized school facilities, such as the shared use of specialized facilities at skill centers and community colleges, and ways to share funding responsibilities between multiple school districts and the state.

(4) The office of the superintendent of public instruction must improve web-based access by taxpayers to school capacity and actual enrollment in order to understand possible opportunities to increase efficiency through consolidation. The office of the superintendent of public instruction must post this capacity and enrollment information on its web site.

(5) Funds from this appropriation may be used to match federal dollars provided by the office of economic adjustment for school replacement facilities located on military bases.

(6) The office of the superintendent of public instruction must expedite allocation and distribution of any eligible funds under the school construction assistance grant program to the Evergreen (Clark County) School District to address the school construction emergency resulting from the fire that destroyed the Crestline School.

(7) The space allocations for state funding assistance purposes for districts with senior or four-year high schools with fewer than four hundred students, as outlined in WAC 392-343-035, must be computed in accordance with the following formula:

Number of Headcount Student-Grades 9-12	Maximum Space Allocation Per Facility
0-200	42,000 square feet
201-300	48,000 square feet
301-or more	52,000 square feet

Appropriation:

State Building Construction Account--State.....	\$285,355,000
Common School Construction Account--State.....	\$208,232,000
Common School Construction Account--Federal.....	\$1,500,000
Subtotal Appropriation.....	\$495,087,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$3,099,310,000
TOTAL.....	\$3,594,397,000

NEW SECTION. Sec. 5021. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (91000024)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for renovation of Cedar Park elementary school and to accelerate the replacement of Arbor Heights elementary school.

Appropriation:

State Building Construction Account--State.....	\$10,000,000
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Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$10,000,000

NEW SECTION. Sec. 5022. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Tahoma School District (91000023)

The appropriation in this section is subject to the following conditions and limitations: Up to \$4,000,000 of the appropriation in this section is for the purchase of property from King county for the siting of a school within the Tahoma school district.

Appropriation:

State Building Construction Account--State.....	\$4,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$4,000,000

NEW SECTION. Sec. 5023. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Energy Efficiency Grants for K-12 Schools (91000025)

Appropriation:

State Building Construction Account--State.....	\$7,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$7,000,000

NEW SECTION. Sec. 5024. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Spokane Valley Tech (91000026)

Appropriation:

State Building Construction Account--State.....	\$1,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,500,000

NEW SECTION. Sec. 5025. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School Security Improvement Grants (92000015)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for nonrecurring costs associated with school facility safety projects consistent with chapter 233, Laws of 2013 (Second Engrossed Substitute Senate Bill No. 5197).

Appropriation:

State Building Construction Account--State.....	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$10,000,000

NEW SECTION. Sec. 5026. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Delta High School (92000017)

Appropriation:

State Building Construction Account--State.....	\$5,400,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,400,000

NEW SECTION. Sec. 5027. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

San Juan School District STEM Vocational Building Renovation (91000027)

Appropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,000,000

NEW SECTION. Sec. 5028. FOR THE STATE SCHOOL FOR THE BLIND

General Campus Preservation (30000018)

Reappropriation:

State Building Construction Account--State.....\$149,000
 Prior Biennia (Expenditures).....\$401,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$550,000

NEW SECTION. Sec. 5029. FOR THE STATE

SCHOOL FOR THE BLIND

General Campus Preservation (30000033)

Appropriation:

State Building Construction Account--State.....\$500,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$2,215,000
 TOTAL.....\$2,715,000

NEW SECTION. Sec. 5030. FOR THE WASHINGTON

STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

Minor Public Works (30000023)

Appropriation:

State Building Construction Account--State.....\$1,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$1,000,000

NEW SECTION. Sec. 5031. FOR THE UNIVERSITY

OF WASHINGTON

UW Bothell (20082006)

Reappropriation:

State Building Construction Account--State.....\$1,700,000
 University of Washington Building Account--State\$12,963,000
 Subtotal Reappropriation.....\$14,663,000
 Prior Biennia (Expenditures).....\$23,337,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$38,000,000

NEW SECTION. Sec. 5032. FOR THE UNIVERSITY

OF WASHINGTON

House of Knowledge Longhouse (30000021)

Reappropriation:

State Building Construction Account--State.....\$2,400,000
 Prior Biennia (Expenditures).....\$600,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$3,000,000

NEW SECTION. Sec. 5033. FOR THE UNIVERSITY

OF WASHINGTON

Odegaard Undergraduate Learning Center (30000370)

Reappropriation:

State Building Construction Account--State.....\$900,000
 Prior Biennia (Expenditures).....\$15,675,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$16,575,000

NEW SECTION. Sec. 5034. FOR THE UNIVERSITY

OF WASHINGTON

High Voltage Infrastructure Improvement Project (30000371)

Reappropriation:

State Building Construction Account--State.....\$200,000
 Prior Biennia (Expenditures).....\$4,165,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$4,365,000

NEW SECTION. Sec. 5035. FOR THE UNIVERSITY

OF WASHINGTON

University of Washington Minor Capital Repairs (30000372)

Reappropriation:

State Building Construction Account--State.....\$500,000
 University of Washington Building Account--State \$2,000,000
 Subtotal Reappropriation.....\$2,500,000
 Prior Biennia (Expenditures).....\$36,487,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$38,987,000

NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON

University of Washington Tacoma Campus Development and Soil Remediation (92000002)

Reappropriation:

State Building Construction Account--State.....\$4,300,000
 State Toxics Control Account--State.....\$700,000
 Subtotal Reappropriation.....\$5,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$5,000,000

NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON

Denny Hall Renovation (20081002)

The appropriation in this section is subject to the following conditions and limitations: In conjunction with the appropriation in this section, the University of Washington is authorized to issue a bond or bonds in an amount not to exceed \$20,000,000 in value for the renovation of Denny hall identified in this section. The bond shall be financed from building fee and trust land revenues deposited into the university's bond retirement account, in accordance with RCW 28B.20.700 through 28B.20.740.

Appropriation:

State Building Construction Account--State.....\$30,590,000
 Prior Biennia (Expenditures).....\$2,302,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$32,892,000

NEW SECTION. Sec. 5038. FOR THE UNIVERSITY OF WASHINGTON

Lewis Hall Renovation (20081003)

Appropriation:

State Building Construction Account--State.....\$2,587,000
 Prior Biennia (Expenditures).....\$1,478,000
 Future Biennia (Projected Costs)\$19,095,000
 TOTAL.....\$23,160,000

NEW SECTION. Sec. 5039. FOR THE UNIVERSITY OF WASHINGTON

Burke Museum Renovation (20082850)

Reappropriation:

State Building Construction Account--State.....\$3,000,000
 Prior Biennia (Expenditures).....\$800,000
 Future Biennia (Projected Costs)\$14,000,000
 TOTAL.....\$17,800,000

NEW SECTION. Sec. 5040. FOR THE UNIVERSITY OF WASHINGTON

University of Washington Tacoma - Soils Remediation (20082852)

Reappropriation:

State Toxics Control Account--State.....\$500,000
 Prior Biennia (Expenditures).....\$500,000
 Future Biennia (Projected Costs)\$20,000,000
 TOTAL.....\$21,000,000

NEW SECTION. Sec. 5041. FOR THE UNIVERSITY OF WASHINGTON

University of Washington Magnuson Health Sciences Center Roofing Replacement Project (30000483)

Appropriation:

State Building Construction Account--State.....\$5,794,000
 University of Washington Building Account--State....\$735,000
 Subtotal Appropriation.....\$6,529,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$6,529,000

NEW SECTION. Sec. 5042. FOR THE UNIVERSITY OF WASHINGTON

Minor Capital Repairs - Preservation (30000494)

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Appropriation:

State Building Construction Account--State.....	\$3,539,000
University of Washington Building Account--State.....	
.....	\$43,215,000
Subtotal Appropriation.....	\$46,754,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$208,000,000
TOTAL.....	\$254,754,000

NEW SECTION. Sec. 5043. FOR THE UNIVERSITY

OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (91000013)

Appropriation:

University of Washington Building Account--State.....	\$25,825,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$25,825,000

NEW SECTION. Sec. 5044. FOR THE UNIVERSITY

OF WASHINGTON

University of Washington Tacoma Urban/Science Education Facility (91000014)

Appropriation:

State Building Construction Account--State.....	\$1,900,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,900,000

NEW SECTION. Sec. 5045. FOR THE WASHINGTON

STATE UNIVERSITY

Washington State University Spokane - Riverpoint Biomedical and Health Sciences (20162953)

Reappropriation:

State Building Construction Account--State.....	\$5,230,000
Washington State University Building Account--State.....	
.....	\$3,770,000
Subtotal Reappropriation.....	\$9,000,000
Prior Biennia (Expenditures).....	\$41,140,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$50,140,000

NEW SECTION. Sec. 5046. FOR THE WASHINGTON

STATE UNIVERSITY

Minor Works - Preservation (30000525)

Reappropriation:

Washington State University Building Account--State.....	
.....	\$6,300,000
Prior Biennia (Expenditures).....	\$18,015,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$24,315,000

NEW SECTION. Sec. 5047. FOR THE WASHINGTON

STATE UNIVERSITY

Preventive Maintenance and Building System Repairs (91000024)

Appropriation:

Washington State University Building Account--State.....	\$10,115,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$10,115,000

NEW SECTION. Sec. 5048. FOR THE WASHINGTON

STATE UNIVERSITY

Washington State University Pullman - Troy Hall Renovation (20061030)

Appropriation:

State Building Construction Account--State.....	\$1,527,000
Washington State University Building Account--State.....	\$494,000
Subtotal Appropriation.....	\$2,021,000

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$34,550,000
TOTAL.....	\$36,571,000

NEW SECTION. Sec. 5049. FOR THE WASHINGTON

STATE UNIVERSITY

Clean Technology Laboratory (30000069)

The appropriation in this section is subject to the following conditions and limitations: In conjunction with the appropriation in this section, the Washington State University is authorized to issue a bond or bonds in an amount not to exceed \$20,000,000 in value for construction of the clean technology laboratory identified in this section. The bond shall be financed from building fee and trust land revenues deposited into the university's bond retirement account, in accordance with RCW 28B.30.700 through 28B.30.780.

Appropriation:

State Building Construction Account--State.....	\$30,335,000
Prior Biennia (Expenditures).....	\$2,500,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$32,835,000

NEW SECTION. Sec. 5050. FOR THE WASHINGTON

STATE UNIVERSITY

Washington State University Prosser - Viticulture and Enology Facility (30000500)

Appropriation:

Washington State University Building Account--State.....	
.....	\$2,792,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,792,000

NEW SECTION. Sec. 5051. FOR THE WASHINGTON

STATE UNIVERSITY

Washington State University Prosser - Agriculture Technology Building Addition (30000518)

Appropriation:

Washington State University Building Account--State.....	
.....	\$2,114,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,114,000

NEW SECTION. Sec. 5052. FOR THE WASHINGTON

STATE UNIVERSITY

Washington State University Pullman - Plant Sciences Building (REC#5) (30000519)

Appropriation:

Washington State University Building Account--State.....	
.....	\$500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$65,500,000
TOTAL.....	\$66,000,000

NEW SECTION. Sec. 5053. FOR THE WASHINGTON

STATE UNIVERSITY

Plant Growth (Greenhouse) Facilities, Phase 1 (30000835)

Appropriation:

Washington State University Building Account--State.....	
.....	\$225,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$14,775,000
TOTAL.....	\$15,000,000

NEW SECTION. Sec. 5054. FOR THE WASHINGTON

STATE UNIVERSITY

2013-2015 Minor Works - Preservation, Safety, and Infrastructure (30000849)

Appropriation:

State Building Construction Account--State.....	\$12,214,000
Washington State University Building.....	

Account--State.....	\$16,350,000
Subtotal Appropriation.....	\$28,564,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$28,564,000

NEW SECTION. Sec. 5055. FOR THE WASHINGTON STATE UNIVERSITY

Washington State University Pullman Pedestrian Bridge (91000028)

Appropriation:

Washington State University Building	
Account--State.....	\$1,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,500,000

NEW SECTION. Sec. 5056. FOR THE WASHINGTON STATE UNIVERSITY

Everett University Center (91000026)

The appropriation in this section is subject to the following conditions and limitations:

(1) The building must be delivered using design build, as defined by chapter 39.10 RCW, with a guarantee for energy, operations, and maintenance performance.

(2) To ensure that the total cost of the project is accounted for and the most reasonable and cost efficient design is used, Washington State University shall develop life cycle costs for this project. The life cycle costs shall represent the present value sum of capital costs, installation costs, operating costs, and maintenance costs over the life expectancy of the project. The legislature further finds the most effective approach to the life cycle cost analysis is to integrate it into the early part of the design process.

(3) Washington State University shall develop a minimum of three project alternatives for use in the life cycle cost analysis. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative must be the most reasonable and cost-effective solution. A brief description of each project alternative and why it was chosen must be included in the life cycle cost analysis.

(4) The office of financial management shall: (a) Make available a life cycle cost model to be used for analysis; and (b) in consultation with the department of enterprise services, provide assistance in using the life cycle cost model.

(5) The Washington State University shall consider architectural and engineering firms' and general contractors' experience using life cycle costs, operating costs, and energy efficiency measures when selecting an architectural and engineering firm, or when selecting a contractor using alternative contracting methods.

Appropriation:

State Building Construction Account--State.....	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$10,000,000

NEW SECTION. Sec. 5057. FOR THE WASHINGTON STATE UNIVERSITY

Benefit-Cost Analyses of the Yakima River Basin Integrated Plan Projects (91000027)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the state of Washington water research center to prepare separate benefit-cost analyses for each of the projects proposed in the 2012 Yakima river basin integrated water resources management plan (Yakima integrated plan), as listed in subsection (7) of this section.

(2) To the greatest extent possible, the center must use information from existing studies, supplemented by primary research, to measure and evaluate each project's benefits and costs.

(3) The center must measure and report the economic benefits of each project on a disaggregated basis, so that it is clear the extent to which an individual project is expected to result in increases in fish populations, increases in the reliability of irrigation water during severe drought years, and improvements in municipal and domestic water supply.

(4) The center may enter into agreements with other state universities and with private consultants as needed to accomplish the scope of work.

(5) The center may consult, as necessary, with the department of ecology and the Yakima river basin water enhancement project workgroup.

(6) No more than twelve percent of the total appropriation may be retained for administrative overhead expenses.

(7) The center must submit the benefit-cost analyses, findings and any recommendations on the following projects by December 15, 2014, to appropriate legislative fiscal committees:

- (a) Tributary/mainstem enhancement
- (b) Box canyon creek
- (c) Subordination of power generation (Roza and Chandler)
- (d) Aquifer storage and recovery projects
- (e) Agricultural conservation
- (f) Municipal conservation
- (g) Water bank exchange programs
- (h) Cle Elum reservoir
- (i) Keechelus, Kachess, Tieton reservoir
- (j) Keechelus to Kachess pipeline
- (k) Wymer reservoir
- (l) Bumping reservoir enlargement

Appropriation:

State Building Construction Account--State.....	\$300,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$300,000

NEW SECTION. Sec. 5058. FOR THE EASTERN WASHINGTON UNIVERSITY

Patterson Hall Remodel (20062002)

Reappropriation:

State Building Construction Account--State.....	\$13,885,000
Prior Biennia (Expenditures).....	\$42,958,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$56,843,000

NEW SECTION. Sec. 5059. FOR THE EASTERN WASHINGTON UNIVERSITY

Upgrade/Repair Campus Water System (30000422)

Appropriation:

State Building Construction Account--State.....	\$5,508,000
Eastern Washington University Capital Projects	
Account--State.....	\$1,770,000
Subtotal Appropriation.....	\$7,278,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$7,278,000

NEW SECTION. Sec. 5060. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Preservation (30000427)

Reappropriation:

State Building Construction Account--State.....	\$1,320,000
Eastern Washington University Capital Projects	
Account--State.....	\$5,654,000
Subtotal Reappropriation.....	\$6,974,000
Prior Biennia (Expenditures).....	\$9,666,000
Future Biennia (Projected Costs)	\$0

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TOTAL.....\$16,640,000

NEW SECTION. Sec. 5061. FOR THE EASTERN WASHINGTON UNIVERSITY
 University Science Center - Science II (30000466)

Appropriation:
 State Building Construction Account--State.....\$350,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$86,970,000
 TOTAL.....\$87,320,000

NEW SECTION. Sec. 5062. FOR THE EASTERN WASHINGTON UNIVERSITY
 Eastern Washington University Minor Works Preservation (30000468)

Appropriation:
 State Building Construction Account--State.....\$1,434,000
 Eastern Washington University Capital Projects Account--State.....\$7,066,000
 Subtotal Appropriation.....\$8,500,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$8,500,000

NEW SECTION. Sec. 5063. FOR THE EASTERN WASHINGTON UNIVERSITY
 Preventive Maintenance and Building System Repairs (30000500)

Appropriation:
 Eastern Washington University Capital Projects Account--State.....\$2,217,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$2,217,000

NEW SECTION. Sec. 5064. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Science Building (30000045)

Reappropriation:
 State Building Construction Account--State.....\$900,000

Appropriation:
 State Building Construction Account--State.....\$61,193,000
 Prior Biennia (Expenditures).....\$1,678,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$63,771,000

NEW SECTION. Sec. 5065. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Minor Works Preservation (30000444)

Reappropriation:
 Central Washington University Capital Projects Account--State.....\$3,500,000
 Prior Biennia (Expenditures).....\$3,930,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$7,430,000

NEW SECTION. Sec. 5066. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Combined Utilities (30000448)

Reappropriation:
 State Building Construction Account--State.....\$700,000

Appropriation:
 State Building Construction Account--State.....\$5,730,000
 Central Washington University Capital Projects Account--State.....\$480,000
 Subtotal Appropriation.....\$6,210,000
 Prior Biennia (Expenditures).....\$3,300,000
 Future Biennia (Projected Costs)\$19,600,000
 TOTAL.....\$29,810,000

NEW SECTION. Sec. 5067. FOR THE CENTRAL WASHINGTON UNIVERSITY

Samuelson Communication and Technology Center (SCTC) (30000451)

Reappropriation:
 State Building Construction Account--State.....\$3,000,000
 Prior Biennia (Expenditures).....\$2,000,000
 Future Biennia (Projected Costs)\$65,481,000
 TOTAL.....\$70,481,000

NEW SECTION. Sec. 5068. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Minor Works Preservation (30000615)

Appropriation:
 Central Washington University Capital Projects Account--State.....\$7,000,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$7,000,000

NEW SECTION. Sec. 5069. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Preventive Maintenance and Building System Repairs (30000677)

Appropriation:
 Central Washington University Capital Projects Account--State.....\$2,422,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$2,422,000

NEW SECTION. Sec. 5070. FOR THE EVERGREEN STATE COLLEGE
 Communications Laboratory Building Preservation and Renovation (30000002)

Reappropriation:
 The Evergreen State College Capital Projects Account--State.....\$350,000
 Prior Biennia (Expenditures).....\$10,631,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$10,981,000

NEW SECTION. Sec. 5071. FOR THE EVERGREEN STATE COLLEGE
 Facilities Preservation (30000051)

Reappropriation:
 The Evergreen State College Capital Projects Account--State.....\$375,000
 Prior Biennia (Expenditures).....\$6,560,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$6,935,000

NEW SECTION. Sec. 5072. FOR THE EVERGREEN STATE COLLEGE
 Facility Preservation (30000084)

Appropriation:
 State Building Construction Account--State.....\$1,580,000
 The Evergreen State College Capital Projects Account--State.....\$5,120,000
 Subtotal Appropriation.....\$6,700,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$212,000
 TOTAL.....\$6,912,000

NEW SECTION. Sec. 5073. FOR THE EVERGREEN STATE COLLEGE
 Science Center - Lab I, 2nd Floor Renovation (30000116)

Reappropriation:
 State Building Construction Account--State.....\$375,000
 Prior Biennia (Expenditures).....\$4,575,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$4,950,000

NEW SECTION. Sec. 5074. FOR THE EVERGREEN STATE COLLEGE

Science Center - Lab II, 2nd Floor Renovation (30000117)

Appropriation:

State Building Construction Account--State.....	\$3,544,000
The Evergreen State College Capital Projects Account--State.....	\$1,150,000
Subtotal Appropriation.....	\$4,694,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,694,000

NEW SECTION. Sec. 5075. FOR THE EVERGREEN STATE COLLEGE

Science Center - Lab I Basement Renovation (30000118)

Appropriation:

State Building Construction Account--State.....	\$1,805,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,805,000

NEW SECTION. Sec. 5076. FOR THE EVERGREEN STATE COLLEGE

Lecture Hall Remodel (30000493)

Appropriation:

State Building Construction Account--State.....	\$1,308,000
Prior Biennia (Expenditures).....	\$300,000
Future Biennia (Projected Costs).....	\$15,457,000
TOTAL.....	\$17,065,000

NEW SECTION. Sec. 5077. FOR THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repair (30000503)

Appropriation:

The Evergreen State College Capital Projects Account--State.....	\$760,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$760,000

NEW SECTION. Sec. 5078. FOR THE WESTERN WASHINGTON UNIVERSITY

Carver Academic Renovation (20081060)

Reappropriation:

State Building Construction Account--State.....	\$2,000,000
Prior Biennia (Expenditures).....	\$5,374,000
Future Biennia (Projected Costs).....	\$73,531,000
TOTAL.....	\$80,905,000

NEW SECTION. Sec. 5079. FOR THE WESTERN WASHINGTON UNIVERSITY

Classroom and Lab Upgrades (30000425)

Reappropriation:

State Building Construction Account--State.....	\$50,000
Western Washington University Capital Projects Account--State.....	\$489,000
Subtotal Reappropriation.....	\$539,000
Prior Biennia (Expenditures).....	\$4,260,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,799,000

NEW SECTION. Sec. 5080. FOR THE WESTERN WASHINGTON UNIVERSITY

Fraser Hall Renovation (30000427)

Reappropriation:

State Building Construction Account--State.....	\$2,500,000
Prior Biennia (Expenditures).....	\$2,440,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,940,000

NEW SECTION. Sec. 5081. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation (30000431)

Reappropriation:

Western Washington University Capital Projects Account--State.....	\$2,508,000
Prior Biennia (Expenditures).....	\$7,286,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$9,794,000

NEW SECTION. Sec. 5082. FOR THE WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (91000006)

Appropriation:

Western Washington University Capital Projects Account--State.....	\$3,614,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,614,000

NEW SECTION. Sec. 5083. FOR THE WESTERN WASHINGTON UNIVERSITY

North Campus Utility Upgrade (30000426)

Appropriation:

State Building Construction Account--State.....	\$3,462,000
Western Washington University Capital Projects Account--State.....	\$120,000
Subtotal Appropriation.....	\$3,582,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,582,000

NEW SECTION. Sec. 5084. FOR THE WESTERN WASHINGTON UNIVERSITY

Classroom and Lab Upgrades Phase 2 (30000518)

Appropriation:

State Building Construction Account--State.....	\$3,830,000
Western Washington University Capital Projects Account--State.....	\$916,000
Subtotal Appropriation.....	\$4,746,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,746,000

NEW SECTION. Sec. 5085. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation (30000524)

Appropriation:

Western Washington University Capital Projects Account--State.....	\$7,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$30,000,000
TOTAL.....	\$37,500,000

NEW SECTION. Sec. 5086. FOR THE WESTERN WASHINGTON UNIVERSITY

Performing Arts Exterior Renewal (30000428)

Appropriation:

State Building Construction Account--State.....	\$2,947,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,947,000

NEW SECTION. Sec. 5087. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Pacific-Lewis and Clark Station Camp Park Project (2002S001)

Reappropriation:

State Building Construction Account--State.....	\$226,000
Prior Biennia (Expenditures).....	\$4,261,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,487,000

NEW SECTION. Sec. 5088. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

EIGHTEENTH DAY, JUNE 29, 2013

2013 2ND SPECIAL SESSION

Washington Heritage Grants (20074004)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the provisions of RCW 27.34.330.

(2) The reappropriation in this section is subject to the project list in section 5137, chapter 520, Laws of 2007.

(3) The reappropriation in this section is subject to the provisions of section 5044, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$626,000
Prior Biennia (Expenditures).....	\$9,279,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$9,905,000

NEW SECTION. Sec. 5089. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Project Capital Grants (30000011)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the provisions of section 5120, chapter 497, Laws of 2009.

(2) The reappropriation in this section is subject to the provisions of section 5045, chapter 36, Laws of 2010 1st sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$1,152,000
Prior Biennia (Expenditures).....	\$8,273,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$9,425,000

NEW SECTION. Sec. 5090. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Building Preservation (30000111)

Reappropriation:

State Building Construction Account--State.....	\$414,000
Prior Biennia (Expenditures).....	\$386,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$800,000

NEW SECTION. Sec. 5091. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (30000117)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the provisions of RCW 27.34.330.

(2) The reappropriation in this section is subject to the provisions of section 622, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Building Construction Account--State.....	\$3,729,000
Prior Biennia (Expenditures).....	\$3,353,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$7,082,000

NEW SECTION. Sec. 5092. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Facilities Preservation - Minor Works Projects (30000164)

Appropriation:

State Building Construction Account--State.....	\$2,483,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,483,000

NEW SECTION. Sec. 5093. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grants (30000170)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Project	Authorized Amount
Tacoma Chinese Reconciliation Park	\$400,000
Mabton High School Historic Restoration	\$800,000
1912 Metaline Falls School	\$34,000
Restoration of Duwamish Hill Preserve	\$515,000
Coastal Salish Institute at Northwest Indian College	\$1,000,000
Washington Hall Restoration	\$290,000
Maritime Heritage Education Center at Lake Union	\$990,000
Public Access to the Mary Olsen Farm	\$286,000
Paramount Theatre	\$146,000
Chambers Prairie Schoolhouse	\$39,000
Vancouver National Historic Reserve Trust	\$283,000
Archives Building at the Island Heritage Museum	\$52,000
Western Forest Industries Museum	\$385,000
Jacob & Emma Reard House	\$40,000
Chinook School Rehabilitation	\$115,000
Shoreline Historical Museum	\$219,000
Eddon Boat Restoration	\$128,000
Yamasaki Courtyard Renewal	\$654,000
Railway History Center	\$789,000
Covenant Beach Bible Camp Historic Dining Hall	\$850,000
Virginia V Hull Restoration	\$221,000
Coastal Heritage Alliance	\$82,000
Historical Dash Point School	\$25,000
Nordic Heritage Museum	\$1,000,000
Washington State Holocaust Museum	\$150,000
Highline Heritage Museum	\$338,000
Total	\$9,831,000

Appropriation:

State Building Construction Account--State.....	\$9,831,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$9,831,000

NEW SECTION. Sec. 5094. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Campbell House Preservation (30000021)
 Appropriation:
 State Building Construction Account--State..... \$240,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$124,000
 TOTAL.....\$364,000

NEW SECTION, Sec. 5095. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Northwest Museum of Arts and Culture (30000026)
 Appropriation:
 State Building Construction Account--State.....\$55,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)\$193,000
 TOTAL.....\$248,000

NEW SECTION, Sec. 5096. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: Humanities and Student Services (20061204)
 Reappropriation:
 State Building Construction Account--State.....\$83,000
 Prior Biennia (Expenditures).....\$41,305,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$41,388,000

NEW SECTION, Sec. 5097. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College: Campus Classrooms (20062696)
 Reappropriation:
 State Building Construction Account--State.....\$12,629,000
 Prior Biennia (Expenditures).....\$6,987,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$19,616,000

NEW SECTION, Sec. 5098. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Learning Resource Center (20062698)
 Reappropriation:
 State Building Construction Account--State.....\$18,185,000
 Prior Biennia (Expenditures).....\$15,476,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$33,661,000

NEW SECTION, Sec. 5099. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College: Allied Health Care Facility (20062699)
 Reappropriation:
 State Building Construction Account--State.....\$11,450,000
 Prior Biennia (Expenditures).....\$10,883,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$22,333,000

NEW SECTION, Sec. 5100. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Wood Construction Center (20081216)
 Reappropriation:
 State Building Construction Account--State.....\$942,000
 Prior Biennia (Expenditures).....\$21,367,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$22,309,000

NEW SECTION, Sec. 5101. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College: Technical Education Building (20081220)
 Reappropriation:
 State Building Construction Account--State.....\$4,804,000

Prior Biennia (Expenditures).....\$21,626,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$26,430,000

NEW SECTION, Sec. 5102. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Index Hall Replacement (20081221)
 Reappropriation:
 State Building Construction Account--State.....\$8,652,000
 Prior Biennia (Expenditures).....\$27,662,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$36,314,000

NEW SECTION, Sec. 5103. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Trades and Industry Building (20081222)
 Reappropriation:
 State Building Construction Account--State.....\$573,000
 Appropriation:
 State Building Construction Account--State.....\$26,774,000
 Prior Biennia (Expenditures).....\$1,272,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$28,619,000

NEW SECTION, Sec. 5104. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Science and Math Building (20081226)
 Appropriation:
 State Building Construction Account--State.....\$41,576,000
 Prior Biennia (Expenditures).....\$2,568,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$44,144,000

NEW SECTION, Sec. 5105. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom: Cascade Core (20081321)
 Reappropriation:
 State Building Construction Account--State.....\$568,000
 Community/Technical College Capital Projects Account--State.....\$219,000
 Subtotal Reappropriation.....\$787,000
 Prior Biennia (Expenditures).....\$23,054,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$23,841,000

NEW SECTION, Sec. 5106. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Health Careers Center (20082701)
 Reappropriation:
 State Building Construction Account--State.....\$34,971,000
 Prior Biennia (Expenditures).....\$6,202,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$41,173,000

NEW SECTION, Sec. 5107. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College: Health Science Building (20082702)
 Reappropriation:
 State Building Construction Account--State.....\$170,000
 Appropriation:
 State Building Construction Account--State.....\$28,672,000
 Prior Biennia (Expenditures).....\$2,884,000
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$31,726,000

NEW SECTION, Sec. 5108. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

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Bates Technical College: Mohler Communications Technology Center (20082703)

Reappropriation:

State Building Construction Account--State.....\$219,000

Appropriation:

State Building Construction Account--State.....\$23,808,000

Prior Biennia (Expenditures).....\$1,709,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$25,736,000

NEW SECTION. Sec. 5109. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Social Science Center (20082704)

Appropriation:

State Building Construction Account--State.....\$965,000

Prior Biennia (Expenditures).....\$109,000

Future Biennia (Projected Costs)\$14,758,000

TOTAL.....\$15,832,000

NEW SECTION. Sec. 5110. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: Health and Advanced Technologies Building (20082705)

Reappropriation:

State Building Construction Account--State.....\$1,335,000

Appropriation:

State Building Construction Account--State.....\$33,784,000

Prior Biennia (Expenditures).....\$1,239,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$36,358,000

NEW SECTION. Sec. 5111. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Fort Worden Building 202 (30000114)

Reappropriation:

State Building Construction Account--State.....\$4,191,000

Prior Biennia (Expenditures).....\$186,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$4,377,000

NEW SECTION. Sec. 5112. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Fisheries Program (30000117)

Reappropriation:

State Building Construction Account--State.....\$1,590,000

Prior Biennia (Expenditures).....\$410,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$2,000,000

NEW SECTION. Sec. 5113. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Myklebust Gymnasium (30000118)

Reappropriation:

State Building Construction Account--State.....\$1,712,000

Prior Biennia (Expenditures).....\$288,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$2,000,000

NEW SECTION. Sec. 5114. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Seattle Maritime Academy (30000120)

Reappropriation:

State Building Construction Account--State.....\$220,000

Appropriation:

State Building Construction Account--State.....\$15,491,000

Prior Biennia (Expenditures).....\$1,117,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$16,828,000

NEW SECTION. Sec. 5115. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Palmer Martin Building (30000121)

Reappropriation:

State Building Construction Account--State.....\$3,000

Appropriation:

State Building Construction Account--State.....\$19,243,000

Prior Biennia (Expenditures).....\$994,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$20,240,000

NEW SECTION. Sec. 5116. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: College Instruction Center (30000122)

The reappropriation in this section is subject to the following conditions and limitations: Olympic community college shall enter into an interagency agreement with the office of financial management to provide funding for a budget evaluation study. The office of financial management shall use a budget evaluation study team approach using value engineering techniques and life cycle cost analysis in conducting the study. The office of financial management shall select the budget evaluation team members, contract for the study, and report the results to the legislature and agencies in a timely manner following the study.

Reappropriation:

State Building Construction Account--State.....\$3,212,000

Prior Biennia (Expenditures).....\$412,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$3,624,000

NEW SECTION. Sec. 5117. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia Community College: Student Services (30000123)

Appropriation:

State Building Construction Account--State.....\$2,517,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)\$33,075,000

TOTAL.....\$35,592,000

NEW SECTION. Sec. 5118. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Allied Health and Early Childhood Development Center (30000126)

Appropriation:

State Building Construction Account--State.....\$1,810,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)\$26,756,000

TOTAL.....\$28,566,000

NEW SECTION. Sec. 5119. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Technology Building Renewal (30000129)

Reappropriation:

State Building Construction Account--State.....\$22,159,000

Prior Biennia (Expenditures).....\$3,260,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$25,419,000

NEW SECTION. Sec. 5120. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Science, Math, and Technology Building (30000130)

Reappropriation:

State Building Construction Account--State.....\$8,271,000

Prior Biennia (Expenditures).....\$11,606,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$19,877,000

NEW SECTION. Sec. 5121. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College: Automotive Complex Renovation (30000134)

Appropriation:

State Building Construction Account--State.....	\$1,583,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$16,716,000
TOTAL.....	\$18,299,000

NEW SECTION. Sec. 5122. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Science Engineering Technology Building (30000137)

Appropriation:

State Building Construction Account--State.....	\$7,820,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL.....	\$37,820,000

NEW SECTION. Sec. 5123. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Whatcom Community College: Learning Commons (30000138)

Appropriation:

State Building Construction Account--State.....	\$1,822,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$29,802,000
TOTAL.....	\$31,624,000

NEW SECTION. Sec. 5124. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs "A" (30000504)

Reappropriation:

State Building Construction Account--State.....	\$1,620,000
Community/Technical College Capital Projects Account--State.....	\$2,379,000
Subtotal Reappropriation.....	\$3,999,000
Prior Biennia (Expenditures).....	\$1,046,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,045,000

NEW SECTION. Sec. 5125. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs "A" (30000505)

Reappropriation:

Community/Technical College Capital Projects Account--State.....	\$7,676,000
Prior Biennia (Expenditures).....	\$8,153,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$15,829,000

NEW SECTION. Sec. 5126. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Cascade Court (30000128)

Appropriation:

State Building Construction Account--State.....	\$2,087,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$32,684,000
TOTAL.....	\$34,771,000

NEW SECTION. Sec. 5127. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs "A" (30000434)

Reappropriation:

Community/Technical College Capital Projects Account--State.....	\$3,708,000
Prior Biennia (Expenditures).....	\$5,417,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$9,125,000

NEW SECTION. Sec. 5128. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Preservation (30000461)

Reappropriation:

Community/Technical College Capital Projects Account--State.....	\$10,544,000
Prior Biennia (Expenditures).....	\$5,457,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$16,001,000

NEW SECTION. Sec. 5129. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (30000674)

Reappropriation:

State Building Construction Account--State.....	\$7,270,000
Prior Biennia (Expenditures).....	\$12,730,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$20,000,000

NEW SECTION. Sec. 5130. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Maintenance and Building System Repairs (91000043)

Appropriation:

Community/Technical College Capital Projects Account--State.....	\$22,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$22,800,000

NEW SECTION. Sec. 5131. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (30000723)

Appropriation:

State Building Construction Account--State.....	\$354,000
Community/Technical College Capital Projects Account--State.....	\$14,236,000
State Higher Education Construction Account--State..	\$620,000
Community and Technical College Forest Reserve Account--State.....	\$582,000
Gardner-Evans Higher Education Construction Account--State.....	\$3,000,000
Subtotal Appropriation.....	\$18,792,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$18,792,000

NEW SECTION. Sec. 5132. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Preservation (30000779)

Appropriation:

Community/Technical College Capital Projects Account--State.....	\$17,600,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$17,600,000

NEW SECTION. Sec. 5133. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (30000844)

Appropriation:

Community/Technical College Capital Projects Account--State.....	\$7,785,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$7,785,000

NEW SECTION. Sec. 5134. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (30000897)

Appropriation:

State Building Construction Account--State.....	\$20,852,000
Community/Technical College Capital Projects Account--State.....	\$1,282,000

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Subtotal Appropriation.....	\$22,134,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$22,134,000

Capitol Building Construction Account--State	(\$3,500,000)
.....	\$0
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	(\$3,500,000)
.....	\$0

NEW SECTION. Sec. 5135. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (30000941)

Appropriation:

Community/Technical College Capital Projects	
Account--State.....	\$2,574,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,574,000

Sec. 6004. 2011 1st sp. s. c 48 s 1022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((GENERAL ADMINISTRATION)) ENTERPRISE SERVICES

Engineering and Architectural Services: Staffing (91000005)

Appropriation:

Charitable, Educational, Penal and Reformatory Institutions Account--State.....	\$928,000
((Capitol Building Construction Account--State.....	\$790,000
Subtotal Appropriation.....	\$1,718,000)
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	(\$1,718,000)
.....	\$928,000

(End of part)

**PART 6
2013 SUPPLEMENTAL CAPITAL BUDGET**

Sec. 6001. 2012 2nd sp.s. c 2 s 1022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Engineering and Architectural Services: Staffing (91000005)
The appropriation in this section is subject to the following conditions and limitations:

Up to \$75,000 is for the department of enterprise services to conduct a review of the state's current public works procurement processes and provide a report by December 15, 2012, to the appropriate committees of the legislature and the governor with procurement reform recommendations. For recommendations that require a statutory change, the report should include draft legislation needed to accomplish the report's recommendations. The director may contract with a private entity for assistance to conduct the study. The capital projects advisory review board will provide advice and assistance as required by the director. The report will include historical data on (1) the use of change orders; (2) the use of job order contracting; (3) how are competitive public works contracts advertised; and (4) contract closeout procedures. State agencies that will participate include one research university, one natural resource agency, and one general government agency.

Appropriation:

State Building Construction Account--State.....	(\$7,751,000)
.....	\$8,541,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$34,250,000
TOTAL.....	(\$42,001,000)
.....	\$42,791,000

Sec. 6002. 2012 2nd sp.s. c 2 s 1024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Natural Resource Building Roof Replacement and Exterior Foam Insulation System Repairs (30000546)

Appropriation:

State Building Construction Account--State.....	(\$982,000)
\$4,482,000	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	(\$982,000)
\$4,482,000	

Sec. 6003. 2012 2nd sp.s. c 2 s 1025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Natural Resource Building Roof Replacement and Exterior Foam Insulation System Repairs (30000546)

Appropriation:

Sec. 6005. 2011 1st sp.s. c 48 s 1023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((GENERAL ADMINISTRATION)) ENTERPRISE SERVICES

Legislative Building Critical Hydronic Loop Repairs (30000584)

Appropriation:

Capitol Building Construction Account--State	(\$1,179,000)
.....	\$0
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	(\$1,179,000)
.....	\$0

NEW SECTION. Sec. 6006. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Critical Hydronic Loop Repairs (30000584)

Appropriation:

State Building Construction Account--State.....	\$1,179,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$1,179,000

Sec. 6007. 2012 2nd sp.s. c 2 s 3002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxic Sites - Puget Sound (91000032)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following ranked list of projects. ~~((If a specified project has not met the requirements for executing a contract with the department by April 30, 2013, the department may allocate the amount specified to additional projects awarded on a competitive basis provided that the awardee is ready to proceed with the project.))~~

Project	Authorized Amount
Port Gamble Bay - Open up 90 acres of geoduck ((tracks)) <u>tracts</u>	\$2,000,000
Port Gamble Bay - Source control, habitat preservation, and cleanup sustainability Administration	\$7,000,000
	\$270,000

Total **\$9,270,000**

Appropriation:

State Toxics Control Account--State.....	\$9,270,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,270,000

Sec. 6008. 2011 1st sp.s. c 49 s 3052 (uncodified) is amended

to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden State Park: Building 202 Rehabilitation (30000027)

Appropriation:

State Building Construction Account--State.....	(\$2,377,000)
.....	\$0
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,377,000)
.....	\$0

Sec. 6009. 2011 1st sp.s. c 48 s 3070 (uncodified) is amended

to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000143)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for the list of projects in LEAP capital document No. 2011-3B, (~~developed April 6, 2011~~) revised April 10, 2013.

Appropriation:

Aquatic Lands Enhancement Account--State	(\$6,806,000)
.....	\$6,461,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$6,806,000)
.....	\$6,461,000

Sec. 6010. 2011 1st sp s. c 49 s 3112 (uncodified) is amended

to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Replacing State Forest Lands with Productive Forests (91000029)

The appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided solely to the department to transfer from state forest land status to natural resources conservation area status certain state forest lands in counties with a population of 25,000 or less which are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The approved list of properties for transfer is identified in the LEAP capital document No. 2011-5A, (~~developed March 24, 2011~~) revised April 10, 2013.

(2) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110, in the same manner as valuable material revenues from other state forest lands in the applicable counties. The value of the land transferred must be deposited in the park land trust revolving account and be solely used to buy replacement state forest land within the same county as the property transferred, consistent with RCW 79.22.060.

(3) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer agreements for properties

identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose.

(4) The department and applicable counties shall work in good faith to carry out the intent of this section. However, the department or applicable counties may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account--State.....	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 6011. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Facilities Preservation and Access (30000208)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for ecological restoration of the upland buffer areas within the Elk River natural resource conservation area.

Appropriation:

Aquatic Lands Enhancement Account--State	\$345,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$345,000

Sec. 6012. 2012 2nd sp.s. c 2 s 5005 (uncodified) is amended

to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2011-13 School Construction Assistance Program (30000071)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,337,000 of the common school construction account--state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for all public school districts once every six years.

(2) In calculating square foot eligibility for state assistance grants, kindergarten student headcount shall not be reduced by fifty percent.

(3) \$952,000 of the common school construction account--state appropriation is provided solely for mapping the design of new facilities and remapping the design of facilities to be remodeled, for school construction projects funded through the school construction assistance program.

Appropriation:

Common School Construction Account--State.....	\$307,558,000
Common School Construction Account--Federal(\$1,600,000)	
.....	\$2,230,000
Subtotal Appropriation	(\$309,158,000)
.....	\$309,788,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$1,351,139,000
TOTAL	(\$1,660,297,000)
.....	\$1,660,927,000

Sec. 6013. 2011 1st sp.s. c 49 s 5101 (uncodified) is amended

to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Fort Worden Building 202 (30000114)

Appropriation:

State Building Construction Account--State.....	(\$2,000,000)
.....	\$4,377,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,000,000)
.....	\$4,377,000

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NEW SECTION. Sec. 6014. COLUMBIA RIVER BASIN NONTAXABLE AND TAXABLE BOND PROCEEDS.

Portions of the appropriation authority granted by this act from the Columbia river basin water supply development account may be transferred to the Columbia river basin taxable bond water supply development account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the Columbia river basin water supply development account and the Columbia river basin taxable bond water supply development account is necessary, or that a shift of appropriation authority from the Columbia river basin taxable bond water supply development account to the Columbia river basin water supply development account may be made.

(End of part)

**PART 7
MISCELLANEOUS PROVISIONS**

NEW SECTION. Sec. 7001. RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are twenty-eight million dollars for the 2013-2015 biennium, one hundred ninety million dollars for the 2015-2017 biennium, and two hundred seventy-eight million dollars for the 2017-2019 biennium.

NEW SECTION. Sec. 7002. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

NEW SECTION. Sec. 7003. (1) The legislature finds that use of life cycle cost analysis will aid public entities, architects, engineers, and contractors in making design and construction decisions that positively impact both the initial construction cost and the ongoing operating and maintenance cost of a project. To ensure that the total cost of a project is accounted for and the most reasonable and cost efficient design is used, agencies shall develop life cycle costs for any construction project over \$5,000,000. The life cycle costs shall represent the present value sum of capital costs, installation costs, operating costs, and maintenance costs over the life expectancy of the project. The legislature further finds the most effective approach to the life cycle cost analysis is to integrate it into the early part of the design process.

(2) Agencies shall develop a minimum of three project alternatives for use in the life cycle cost analysis. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative must be the most reasonable and cost-effective solution. A brief description of each project alternative and why it was chosen must be included in the life cycle cost analysis section of the predesign.

(3) The office of financial management shall: (a) Make available a life cycle cost model to be used for analysis; (b) in consultation with the department of enterprise services, provide assistance in using the life cycle cost model; and (c) update the life cycle cost model annually including assumptions for inflation rates, discount rates, and energy rates.

(4) Agencies shall consider architectural and engineering firms' and general contractors' experience using life cycle costs, operating costs, and energy efficiency measures when selecting an architectural and engineering firm, or when selecting contractors using alternative contracting methods.

NEW SECTION. Sec. 7004. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign. The predesign document must include, but not be limited to, program, site, and cost analysis, including life-cycle cost, in accordance with the predesign manual adopted by the office of financial management. The results of life-cycle cost analysis shall be a primary consideration in the selection of a building design. Construction shall proceed only upon providing to the office of financial management the life-cycle costs. To improve monitoring of major construction projects, progress reports must be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports must be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. Sec. 7005. (1) To ensure minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior lists before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. These projects can generally be completed within two years of the appropriation with the funding provided. Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; rolling stock, computers or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(c) Minor works preservation projects may include program improvements of no more than twenty-five percent of the individual minor works preservation project cost.

(3) Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION. Sec. 7006. (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 7007. (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

NEW SECTION. Sec. 7008. The office of financial management, in accordance with RCW 28B.77.070 and 43.88D.010, shall include the following in the scoring process: (1) The office of financial management shall develop a single prioritized list that includes all projects requesting funding, with the exception of minor works and predesign requests. Predesigns shall be on a separate prioritized list; (2) the office of financial management shall increase the weighting of the reasonableness of

cost criteria; (3) projects shall be scored only once unless the office of financial management, or the requesting school, find that the project scope or budget has significantly changed.

NEW SECTION. Sec. 7009. FOR THE OFFICE OF FINANCIAL MANAGEMENT

State Toxic Control and Environmental Legacy Stewardship Accounts Budgeting

The office of financial management, working with the department of ecology and legislative fiscal committee staff, shall develop a process and procedures for the budgeting of the state toxics control account and the environmental legacy stewardship account to ensure adequate funding for the base operating programs as specified in RCW 70.105D.070 (3) is maintained. This includes recommendations on how the base operating budget work will be assigned to the two accounts, and, if future shifts between the two accounts are necessary to maintain existing funding levels, procedures that describe when they are to be addressed through maintenance level or policy level decision packages. These procedures shall be submitted to the legislative fiscal and environmental committees by October 1, 2013.

NEW SECTION. Sec. 7010. State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

NEW SECTION. Sec. 7011. Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 7012. FOR THE STATE TREASURER--TRANSFERS

Thurston County Capital Facilities Account: For transfer to the Capitol Building Construction Account.....\$3,200,000

NEW SECTION. Sec. 7013. FOR THE STATE TREASURER--TRANSFERS

State Toxic Control Account: For transfer to the Radioactive Mixed Waste Account\$2,000,000

State Toxic Control Account: For transfer to the Local Toxic Control Account\$4,000,000

Environmental Legacy Stewardship Account: For transfer to the Local Toxic Control Account\$12,000,000

NEW SECTION. Sec. 7014. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of enterprise services and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic

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transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Community and technical colleges:

(a) Enter into a financing contract on behalf of Peninsula College for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate or replace the Forks satellite building.

(b) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the downtown Lacey campus.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to forty acres of land.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$15,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a replacement facility for the student life center.

(e) Enter into a financing contract on behalf of Whatcom Community College for up to \$11,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student recreation center.

(f) Enter into a financing contract on behalf of Spokane Community College for up to \$3,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the student services building.

(g) Enter into a long-term lease on behalf of Spokane Community College at Felts Field suitable for the aerospace training center program, subject to the approval of the office of financial management as required by chapter 43.82 RCW.

(2) Department of enterprise services:

(a) Enter into a financing contract for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the modifications to the Yakima office building in preparation for the department of social and health services use of the building.

(b) Enter into a financing contract for up to \$69,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new office building at 1063 Capitol Way South, Olympia. The building will be delivered using design build, as defined by chapter 39.10 RCW, with a guarantee for energy, operations and maintenance performance. The term for performance validation must not be less than five years. The state may use state employees for services not related to building performance. Criteria for selecting a contractor must include life cycle costs, energy costs or energy use index. The scope of the building shall be between two hundred thousand and two hundred twenty-five thousand square feet of office space based on the office of financial management's direction for square feet and tenants identified in the programming phase including the Washington State Patrol. Tenant lease costs for the building may not exceed \$26 per gross square foot including debt services and operating expenses. Proposals must be received by January 31, 2014. This is phase one of a two-phase process that includes future demolition of the current general administration building and construction of a similar facility which may include the state library as a tenant.

Sec. 7015. RCW 43.34.080 and 2011 1st sp.s. c 21 s 34 are each amended to read as follows:

(1) The capitol campus design advisory committee is established as an advisory group to the capitol committee and the director of ~~((general administration))~~ enterprise services to review programs, planning, design, and landscaping of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of architectural, aesthetic, functional,

and environmental excellence in design and maintenance of capitol facilities on campus and located in neighboring communities.

(2) The advisory committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the director of ~~((general administration))~~ enterprise services:

- (a) Two architects;
- (b) A landscape architect; and
- (c) An urban planner.

The director of ~~((general administration))~~ enterprise services shall appoint the chair and vice chair and shall provide the staff and resources necessary for implementing this section. The advisory committee shall meet at least once every ninety days and at the call of the chair.

The members of the committee shall be reimbursed as provided in RCW 43.03.220 and 44.04.120.

(3) The advisory committee shall also consist of the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(4) The advisory committee shall review plans and designs affecting state capitol facilities as they are developed. The advisory committee's review shall include:

- (a) The process of solicitation and selection of appropriate professional design services including design-build proposals;
- (b) Compliance with the capitol campus master plan and design concepts as adopted by the capitol committee;
- (c) The design, siting, and grouping of state capitol facilities relative to the service needs of state government and the impact upon the local community's economy, environment, traffic patterns, and other factors;
- (d) The relationship of overall state capitol facility planning to the respective comprehensive plans for long-range urban development of the cities of Olympia, Lacey, and Tumwater, and Thurston county; and
- (e) Landscaping plans and designs, including planting proposals, street furniture, sculpture, monuments, and access to the capitol campus and buildings.

(5) For development of the property known as the 1063 block, the committee may review the proposal selected by the department of enterprise services but must not propose changes that will affect the scope, budget, or schedule of the project.

NEW SECTION. Sec. 7016. PUGET SOUND PROTECTION AND RESTORATION. Consistent with RCW 90.71.340, when expending appropriations under this act that contribute to Puget Sound protection and recovery, agencies shall consult with the Puget Sound partnership to ensure that projects and expenditures are either in, or consistent with the 2020 action agenda. These consultations shall include the exchange of information on specific actions, projects, associated funding, performance measures, and other information necessary to track project implementation and ensure alignment with the action agenda. In situations where the Puget Sound partnership finds that a project is not in, or is not consistent with the action agenda Puget Sound partnership shall document this finding and report back to the governor and legislative fiscal committees.

NEW SECTION. Sec. 7017. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2013-2015 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to chapter 36, Laws of 2005.

NEW SECTION. Sec. 7018. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2015-2017 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

NEW SECTION. Sec. 7019. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 7020. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 7021. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 7022. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter . . . , Laws of 2013 (Substitute House Bill No. 1088, the general obligation bond bill) for deposit into the state taxable building construction account that

are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

NEW SECTION. Sec. 7023. By June 30, 2014, the department of social and health services shall transfer deed of the property known as the Stan Hedwall park to the city of Chehalis. The property includes the park and any land adjacent that may be owned by the department. The transfer must be at no cost to the city. When the deed is transferred to the city, the lease expires. The city shall continue to maintain and operate the land as a park.

NEW SECTION. Sec. 7024. The office of financial management, in consultation with the fiscal committees of the legislature, may select capital projects that have completed predesign to undergo a budget evaluation study. The budget evaluation study team approach using value engineering techniques and life cycle cost analysis must be utilized by the office of financial management in conducting the studies. The office of financial management shall select the budget evaluation team members, contract for the study, and report the results to the legislature and agencies in a timely manner following the study. Funds from the project appropriation must be used by the office of financial management through an interagency agreement with the affected agencies to cover the cost of the study.

NEW SECTION. Sec. 7025. COLUMBIA RIVER BASIN NONTAXABLE AND TAXABLE BOND PROCEEDS.

Portions of the appropriation authority granted by this act from the Columbia river basin water supply development account may be transferred to the Columbia river basin taxable bond water supply development account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the Columbia river basin water supply development account and the Columbia river basin taxable bond water supply development account is necessary, or that a shift of appropriation authority from the Columbia river basin taxable bond water supply development account to the Columbia river basin water supply development account may be made.

Sec. 7026. RCW 28B.15.210 and 2011 1st sp.s. c 48 s 7022 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized

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in RCW 28B.20.725(5). ~~((During the 2011-2013 biennium, sums credited to the University of Washington building account shall also be used for routine facility maintenance and utility costs.))~~ During the 2013-2015 biennium, sums credited to the University of Washington building account shall also be used for routine facility maintenance, utility costs, and facility condition assessments.

Sec. 7027. RCW 28B.20.725 and 2011 1st sp.s. c 48 s 7020 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. ~~((However, during the 2009-2011 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within one year of the date of transfer on all outstanding bonds payable out of the bond retirement fund.))~~ However, during the 2011-2013 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within one year of the date of transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2013-2015 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2013-2015 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 7028. RCW 28B.15.310 and 2011 1st sp.s. c 48 s 7023 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees shall be paid and credited as follows: To the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; and the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized by law. During the 2011-2013 biennium, sums credited to the Washington State University building account shall also be used for routine facility maintenance and utility costs. During the 2013-2015 biennium, sums credited to the Washington State University building account shall also be used for routine facility maintenance, utility costs, and facility condition assessments. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on building bonds issued by the university,

except for any sums which may be transferred out of such fund as authorized by law.

Sec. 7029. RCW 28B.30.750 and 2011 1st sp.s. c 48 s 7021 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. ~~((However, during the 2009-2011 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within one year of the date of transfer on all outstanding bonds payable out of the bond retirement fund.))~~ However, during the 2011-2013 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within one year of the date of transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2013-2015 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2013-2015 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 7030. RCW 28B.35.370 and 2011 1st sp.s. c 48 s 7024 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board

shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. During the 2011-2013 biennium, sums in the respective capital accounts shall also be used for routine facility maintenance and utility costs. During the 2013-2015 biennium, sums in the respective capital accounts shall also be used for routine facility maintenance, utility costs, and facility condition assessments.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 7031. RCW 28B.50.360 and 2011 1st sp.s. c 48 s 7025 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of ~~((general administration))~~ enterprise services, and for the payment of principal of and interest on any bonds issued for such purposes. During the 2011-2013 biennium, sums in the capital projects account shall also be used for routine facility maintenance and utility costs. During the 2013-2015 biennium, sums in the

capital projects account shall also be used for routine facility maintenance and utility costs.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 7032. RCW 43.155.070 and 2013 c 275 s 3 are each amended to read as follows:

(1) To qualify for financial assistance under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive financial assistance under this chapter unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving financial assistance under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 may apply for and receive financial assistance under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before executing a contractual agreement for financial assistance with the board.

(3) In considering awarding financial assistance for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board must consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board must develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board must attempt to assure a geographical balance in assigning priorities to projects. The board must consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by RCW 43.155.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(e) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance;

(f) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007;

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(g) The cost of the project compared to the size of the local government and amount of loan money available;

(h) The number of communities served by or funding the project;

(i) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(j) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(k) Except as otherwise conditioned by RCW 43.155.120, and effective one calendar year following the development of model evergreen community management plans and ordinances under RCW 35.105.050, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(l) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(m) Other criteria that the board considers advisable.

(5) For the 2013-2015 fiscal biennium, in place of the criteria, ranking, and submission processes for construction loan lists provided in subsections (4) and (7) of this section:

(a) The board must develop a process for numerically ranking applications for construction loans submitted by local governments. The board must consider, at a minimum and in any order, the following factors in assigning a numerical ranking to a project:

(i) Whether the project is critical in nature and would affect the health and safety of many people;

(ii) The extent to which the project leverages nonstate funds;

(iii) The extent to which the project is ready to proceed to construction;

(iv) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(v) Whether the project promotes the sustainable use of resources and environmental quality;

(vi) Whether the project consolidates or regionalizes systems;

(vii) Whether the project encourages economic development through mixed-use and mixed income development consistent with chapter 36.70A RCW;

(viii) Whether the system is being well-managed in the present and for long-term sustainability;

(ix) Achieving equitable distribution of funds by geography and population;

(x) The extent to which the project meets the following state policy objectives:

(A) Efficient use of state resources;

(B) Preservation and enhancement of health and safety;

(C) Abatement of pollution and protection of the environment;

(D) Creation of new, family wage jobs, and avoidance of shifting existing jobs from one Washington state community to another;

(E) Fostering economic development consistent with chapter 36.70A RCW;

(F) Efficiency in delivery of goods and services, public transit, and transportation;

(G) Avoidance of additional costs to state and local governments that adversely impact local residents and small businesses; and

(H) Reduction of the overall cost of public infrastructure; and

(xi) Other criteria that the board considers necessary to achieve the purposes of this chapter.

(b) Before November 1, 2014, the board must develop and

submit to the appropriate fiscal committees of the senate and house of representatives a ranked list of qualified public works projects which have been evaluated by the board and are recommended for funding by the legislature. The maximum amount of funding that the board may recommend for any jurisdiction is ten million dollars per biennium. For each project on the ranked list, as well as for eligible projects not recommended for funding, the board must document the numerical ranking that was assigned.

(6) Existing debt or financial obligations of local governments may not be refinanced under this chapter. Each local government applicant must provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

~~((6))~~ (7) Before November 1st of each even-numbered year, the board must develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection ~~((9))~~ (10) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list must include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list must also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

~~((7))~~ (8) The board may not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature may not change the order of the priorities recommended for funding by the board.

~~((8))~~ (9) Subsection ~~((7))~~ (8) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection ~~((9))~~ (10) of this section.

~~((9))~~ (10) Loans made for the purpose of capital facilities plans are exempted from subsection ~~((7))~~ (8) of this section.

~~((10))~~ (11) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

~~((11))~~ (12) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(13) During the 2013-2015 fiscal biennium, for projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its public works assistance account program loan.

(14)(a) For public works assistance account application rounds conducted during the 2013-2015 fiscal biennium, the board must implement policies and procedures designed to maximize local

government use of federally-funded drinking water and clean water state revolving funds operated by the state departments of health and ecology. The board, department of ecology, and department of health must jointly develop evaluation criteria and application procedures that will increase access of eligible drinking water and wastewater projects to the public works assistance account for short-term preconstruction financing and to the federally funded state revolving funds for construction financing. The procedures must also strengthen coordinated funding of preconstruction and construction projects.

(b) For all construction loan projects proposed to the legislature for funding during the 2013-2015 fiscal biennium, the board must base interest rates on the average daily market interest rate for tax-exempt municipal bonds as published in the bond buyer's index for the period from sixty to thirty days before the start of the application cycle. For projects with a repayment period between five and twenty years, the rate must be sixty percent of the market rate. For projects with a repayment period under five years, the rate must be thirty percent of the market rate. The board must also provide reduced interest rates, extended repayment periods, or forgivable principal loans for projects that meet financial hardship criteria as measured by the affordability index or similar standard measure of financial hardship.

(c) By December 1, 2013, the board must recommend to the appropriate committees of the legislature statutory language to make permanent these new criteria, procedures, and financing policies.

Sec. 7033. RCW 70.105D.070 and 2013 2nd sp. s. c 1 s 9 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in RCW 70.105D.--- (section 10, chapter 1, Laws of 2013 2nd sp. sess.).

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Storm water pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under RCW 70.105D.--- (section 4, chapter 1, Laws of 2013 2nd sp. sess.);

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; ~~(and)~~

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in RCW 70.105D.--- (section 10, chapter 1, Laws of 2013 2nd sp. sess.), if the legislature determines that priorities for spending exceed available funds in those accounts;

(t) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be spent on projects in section 3159 of this act and for transfer to the local toxics control account; and

(u) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be transferred to the radioactive mixed waste account.

(4)(a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under (c)(i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under (c)(iv) of this subsection. The department must prioritize funding of remedial actions at:

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(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a department-approved remedial action work plan or equivalent document under the federal cleanup law;

(iii) Storm water pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in RCW 70.105D.-- (section 10, chapter 1, Laws of 2013 2nd sp. sess.), if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(c) To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to areawide groundwater contamination. To receive the

funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under (c)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

(d) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance. For the 2013-2015 fiscal biennium, moneys in the local toxics control account may be spent on projects in sections 3024, 3035, 3036, and 3059 of this act.

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies, construction, maintenance, or operation; or after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

(7) Except during the 2011-2013 fiscal biennium, one percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement chapter 1, Laws of 2013 2nd sp. sess. using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in chapter 1, Laws of 2013 2nd sp. sess. effects the ability of a potentially liable person to receive public funding.

(10) During the 2013-2015 fiscal biennium the local toxics control account may also be used for the centennial clean water program and for storm water grants.

Sec. 7034. RCW 79.17.010 and 2012 2nd sp.s. c 2 s 6006 are each amended to read as follows:

(1) The department, with the approval of the board, may exchange any state land and any timber thereon for any land of equal value in order to:

- (a) Facilitate the marketing of forest products of state lands;
- (b) Consolidate and block-up state lands;
- (c) Acquire lands having commercial recreational leasing potential;
- (d) Acquire county-owned lands;
- (e) Acquire urban property which has greater income potential or which could be more efficiently managed by the department in exchange for state urban lands as defined in RCW 79.19.100; or

(f) Acquire any other lands when such exchange is determined by the board to be in the best interest of the trust for which the state land is held.

(2) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.

(3) The board shall determine that each land exchange is in the best interest of the trust for which the land is held prior to authorizing the land exchange.

(4)(a) During the biennium ending June 30, 2013, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the resource management cost account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(b) During the biennium ending June 30, 2015, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the resource management cost account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(5) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

Sec. 7035. RCW 79.17.020 and 2012 2nd sp.s. c 2 s 6007 are each amended to read as follows:

(1) The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and state forest land owned by the state under the jurisdiction of the department, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential.

(2)(a) During the biennium ending June 30, 2013, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(b) During the biennium ending June 30, 2015, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(3) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues, and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

Sec. 7036. 2005 c 8 s 1 (uncodified) is amended to read as follows:

Pursuant to chapter 43.155 RCW, the following project loans recommended by the public works board are authorized to be made with funds appropriated from the public works assistance account:

(1) Bainbridge Island--storm sewer project--construct a storm sewer waste management facility including bins for storage of asphalt, concrete, wood chips, rock, sand and gravel, and miscellaneous woody debris; and test remaining soil and remove contaminated soils from the Head of the Bay site\$782,000

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(2) Bainbridge Island--sanitary sewer project--upgrade wastewater treatment plant by upgrading the following: Headworks, biosolids, oxidation ditch aeration basins, sludge holding basins, secondary clarification, and sludge pumping and effluent outfall.....\$3,618,000

(3) Battle Ground--sanitary sewer project--expand the capacity in the shared use facilities by performing the design engineering and construction for a parallel sewer line interceptor, 1 new transmission pump station, an influent pressure main, and treatment plant improvements to increase the capacity from 10.3 million gallons per day to 16 million gallons per day.....\$10,000,000

(4) Birchbay water and sewer district--sanitary sewer project--extend the existing sanitary sewer system constructing approximately 10,000 feet of gravity sewer mains, including manholes, side sewers to each lot, and other sewer appurtenances. The project will also include temporary erosion and sedimentation control measures and other public/private improvement restoration following sewer installation\$765,000

(5) Blaine--sanitary sewer project--construct a wastewater pretreatment facility and a 700,000 gallon equalization storage facilities along and underneath Marine Drive to prevent raw sewage overflows into Drayton Harbor, construction of control structures required to operate and maintain facilities, and reconstruction of existing lift station number one.....\$5,080,000

(6) Brewster--sanitary sewer project--retrofit south lift station and dry well/wet well system will be converted to a submersible pump station, headworks structure will be enclosed, including electrical and ventilation systems, replacement of chlorine gas disinfection system with UV disinfection, construction of a plant water system, adding new effluent flow meter and automatic sampler, replacement of activated sludge pumps, retrofitting primary clarifier, installation of a new dewatering facility, electrical, and control features and appurtenances\$2,659,600

(7) Carnation--sanitary sewer project--eliminate current septic tank/drainfield systems and replace them with a centralized sewer collection system that will connect directly to the treatment facility being built by King County, including approximately 26,000 feet of vacuum sewer collector pipes, 3,000 feet of force main, approximately 700 side sewers and the associated abandonment of septic tank/drainfield systems, relocation of 10,000 feet of water main, telemetry system for new sewer facilities, and a vacuum/pump station\$4,374,700

(8) Castle Rock--sanitary sewer project--upgrade wastewater treatment plant by constructing a new treatment process, structures and equipment, new oxidation ditch, modernized headworks, disinfecting with ultraviolet, installation of a belt thickener, and press for solids and secondary clarifiers\$655,000

(9) Chinook water district--domestic water project--construct a new package water filter plant\$1,425,000

(10) College Place--domestic water project--construct a 1.5 million gallon water storage reservoir, install a booster station, approximately 7,100 feet of 16 inch water transmission mains, three pressure reducing valve stations, and a second booster station in the Regency Park package system, telemetry improvements, and associated appurtenances\$2,975,000

(11) Douglas county--storm sewer project--construction of a detention basin of approximately 35 acre feet, construction of an urban conveyance and water quality project that consists of construction of about 2,000 feet of closed conduit, 1,000 feet of open channel, and construction of a water quality treatment facility, and all appropriate appurtenances.....\$2,835,600

(12) Dupont--sanitary sewer project--replace approximately 6,600 feet of sanitary sewer line with manholes, 103 side sewers, and overlaying 4,200 feet of street. The city of DuPont will also purchase capacity from Pierce County allowing the transfer of flows for treatment to Pierce County.....\$1,985,600

(13) East Wenatchee water district--domestic water project--increase capacity and remedy leaking mains by replacing approximately one mile of 12 inch ductile iron transmission main...\$490,875

(14) Eatonville--domestic water project--construct a membrane filtration system and use the existing disinfection system, install a booster pump station, additional well sources, basin modifications, and approximately 1,200 feet of transmission main to connect to the existing system.....\$807,500

(15) Edmonds--sanitary sewer project--lift station elimination and rehabilitation project includes elimination of lift station seven, demolish the facility and construct approximately 1,550 feet of gravity sewer line, and install a new line from current location of lift station seven to lift station eight. Replace lift station eight, including upsizing of the wet well and replacement of all mechanical and electrical equipment and replacement and upsizing of approximately 450 feet of force main.....\$1,216,903

(16) Enumclaw--sanitary sewer project--upgrade and expand the existing wastewater treatment plant by constructing a new headworks, install new extended aeration activated sludge basins, anaerobic/anoxic basins, and two additional secondary clarifiers. The city will also include construction of chemical facilities, enlarging laboratory area, sludge dewatering, and stabilization facilities and related appurtenances\$9,750,000

(17) Ephrata--sanitary sewer project--construction of approximately 2,400 feet of sanitary sewer main, 200 feet of side sewer pipe, eight manholes and appurtenances, and the rehabilitation of approximately one mile of access roadway in the port of Ephrata\$289,000

(18) Everett--sanitary sewer project--construct upgrades to the wastewater treatment plant that include: A headworks grit system, construction of two primary clarifiers, a new biofilter, new piping arrangements, modifications to the trickling filter pump station, installation of primary sludge grit removal equipment, sludge dispersion equipment, flow metering, new hypochlorite generation facilities, new scum collection and dewatering equipment, and minor upgrade of the north effluent pump station\$10,000,000

(19) Freeland water district--domestic water project--solve the source and storage needs by constructing a new reservoir, connection of the new well to the new reservoir, connection of the new reservoir to the system, rehabilitation of the existing well number one, and all appropriate appurtenances.....\$308,030

(20) Gig Harbor--sanitary sewer project--upgrade to the wastewater treatment plant to improve its efficiency and effectiveness. In addition, an outfall extension into Colvos Passage, including a diffuser will be constructed. Project will result in a higher quality effluent being discharged to Puget Sound..\$10,000,000

(21) Goldendale--road project--reconstruct approximately 2,700 feet of East Collins Drive. This will include curb and gutters, storm drainage facilities, sewer line repair and replacement, water line replacement, and a 40 foot curb to curb road section consisting of two eleven foot travel lanes and two nine foot parking areas.....\$827,316

(22) Highland water district--domestic water project--construct a 0.5 million gallon steel water tank and foundation, appurtenances such as water lines and valves, access road, and other site improvements as needed.....\$573,750

(23) Ilwaco--sanitary sewer project--replace approximately 2,000 feet of sanitary sewer lines and 2,250 feet of storm sewer

lines, including contributing laterals. In addition, installation of new manholes, catch basins, and other related improvements would be made as part of the project\$774,000

(24) Jefferson County public utility district 1--domestic water project--extend water system to service the entire Marrowstone Island. Replacing individual wells with a public water supply. This will include installation of approximately 150,000 feet of water mains with accoutrements, a new 300,000 gallon storage tank, and expansion of existing treatment facilities. This will ensure a consistent source of potable water for the residents.....\$2,000,000

(25) Jefferson County public utility district 1--sanitary sewer project--replace approximately 80 individual septic systems with a new community drainfield system, consisting of approximately 12 grinder pump stations, twin booster pump stations, two dosing tanks, and other components necessary to enable the system to function properly. Completion of this project will virtually eliminate the release of any untreated effluent into the wetland and Discovery Bay.....\$948,924

(26) Kennewick--domestic water project--upgrade the water treatment plant with installation of a new membrane filtration at the Columbia River plant and installation of an ultraviolet disinfection system at the Ranney collector number five. Other related improvements will be made to the system as part of the project. This project will bring the city into compliance with the department of health's ground water under the influence (GWI) requirements....\$10,000,000

(27) King county water district No. 111--domestic water project-- construct four water treatment facilities. Each facility will include chlorine generation systems, backwash recycling facilities, SCADA systems at each plant, and any other related activities necessary to complete the construction. This will enable the district to be in compliance with iron and manganese MCLs and eliminate the hazards associated with chlorine.....\$1,255,428

(28) King county water district No. 125--domestic water project-- upgrade pressure zone 2 by installing two secondary source connections, including pressure-reducing valves, valves, piping, and appurtenances and approximately 150 feet of water main. The project will also include replacement of approximately 12,500 feet of undersized water main, including all valves, fittings, hydrants, and appurtenances and project area restoration as required\$1,088,850

(29) Lake Forest Park--sanitary sewer project--installation of a series of extensions to the city of Lake Forest Park's sanitary sewer system to provide service to residential areas currently not serviced. This will include construction of approximately 3.8 miles of sewer main extension including gravity sewer, pressure piping, service connections and side sewers, lift stations, grinder pump assemblies, surface restoration, temporary erosion and sedimentation control, and related work\$4,656,000

(30) Leavenworth--domestic water project--reconstruct old reservoir on existing site, including new structural walls, new roof, and related appurtenances. Project will also include installation of a SCADA monitoring/radio telemetry control system\$1,400,000

(31) LOTT wastewater alliance--sanitary sewer project--construct four secondary clarifier mechanisms, replacement of RAS pumps, secondary scum pumping improvements, and motorized actuators. Upgrades to equipment and mechanisms will enable LOTT to meet increasing loads at the Budd Inlet wastewater treatment plant and improve the effluent quality\$4,278,404

(32) Malaga water district--domestic water project--construct a new 52,000 gallon partially buried concrete reservoir and connecting piping and install security fencing around tank. This project will enable the district to ensure a continuous safe water supply to the homes and businesses in the area\$161,500

(33) Manchester water district--domestic water project--upgrade a wide range of the water system. Project will include installation of a SCADA system with all hardware, software, and backup equipment. Installation of a new flow meter at each wellhead and pump station. Distribution/transmission piping replacements and upgrades to the Mile Hill Road area, Yukon Harbor Drive and Southworth Drive. Installation of two interties in the South Street and Garfield Road area. Construction of two pressure-reducing stations located in the Beach Drive and Harper Hill areas\$970,870

(34) Mason county public utility district 1--domestic water project--source improvements and system rehabilitation to the newly acquired Arcadia Estates system. Project will include pump and controls for well number two, 24,000 gallon storage reservoir with draft fire hydrant, three booster pumps, two pressure tanks, pressure-reducing station, service meters, and three blow off assemblies. This will remove the red operating permit and ensure a safe and reliable source of potable water for the community\$95,950

(35) Mason county public utility district 1--domestic water project--rehabilitate the source of supply at the newly acquired Twanoh Heights water system. This project will include rehabilitation of well number one, installation of two pumps, abandonment of well number two per department of ecology rules, service meters and air release valves. This project will allow the community to have a continuous, safe and reliable water source.....\$172,900

(36) Mason county public utility district 1--domestic water project--address system needs for the Madrona Beach water system by constructing a 11,500 gallon reservoir, booster station, site work/plumbing, service meters, and a source meter. This will enable the public utility district to comply with department of health requirements and remove a blue operating permit.....\$171,000

(37) Mason county public utility district 1--domestic water project--make improvements to the newly acquired Canal Beach water system. The improvements include drilling and testing a new well source, constructing a 20,000 gallon storage tank, piped system intertie, fire service line and hydrant, water services with new meters, and abandonment of existing well sources per department of ecology rules.....\$171,712

(38) Mason county public utility district 1--domestic water project--make improvements to the Minerva Terrace water system that will include drill and test well, integrate well into system, booster station with all appurtenances, 35,200 gallon reservoir, and a draft fire hydrant. This will enable the system to have the red operating permit to be lifted and comply with department of health rules.....\$217,550

(39) Northeast Sammamish sewer/water district--domestic water project--construct a new water treatment plant, new 0.5 million gallon reservoir and pump station, new transmission water main, and new distribution main and associated minor improvements. The district will then be able to meet the federal arsenic level regulations and ensure a safe source of potable water for the community.....\$4,154,970

(40) Northshore utility district--sanitary sewer project--install approximately 2,445 feet of gravity sewer main, manholes, connection to the sanitary sewer system, and related restoration and appurtenances. In addition, the district will replace approximately 2,400 feet of asbestos concrete water mains. This will resolve the negative environmental and health impacts of the failing septic systems in the area\$814,634

(41) Northshore utility district--sanitary sewer project--install approximately 300 feet of gravity sewer main, manholes, connection to the sanitary sewer system, and related restoration and appurtenances. In addition, the district will replace approximately 300 feet of asbestos concrete water mains. This will resolve the

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negative environmental and health impacts of the failing septic systems in the area\$113,334

(42) Oak Harbor--domestic water project--replace existing water transmission mains being destroyed due to a highway project. The project includes construction of approximately 4,000 feet of transmission mains along Highway 20 just south of Deception Pass state park. Project will meet the city's foreseeable water requirements and provide sufficient capacity for the Naval Air Station--Whidbey\$834,700

(43) Orchard Avenue irrigation district number 6--domestic water project--install approximately 19,100 feet of PVC pipe. Approximately 210 buried meter boxes, reconnect approximately 400 existing services, and all required valves and other fittings. Project will eliminate public health concern over potential lead contamination from lead joint pipe\$1,066,800

(44) Pierce County--road project--widen, reconstruct, and overlay the intersection of Canyon Road E and 176th Street E, which includes additional travel lanes in each direction and left and right turn lanes at the intersection, a new traffic signal system, traffic signal interconnect system, street lights, median, curb and gutter, concrete sidewalks, landscaping, undergrounding of utilities, storm drainage conveyance, storage, and treatment facilities. Project will increase carrying capacity and allow for economic development\$2,942,000

(45) Pullman--sanitary sewer project--construct a new variable volume digester at the wastewater treatment plant, with an approximate capacity of 350,000 gallons. The work includes site preparation and construction of the digester, necessary piping modifications, and modifications to the existing plant control system. Project will enable the city to meet the environmental protection agency's SRT requirements\$1,912,000

(46) Pullman--domestic water project--construct a well to replace well number 3. Included in the project will be the drilling of the replacement well, well pump, motor, controls, disinfection equipment, fluoride injection equipment, a swell and chemical storage house, connection of transmission lines, and other related miscellaneous items and site work.....\$850,000

(47) Ridgefield--sanitary sewer project--construct a new pump station, install approximately 3,000 feet of force main, which will discharge directly into the treatment plant, and construct approximately 3,000 feet of gravity interceptor sewer. This project will enable the city to open up service to an area that is currently not served and allow for economic development\$1,718,000

(48) Ritzville--domestic water project--increase the city's water capacity from 1,200 to 2,000 gallons per minute by drilling a new well. This will also include installing the necessary pump and connections to the storage tank and construct a well house to protect the equipment\$845,000

(49) Ronald wastewater district--sanitary sewer project--sewer extension to unsewered areas includes installation of approximately 2,700 feet PVC sewer main and approximately 2,000 feet PVC sewers in three separate areas of the district. All associated appurtenances will also be installed, such as manholes and side sewer stubs. Approximately 1,100 sewer trunk main will be repaired. The streets and other public improvements that are disturbed during construction will be restored to city of Shoreline's standards\$1,021,700

(50) Samish water district--sanitary sewer project--upgrade its system by replacing pumps and controls at six sewage pump stations, replace controls at one sewage pump station, upgrade SCADA, and replace inline valves on existing sewer force main. This will ensure that the system operates within regulations.....\$1,083,000

(51) Seattle--storm sewer project--increase capacity of the drainage system by installing approximately 1,760 feet of storm drain along South Trenton Street, 3rd Avenue South, and 4th Avenue South. Install 2,380 feet of storm drain along South Director Street and 7th Avenue South. The last part of the project will construct a new storm drain system on 8th Avenue South. These new drainage pipes will reduce flows to the combined sewer system and reduce the number of overflows\$3,400,000

(52) Seattle--storm sewer project--upgrade two culverts in the lower reaches of Taylor Creek to remove fish barriers and construct a fish ladder to improve fish passage and control sediment transportation. Other related improvements will be made to the area as part of the project\$450,500

(53) Seattle--storm sewer project--construct two ponds that will include a 4 acre feet sediment collection pond, 2 acre feet decant pond, 750 feet of access road, 750 of decant piping, a gravel pump and its housing and controls, and 4,000 feet of landscaping around the new ponds. Additional related upgrades will be done to complete the project\$1,832,600

(54) Skyway water/sewer district--domestic water project--replace and upsize the supply meter from the city of Seattle system and replace approximately 6,350 feet of asbestos water supply line. In addition, four new pressure zones interties will be installed to improve flow between pressure zones within the water/sewer district\$1,130,526

(55) Spokane--domestic water project--replace about 3,500 feet of riveted steel water transmission mains with ductile iron pipe. In addition, project will include all valves, connections, blowoffs, air valves, railroad crossing, and pavement restoration and traffic control\$3,453,975

(56) Spokane--domestic water project--construct a 2 million gallon elevated steel tank with an accompanying booster station. This will include all piping, valves, telemetry, instrumentation, excavation and site preparation including landscaping, paving, and fencing.....\$2,232,950

(57) Spokane county--road project--((construct a total of 8.3 miles of roadway from Havana Street to Forker Road and from Forker Road from Bigelow Gulch Road to Wellesley Road. The construction will provide for expanding the road to four traveled lanes plus eight foot shoulders to improve safety and traffic capacity. A center turn lane will be added at locations where vehicles routinely make left turns. Eight foot shoulders will be added to provide for safety of pedestrians and bicycles\$10,000,000))

expand and realign the Bigelow Gulch/Forker Road Corridor to a four lane roadway with eight foot shoulders to improve traffic capacity and increase the overall safety of the corridor. This project will include engineering and design environmental and cultural review, acquisition of right-of-way and construction of 1.78 miles of roadway improvement. In addition, design and right-of-way will be prepared and acquired for the next continuous phase of the project\$4,500,000

(58) Stanwood--domestic water project--construct a 1 million gallon elevated water tank, water main, appurtenances, and equipment necessary to connect the new water tank to the existing system. Project will also install telemetry and control systems compatible with existing system, construction of a Cedarhome booster pump station for filling the Cedarhome reservoir, and improvements to the sites such as grading, fencing, and landscaping\$2,481,620

(59) Stevens County--solid waste project--expand municipal solid waste site by construction of an 11 acre lateral expansion, environmentally protective landfill lining and leachate collection

system and construction of ancillary facilities such as perimeter roads. Leachate facilities will consist of piping, collection and conveyance facilities.....\$2,600,000

(60) Union Gap--sanitary sewer project--construct approximately 3,400 feet of sewer interceptor and 1,800 feet of sewer laterals in conjunction with new roadways in the Valley Mall Boulevard area\$676,429

(61) Washougal--sanitary sewer project--construct a redundant secondary clarifier adjacent to existing secondary clarifier, including piping connections to the existing clarifier distribution structure, scum pump station, and RAS/WAS pump room. Additional work will include RAS/WAS pump room modifications for installation of dedicated return and waste-activated sludge pumps, sidewalks, and site grading and all necessary electrical hardware and SCADA control modifications. Project will enable the city to meet their national pollution discharge elimination system permit requirements.....\$794,000

(62) West Richland--sanitary sewer project--increase capacity by constructing a one million gallons per day biolac wastewater treatment facility, approximately 2,700 feet of sanitary sewer pipe, lift station, miscellaneous roadway patching, and site restoration. If additional funds are available, improvements to the facilities outfall structure will be designed along with facilities for sludge handling from the sewer maintenance program. Project will enable the city to meet their national pollution discharge elimination system permit requirements.....\$4,000,000

(63) Witworth water district 2--domestic water project--The district will solve the area problems by installing approximately 27,090 of water lines together with valves and appurtenances, connection to the existing system, 15 hydrants, pavement repair, and other surface restoration. In addition, installation of a two million gallon steel reservoir and a 1,700 gallons per minute booster pump station and various piping, appurtenances, pumps, controls, security, electrical, and connection to existing system.....\$2,502,300

(64) Yakima--sanitary sewer project--The project will be done in two phases. Phase I will install approximately 6,640 feet of sewer main trunk line in River Road from North 16th Avenue to North 40th Avenue. Phase II will install 5,500 feet of sewer main trunk line in River Road from North 6th Avenue to North 16th Avenue if public works trust fund loan funds remain and private development proceeds. The project will help prevent further loss of major employers by providing the transportation and utility infrastructure necessary to maintain competitive operations.....\$2,307,000

Sec. 7037. 2007 c 4 s 1 (uncodified) is amended to read as follows:

Pursuant to chapter 43.155 RCW, the following project loans recommended by the public works board are authorized to be made with funds appropriated from the public works assistance account:

(1) Airway Heights--sanitary sewer project--collection system improvements and an approximately 1 million gallon per day annual average flow wastewater treatment, reclamation, and groundwater recharge facility \$7,000,000

(2) Annapolis water district--domestic water project--interior and exterior of surface water reservoir will be sandblasted and painted to preserve structural integrity of the tank and eliminate breaches in the paint coating systems. Structural repairs will also be made to the tank and foundation\$595,000

(3) Blaine--sanitary sewer project--construct a new wastewater treatment plant to serve the projected demand for the next twenty years, using the latest membrane filtering technology to produce reuse-quality water effluent to minimize impacts to local shell fishing\$7,000,000

(4) Bremerton--sanitary sewer project--upgrade a sewage pump station to increase capacity from 1,900 gallons per minute to 3,500

gallons per minute, eliminating combined sewer overflows into the Puget Sound and meet a court order\$675,000

(5) Bremerton--sanitary sewer project--design and construct a treatment plant upgrade to address the vital needs of the plant, create redundancy for essential treatment processes, and replace twenty year old components and meet a court order\$3,000,000

(6) Bremerton--sanitary sewer project--construct approximately 1,300 feet new sewer interceptor and collector pipe to replace old, failing shallow sewer and meet a court order\$300,000

(7) Chelan county public utility district no. 1--domestic water project--design and construct: Two pump stations to increase capacity from approximately 4,000 gallons per minute to approximately 6,000 gallons per minute; a two million gallon reservoir; and approximately 5,000 feet of twelve and sixteen-inch water transmission mains to provide a reliable water source for approximately 4,500 customers\$5,267,000

(8) Cowlitz county--domestic water project--recoat the interior and exterior of four reservoirs to address areas of failure with the original coatings and protect the structural integrity of the reservoirs\$340,000

(9) Cross Valley water district--domestic water project--relocation and replacement of a failing water supply line that is located in an extremely wet cow pasture. Approximately 3,500 linear feet of asbestos cement line will be replaced with twelve-inch ductile iron pipe, including all valves, hydrants, and appurtenances as well as complete restoration and paving.\$532,525

(10) East Wenatchee water district--domestic water project--construct approximately 6,000 lineal feet of twelve-inch water main that will serve as the supply main to the new approximately 1.5 million gallon reservoir.....\$2,772,700

(11) Friday Harbor--sanitary sewer project--construct a new offshore marine pipeline approximately 1,900 feet in length; a new pump station and approximately 3,650 feet of pipeline to the wastewater treatment plant\$4,378,000

(12) Grays Harbor county water district no. 1--domestic water project--provide adequate water supply from primary source to the north end of the system to mitigate low pressure problems and comply with a bilateral compliance agreement; extend distribution system to provide service to residences with failing individual supplies; construct standby power generation facilities for primary source of supply; and construct additional storage and pumping facilities to provide reliable service and fire flow.....\$6,717,575

(13) Lake Stevens sewer district--sanitary sewer project--construction of a state of the art membrane bioreactor wastewater treatment facility outside the flood plain and an interceptor line and pump station.....\$7,000,000

(14) Mattawa--sanitary sewer project--complete public bidding and construction of the improvements consisting of an approximately 622,000 cubic foot HDPE lined long-term biosolids digestion basin, associated piping, rehabilitation of the existing biosolids drying beds, and fencing.....\$465,585

(15) Port Angeles--sanitary sewer project--design and construction of approximately 4,500 feet of thirty-inch sewer main to the headworks of the wastewater treatment plant.....\$1,875,000

(16) Snohomish--sanitary sewer project--((construct a fifteen and ten-inch sewer to reach an existing pump station; extend the above sewer using an eight-inch pipe to another pump station; and replace an existing sewer with a ten-inch pipe to provide additional capacity for future service and to meet the conditions of a stipulated court order.....\$7,000,000))

Segment 2: Add approximately 3,400 feet of sewer trunk to connect to the Segment 1, thereby allowing two pump stations to be abandoned. Segment 3: Replace approximately 1,200 feet of existing undersized sewer to provide additional capacity and to accommodate future service north and east of Blackmans Lake.....

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 - (17) Toppenish--sanitary sewer project--construct a single activated sludge process to replace the existing wastewater treatment facility, including the installation of ultraviolet disinfection channels to replace chlorine gas. The solids handling system will also be improved.....\$7,000,000
 - (18) Walla Walla--sanitary sewer project--the third and final upgrade at the wastewater treatment plant to meet class A water reuse standards and to comply with an agreed order from the department of ecology\$6,856,875
 - (19) Yakima--sanitary sewer project--replacement of chlorine gas with ultraviolet disinfection at the Yakima regional wastewater treatment plant to complete the first phase of the facility improvements.....\$2,300,000
- Sec. 7038.** 2008 c 5 s 1 (uncodified) is amended to read as follows:
- Pursuant to chapter 43.155 RCW, the following project loans recommended by the public works board are authorized to be made with funds appropriated from the public works assistance account, and no loan authorized in this act shall bear an interest rate greater than one-half of one percent:
- (1) Arlington--sanitary sewer project--expand and upgrade the wastewater treatment plant and biosolids composting facility to meet new discharge limitations, produce a higher quality effluent, and accommodate future growth.....\$10,000,000
 - (2) Auburn--street project--reconstruct approximately 0.3 miles of roadway with four travel lanes to bring up to current arterial and truck route standards and modify intersection to optimize efficiency and level of service\$1,800,000
 - (3) Blaine--sanitary sewer project--construct a new wastewater treatment plant and section of outfall pipe to increase treatment capacity, produce reuse quality water, and improve Puget Sound water quality for shellfish\$10,000,000
 - (4) Bonney Lake--domestic water project--replace approximately 71,000 linear feet of leaky water mains to reduce current water loss by ten percent.....\$5,352,000
 - (5) Bonney Lake--sanitary sewer project--replace approximately 12,000 linear feet of failing interceptor sewer pipes..\$4,648,000
 - (6) Buckley--sanitary sewer project--rebuild the wastewater treatment plant to provide nutrient removal and meet state and federal discharge regulations and the construction of an interceptor.\$5,000,000
 - (7) Camas--sanitary sewer project--construct improvements to the wastewater treatment facilities to provide class A biosolids at the main sewage pump station.....\$10,000,000
 - (8) Clark county--road project--construct new road segments, widen roadways, improve and redesign intersections, and install and modify traffic signals necessary to improve a major interchange with two freeways\$10,000,000
 - (9) Clark regional wastewater district--sanitary sewer project--modify existing and construct new wastewater facilities to process approximately 4.65 million gallons more of wastewater per day and ensure treatment processes continue to be in compliance with current regulations.....\$8,000,000
 - (10) Coal creek utility district--sanitary sewer project--construct sewer lift station, approximately 1,250 lineal feet of gravity sewer main, and 500 feet of force main to provide public sewer to approximately 25 properties on a lake that have private septic systems that have failed or are in prefailure status.....\$898,875
 - (11) College Place--domestic water project--construct two steel tanks, a booster station, approximately 6,000 feet of transmission line, 3,400 feet of water mains, three pressure reducing valves, and

- \$1,400,000
- ated telemetry to rectify a deficiency in fire flow and standby water storage protection.....\$4,710,051
- (12) Cowlitz county public utility district No. 1--domestic water project--construction of approximately six new groundwater supply wells, 2,100 feet of raw water piping in a new water treatment plant producing approximately 20 million gallons per day of potable water, and approximately 4,350 feet of transmission main to connect to the system to replace current water supply that is being impacted by increasing water sediment.....\$3,213,000
- (13) Ephrata--domestic water project--replace approximately 68,000 feet of failing water mains, 50,000 feet of failing water service pipes, and the resurfacing of 20 miles of overlaying roadway, including approximately 100 fire hydrants, 400 catch basins, 15 storm sewer drywells, 22,000 feet of curb and gutter, and 16,000 feet of storm sewer pipe.....\$6,605,727
- (14) Freeland water district--domestic water project--connect a new well and new reservoir to the existing system, rehabilitate the existing well, and install new equipment to increase system reliability, redundancy, and capacity. Install new chlorination equipment to improve water quality\$347,516
- (15) Gig Harbor--sanitary sewer project--improvements to the wastewater treatment plant including new equipment and electrical work, add a third clarifier, install ultraviolet disinfection, and extend and upsize the outfall\$10,000,000
- (16) Highline water district--domestic water project--construction of 11,350 feet of transmission main and looping of pipes to eliminate low pressures and fire flows and improve water quality, and create a new pressure zone to correct high pressures.....\$5,390,418
- (17) Karcher creek sewer district--sanitary sewer project--install a new sewer system, including a lift station and approximately 3,600 lineal feet of sewer main, in conjunction with a road project to service approximately 17 homes that will lose their septic systems due to the road project.....\$1,358,130
- (18) Kennewick--sanitary sewer project--construct improvements to critical wastewater treatment plant processes to enhance reliability, improve energy efficiency and redundancy, as well as increase the capacity of the sludge pumping station\$5,500,000
- (19) Kent--street project--construct ((two)) one bridge(s)), ((one for the roadway over a set of railroad tracks, and one for railroad tracks over a lowered roadway. This will grade separate the tracks from the roadway to provide safe and reliable operations twenty-four hours a day\$10,000,000)) and all preliminary activities, such as utility relocation, to prepare for the future bridge to be constructed\$5,000,000
- (20) King county--sanitary sewer project--construct 13,100 lineal feet of pipe to convey approximately 9 million gallons per day of reclaimed water to reduce withdrawals of 250-acre feet per year from the Sammamish river\$7,000,000
- (21) La Center--sanitary sewer project--upgrade wastewater treatment plant to reduce the levels of nitrogen discharged in the effluent and approximately doubling the operation of the plant and producing class A reuse water\$10,000,000
- (22) Lake Forest Park water district--domestic water project--replace approximately 6,915 lineal feet of undersized and corroded water pipes to improve safety and reliability of the system by reducing pipe failures and increasing fire flow.....\$917,935
- (23) Lake Stevens--sanitary sewer project--construct a new wastewater treatment plant, 9,500 feet of interceptor line, a pump station, and an outfall pipe in partnership with Lake Stevens sewer district.....\$10,000,000
- (24) Lake Stevens sewer district--sanitary sewer project--construct a new wastewater treatment plant, 9,500 feet of

interceptor line, a pump station, and an outfall pipe in partnership with the city of Lake Stevens.....\$10,000,000

(25) Lakewood--sanitary sewer project--construct 3 pump stations, approximately 17,200 linear feet of force mains, 13,500 linear feet of gravity collector pipe line, and 320 side sewer stubs to service two neighborhoods currently served exclusively by septic systems.....\$1,840,000

(26) LOTT alliance--sanitary sewer project--construct approximately 7,400 feet of force main and replace existing pump station with new 1,000 gallon per minute pump station..\$4,003,807

(27) Mansfield--sanitary sewer project--expand and rehabilitate wastewater treatment lagoons and effluent spray irrigation system as well as remove the discharge of groundwater from basement sump pumps to the collection system.....\$235,600

(28) Midway sewer district--sanitary sewer project--replace approximately 16,500 linear feet of sewer mains and 50 manholes to reduce infiltration and inflow.....\$3,782,500

(29) Mount Vernon--sanitary sewer project--upgrade existing wastewater treatment plant, including a new pretreatment facility, 4 additional clarifiers, upgrade aeration basins, installation of an ultraviolet disinfection system, and odor control system\$10,000,000

(30) Newcastle--road project--reconstruct, widen, and signalize approximately 5,200 linear feet of road to 2 lanes in each direction, add left turn lanes, sidewalks, bicycle lanes, install lighting systems, replace two-lane bridge with a four-lane bridge, and install new traffic signals.....\$5,000,000

(31) Olympia--sanitary sewer project--install approximately 6,500 linear feet of sewer mains and construct a lift station to serve 63 homes with failing on-site sewage systems.....\$1,808,375

(32) Olympus Terrace sewer district--sanitary sewer project--rehabilitate approximately 9,350 linear feet of sewer trunkline, construct approximately 9,800 linear feet of high-flow storm water bypass piping for excess flow, construct approximately 4,150 linear feet of road access, and restore creek habitat.....\$8,000,000

(33) Omak--sanitary sewer project--add 2 compost containers, convert storage tank to sludge holding tank, and install a second headworks screen to increase the wastewater treatment plant capacity by 35 percent.....\$450,000

(34) Port Angeles--sanitary sewer project--construct approximately 11,500 feet of sewer main, modify a storage tank, and modify the wastewater treatment plant.....\$10,000,000

(35) Regional board of mayors--solid waste project--close landfill site by capping and sealing with a soil cap.....\$859,500

(36) Regional board of mayors--solid waste project--construct a new solid waste transfer station, including structures and Equipment.....\$1,541,000

(37) Ronald wastewater district--sanitary sewer project--rehabilitate 2 lift stations by replacing pumps, valves, fittings, piping, odor control systems, and electrical equipment.....\$955,400

(38) Seattle--domestic water project--replace floating pumps with land-based pump station with a maximum capacity of approximately 250 million gallons per day, including 8 pumps, concrete structure, a tunnel, approximately 4,000 feet of pipeline, and a standby generator.....\$10,000,000

(39) Sedro-Woolley--sanitary sewer project--rehabilitate or replace 4 interceptor segments totaling approximately 29,700 linear feet(+) and install 2 pump stations(~~(- and upgrade the secondary clarifier)~~) in order to lift a building moratorium.....(~~(\$6,023,491)~~) \$3,803,289

(40) Shelton--sanitary sewer project--construct a satellite reclamation plant with a capacity of approximately 0.4 million gallons per day to produce class A reclaimed water, approximately 22,000 linear feet of sewer pipelines, and approximately 25,000 linear feet of reclaimed water force main.....\$2,079,360

(41) Shelton--sanitary sewer project--replace approximately 38,480 linear feet of mainline sewers to reduce inflow and infiltration.....\$5,737,500

(42) Skagit county sewer district No. 2--sanitary sewer project--upgrade wastewater treatment plant to a water reclamation facility to provide class A reclaimed water with a capacity of approximately 0.35 million gallons per day.....\$10,000,000

(43) Snohomish--sanitary sewer project--construct approximately 1,900 feet of sewer pipe, a new pump station with a capacity of approximately 8,000 gallons per minute, and approximately 4,300 feet of force main to reduce overflows.....\$2,000,000

(44) Snohomish--sanitary sewer project--upgrade existing wastewater treatment plant including a new influent flow structure, screens, aerators, effluent filtration, ultraviolet disinfection, effluent pump station, improvements to the existing lagoons, and electrical improvements.....\$4,500,000

(45) Snohomish county--road project--construct a new, approximately two-mile, two-lane truck route around the city of Granite Falls, including 3 roundabouts to improve safety and air quality in the downtown area.....\$10,000,000

(46) Southwest Suburban sewer district--sanitary sewer project-- replace and/or slipline approximately 5,470 feet of trunk/interceptor sewer main and construct a new lift station to reduce overflows.....\$3,268,250

(47) Tacoma--domestic water project--replace 3 open-topped concrete reservoirs with 2 enclosed concrete reservoirs of approximately 33 million gallons each and related piping to comply with the safe drinking water act and a bilateral compliance agreement.....\$10,000,000

(48) Tekoa--sanitary sewer system--reconstruct approximately 1,000 feet of failing sewer line and manholes to reduce significant groundwater infiltration.....\$135,115

(49) Three rivers regional wastewater authority--sanitary sewer project--construct 2 clarifiers and associated piping to replace 2 failed clarifiers at the wastewater plant.....\$6,630,750

(50) Washougal--sanitary sewer project--construct a new wastewater treatment plant headworks, including a fine screen, grit removal, and replace approximately 150 linear feet of gravity sewer, and make improvements to the lagoons, including 450 linear feet of piping, modify overflow structures, and a new pump.....\$3,100,000

(51) Yakima--domestic water project--develop a new, approximately 3,000 gallon per minute, domestic water well, including drilling, placement of casing, a new pump house, and connection to the existing water distribution system in order to augment the water supply during drought conditions.....\$2,257,200

(52) Yakima--street project--construct 2 underpasses and reconstruct 3 lanes on each roadway under a railroad mainline to accommodate additional rail and reduce traffic and emergency response delays and air pollution.....\$3,000,000

NEW SECTION. Sec. 7039. (1) The legislature finds that use of life cycle cost analysis will aid public entities, architects, engineers, and contractors in making design and construction decisions that positively impact both the initial construction cost and the ongoing operating and maintenance cost of a project. To ensure that the total cost of a project is accounted for and the most reasonable and cost efficient design is used, agencies shall develop life cycle costs for any construction project over \$5,000,000. The life cycle costs shall represent the present value sum of capital costs, installation costs, operating costs, and maintenance costs over the life expectancy of the project. The legislature further finds the most effective approach to the life cycle cost analysis is to integrate it into the early part of the design process. The office of financial management shall select six major construction projects that are estimated to be over five million dollars and have not procured the

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architectural firm for design, to have a life cycle cost analysis to be conducted early in the design process.

(2) Agencies shall develop a minimum of three project alternatives for use in the life cycle cost analysis. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative must be the most reasonable and cost-effective solution. A brief description of each project alternative and why it was chosen must be included in the life cycle cost analysis section of the predesign.

(3) The Office of financial management shall: (a) Make available a life cycle cost model to be used for analysis; (b) in consultation with the department of enterprise services, provide assistance in using the life cycle cost model; and (d) update the life cycle cost model annually including assumptions for inflation rates, discount rates and energy rates.

(4) Agencies shall consider architectural and engineering firms' and general contractors' experience using life cycle costs, operating costs, and energy efficiency measures when selecting an architectural and engineering firm, or when selecting contractors using alternative contracting methods.

Sec. 7040. RCW 46.68.350 and 2010 c 161 s 823 are each amended to read as follows:

(1) The snowmobile account is created within the state treasury. Snowmobile registration fees, monetary civil penalties from snowmobile dealers, and snowmobile fuel tax moneys collected under this chapter and chapter 46.17 RCW and in excess of the amounts fixed for the administration of the registration and fuel tax provisions of this chapter must be deposited into the account and must be appropriated only to the state parks and recreation commission for the administration and coordination of this chapter.

(2) The moneys collected by the department as snowmobile registration fees, monetary civil penalties from snowmobile dealers, and fuel tax moneys placed into the account must be distributed in the following manner:

(a) Actual expenses not to exceed three percent for each year must be retained by the department to cover expenses incurred in the administration of the registration and fuel tax provisions of this chapter; and

(b) The remainder of funds each year must be remitted to the state treasurer to be deposited into the snowmobile account of the general fund and must be appropriated only to the commission to be expended for snowmobile purposes. Purposes may include, but not necessarily be limited to, the administration, acquisition, development, operation, and maintenance of snowmobile facilities and development and implementation of snowmobile safety, enforcement, and education programs. During the 2013-2015 biennium the legislature may appropriate funds from the account to the department of natural resources for purpose of planning and supporting snowmobile activities on lands purchased by the department in the Yakima river basin.

(3) This section is not intended to discourage any public agency in this state from developing and implementing snowmobile programs. The commission may award grants to public agencies and contract with any public or private agency or person for the purpose of developing and implementing snowmobile programs, as long as the programs are not inconsistent with the rules adopted by the commission.

Sec. 7041. RCW 79.17.210 and 2011 c 216 s 13 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds

transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200 and the transfer of state lands or state forest lands into community forest trust lands under RCW 79.155.040. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. During the 2013-2015 fiscal biennium, funds in the account may also be appropriated for the land purchase in section . . . of this act under the provisions of section . . . and Second Substitute Senate Bill No. 5367.

Sec. 7042. RCW 70.105D.--- and 2013 2nd sp.s. c 1 s 10 are each amended to read as follows:

(1) The environmental legacy stewardship account is created in the state treasury. Beginning July 1, 2013, and every fiscal year thereafter, the annual amount received from the tax imposed by RCW 82.21.030 that exceeds one hundred forty million dollars must be deposited into the environmental legacy stewardship account. The state treasurer may make periodic deposits into the environmental legacy stewardship account based on forecasted revenue. Moneys in the account may only be spent after appropriation.

(2) Moneys in the environmental legacy stewardship account may be spent on performance and outcome based projects, model remedies, demonstrated technologies, procedures, contracts, and project management and oversight that result in significant reductions in the time to complete compared to baseline averages for:

(a) Purposes authorized under RCW 70.105D.070 (3) and (4);

(b) Storm water low-impact retrofit projects and other projects with significant environmental benefits that reduce storm water pollution from existing infrastructure and development;

(c) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment; and

(d) Appropriations to the state and local toxics control accounts created in RCW 70.105D.070 if the legislature determines that priorities for spending exceed available funds in those accounts.

(3) Except as provided under RCW 70.105D.070(3) (k) and (q), nothing in this act expands the ability of a potentially liable person to receive public funding.

(4) For the 2013-2015 fiscal biennium, moneys in the environmental legacy stewardship account may be transferred to the local toxics control account.

NEW SECTION. Sec. 7043. FOR THE STATE TREASURER--TRANSFERS

State Toxic Control Account: For transfer to
the Local Toxic Control Account.....\$4,000,000
Environmental Legacy Stewardship Account: For transfer to
the Local Toxic Control Account.....\$12,000,000

NEW SECTION. Sec. 7044. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)

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Senator Honeyford spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford and others to Substitute Senate Bill No. 5035.

The motion by Senator Honeyford carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2, after "improvements;" strike the remainder of the title and insert "amending RCW 43.34.080, 28B.15.210, 28B.20.725, 28B.15.310, 28B.30.750, 28B.35.370, 28B.50.360, 43.155.070, 70.105D.070, 79.17.010, 79.17.020, 46.68.350, 79.17.210, and 70.105D.--; 2012 2nd sp.s. c 2 ss 1022, 1024, 1025, 3002, and 5005 (uncodified); 2011 1st sp.s. c 49 ss 3052, 3112, and 5101 (uncodified); 2011 1st sp.s. c 49 s 5101 (uncodified); 2011 1st sp.s. c 48 ss 1022, 1023, and 3070 (uncodified); 2008 c 5 s 1 (uncodified); 2007 c 4 s 1 (uncodified); 2005 c 8 s 1 (uncodified); creating new sections; making appropriations; and declaring an emergency.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Nelson, Baumgartner, Fraser and O'Ban spoke in favor of passage of the bill.

Editor's Note: The following point of personal privilege was made during remarks made on passage of the bill.]

Senator O'Ban: "Mr. President, may I, uh (gestures to turn toward the body)."

REPLY BY THE PRESIDENT

President Owen: "President Owen: "You may."

PERSONAL PRIVILEGE

Senator O'Ban: "Senator O'Ban: "I rise in support of this capital budget but this is my maiden speech as a new senator of this esteemed body. I did have the opportunity, a few of weeks ago, to speak not so much on the merits of a bill but in honor of my friend and the man I'm going to try to, who's feet I'm going to try to fill, Senator Carrell. But, before I can give my maiden speech, I understand that there's a custom here on this floor that one first presents a gift to each member of this place. So, uh, you are now being distributed some of the finest cuisine of the District which I serve, the 28th District. I serve a number of wonderful communities but one of those is Joint Base Lewis-McChord [JBLM]. You will know that our fine men and women who serve our country give up a lot to do so. They give up hearth and home and comforts, including mom's best-cooked meal and instead they eat, often, a meals, Meal Ready to Eat [MRE]. And I thought, some of you are going to be in your car and you're going to be traveling back and you're going to be hungry and you may be tempted to stop and get a non-nutritious meal, jump back in your car. There's something really wonderful about this meal. You can cook it with the implements that come with it. So you can keep right on going and heat it up in your car. In fact, if you're hungry right now, you can break out the little heating source and you could cook it on your desk."

REMARKS BY THE PRESIDENT

President Owen: "President Owen: "Afraid not."

PERSONAL PRIVILEGE

Senator O'Ban: "I'm sorry. I should've asked the President's permission. Apparently you shouldn't, should not do that. But, at any rate, this does symbolize the sacrifice that our men and women do serve, in having a meal that is designed more for efficiency than it is for delicacy. Enjoy. I do, actually, urge you to sample some of this. It'll give you a little bit of a sense of what it's like to be in the military. I have two sons at JBLM. One taking a Stryker command in a few months and the other one in Civil Affairs and they say these are scrumptious. Oh, and my maiden speech, I'm sorry: I urge your support of the capital budget."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5035.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5035 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

correcting me but not yet gaveling him down for not asking for permission to turn around given the abuse I received my first few weeks here. I share my colleague's concerns about the MREs. It's an interesting gift my friend. Thank you for continuing to make sure I will have patients in the ER, especially the Seattle crowd that will be heading north and trying to drive while consuming these items. Sounds like a hazardous and distracting idea. In all seriousness, welcome to the Senate. Welcome to the front row where they seem to stick all of the newbies here and look forward seeing you next year but, thank God, not tomorrow."

Excused: Senators Kline and Mullet

ENGROSSED SUBSTITUTE SENATE BILL NO. 5035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "The President thinks we should take a vote on whether Senator O'Ban's or Senator Hobbs' gift was the worst. I'm still thinking Hobbs has it beat myself."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Senator O'Ban, would you stand for a question please? Notice I didn't ask him. So Senator, this says on the back the back, 'U. S. Government property, commercial resale is unlawful.' I'd like to know how you got your hands on these?"

PERSONAL PRIVILEGE

Senator O'Ban: "May I turn to face the...Senator Hobbs, will you yield to a question? Sir, are you aware that you can trade these if you want? These are suitable for trading."

REMARKS BY SENATOR O'BAN

Senator O'Ban: "Mr. President. Do I need to answer the question?"

Senator Hobbs: "That is correct, you can trade these."

REPLY BY THE PRESIDENT

President Owen: "Nope."

Senator O'Ban: "So it's not necessary for the members of the body to consume this all in one setting or at all."

REMARKS BY SENATOR O'BAN

Senator O'Ban: "Senator, I purchased these with my own money from JBLM."

Senator Hobbs: "That is true, you can actually take parts of it and make field recipes, you can too."

PERSONAL PRIVILEGE

Senator Smith: "I would like to express a sincere appreciation to the Senator from the Twenty-Eighth because now he has at last, provided me with a meal that I can make for myself that I won't starve to death from. The first that's actually happened. So thank you."

Senator O'Ban: "That's right. So I would just urge members if they don't want to share in the experiences of the men and women who are serving our country so ably so sacrificially. If this is too good for them, they can always trade the food."

PERSONAL PRIVILEGE

PERSONAL PRIVILEGE

Senator Hobbs: "I think it's well known in this body that I had the worst gift ever, a tee shirt. I'm glad to know that someone has beat me with the worst gift ever. Senator O'Dan Bam O'Ban? Really? MREs? I have nightmares of MREs. The reason why they gave or you bought them. They were available because they don't like them. I mean, I don't know what you're trying to do with the members here. These are known to, well, to have soldiers kind of not go to the bathroom for a long time. I know we have a lot of members here who have a problem going to the bathroom anyway. So, I don't know what you're trying to do to them. This is not a very good start of your Senate career but I wish you well. And by the way, I would advise you not to eat these unless you absolutely have to. They're like two to three thousand calories but thank you very much and welcome to the Senate."

Senator Roach: "Actually I learned one time when I was at the Yakima firing range and we had MREs that they have, are you ready for this? They have fifty-five hundred calories a piece in them. So I want to thank the Senator from the Twenty-eighth for actually not one meal but five."

MOTION

At 5:17 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:52 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

PERSONAL PRIVILEGE

Senator Schlicher: "Thank you Mr. President and thank you as always Senator Hargrove, a. k. a., 'Gimpy' for your outstanding assistance. Well, my first point is thank you for

June 29, 2013

MR. PRESIDENT:
The House has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5035,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5036,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5035,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5036.

MOTION

At 5:52 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 5:57 p.m. by the President Pro Tempore, Senator Tim Sheldon presiding.

MESSAGE FROM THE HOUSE

June 29, 2013

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4411,
HOUSE CONCURRENT RESOLUTION NO. 4412,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

SECOND SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4411 by Representatives Sullivan and Kretz

Returning bills to their house of origin.

HCR 4412 by Representatives Sullivan and Kretz

Adjourning sine die.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 29, 2013

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1632,
And the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1632.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

MOTION

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4411 and House Concurrent Resolution No. 4412 were placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4411, by Representatives Sullivan and Kretz

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4411.

HOUSE CONCURRENT RESOLUTION NO. 4411 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Sullivan and Kretz

Adjourning sine die.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4412.

HOUSE CONCURRENT RESOLUTION NO. 4412 having received a majority was adopted by voice vote.

EIGHTEENTH DAY, JUNE 29, 2013

2013 2ND SPECIAL SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,
 SUBSTITUTE HOUSE BILL NO. 1986,
 HOUSE BILL NO. 1988.

MOTION

On motion of Senator Fain and without objection, the measures on the second and third reading calendars were returned to the Committee on Rules:

MESSAGE FROM THE HOUSE

June 29, 2013

MESSAGE FROM THE HOUSE

June 29, 2013

MR. PRESIDENT:

The Speaker has signed:
 SECOND SUBSTITUTE SENATE BILL NO. 5367,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5644,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5882,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5946,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 29, 2013

MR. PRESIDENT:

The Speaker has signed:
 HOUSE CONCURRENT RESOLUTION NO. 4411,
 HOUSE CONCURRENT RESOLUTION NO. 4412,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

June 29, 2013

MR. PRESIDENT:

The Speaker has signed:
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5035,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5036,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4411,
 HOUSE CONCURRENT RESOLUTION NO. 4412.

MOTION

On motion of Senator Fain, the reading of the Journal of the eighteenth day of the 2013 Second Special Session of the 63rd Legislature was dispensed with and it was approved.

MOTION

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4411, the following House Bills were returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1955,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4411, the following Senate bills are returned to the Senate:

SENATE BILL NO. 5910,
 SENATE JOINT MEMORIAL NO. 8006,
 and the same are herewith transmitted.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore invited all guests and staff present to join the senators on the floor during the closing ceremony. The President Pro Tempore invited Mr. Charlie Hill, son of Senator Hill, to the rostrum to assist the President Pro Tempore close the day's session.

MOTION

At 6:08 p.m., on motion of Senator Fain the 2013 Second Special Session of the Sixty-Third Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

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SENATE JOURNAL
SIXTY-THIRD LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2013 Third Special Session Convened November 7, 2013
Adjourned Sine Die November 9, 2013

Official Record of All Senate Actions Compiled, Edited and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of
Washington, by Hunter Goodman, Secretary of the Senate



Linda Jansson,
Minute and Journal Clerk

Lieutenant Governor Brad Owen, *President of the Senate*
Senator Tim Sheldon, *President Pro Tempore*
Senator Paull Shin, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

2013

MAJORITY COALITION CAUCUS

Majority Coalition Leader.....Rodney Tom
Republican Leader.....Mark Schoesler
Majority Caucus Chair.....Linda Evans Parlette
Majority Floor Leader.....Joe Fain
Majority Whip.....Ann Rivers
Majority Caucus Deputy Leader.....Don Benton
Majority Caucus Vice Chair.....Bruce Dammeier
Majority Assistant Floor Leader.....Jim Honeyford
Majority Assistant Whip.....John Braun

DEMOCRATIC CAUCUS

Democratic Leader.....Ed Murray
Democratic Caucus Chair.....Karen Fraser
Democratic Floor Leader.....David Frockt
Democratic Whip.....Andy Billig
Democratic Deputy Leader.....Nick Harper
Democratic Assistant Floor Leader.....Annette Cleveland
Democratic Assistant Floor Leader.....Kevin Ranker
Democratic Assistant Whip.....Mark Mullet

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Secretary of the Senate Hunter Goodman
Deputy Secretary Brad Hendrickson
Minute and Journal Clerk Linda Jansson
Readers Kenneth Edmonds and Paul Campos

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FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, November 7, 2013

In accordance with Gubernatorial Proclamation issued pursuant to Article III, Section VII of the State Constitution and state law, the Senate of the 2013 Third Special Session of the Sixty-Third Legislature assembled in the Senate Chamber at the State Capitol. The Senate was called to order at 9:00 o'clock a.m. by the President Pro Tempore, Senator Tim Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all members were present with the exception of Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Shin and Smith.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM GOVERNOR

PROCLAMATION BY THE GOVERNOR
13-09

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2013 regular session on April 28, 2013, the 105th day of the session; and

WHEREAS, the legislature reconvened on May 13, 2013, to continue work on the 2013-2015 operating budget, 2013-2015 capital budget, 2013-2015 transportation budget, and related bills, but failed to approve such measures; and

WHEREAS, the Legislature again reconvened on June 12, 2013, and approved a 2013-2015 operating budget, a 2013-2015 capital budget, a 2013-2015 transportation budget, and the bills necessary to implement those budgets, and adjourned on June 30, 2013; and

WHEREAS, the development and siting of new aerospace projects within the state of Washington is of vital importance to the Washington aerospace industry, the state's economy as a whole, and would result in jobs for working Washingtonians; and

WHEREAS, the Speaker of the House, House Minority Leader, Senate Majority Coalition Caucus Leader, Senate Democratic Leader, and Senate Republican Leader working together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Thursday, November 7, 2013, at 9:00 a.m. for the purpose of enacting legislation necessary to ensure that new aerospace projects are located in Washington State, including legislation relating to workforce education and development,

permitting requirements, tax policy, and critical transportation infrastructure development.

Signed and sealed with the official seal of the state of Washington this 5th day of November, A. D. Two-thousand and Thirteen at Olympia, Washington.

Seal

JAY INSLEE,
Governor of Washington

MESSAGE FROM THE SECRETARY OF STATE

May 23, 2013

The Honorable Brad Owen
Lieutenant Governor of Washington
Legislative Building
Olympia, Washington 98504

Dear Lieutenant Governor Owen:

I respectfully transmit for your consideration Engrossed Substitute Senate Bill No. 5024 which has been partially vetoed by the Governor, along with his objection to the bill, as required by Article III, section 12, of the Washington State Constitution.

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the state of Washington, this 23rd day of May, 2013.

KIM WYMAN, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR

PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE
BILL 5024

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 201(3); 209(10); 216(5); 218(2); 306(7); 306(22); 313(4); 313(5); 602; 903; page 139, lines 23-25; 903(1); 904, page 151, lines 7-9; 904(1); 906, page 154, lines 8-10; and 906(1), Engrossed Substitute Senate Bill 5024 entitled:

“AN ACT Relating to transportation funding and appropriations.”

Section 201(3), page 7, Washington Traffic Safety Commission, Traffic Safety Resource Prosecutor Program

This proviso requires the traffic safety prosecutor program to be moved from the Washington State Patrol to the Washington Association of Prosecuting Attorneys. Before making this change, a thorough analysis of the advantages and disadvantages should be done. For this reason, I have vetoed Section 201(3) and instructed the Washington Traffic Safety Commission to investigate this proposal.

Section 209(10), page 20, Department of Transportation, Annual Independent Audits

FIRST DAY, NOVEMBER 7, 2013

The Fiscal Year 2013 annual independent audit of State Route 520 is currently under way and will be completed in Fiscal Year 2014. This proviso would require the audit to be completed through an interagency agreement between the Department of Transportation and Office of Financial Management. This change would duplicate work and delay completion of the audit required in the State Route 520 master bond resolution. For these reasons, I have vetoed Section 209(10).

Section 216(5), page 26, Department of Transportation, Guide Signs to the City of Kenmore and Other Destinations

Traffic control signing, including guide signs to destinations, should be done in a cooperative manner between the Department of Transportation and the requestor to ensure that safety and motorist needs are met. State and federal regulations and policy are in place to guide this process. This proviso, therefore, is unnecessary. For this reason, I have vetoed Section 216(5) and directed the Department to work with the City of Kenmore to resolve their traffic control signing issues.

Section 218(2), page 29-30, Department of Transportation, Study on Restricting Use of Steel on Guardrail Posts

Section 218(2) directs the Department of Transportation to contract with an independent research organization to study wood guardrails; however, no funding is provided for the study. Moreover, the Department evaluated the use of wood guardrails as recently as 2009 and is currently conducting a study concerning guardrail materials. For these reasons, I have vetoed Section 218(2).

Section 306(7), pages 41-42, Interstate 5/Columbia River Crossing

Section 306(7) directs the expenditure of \$81 million, including federal funds, for the Columbia River Crossing project. I see no wisdom in expending these funds if the state of Washington does not contribute adequate funding necessary to complete the project. This section would result in the expenditure of \$81 million to no result. If there are no other funds appropriated, the bridge project cannot move forward because federal funding will disappear. In addition, this section would prohibit expenditure of federal funding that is necessary to build the bridge. If the Coast Guard permit is not issued, there is no need for the waste of \$81 million.

Section 306(22), page 47, Department of Transportation, Report on Public or Private Entity Mitigation

Section 306(22) requires the Department of Transportation to report to the chairs of the Senate and House transportation committees whenever it is in negotiations to provide a public or private entity mitigation for \$10 million or more. While I support the interest in transparency and accountability when negotiating public funds, non-disclosure agreements may require the Department to maintain confidentiality during certain negotiations. Therefore, I have vetoed Section 306(22) and directed the Department to develop a process to report on mitigation agreements exceeding \$10 million.

Section 313(4), page 57, Department of Transportation, Quarterly Reporting Requirements

This proviso requires the Department of Transportation to report quarterly on change order details that include the name of the contractor, dollar value of the change order, and explanation of the change order. No funding was provided for either the system or human resource efforts this would require given that there is no

2013 3RD SPECIAL SESSION

dollar threshold for reporting change orders. For this reason, I have vetoed Section 313(4).

Section 313(5), page 57, Department of Transportation, Quarterly Reporting Requirements

This proviso requires the Department of Transportation to report quarterly on all mitigation payments, including the party with whom the mitigation was negotiated, as well as the parties with whom the Department is in ongoing negotiations. No funding was provided for either the system or human resource efforts this would require given that there is no dollar threshold for reporting mitigation payments. For this reason, I have vetoed Section 313(5).

Section 602, page 74, Department of Transportation, Transitioning Passenger Vehicles to DES Motor Pool

This section directs the Department of Transportation to begin transitioning its passenger vehicles to the Department of Enterprise Services motor pool and prohibits the purchase of new passenger vehicles with appropriations in this act by programs headquartered in Thurston County. However, it is not clear whether the Department of Transportation's specialty service trucks are passenger vehicles as defined in RCW 46.04.382. I believe these vehicles, such as light trucks used by maintenance workers, should remain with the Department of Transportation. For this reason, I have vetoed Section 602 and directed the Department of Transportation to work with the Department of Enterprise Services to transition its vehicles to the motor pool where practicable and where efficiencies can be created.

Section 903, page 139, lines 23-25, and Section 903(1), page 140, Transportation Partnership Account-State Appropriation, Improvements Program

Due to unforeseen changes in the timing of expenditures for highway improvement projects and the lack of flexibility in the capital program budgets, this appropriation change would result in an estimated shortfall of approximately \$30 million in expenditure authority in the highway improvement program. The Department of Transportation must keep projects within the total spending plan; however, retaining the supplemental budget's original Transportation Partnership Account-State appropriation will provide flexibility in the timing of expenditures as the state transitions from one biennium to the next during the peak construction period. For these reasons, I have vetoed Section 903, page 139, lines 23-25, and Section 903(1).

Section 904, page 151, lines 7-9, and Section 904(1), page 151, Transportation Partnership Account-State Appropriation, Preservation Program

Due to unforeseen changes in the timing of expenditures for highway preservation projects and the lack of flexibility in the capital program budgets, this appropriation change would result in an estimated shortfall of approximately \$23 million in expenditure authority in the highway preservation program. The Department of Transportation must keep projects within the total spending plan; however, retaining the supplemental budget's original Transportation Partnership Account-State appropriation will provide flexibility in the timing of expenditures as the state transitions from one biennium to the next during the peak construction period. For these reasons, I have vetoed Section 904, page 151, lines 7-9, and Section 904(1).

Section 906, page 154, lines 8-10, and Section 906(1), page 154, Transportation 2003 Account (Nickel Account)-State

Appropriation, Washington State Ferries Construction Program

Due to unforeseen changes in the timing of expenditures for ferry capital construction projects and the lack of flexibility in the capital program budgets, this appropriation change would result in an estimated shortfall of approximately \$7 million in expenditure authority in the ferry capital program.

The Department of Transportation must keep projects within the total spending plan; however, retaining the supplemental budget's original Transportation 2003 Account (Nickel Account)-State appropriation will provide flexibility in the timing of expenditures as the state transitions from one biennium to the next during the peak construction period. For these reasons, I have vetoed Section 906, page 154, lines 8-10, and Section 906(1).

For these reasons I have vetoed Sections 201(3); 209(10); 216(5); 218(2); 306(7); 306(22); 313(4); 313(5); 602; 903, page 139, lines 23-25; 903(1); 904, page 151, lines 7-9; 904(1); 906, page 154, lines 8-10; and 906(1) of Engrossed Substitute Senate Bill 5024.

With the exception of Sections 201(3); 209(10); 216(5); 218(2); 306(7); 306(22); 313(4); 313(5); 602; 903, page 139, lines 23-25; 903(1); 904, page 151, lines 7-9; 904(1); 906, page 154, lines 8-10; and 906(1), Engrossed Substitute Senate Bill 5024 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE SECRETARY OF STATE

July 1, 2013

The Honorable Brad Owen
Lieutenant Governor of Washington
Legislative Building
Olympia, Washington 98504

Dear Lieutenant Governor Owen:

We respectfully transmit for your consideration Engrossed Substitute Senate Bill No. 5946 and Third Engrossed Substitute Senate Bill No. 5034 which have been partially vetoed by the Governor along with his objection to the bills, as required by Article III, section 12, of the Washington State Constitution.

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the state of Washington, this 1st day of July, 2013.

KIM WYMAN, Secretary of State
(Seal)

MESSAGE FROM THE GOVERNOR

PARTIAL VETO ON THIRD ENGROSSED SUBSTITUTE
SENATE BILL 5034

June 30, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 103(10); 103(11); 114(3); 124(2); 124(3); 124(4); 124(5); 130(5);

148(4); 150, page 37, lines 33-36 and page 38, lines 1-7; 205(1)(e); 208(7); 213(35); 213(36); 217(5); 219(25); 302(8); 307(15); 501(1)(a)(v); 610(1); 610(2); and 610(8), Third Engrossed Substitute Senate Bill 5034 entitled:

“AN ACT Relating to fiscal matters.”

Section 103(10), page 6, Joint Legislative Audit and Review Committee, Study of State Agency Performance Indicators and Performance Measurement Process

This proviso directs the Joint Legislative Audit and Review Committee to study the effectiveness of state agency performance indicators and performance measurement processes established in Chapter 43.88 RCW, the state Budget and Accounting Act. My administration is already conducting a thorough and rigorous review of state agency performance indicators and measurements through our Results Washington initiative. I appreciate the Legislature's interest in performance management, but this review would be unnecessarily duplicative. For these reasons, I have vetoed Section 103(10).

Section 103(11), page 6, Joint Legislative Audit and Review Committee, Study of Electricity Cost Impacts from Renewable Energy Standards

This proviso directs the Joint Legislative Audit and Review Committee to assess the cost impacts of the state's renewable electricity standards without also evaluating the economic and environmental benefits of renewable energy. The study is unnecessary, as there are cost controls built into the standards. In addition, improvements to the Energy Independence Act will also be considered through the ongoing efforts of the Climate Legislative and Executive Workgroup created in Chapter 6, Laws 2013 (E2SSB 5802). For these reasons, I have vetoed Section 103(11).

Section 114(3), page 9, Administrator for the Courts, Office of Chief Information Officer Approval of Judicial Technology Expenditures

This proviso requires the Administrative Office of the Courts (AOC) to work with the Office of the Chief Information Officer (OCIO) to analyze the feasibility of moving judicial branch information technology equipment into the state data center. AOC is willing to undertake this analysis, in conjunction with the OCIO, as requested. However, the proviso also prohibits AOC from expending funds appropriated for an information network hub project and computer equipment replacement unless approved by the OCIO. This limitation on AOC's appropriation authority is not necessary given AOC's commitment to work cooperatively with the OCIO. I am willing to revisit this issue, however, should the necessary analysis not proceed in a timely and efficient manner. For this reason, I have vetoed Section 114(3).

Sections 124(2), 124(3), 124(4), 124(5), pages 16-17, State Auditor, Audit and Evaluation Requests

The State Auditor's is requested by the Legislature to conduct various audits and evaluations on actuarial functions, managed care systems, federal compliance and fraud activity, and inmate intake and reception processes. The budget reduces the State Auditor's ability to conduct performance audits by diverting nearly \$10 million from the Performance Audits of Government Account to funds to other activities, including \$5.6 million of funding for the Joint Legislative Audit and Review Committee (JLARC). Initiative 900 created the Performance Audits of Government Account to fund comprehensive performance audits independently chosen by the State Auditor. Therefore, the State

FIRST DAY, NOVEMBER 7, 2013

Auditor should select the audits he will perform within his limited funds. Legislatively directed audits should be performed by JLARC. For these reasons, I have vetoed Sections 124(2), 124(3), 124(4), 125(5).

Section 130(5), page 28, Office of Financial Management, One-Stop Portal Monitoring

This proviso requires the Office of the Chief Information Officer to submit a plan to establish performance benchmarks and measuring results of implementing a one-stop integrated system for business interactions with government. A similar reporting requirement is contained in Substitute Senate Bill 5718, which passed the Legislature, making this proviso unnecessary. For this reason, I have vetoed Section 130(5).

Section 148(4), page 36, Department of Enterprise Services, Building Code Council Aspirational Codes

This proviso prohibits the State Building Code Council from working on aspirational codes, which are voluntary codes that offer builders options to demonstrate new energy efficiency measures that are economically and technically feasible. Energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. Therefore, I believe the Building Code Council should continue this work for the benefit of our state's taxpayers. For this reason, I have vetoed Section 148(4). Moreover, while I have not vetoed subsection (3) of this section, the proviso attempts to amend substantive law through the budget by "modifying" the Council's statutory authority and by restricting member compensation as allowed under RCW 19.27.070. Therefore, this improper proviso does not restrict the appropriation authority or activities of the Building Code Council.

Section 150, page 37, lines 33-36 and page 38, lines 1-7, Department of Archaeology and Historic Preservation, Agency Survey and Inventory Processes

The Department of Archaeology and Historic Preservation is directed to report to the Legislature by December 1, 2013, and a second report by December 1, 2014, regarding the agency's survey and inventory processes. No funding was provided to compile the necessary data, which is not readily available to the Department, to complete these reports. For this reason, I have vetoed Section 150, page 37, lines 33-36 and page 38, lines 1-7. However, I am directing the Department to work with interested stakeholders to provide useful and available information about the survey and inventory processes within existing resources.

Section 205(1)(e), page 61, Department of Social and Health Services, Rate Disparity Report

The Department of Social and Health Services is directed to report to the Legislature by December 31, 2013, with a strategy to reduce the rate disparity between urban and suburban residential service providers. No funding was provided to the Department and it does not currently collect the data necessary to complete the report. For this reason I have vetoed Section 205(1)(e).

Section 208(7), page 73, Department of Social and Health Services, Chemical Dependency Treatment Study

This proviso requires the Department of Social and Health Services to contract with the Washington State Institute for Public Policy (WSIPP) to study the long-term efficacy of the chemical dependency treatment program. Under Chapter 338, Laws of 2013 (2SSB 5732), WSIPP will develop an inventory of evidence-based and research-based prevention and intervention

2013 3RD SPECIAL SESSION

services for the Department to use in preparing a behavioral health improvement strategy. Additionally, no funding is provided to the Department to contract for this study. For these reasons, I have vetoed Section 208(7).

Section 213(35), page 88, Health Care Authority, Rebates for Brand Name Drugs

This proviso requires the Health Care Authority to purchase brand name drugs when it determines the cost of the brand name drug after rebate is less than the cost of generic alternatives and that the purchase of the brand rather than generic version can save at least \$250,000. The state has made a concerted effort to reduce pharmaceutical drug costs through increasing generic drug use when clinically appropriate. This requirement is administratively burdensome to implement and will likely result in increased costs rather than savings. For these reasons I have vetoed Section 213(35).

Section 213(36), page 88, Health Care Authority, Preferred Drug List Exclusions

This proviso prohibits the Health Care Authority from including specific drugs in the Medicaid preferred drug list for the fee-for-service population. This proviso is in direct conflict with the state's goal of ensuring that our expenditures on services, devices, and medications provide the greatest health benefit for employees and clients. Excluding classes of drugs from evidence-based medicine is inconsistent with improving health care quality and reducing costs. For this reason I have vetoed Section 213(36).

Section 217(5), page 96, Department of Labor and Industries; Section 219(25), page 105, Department of Health; Section 302(8), pages 119-120, Department of Ecology; Formal Review Process Existing Rules

These provisos require the Department of Labor and Industries, Health, and Ecology to establish and perform a formal review process of its existing rules within existing funds. A similar reporting requirement is included in SSB 5679, which passed the Legislature, making these provisos unnecessary. For this reason, I have vetoed Sections 217(5), 219(25), and 302(8).

Section 307(15), pages 126-127, Department of Fish and Wildlife; Payments in Lieu of Taxes Methodology

The Department of Fish and Wildlife is directed to develop and submit a revised payment methodology for certain counties that receive payments in lieu of taxes (PILT) for game lands managed by the Department. The revised methodology is directed to provide supplemental payments to these counties. I believe a comprehensive review of PILT for game lands should be conducted without any predetermined outcome. Therefore, I am directing the Department of Revenue to work with the Department of Fish and Wildlife and the Office of Financial Management to examine the current PILT methodologies, as well as methodologies used by other states and the federal government, to develop by December 1, 2013, options and recommendations to revise the PILT program. For this reason, I have vetoed Section 307(15).

Section 501(1)(a)(v), page 136, Superintendent of Public Instruction

This proviso requires the Office of the Superintendent of Public Instruction to review career and technical education and skill center formulas by October 1, 2013. The due date does not provide enough time for staff to accomplish the task. The Superintendent has expressed a commitment to completing the

review by June 1, 2014. For these reasons, I have vetoed Section 501(1)(a)(v).

Section 610(1), page 190, The Evergreen State College, Extraordinary Foster Care Cost Study

This proviso directs the Washington State Institute for Public Policy to examine the extraordinary costs of individual foster care children to identify whether the cost of placements is consistent across similarly acute children. The Children's Administration of the Department of Social and Health Services routinely evaluates high cost placements and services but must make decisions based on the unique needs of each child. A study is not necessary at this time. For this reason, I have vetoed Section 610(1).

Section 610(2), page 190, The Evergreen State College, Safety Assessment Tool Study

This proviso directs the Washington State Institute for Public Policy to conduct an empirical study of the validity and reliability of the safety assessment tool used by the Children's Administration of the Department of Social and Health Services. The Department is currently evaluating the assessment tool as it implements the family assessment response system required by Chapter 259, Laws 2012 (ESSB 6555). A study at this time would be premature when the Department has not yet determined whether the assessment tool will continue to be used, modified or maintained. For this reason, I have vetoed Section 610(2).

Section 610(8), page 191-192, The Evergreen State College, K-12 Funding Task Force

This proviso establishes an eleven member task force on K-12 funding, to be staffed by the Washington State Institute for Public Policy. The task force is to examine and provide options on the following topics: salary allocation methodologies, career and technical education, and the appropriate use of state and local property taxes to finance public schools. Within the past three years, legislatively authorized working groups have conducted thorough reviews of compensation, career and technical education, and use of local levies. Another task force is duplicative of proposals from recent workgroups. For this reason, I have vetoed Section 610(8).

For these reasons I have vetoed Sections 103(10); 103(11); 114(3); 124(2); 124(3); 124(4); 124(5); 130(5); 148(4); 150, page 37, lines 33-36 and page 38, lines 1-7; 205(1)(e); 208(7); 213(35); 213(36); 217(5); 219(25); 302(8); 307(15); 501(1)(a)(v); 610(1); 610(2); and 610(8) of Third Engrossed Substitute Senate Bill 5034.

With the exception of Sections 103(10); 103(11); 114(3); 124(2); 124(3); 124(4); 124(5); 130(5); 148(4); 150, page 37, lines 33-36 and page 38, lines 1-7; 205(1)(e); 208(7); 213(35); 213(36); 217(5); 219(25); 302(8); 307(15); 501(1)(a)(v); 610(1); 610(2); and 610(8), Third Engrossed Substitute Senate Bill 5034 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE
BILL 5946

June 30, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 304 and 515, Engrossed Substitute Senate Bill 5946 entitled:

“AN ACT Relating to strengthening student educational outcomes.”

This legislation includes reforms to improve student achievement, which includes strategies to address early elementary school literacy, strengthening the learning assistance programs, reforming the approach to long-term student suspensions, and clarifications regarding the alternative learning experience program.

Section 304 is an intent section that discusses various experiences of schools and students, and is not necessary to interpret or implement the substantive provisions of the bill. For this reason, I have vetoed section 304.

Section 515 requires the Office of Financial Management by November 1, 2013, to complete a study, in consultation with various stakeholders, to create a proposal for efficiently and sustainably funding alternative learning experience courses and to recommend steps to increase the focus of educational outcomes. Given the short timeline for completion, the Office would need to contract for the work, and no funding was provided to the Office to conduct the study. For these reasons, I have vetoed section 515.

For these reasons I have vetoed Sections 304 and 515 of Engrossed Substitute Senate Bill 5946.

With the exception of Sections 304 and 515, Engrossed Substitute Senate Bill 5946 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE SECRETARY OF STATE

July 2, 2013

The Honorable Brad Owen
Lieutenant Governor of Washington
Legislative Building
Olympia, Washington 98504

Dear Lieutenant Governor Owen:

We respectfully transmit for your consideration Engrossed Substitute Senate Bill No. 5035 which has been partially vetoed by the Governor, along with his objection to the bill, as required by Article III, section 12, of the Washington State Constitution.

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the state of Washington, this 2nd day of July, 2013.

(Seal) KIM WYMAN, Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE
BILL 5035

July 1, 2013

INTRODUCTION AND FIRST READING OF HOUSE BILLS

To the Honorable President and Members,
The Senate of the State of Washington

HCR 4413 by Representatives Sullivan and Kretz

Ladies and Gentlemen:

Specifying the status of bills, resolutions, and memorials.

I am returning herewith, without my approval as to Section 5020(3), Engrossed Substitute Senate Bill 5035 entitled:

MOTION

“AN ACT Relating to the capital budget.”

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4413 was placed on the second reading calendar.

Section 5020(3), pages 166-168, Superintendent of Public Instruction, 2013-15 School Construction Assistance Program – Maintenance

MOTION

This proviso directs the Superintendent of Public Instruction to create an interagency agreement with The Evergreen State College for a study by the Washington State Institute of Public Policy. The purpose of the study is to analyze the relationship between school design and student performance and to develop recommendations for the school construction assistance program. The institute is further directed to create an advisory group to assist in the development of these recommendations. I believe this study is overly broad and an unnecessary expense. The current system of evaluating school construction projects adequately addresses school capital needs. Moreover, the 2013-2015 capital budget fully funds the state’s school construction assistance program.

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

For this reason, I have vetoed Section 5020(3) of Engrossed Substitute Senate Bill 5035.

HOUSE CONCURRENT RESOLUTION NO. 4413, by Representatives Sullivan and Kretz

With the exception of Section 5020(3), Engrossed Substitute Senate Bill 5035 is approved.

Specifying the status of bills, resolutions, and memorials.

The measure was read the second time.

MOTION

Respectfully submitted,
Jay Inslee, Governor

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4413 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4413.

HOUSE CONCURRENT RESOLUTION NO. 4413 having received a majority was adopted by voice vote.

MOTION

On motion of Senator Fain, Engrossed Substitute Senate Bill No. 5024, Third Engrossed Substitute Senate Bill No. 5034, Engrossed Substitute Senate Bill No. 5035 and Engrossed Substitute Senate Bill No. 5946, together with their respective gubernatorial partial veto messages, were held at the desk.

MOTION

At 9:22 a.m., on motion of Senator Fain, the Senate adjourned until 9:30 a.m. Friday, November 8, 2013.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

MESSAGE FROM THE HOUSE

November 7, 2013

MR. PRESIDENT:
The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4413,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

SECOND DAY

MORNING SESSION

HUNTER GOODMAN, Secretary of the Senate

Senate Chamber, Olympia, Friday, November 8, 2013

The Senate was called to order at 9:30 a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5952 by Senators Hill, Fain, Ericksen, Tom, Fraser, Eide, King, Hatfield and Hobbs

AN ACT Relating to incentivizing a long-term commitment to maintain and grow jobs in the aerospace industry in Washington state by extending the expiration date of aerospace tax preferences and expanding the sales and use tax exemption for the construction of new facilities used to manufacture superefficient airplanes to include the construction of new facilities used to manufacture commercial airplanes or the wings or fuselage of commercial airplanes; amending RCW 82.08.980, 82.12.980, 82.04.260, 82.04.260, 82.04.250, 82.04.290, 82.04.4461, 82.04.4463, 82.08.975, 82.12.975, 82.29A.137, and 84.36.655; adding a new section to chapter 82.32 RCW; creating a new section; providing a contingent effective date; providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5953 by Senators Fain, Hill, Tom, Ericksen, Fraser, Eide, King, Hatfield and Hobbs

AN ACT Relating to appropriations specifically for activities related to the aerospace industry for permitting and training, including program development, staff, facilities, and equipment; adding new sections to 2013 2nd sp.s. c 4 (uncodified); adding new sections to 2013 2nd sp.s. c 19 (uncodified); and making appropriations.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:32 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Saturday, November 9, 2013.

BRAD OWEN, President of the Senate

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, November 9, 2013

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hewitt, Kohl-Welles, Ranker, Schlicher and Shin.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

November 8, 2013

SB 5952 Prime Sponsor, Senator Hill: Incentivizing a long-term commitment to maintain and grow jobs in the aerospace industry in Washington state by extending the expiration date of aerospace tax preferences and expanding the sales and use tax exemption for the construction of new facilities used to manufacture superefficient airplanes to include the construction of new facilities used to manufacture commercial airplanes or the wings or fuselage of commercial airplanes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5952 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Keiser; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

November 8, 2013

SB 5953 Prime Sponsor, Senator Fain: Making appropriations specifically for activities related to the aerospace industry for permitting and training, including program development, staff, facilities, and equipment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Keiser; Nelson, Assistant Ranking Member; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 9:04 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:48 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5953, by Senators Fain, Hill, Tom, Ericksen, Fraser, Eide, King, Hatfield and Hobbs

Making appropriations specifically for activities related to the aerospace industry for permitting and training, including program development, staff, facilities, and equipment.

The measure was read the second time.

MOTION

Senator Holmquist Newbry moved that the following amendment by Senator Holmquist Newbry and others be adopted:

On page 2, line 18, after "limitations:" insert the following:
"(1)"

On page 2, after line 24, insert the following:

"(2) By June 30, 2019, the legislature must provide necessary funds for the department of commerce to develop a permitting process that allows all local governments to have their environmental permit requests reviewed within thirty days. This permitting process must be operational by December 31, 2019."

Senators Holmquist Newbry, Roach and Ericksen spoke in favor of adoption of the amendment.

Senators Kline, Sheldon and Hargrove spoke against adoption of the amendment.

MOTION

On motion of Senator Billig, Senators Kohl-Welles, Ranker, Schlicher and Shin were excused.

MOTION

On motion of Senator Rivers, Senator Hewitt was excused.

Senators Benton and Baumgartner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist Newbry and others on page 2, line 18 to Senate Bill No. 5953.

The motion by Senator Holmquist Newbry failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain, Frockt and Bailey spoke in favor of passage of the bill

PARLIAMENTARY INQUIRY

Senator Roach: "Well, Mr. President, when we start the legislative session in January I believe it's true that there is an opportunity for people to sign onto bills for about forty-eight hours that very first day. Is that how that works? Then subsequent days it's a twenty-four hour basis."

REPLY BY THE PRESIDENT

President Owen: "I don't know if that's exactly, it's up to the discretion of the senate how long they are going to allow a person to sign onto the bill."

POINT OF ORDER

Senator Roach: "Well, I guess one thing that I wanted to point out is there are just a few people on this bill and I'd certainly would like to have had the opportunity to sign on to it. We get calls. Some of us were not in because, we are here today but there was no floor action yesterday and so forth and I'd like to be a part of this. What I think is a part of history for Washington State. Maybe the majority of you who have not had the opportunity to sign on might also like to be sponsors of this piece of legislation. I would certainly like to ask the President to rule on this. This is a special session. It is a special time and I believe many of my colleagues would also like to join me in being sponsors of this historic legislation. Mr. President."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5953.

REMARKS BY THE PRESIDENT

President Owen: "Senator Roach, you did not raise a question or a challenge so the President is moving forward with the vote."

POINT OF ORDER

Senator Roach: "I would like to have a response about that: Whether or not it's possible. I'd like to move to suspend Rule 56 so that we allow members of the senate, the body, to sign onto this bill as being sponsors and that would be both Senate Bill No. 5953 and Senate Bill No. 5952."

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, you stated the wrong rule but we'll take care of that."

The President declared the question before the Senate to be the motion Senator Roach that the rules be suspended and members be allowed to sign onto legislation before the Senate existing time restrictions notwithstanding.

The motion by Senator Roach carried, the rules were suspended, and members were allowed to sign onto legislation before the Senate existing time restrictions notwithstanding by voice vote.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5953 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schoesler, Sheldon, Smith and Tom

Excused: Senators Hewitt, Kohl-Welles, Ranker, Schlicher and Shin

SENATE BILL NO. 5953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "For the members information I've spoken with Senator Roach and we have kind of an agreement here that, please, if you want to sign onto these bills, we're going to have a sheet up here for you to sign onto. Do it within the next half hour because we can't send this bill over to the House until we have your signatures. So, we're going to keep it open for a short period of time and then shut it down and then send the bill over. And, please, do both bills at the same time so that we can get them moving."

SECOND READING

SENATE BILL NO. 5952, by Senators Hill, Fain, Ericksen, Tom, Fraser, Eide, King, Hatfield and Hobbs

Incentivizing a long-term commitment to maintain and grow jobs in the aerospace industry in Washington state by extending the expiration date of aerospace tax preferences and expanding the sales and use tax exemption for the construction of new facilities used to manufacture superefficient airplanes to include the construction of new facilities used to manufacture commercial airplanes or the wings or fuselage of commercial airplanes.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5952 was substituted for Senate Bill No. 5952 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Hill be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the people of Washington have benefited enormously from the presence of the aerospace industry in Washington state. The legislature further finds that the industry continues to provide good wages and benefits for the thousands of engineers, mechanics, and support staff

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working directly in the industry throughout the state. The legislature further finds that suppliers and vendors that support the aerospace industry in turn provide a range of well-paying jobs. In 2003, and again in 2006, and 2007, the legislature determined it was in the public interest to encourage the continued presence of the aerospace industry through the provision of tax incentives. To this end, and in recognition of the continuing extreme importance of the aerospace industry in Washington, it is the legislature's intent to reaffirm and build upon prior aerospace tax incentive legislation in a fiscally prudent manner.

(2) The legislature categorizes the tax preferences extended in this act as intended to create or retain jobs, as indicated in RCW 82.32.808(2)(c).

(3) It is the legislature's specific public policy objective to maintain and grow Washington's aerospace industry workforce. To help achieve this public policy objective, it is the legislature's intent to conditionally extend aerospace industry tax preferences until July 1, 2040, in recognition of intent by the state's aerospace industry sector to maintain and grow its workforce within the state.

(4) The joint legislative audit and review committee must review the tax preferences provided in this act and report to the legislature by December 1, 2019, and every five years thereafter. As part of its tax preference reviews, the committee must specifically assess changes in aerospace industry employment in Washington in comparison with other states and internationally. To the extent practicable, the committee must use occupational data statistics provided by the bureau of labor statistics and state agencies responsible for administering unemployment insurance to perform this assessment.

NEW SECTION. Sec. 2. A new section is added to chapter 82.32 RCW to read as follows:

(1) Chapter ..., Laws of 2013 3rd sp. sess. (this act) takes effect contingent upon the siting of a significant commercial airplane manufacturing program in the state of Washington. If a significant commercial airplane manufacturing program is not sited in the state of Washington by June 30, 2017, chapter ..., Laws of 2013 3rd sp. sess. (this act) does not take effect.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial airplane" has the same meaning provided in RCW 82.32.550.

(b) "New model, or any version or variant of an existing model, of a commercial airplane" means a commercial airplane manufactured with a carbon fiber composite fuselage or carbon fiber composite wings or both.

(c) "Significant commercial airplane manufacturing program" means an airplane program in which the following products, including final assembly, will commence manufacture at a new or existing location within Washington state on or after the effective date of this section:

(i) The new model, or any version or variant of an existing model, of a commercial airplane; and

(ii) Fuselages and wings of a new model, or any version or variant of an existing model, of a commercial airplane.

(d) "Siting" means a final decision, made on or after November 1, 2013, by a manufacturer to locate a significant commercial airplane manufacturing program in Washington state.

(3) The department must make a determination regarding whether the contingency in subsection (1) of this section occurs and must provide written notice of the date on which such contingency occurs and chapter ..., Laws of 2013 3rd sp. sess. (this act) takes effect. If the department determines that the contingency in subsection (1) of this section has not occurred by June 30, 2017, the department must provide written notice stating that chapter ..., Laws of 2013 3rd sp. sess. (this act) does not take effect. Written notice

under this subsection (3) must be provided to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

Sec. 3. RCW 82.08.980 and 2010 c 114 s 126 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to:

~~(a) Charges ((made)), for labor and services rendered in respect to the constructing of new buildings ((by a manufacturer engaged in the manufacturing of superefficient airplanes or by a port district, to be leased to a manufacturer engaged in the manufacturing of superefficient airplanes, to)), made to (i) a manufacturer engaged in the manufacturing of commercial airplanes or the fuselages or wings of commercial airplanes or (ii) a port district, political subdivision, or municipal corporation, to be leased to a manufacturer engaged in the manufacturing of commercial airplanes or the fuselages or wings of commercial airplanes;~~

~~(b) Sales of tangible personal property that will be incorporated as an ingredient or component of such buildings during the course of the constructing((or to)); or~~

~~(c) Charges made for labor and services rendered in respect to installing, during the course of constructing such buildings, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565(2)(b).~~

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

~~((2))~~ (3) No application is necessary for the tax exemption in this section((s)). However, in order to qualify under this section before starting construction, the port district, political subdivision, or municipal corporation must have entered into an agreement with the manufacturer to build such a facility. A person claiming the exemption under this section is subject to all the requirements of chapter 82.32 RCW. In addition, the person must file a complete annual report with the department under RCW 82.32.534.

~~((3))~~ (4) The exemption in this section applies to buildings((s)) or parts of buildings, including buildings or parts of buildings used for the storage of raw materials or finished product, that are used ((exclusively)) primarily in the manufacturing of ((superefficient airplanes, including buildings used for the storage of raw materials and finished product)) any one or more of the following products:

~~(a) Commercial airplanes;~~

~~(b) Fuselages of commercial airplanes; or~~

~~(c) Wings of commercial airplanes.~~

~~((4))~~ (5) For the purposes of this section, "(superefficient) commercial airplane" has the meaning given in RCW 82.32.550.

~~((5))~~ (6) This section expires July 1, ((2024)) 2040.

Sec. 4. RCW 82.12.980 and 2010 c 114 s 132 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of:

~~(a) Tangible personal property that will be incorporated as an ingredient or component ((of new buildings by a manufacturer engaged in the manufacturing of superefficient airplanes or owned by a port district and to be leased to a manufacturer engaged in the manufacturing of superefficient airplanes, during the course of constructing such buildings, or to)) in constructing new buildings for (i) a manufacturer engaged in the manufacturing of commercial airplanes or the fuselages or wings of commercial airplanes or (ii) a port district, political subdivision, or municipal corporation, to be leased to a manufacturer engaged in the manufacturing of commercial airplanes or the fuselages or wings of commercial airplanes; or~~

(b) Labor and services rendered in respect to installing, during the course of constructing such buildings, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565(2)(b).

(2) The eligibility requirements, conditions, and definitions in RCW 82.08.980 apply to this section, including the filing of a complete annual report with the department under RCW 82.32.534.

(3) This section expires July 1, (~~2024~~) 2040.

Sec. 5. RCW 82.04.260 and 2013 2nd sp.s. c 13 s 202 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2015, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Beginning July 1, 2015, dairy products; or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than seventy percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d) Beginning July 1, 2015, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of

0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Wood biomass fuel as defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal

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stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual report with the department under RCW 82.32.534.

(e)(i) Except as provided in (e)(ii) of this subsection (11), this subsection (11) does not apply on and after July 1, ((2024)) 2040.

(ii) With respect to the manufacturing of commercial airplanes or making sales, at retail or wholesale, of commercial airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly

or wing assembly of any version or variant of a commercial airplane that is the basis of a siting of a significant commercial airplane manufacturing program in the state under section 2 of this act has been sited outside the state of Washington. This subsection (11)(e)(ii) only applies to the manufacturing or sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under section 2 of this act.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual survey with the department under RCW 82.32.585.

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.365 percent through June 30, 2013, and beginning July 1, 2013, multiplied by the rate of 0.35 percent.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual report with the department under RCW 82.32.534.

Sec. 6. RCW 82.04.260 and 2013 2nd sp.s. c 13 s 203 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2015, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Beginning July 1, 2015, dairy products; or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of

state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than seventy percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d) Beginning July 1, 2015, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Wood biomass fuel as defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

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(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount

of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual report with the department under RCW 82.32.534.

(e)(i) Except as provided in (e)(ii) of this subsection (11), this subsection (11) does not apply on and after July 1, ((2024)) 2040.

(ii) With respect to the manufacturing of commercial airplanes or making sales, at retail or wholesale, of commercial airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly or wing assembly of any version or variant of a commercial airplane that is the basis of a siting of a significant commercial airplane manufacturing program in the state under section 2 of this act has been sited outside the state of Washington. This subsection (11)(e)(ii) only applies to the manufacturing or sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under section 2 of this act.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to

such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellululosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual survey with the department under RCW 82.32.585.

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual report with the department under RCW 82.32.534.

Sec. 7. RCW 82.04.250 and 2010 1st sp.s. c 23 s 509 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail, except persons taxable as retailers under other provisions of this chapter, as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260(~~((40))~~) (11) or subsection (3) of this section, as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3) Until July 1, (~~(2024)~~) 2040, upon every person classified by the federal aviation administration as a federal aviation regulation part 145 certificated repair station and that is engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of .2904 percent.

Sec. 8. RCW 82.04.290 and 2013 c 23 s 314 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business (~~(shall be)~~) is equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(2)(a) Upon every person engaging within this state in any business activity other than or in addition to an activity taxed explicitly under another section in this chapter or subsection (1) or (3) of this section; as to such persons the amount of tax on account of such activities (~~(shall be)~~) is equal to the gross income of the business multiplied by the rate of 1.5 percent.

(b) This subsection (2) includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his or her principal or supplier to be used for informational, educational, and promotional purposes (~~(shall)~~) is not (~~(be)~~) considered a part of the agent's remuneration or commission and (~~(shall)~~) is not (~~(be)~~) subject to taxation under this section.

(3)(a) Until July 1, (~~(2024)~~) 2040, upon every person engaging within this state in the business of performing aerospace product development for others, as to such persons, the amount of tax with respect to such business (~~(shall be)~~) is equal to the gross income of the business multiplied by a rate of 0.9 percent.

(b) "Aerospace product development" has the meaning as provided in RCW 82.04.4461.

Sec. 9. RCW 82.04.4461 and 2010 c 114 s 115 are each amended to read as follows:

(1)(a)(i) In computing the tax imposed under this chapter, a credit is allowed for each person for qualified aerospace product

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development. For a person who is a manufacturer or processor for hire of commercial airplanes or components of such airplanes, credit may be earned for expenditures occurring after December 1, 2003. For all other persons, credit may be earned only for expenditures occurring after June 30, 2008.

(ii) For purposes of this subsection, "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(b) Before July 1, 2005, any credits earned under this section must be accrued and carried forward and may not be used until July 1, 2005. These carryover credits may be used at any time thereafter, and may be carried over until used. Refunds may not be granted in the place of a credit.

(2) The credit is equal to the amount of qualified aerospace product development expenditures of a person, multiplied by the rate of 1.5 percent.

(3) Except as provided in subsection (1)(b) of this section the credit must be claimed against taxes due for the same calendar year in which the qualified aerospace product development expenditures are incurred. Credit earned on or after July 1, 2005, may not be carried over. The credit for each calendar year may not exceed the amount of tax otherwise due under this chapter for the calendar year. Refunds may not be granted in the place of a credit.

(4) Any person claiming the credit must file a form prescribed by the department that must include the amount of the credit claimed, an estimate of the anticipated aerospace product development expenditures during the calendar year for which the credit is claimed, an estimate of the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe.

(5) The definitions in this subsection apply throughout this section.

(a) "Aerospace product" has the meaning given in RCW 82.08.975.

(b) "Aerospace product development" means research, design, and engineering activities performed in relation to the development of an aerospace product or of a product line, model, or model derivative of an aerospace product, including prototype development, testing, and certification. The term includes the discovery of technological information, the translating of technological information into new or improved products, processes, techniques, formulas, or inventions, and the adaptation of existing products and models into new products or new models, or derivatives of products or models. The term does not include manufacturing activities or other production-oriented activities, however the term does include tool design and engineering design for the manufacturing process. The term does not include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

(c) "Qualified aerospace product development" means aerospace product development performed within this state.

(d) "Qualified aerospace product development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined by the department, benefits, supplies, and computer expenses, directly incurred in qualified aerospace product development by a person claiming the credit provided in this section. The term does not include amounts paid to a person or to the state and any of its departments and institutions, other than a public educational or research institution to conduct qualified aerospace product development. The term does not include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(e) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.

(6) In addition to all other requirements under this title, a person claiming the credit under this section must file a complete annual report with the department under RCW 82.32.534.

(7) Credit may not be claimed for expenditures for which a credit is claimed under RCW 82.04.4452.

(8) This section expires July 1, ~~((2024))~~ 2040.

Sec. 10. RCW 82.04.4463 and 2010 1st sp.s. c 23 s 515 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes and leasehold excise taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i)(A) Property taxes paid on buildings, and land upon which the buildings are located, constructed after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(B) Leasehold excise taxes paid with respect to buildings constructed after January 1, 2006, the land upon which the buildings are located, or both, if the buildings are used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(C) Property taxes or leasehold excise taxes paid on, or with respect to, buildings constructed after June 30, 2008, the land upon which the buildings are located, or both, and used exclusively for aerospace product development, manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components, or in providing aerospace services, by persons not within the scope of (a)(i)(A) and (B) of this subsection (2) and are taxable under RCW 82.04.290(3), 82.04.260(~~((40))~~) (11)(b), or 82.04.250(3); or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after: (A) December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and (B) June 30, 2008, of buildings used exclusively for aerospace product development, manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components, or in providing aerospace services, by persons not within the scope of (a)(ii)(A) of this subsection (2) and are taxable under RCW 82.04.290(3), 82.04.260(~~((40))~~) (11)(b), or 82.04.250(3); and

(b) An amount equal to:

(i)(A) Property taxes paid, by persons taxable under RCW 82.04.260(~~((40))~~) (11)(a), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after December 1, 2003;

(B) Property taxes paid, by persons taxable under RCW 82.04.260(~~((40))~~) (11)(b), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after June 30, 2008; or

(C) Property taxes paid, by persons taxable under RCW 82.04.250(3) or 82.04.290(3), on computer hardware, computer peripherals, and software exempt under RCW 82.08.975 or 82.12.975 and acquired after June 30, 2008.

(ii) For purposes of determining the amount eligible for credit under (i)(A) and (B) of this subsection (2)(b), the amount of property taxes paid is multiplied by a fraction.

(A) The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260(~~((40))~~) (11) (a) or (b) on the applicable business activities of manufacturing commercial airplanes, components of such airplanes, or tooling

specifically designed for use in the manufacturing of commercial airplanes or components of such airplanes.

(B) The denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW.

(C) For purposes of both the numerator and denominator of the fraction, the total taxable amount refers to the total taxable amount required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. The department may provide for an alternative method for calculating the numerator in cases where the tax rate provided in RCW 82.04.260(~~((40))~~) (11) for manufacturing was not in effect during the full calendar year before the calendar year in which the credit under this section is earned.

(D) No credit is available under (b)(i)(A) or (B) of this subsection (2) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one.

(E) As used in (b)(ii)(C) of this subsection (2), "returns" means the tax returns for which the tax imposed under this chapter is reported to the department.

(3) The definitions in this subsection apply throughout this section, unless the context clearly indicates otherwise.

(a) "Aerospace product development" has the same meaning as provided in RCW 82.04.4461.

(b) "Aerospace services" has the same meaning given in RCW 82.08.975.

(c) "Commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(4) A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person claiming the credit under this section must file a complete annual report with the department under RCW 82.32.534.

(6) This section expires July 1, ((2024)) 2040.

Sec. 11. RCW 82.08.975 and 2008 c 81 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 (~~shall~~) does not apply to sales of computer hardware, computer peripherals, or software, not otherwise eligible for exemption under RCW 82.08.02565, used primarily in the development, design, and engineering of aerospace products or in providing aerospace services, or to sales of or charges made for labor and services rendered in respect to installing the computer hardware, computer peripherals, or software.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller (~~shall~~) must retain a copy of the certificate for the seller's files.

(3) (~~As used in this section, the following definitions apply:)~~ The definitions in this subsection apply throughout this section unless the context requires otherwise.

(a) "Aerospace products" means:

(i) Commercial airplanes and their components;

(ii) Machinery and equipment that is designed and used primarily for the maintenance, repair, overhaul, or refurbishing of commercial airplanes or their components by federal aviation regulation part 145 certificated repair stations; and

(iii) Tooling specifically designed for use in manufacturing commercial airplanes or their components.

(b) "Aerospace services" means the maintenance, repair, overhaul, or refurbishing of commercial airplanes or their components, but only when such services are performed by a FAR part 145 certificated repair station.

(c) "Commercial airplane" and "component" have the same meanings provided in RCW 82.32.550.

(d) "Peripherals" includes keyboards, monitors, mouse devices, and other accessories that operate outside of the computer, excluding cables, conduit, wiring, and other similar property.

(4) This section expires July 1, ((2024)) 2040.

Sec. 12. RCW 82.12.975 and 2008 c 81 s 3 are each amended to read as follows:

(1) The provisions of this chapter (~~shall~~) do not apply in respect to the use of computer hardware, computer peripherals, or software, not otherwise eligible for exemption under RCW 82.12.02565, used primarily in the development, design, and engineering of aerospace products or in providing aerospace services, or to the use of labor and services rendered in respect to installing the computer hardware, computer peripherals, or software.

(2) As used in this section, "peripherals," "aerospace products," and "aerospace services" have the same meanings as provided in RCW 82.08.975.

(3) This section expires July 1, ((2024)) 2040.

Sec. 13. RCW 82.29A.137 and 2010 c 114 s 134 are each amended to read as follows:

(1) All leasehold interests in port district facilities exempt from tax under RCW 82.08.980 or 82.12.980 and used by a manufacturer engaged in the manufacturing of superefficient airplanes, as defined in RCW 82.32.550, are exempt from tax under this chapter. A person claiming the credit under RCW 82.04.4463 is not eligible for the exemption under this section.

(2) In addition to all other requirements under this title, a person claiming the exemption under this section must file a complete annual report with the department under RCW 82.32.534.

(3) This section expires July 1, ((2024)) 2040.

Sec. 14. RCW 84.36.655 and 2010 c 114 s 151 are each amended to read as follows:

(1) Effective January 1, 2005, all buildings, machinery, equipment, and other personal property of a lessee of a port district eligible under RCW 82.08.980 and 82.12.980, used exclusively in manufacturing superefficient airplanes, are exempt from property taxation. A person taking the credit under RCW 82.04.4463 is not eligible for the exemption under this section. For the purposes of this section, "superefficient airplane" and "component" have the meanings given in RCW 82.32.550.

(2) In addition to all other requirements under this title, a person claiming the exemption under this section must file a complete annual report with the department under RCW 82.32.534.

(3) Claims for exemption authorized by this section must be filed with the county assessor on forms prescribed by the department and furnished by the assessor. The assessor must verify and approve claims as the assessor determines to be justified and in accordance with this section. No claims may be filed after December 31, ((2023)) 2039. The department may adopt rules, under the provisions of chapter 34.05 RCW, as necessary to properly administer this section.

(4) This section applies to taxes levied for collection in 2006 and thereafter.

(5) This section expires July 1, ((2024)) 2040.

NEW SECTION. Sec. 15. Subject to section 2 of this act, section 5 of this act expires July 1, 2015.

NEW SECTION. Sec. 16. Subject to section 2 of this act, section 6 of this act takes effect July 1, 2015."

Senator Hargrove spoke in favor of adoption of the striking amendment.

MOTION

THIRD DAY, NOVEMBER 9, 2013

2013 3RD SPECIAL SESSION

Senator Holmquist Newbry moved that the following amendment by Senator Holmquist Newbry and others to the striking amendment be adopted:

On page 27, after line 33 of the amendment, insert the following: "**NEW SECTION. Sec. 15.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Beginning January 1, 2020, all tax rates under this chapter must be reduced by forty percent. The appropriate fiscal committees of the legislature must develop and introduce legislation by no later than the 2015 legislative session that specifies a graduated implementation schedule that phases in the forty percent reduction for all persons subject to tax under this chapter between July 1, 2015, and January 1, 2020.

(2) This section expires July 1, 2040." Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 28, at the beginning of line 3 of the title amendment, strike all material through "dates" on line 9 and insert the following:

"On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "incentivizing a long-term commitment to maintain and grow jobs in Washington state by providing and extending a business and occupation preferential tax rate for all Washington state businesses subject to business and occupation tax and expanding the sales and use tax exemption for the construction of new facilities used to manufacture superefficient airplanes to include the construction of new facilities used to manufacture commercial airplanes or the wings or fuselage of commercial airplanes; amending RCW 82.08.980, 82.12.980, 82.04.260, 82.04.260, 82.04.250, 82.04.290, 82.04.4461, 82.04.4463, 82.08.975, 82.12.975, 82.29A.137, and 84.36.655; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.04 RCW; creating a new section; providing a contingent effective date; providing an effective date; and providing expiration dates."

Senators Holmquist Newbry and Baumgartner spoke in favor of adoption of the amendment to the striking amendment.

Senators Sheldon and Hargrove spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist Newbry and others on page 27, after line 33 to the striking amendment to Substitute Senate Bill No. 5952.

The motion by Senator Holmquist Newbry failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Hill to Substitute Senate Bill No. 5952.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 7 of the title, after "airplanes;" strike the remainder of the title and insert "amending RCW 82.08.980, 82.12.980, 82.04.260, 82.04.260, 82.04.250, 82.04.290, 82.04.4461, 82.04.4463, 82.08.975, 82.12.975, 82.29A.137, and 84.36.655; adding a new section to chapter 82.32 RCW; creating a new section; providing a contingent effective date; providing an effective date; and providing expiration dates."

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Substitute Senate Bill No. 5952 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hargrove, Parlette, Keiser Ericksen, Conway, Tom and Baumgartner spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5952.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5952 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Hasegawa and Kline

Excused: Senators Hewitt, Kohl-Welles, Ranker, Schlicher and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5952, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President. There has been a lot of praises here on the floor today. Praises for the Legislature. Praises for Boeing. Praises for the Governor. But I couldn't let this weekend pass or this event pass without praising those who made this all possible here today. The reason we are here, the reason the Senate is here, the reason we have the House of Representatives, we reason we even have an elected governor is because of our veterans and the sacrifices those veterans have made. As you know from previous speeches I have given here, I come from a family of veterans and I just want to remind everybody that sixty-nine years ago there was a letter handed out to every soldier, sailor and airman and it started out like this: 'Soldiers, sailmen and airmen of the Allied Expeditionary Force, today we embark on the great crusade.' The letter went on to explain on how important it was to defeat the Nazi war machine and it closed with this statement: 'The hopes and prayers of liberty loving people everywhere go with you.' And it was signed by the Allied Commander General Dwight D. Eisenhower. Sixty-eight years ago on this very day, the Nazi concentration camp of Buchenwald was liberated. November 9, 1944, sixty-nine years ago on this very day General Patton's Third Army crossed the river and threatened the first city in France to be liberated. And forty-three years ago, the bloodiest battle of the Vietnam War was fought, the Battle of Dak To, where American soldiers were victorious. Let us not lose sight of these sacrifices that have been made. I call your attention to the most recent Washington citizen that has given their life for their great country: Specialist Robert Ellis from Kennewick, Washington, who sacrificed his life on June 18 of this year in Afghanistan. Veterans everywhere in this country and today, because I'm in Washington, veterans of Washington need to be specially

remembered for the sacrifices that they make. Those who give their lives and those who are fortunate to return from conflict to protect this great county and this incredible institution that we call democracy. Without them, there would no democracy anywhere in the world. We have been the shining light for the world. And so, today, I am proud to stand and say, I'm sorry I couldn't be at the Veterans Day parade in Vancouver where my Boy Scout Troop are proudly marching today to honor the those veterans. I'm sorry boys I can't be with you but I'll see you tomorrow and I'll see you at the events that we have planned for Monday. But let's all say thank you this weekend to all of our veterans that have given, and to their families who have sacrificed, so that they can give. Thank you. Thank you veterans. Thank you Mr. President."

MOTION

At 12:05 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:15 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

November 9, 2013

MR. PRESIDENT:

The House passed HOUSE BILL NO. 2088 with the following amendment(s): 2088 AMH HUNT MEYE 026

On page 3, beginning on line 20, strike all of section 5

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Billig, Senator Harper was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2088 by Representatives Sells, Seaquist, Senn and Morrell

AN ACT Relating to appropriations specifically for activities related to the aerospace industry for permitting and training, including program development, staff, facilities, and equipment; adding new sections to 2013 2nd sp.s. c 4 (uncodified); adding new sections to 2013 2nd sp.s. c 19 (uncodified); and making appropriations.

Referred to Committee on Appropriations.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed House Bill No. 2088 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2088, by Representatives Sells, Seaquist, Senn and Morrell

Making appropriations specifically for activities related to the aerospace industry for permitting and training, including program development, staff, facilities, and equipment.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed House Bill No. 2088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2088.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2088 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, Mullet, Murray, Nelson, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schoesler, Sheldon, Smith and Tom

Excused: Senators Harper, Hewitt, Kohl-Welles, Ranker, Schlicher and Shin

ENGROSSED HOUSE BILL NO. 2088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:21 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:13 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

THIRD DAY, NOVEMBER 9, 2013

2013 3RD SPECIAL SESSION

November 9, 2013

Adjourning SINE DIE.

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5952,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5952.

MOTION

At 3:13 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:23 p.m. by President Owen.

MESSAGE FROM THE HOUSE

November 9, 2013

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4413,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

November 9, 2013

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 2088,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED HOUSE BILL NO. 2088,
HOUSE CONCURRENT RESOLUTION NO. 4413.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8406 by Senators Tom and Frockt

Returning bills to their house of origin.

SCR 8407 by Senators Tom and Frockt

MOTION

On motion of Senator Fain, under suspension of the rules Senate Concurrent Resolution No. 8406 and Senate Concurrent Resolution No. 8407 were placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Tom and Frockt

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8406 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8406.

SENATE CONCURRENT RESOLUTION NO. 8406 having received a majority was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Tom and Frockt

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8407.

SENATE CONCURRENT RESOLUTION NO. 8407 having received a majority was adopted by voice vote.

MOTION

At 3:27 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:40 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

November 9, 2013

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5952,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

November 9, 2013

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8406,
SENATE CONCURRENT RESOLUTION NO. 8407,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE CONCURRENT RESOLUTION NO. 8406,
SENATE CONCURRENT RESOLUTION NO. 8407.

MOTION

At 3:41 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:52 p.m. by President Owen.

MESSAGE FROM THE HOUSE

November 9, 2013

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8406,
SENATE CONCURRENT RESOLUTION NO. 8407,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

November 9, 2013

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8406, the following Senate bills are returned to the Senate:

SENATE BILL NO. 5953,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the reading of the Journal of the eighteenth day of the 2013 Third Special Session of the 63rd Legislature was dispensed with and it was approved.

MOTION

At 3:53 p.m., on motion of Senator Fain the 2013 Third Special Session of the Sixty-Third Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

SENATE ROSTER

AND

COMMITTEE ASSIGNMENTS

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Bailey, Barbara	10	R	Island, Skagit (P) Snohomish (P)	PO Box 40010 Olympia, WA 98504-0410	MO	Mgmt/Training Consultant	2003-2012	2013-
Baumgartner, Michael	6	R	Spokane (P)	PO Box 40406 Olympia, WA 98504-0406	1975 - WA	Consultant		2011-
Becker, Randi	2	R	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1948 - WA	Health Care Administrator		2009-
Benton, Don	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	1957 - CA	CIO - National Advtsg Consilnt	1995-1996	1997-
Billig, Andy	3	D	Spokane (P)	25 W. Main Ave Ste 237 Spokane, WA 99201	1969 - NY	Baseball Executive	2011/2012	2013-
Braun, John	20	R	Clark (P), Cowlitz (P), Lewis (P), Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1967 - OH	President of Braun Northwest		2013-
Brown, Sharon	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1962 - NY	Attorney		Appt. 2/4/2013
Carrell, Mike	28	R	Pierce (P)	10210 Lk Louise Dr SW Tacoma, WA 98498	1944 - WA	Teacher {retired}	1995-2004	Appt. 7/6/04-
Chase, Maralyn	32	D	King (P), Snohomish (P)	18560 1 st Ave. NE Ste E-750 Shoreline, WA 98155	WA	Legislator	Appt. 1/7/2002, 2003-10	2011-
Cleveland, Annette	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449	1962 - WA	External Affairs, Legacy Health Systems		2013-
Conway, Steve	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	1944 - OR	Labor Relations Specialist	Appt. 1/25/1993, 1994-2010	2011-
Dammeier, Bruce	25	R	Pierce (P)	101 S. Meridian Ste D Puyallup, WA 98371	1961 - WA	Small Business Owner, Print - NW	2009-2012	2013-
Darneille, Jeannie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1949 - AK	Consultant, not-for-profit org	2001-2012	2013-
Delvin, Jerome	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1956 - WA	Retired	Appt. 11/28/94-2004	Appt. 5/12/04-
Eide, Tracey	30	D	King (P)	PO Box 40430 Olympia, WA 98504-0430	1954 - WA	Senator	1993-1994	1999-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House Senate	
Erickson, Doug	42	R	Whatcom (P)	PO Box 40442 Olympia, WA 98504-0442	1969 - WA	Legislator	1999-2010	2011-
Fain, Joe	47	R	King (P)	PO Box 40447 Olympia, WA 98504-0447	1980 - WA	Legislator		2011-
Fraser, Karen	22	D	Thurston (P)	PO Box 40422 Olympia, WA 98504-0422	1944 - WA	Senator	1989-1992	1993-
Froct, David	46	D	King (P)	PO Box 40402 Olympia, WA 98504-0402	1969 - OH	Attrny/Legislator	2011	11/14/2011-
Hargrove, James	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40424 Olympia, WA 98504-0424	1953 - OR	Forester	1985-1992	1993-
Harper, Nick	38	D	Snohomish (P)	P. O. Box 40438 Olympia, WA 98504-0438	1979 - WA	Conservation Director		2011-
Hasegawa, Bob	11	D	King (P)	PO Box 84331 Seattle, WA 98124	WA	Operating Engineer	2005-2012	2013-
Hatfield, Brian	19	D	Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419	1966 - WA	Ec Development Specialist	Appt. 9/26/94-2004	Appt. 11/17/06-
Hewitt, Mike	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416	1946 - WA	Legislator		2001-
Hill, Andy	45	R	King (P)	PO Box 40445 Olympia, WA 98504-0445	1962 - CO	Consultant		2011-
Hobbs, Steve	44	D	Snohomish (P)	PO Box 40444 Olympia, WA 98504-0444	1970 - WA	UW Facilities Manager		2007-
Holmquist Newbry, Janéa	13	R	Grant (P), Kittitas, Yakima (P)	PO Box 40413 Olympia, WA 98504-0413	1974 - AK	Self Employed	Appt. 12/7/2001-2006	12/6/06-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Honeyford, Jim	15	R	Clark (P), Klickitat, Skamania, Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	1939 - OR	Farmer/Retired Educator	1995-1998	1999-
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947 - IA	Ret=d Comm. Dir.	1996-2000	2001-
King, Curtis	14	R	Yakima	PO Box 40414 Olympia, WA 98504-0414	1946 - WA	Business Manager		elected 11/6/07-
Kline, Adam	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1944 - NJ	Lawyer		Appt. 1/20/97-
Kohl-Welles, Jeanne	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1942 - WI	Sociologist Lecturer, UW	1992-1994	Appt. 10/14/94-
Litzow, Steve	41	R	King (P)	PO Box 40441 Olympia, WA 98504-0441	1961 - WI	Marketing Consultant		2010-
McAuliffe, Rosemary	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401	1940 - WA	Ownr/Mgr Hollywood Schoolhouse		1993-
Mullet, Mark	5	D	King (P)	PO Box 40405 Olympia, WA 98504-0405	1972	Owner of Zeek's Pizza		11/30/2012-
Murray, Ed	43	D	King (P)	3302 Fuhrman Ave E #103 Seattle, WA 98102	1955 - WA	Legislator	Appt. 11/4/1995, 1996-2006	2007-
Nelson, Sharon	34	D	King (P)	PO Box 40434 Olympia, WA 98504-0434	1951 - MN	Legislator	Appt. 11/5/2007-10	2010-
O'Ban, Steve	28	R	Pierce (P)		1961 - CA	Attorney	2013	Appt. 6/4/2013-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	Senate
							House	
Padden, Mike	4	R	Spokane (P)	PO Box 40417 Olympia, WA 98504-0417	1946 - OR	Judge (retired)	1981-1993	Appt. 11/29/2011-
Parlette, Linda Evans	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412	1945 - WA	Pharmacist & Orchardist	1997-2000	2001-
Pearson, Kirk	39	R	King (P), Skagit (P), Snohomish (P)	PO Box 40439 Olympia, WA 98504-0439	1958 - WA	Former Congressional Aide	2001-2012	2013-
Ranker, Kevin	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440	1970 - England	Coastal/Ocean Policy Consultant		2009-
Rivers, Ann	18	R	Clark (P)	PO Box 40418 Olympia, WA 98504-0418		Public Affairs Consultant	2011-2012	Appt. 6/25/2012-
Roach, Pam	31	R	King (P), Pierce (P)	PO Box 40431 Olympia, WA 98504-0431	1948 - CA	Self-Employed		1991-
Rolfes, Christine	23	D	Kitsap (P)	P. O. Box 40423 Olympia, WA 98505-0423	1967 - NY	Legislator	2007-2010	2011-
Schlicher, Nathan	26	D	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426	1982 - WA	Self-Employed		Appt. 1/17/2013-
Schoesler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957 - WA	Self-Employed Farmer	1993-2004	2005-
Sheldon, Tim	35	D	Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947 - WA	Tree Farmer	1991-1997	Elected 11/4/97-
Shin, Paul	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1935 - Korea	Professor-Retired	1993-1994	1999-
Smith, John	7	R	Ferry, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1973 - ID	Farmer/Business Consultant		Appt. 1/3/2013-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served
							House Senate
Tom, Rodney	48	D	King (P)	PO Box 594 Medina, WA 98039	1963 - WA	Real Estate Agent	2003-2006 2007-
Goodman, Hunter				PO Box 40482 Olympia, WA 98504-0482	1969 -	Secretary of the Senate	2013-
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482	1960 - WA	Deputy Secretary of the Senate	(1993-1996, 1999-2002) 2005-

**Membership of
Senate Standing Committees**

2013

Agriculture, Water & Rural Economic Development (7) -- Hatfield, Chair; *Honeyford; Brown; Eide; Hobbs; Schoesler; Shin

Commerce & Labor (7) -- Holmquist Newbry, Chair; Braun, Vice Chair; *Conway; Hasegawa; Hewitt; Keiser; King

Early Learning & K-12 Education (11) -- Litzow, Chair; Dammeier, Vice Chair; *McAuliffe; **Rolfes; Billig; Brown; Cleveland; Fain; Hill; Mullet; Rivers

Energy, Environment & Telecommunications (9) – Ericksen, Chair; Sheldon, Vice Chair; *Ranker; Billig; Brown; Chase; Cleveland; Honeyford; Litzow

Financial Institutions, Housing & Insurance (7) -- Hobbs, Chair; Mullet, Vice Chair; *Benton; Fain; Hatfield; Nelson; Roach

Governmental Operations (7) -- Roach, Chair; Benton, Vice Chair; *Hasegawa; Braun; Conway; Fraser; Rivers

Health Care (9) -- Becker, Chair; Dammeier, Vice Chair; *Keiser; Bailey; Cleveland; Ericksen; Frockt; Parlette; Schlicher

Higher Education (7) -- Bailey, Chair; Becker, Vice Chair; *Kohl-Welles; Baumgartner; Frockt; McAuliffe; Tom

Human Services & Corrections (7) – O’Ban, Chair; Pearson, Vice Chair; *Darneille; Baumgartner; Hargrove; Harper; Padden

Law & Justice (7) -- Padden, Chair; O’Ban, Vice Chair; *Kline; Darneille; Kohl-Welles; Pearson; Roach

Natural Resources & Parks (7) – Pearson, Chair; Smith, Vice Chair; *Rolfes; Hargrove; Hewitt; Kline; Parlette

Rules (22) -- Lieutenant Governor, Chair; Sheldon, Vice Chair; Bailey; Becker; Benton; Billig; Dammeier; Darneille; Ericksen; Fain; Fraser; Frockt; Harper; Keiser; King; Kohl-Welles; Murray; Parlette; Pearson; Rivers; Schoesler; Tom

Trade & Economic Development (7) -- Braun, Chair; Smith, Vice Chair; *Chase; Baumgartner; Holmquist Newbry; Schlicher; Shin

Transportation (16) -- King, Co-Chair; Eide, Co-Chair; *Benton; ***Hobbs ; *****Fain; Billig; Brown; Ericksen; Harper; Litzow; Mullet; O’Ban; Rolfes; Schlicher; Sheldon; Smith**

Ways & Means (23) -- Hill, Chair; Baumgartner, Vice Chair; **Honeyford; *Hargrove; **Nelson; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Padden; Parlette; Ranker; Rivers; Schoesler; Tom**

* Ranking Member

** Assistant Ranking Member

*** Vice Co-Chair

**** Capital Budget Chair

***** Budget Leadership Cabinet

**Membership Assignments to
Senate Standing Committees**

2013

Bailey, Barbara - Higher Education, Chair; Health Care; Rules; Ways & Means

Baumgartner, Michael - Ways & Means, Vice Chair; Higher Education; Human Services & Corrections; Trade & Economic Development

Becker, Randi - Health Care, Chair; Higher Education, Vice Chair; Rules; Ways & Means

Benton, Don - Governmental Operations, Vice Chair; ***Transportation; *Financial Institutions, Housing & Insurance; Rules

Billig, Andy - Early Learning & K-12 Education; Energy, Environment & Telecommunications; Rules; Transportation

Braun, John - Trade & Economic Development, Chair; Commerce & Labor, Vice Chair; Governmental Operations; Ways & Means

Brown, Sharon - Agriculture, Water & Rural Economic Development; Early Learning & K-12 Education; Energy, Environment & Telecommunications; Transportation

Chase, Maralyn - *Trade & Economic Development; Energy, Environment & Telecommunications

Cleveland, Annette - Early Learning & K-12 Education; Energy, Environment & Telecommunications; Health Care

Conway, Steve - *Commerce & Labor; Governmental Operations; Ways & Means

Dammeier, Bruce - Early Learning & K-12 Education, Vice Chair; Health Care, Vice Chair; Rules; Ways & Means

Darneille, Jeannie - *Human Services & Corrections; Law & Justice; Rules

Eide, Tracey - Transportation, Co-Chair; Agriculture, Water & Rural Economic Development

Ericksen, Doug - Energy, Environment & Telecommunications, Chair; Health Care; Rules; Transportation

Fain, Joe - *****Transportation; Early Learning & K-12 Education; Financial Institutions, Housing & Insurance; Rules

Fraser, Karen - Governmental Operations; Rules; Ways & Means

Frocht, David - Health Care; Higher Education; Rules

Hargrove, James - *Ways & Means; Human Services & Corrections; Natural Resources & Parks

Harper, Nick - Human Services & Corrections; Rules; Transportation

Hasegawa, Bob - *Governmental Operations; Commerce & Labor; Ways & Means

Hatfield, Brian - Agriculture, Water & Rural Economic Development, Chair; Financial Institutions, Housing & Insurance; Ways & Means

Hewitt, Mike - Commerce & Labor; Natural Resources & Parks; Ways & Means

Hill, Andy - Ways & Means, Chair; Early Learning & K-12 Education

Hobbs, Steve - Financial Institutions, Housing & Insurance, Chair; ***Transportation; Agriculture, Water & Rural Economic Development

Holmquist Newbry, Janéa - Commerce & Labor, Chair; Trade & Economic Development

* Ranking Member

** Assistant Ranking Member

*** Vice Co-Chair

**** Capital Budget Chair

***** Budget Leadership Cabinet

Honeyford, Jim - ****Ways & Means; *Agriculture, Water & Rural Economic Development; Energy, Environment & Telecommunications

Keiser, Karen - *Health Care; Commerce & Labor; Rules; Ways & Means

King, Curtis - Transportation, Co-Chair; Commerce & Labor; Rules

Kline, Adam - *Law & Justice; Natural Resources & Parks

Kohl-Welles, Jeanne - *Higher Education; Law & Justice; Rules; Ways & Means

Litzow, Steve - Early Learning & K-12 Education, Chair; Energy, Environment & Telecommunications; Transportation

McAuliffe, Rosemary - *Early Learning & K-12 Education; Higher Education

Mullet, Mark - Financial Institutions, Housing & Insurance, Vice Chair; Early Learning & K-12 Education; Transportation

Murray, Ed - Rules; Ways & Means

Nelson, Sharon - **Ways & Means; Financial Institutions, Housing & Insurance

O'Ban, Steve - Human Services & Corrections, Chair; Law & Justice, Vice Chair; Transportation

Padden, Mike - Law & Justice, Chair; Human Services & Corrections; Ways & Means

Parlette, Linda Evans - Health Care; Natural Resources & Parks; Rules; Ways & Means

Pearson, Kirk - Natural Resources & Parks, Chair; Human Services & Corrections, Vice Chair; Law & Justice; Rules

Ranker, Kevin - *Energy, Environment & Telecommunications; Ways & Means

Rivers, Ann - Early Learning & K-12 Education; Governmental Operations; Rules; Ways & Means

Roach, Pam - Governmental Operations, Chair; Financial Institutions, Housing & Insurance; Law & Justice

Rolfes, Christine - *Natural Resources & Parks; **Early Learning & k-12 Education; Transportation

Schlicher, Nathan - Health Care; Trade & Economic Development; Transportation

Schoesler, Mark - Agriculture, Water & Rural Economic Development; Rules; Ways & Means

Sheldon, Tim - Energy, Environment & Telecommunications, Vice Chair; Rules, Vice Chair; Transportation

Shin, Paull - Agriculture, Water & Rural Economic Development; Trade & Economic Development

Smith, John - Natural Resources & Parks, Vice Chair; Trade & Economic Development, Vice Chair; Transportation

Tom, Rodney - Higher Education; Rules; Ways & Means

* Ranking Member

** Assistant Ranking Member

*** Vice Co-Chair

**** Capital Budget Chair

***** Budget Leadership Cabinet

MESSAGE FROM THE GOVERNOR

February 27, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on February 27, 2013, Governor Inslee approved the following Senate Bill entitled:

Senate Bill No. 5147

Relating to juveniles and runaway children.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

April 2, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 2, 2013, Governor Inslee approved the following Senate Bill entitled:

Engrossed Second Substitute Senate Bill No. 5802

Relating to developing recommendations to achieve the state's greenhouse gas emissions targets.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

April 17, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 17, 2013, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5139

Relating to milk and milk products.

Senate Bill No. 5216

Relating to long-term care insurance.

Senate Bill No. 5488

Relating to establishing an enhanced penalty for the use of an internet advertisement to facilitate the commission of a sex-Trafficking crime.

Substitute Senate Bill No. 5518 (Partial Veto)

Relating to making nonsubstantive changes to election laws.

Substitute Senate Bill No. 5524

Relating to authorizing Washington pharmacies to fill prescriptions written by physician assistants in other states.

Senate Bill No. 5558

Relating to down payment assistance for single-family homeownership.

Engrossed Substitute Senate Bill No. 5563

Relating to training school employees in the prevention of sexual abuse.

Engrossed Senate Bill No. 5620

Relating to school safety.

Substitute Senate Bill No. 5634

Relating to clarifying the department of natural resources' authority to enter into cooperative agreements.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

April 22, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 22, 2013, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5021

Relating to changing the crime of riot to the crime of criminal mischief.

Senate Bill No. 5025

Relating to a proclamation of a state of emergency.

Senate Bill No. 5046

Relating to modifying the mandatory retirement provision for district judges.

Substitute Senate Bill No. 5077 (Partial Veto)

Relating to technical corrections to gender-based terms.

Engrossed Substitute Senate Bill No. 5110

Relating to local government purchasing of supplies, materials, or equipment.

Senate Bill No. 5114

Relating to access to K-12 campuses for occupational or educational information.

Senate Bill No. 5142

Relating to incorporating motorcycles into certain transportation planning.

Substitute Senate Bill No. 5165

Relating to increasing the authority of superior court commissioners to hear and determine certain matters.

Senate Bill No. 5186

Relating to contractor's bond.

Senate Bill No. 5207

Relating to making technical corrections and updating licensing and enforcement provisions of the consumer loan act.

Substitute Senate Bill No. 5210

Relating to the department of financial institutions' regulation of mortgage brokers and clarifying the department's existing regulatory authority regarding residential mortgage loan modification services.

Senate Bill No. 5212

Relating to the Washington state horse park authority.

Senate Bill No. 5235

Relating to the purchase of care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order.

Substitute Senate Bill No. 5274

Relating to private motorcycle skills education programs.

Senate Bill No. 5302

Relating to credit unions' corporate governance and investments.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

April 23, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 23, 2013, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5316

Relating to adopting a model policy to require a third person to be present during interviews.

Substitute Senate Bill No. 5332

Relating to voter-approved benefit charges for fire protection districts.

Substitute Senate Bill No. 5352

Relating to the real estate agency relationship.

Substitute Senate Bill No. 5400

Relating to allowing utilities serving customers in Washington and in other states to use eligible renewable resources in their other states to comply with chapter 19.285 RCW, the energy independence act.

Senate Bill No. 5446

Relating to state auditor applications for investigative subpoenas.

Engrossed Substitute Senate Bill No. 5458

Relating to the labeling of certain asbestos-containing building materials.

Senate Bill No. 5466

Relating to criminal history record information compliance audits.

Substitute Senate Bill No. 5517

Relating to the beer and wine tasting endorsement for grocery stores.

Senate Bill No. 5541

Relating to redemption of real property.

Substitute Senate Bill No. 5568

Relating to the disclosure of certain information when screening tenants.

Second Substitute Senate Bill No. 5624

Relating to aligning high-demand secondary STEM or career and technical education programs with applied baccalaureate programs.

Senate Bill No. 5627

Relating to the taxation of commuter air carriers.

Senate Bill No. 5712

Relating to precollege placement measures.

Senate Bill No. 5751

Relating to requiring an inventory of state fees.

Substitute Senate Bill No. 5774

Relating to authorizing applications for a special permit to allow alcohol tasting by persons at least eighteen years of age under certain circumstances.

Engrossed Substitute Senate Bill No. 5849

Relating to electric vehicle charging stations.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

May 3, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 3, 2013, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5161

Relating to gold star license plates.

Senate Bill No. 5258

Relating to aggregating the cost of related ballot measure advertisements for purposes of top five sponsor identification requirements.

Substitute Senate Bill No. 5263

Relating to motorcycles overtaking and passing pedestrians and bicyclists.

Substitute Senate Bill No. 5264

Relating to the transportation and storage of certain explosive devices.

Senate Bill No. 5476

Relating to the employment status of independent contractors in the news business.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

May 7, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 7, 2013, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5008

Relating to portable electronics insurance.

Substitute Senate Bill No. 5022

Relating to changing retail theft with extenuating circumstances to retail theft with special circumstances.

Senate Bill No. 5030

Relating to extending the Chinook scenic byway.

Senate Bill No. 5050

Relating to the carrying of passengers in a vehicle attached to a flatbed tow truck.

Senate Bill No. 5056

Relating to the submission of new master applications by persons seeking work permits for the employment of minors.

Engrossed Substitute Senate Bill No. 5095

Relating to providing proof required documents for motor vehicle operation electronically.

Senate Bill No. 5297

Relating to coal transition power.

Engrossed Second Substitute Senate Bill No. 5329

Relating to transforming persistently failing schools.

Senate Bill No. 5411

Relating to requiring the ballot proposition to reduce the terms of office of port commissioners to be submitted at the next general election.

Senate Bill No. 5496

Relating to authorizing approval of online school programs in private schools.

Substitute Senate Bill No. 5565

Relating to background checks.

Second Engrossed Senate Bill No. 5701

Relating to authorizing penalties based on the fraudulent submission of tests for educators.

Senate Bill No. 5770

Relating to conservation district electronic deposit of employee pay and compensation.

Senate Bill No. 5809

Relating to the home visiting services account.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

May 8, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 8, 2013, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5136

Relating to electronic presentment of claims against the state arising out of tortious conduct.

Senate Bill No. 5355

Relating to implementing the unemployment insurance integrity provisions of the federal trade adjustment assistance extension act of 2011.

Engrossed Substitute Senate Bill No. 5577

Relating to protecting public employees who act ethically and legally.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

May 10, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 10, 2013, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5002

Relating to mosquito control districts.

Senate Bill No. 5052

Relating to increasing the number of superior court judges in Whatcom county.

Substitute Senate Bill No. 5072

Relating to a sales and use tax exemption for disabled veterans and members of the armed forces for certain equipment and services that assist physically challenged persons to safely operate a motor vehicle.

Engrossed Second Substitute Senate Bill No. 5078

Relating to modifying the property tax exemption for nonprofit fairs.

Senate Bill No. 5220

Relating to membership on city disability boards.

Engrossed Senate Bill No. 5221

Relating to notification of release of a person following dismissal of charges based on incompetence to stand trial.

Engrossed Second Substitute Senate Bill No. 5267

Relating to developing standardized prior authorization for medical and pharmacy management.

Substitute Senate Bill No. 5282

Relating to creating a statewide database of mental health commitment information.

Engrossed Substitute Senate Bill No. 5324

Relating to mosquito abatement in storm water control retention ponds.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

May 14, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 14, 2013, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5082

Relating to exchange facilitator requirements.

Senate Bill No. 5092

Relating to providing an exemption from continuing competency requirements for registered nurses who seek advanced nursing degrees.

Engrossed Substitute Senate Bill No. 5153

Relating to strengthening families by allowing transfers between regional support networks to be closer to relatives or other strong personal supports.

Substitute Senate Bill No. 5180

Relating to improving access to higher education for students with disabilities.

Substitute Senate Bill No. 5182

Relating to the disclosure of vehicle owner information.

Second Substitute Senate Bill No. 5197

Relating to safe school buildings.

Substitute Senate Bill No. 5396

Relating to limited on-premise spirits sampling.

Substitute Senate Bill No. 5444

Relating to administration of taxes regarding publicly owned property.

Senate Bill No. 5593

Relating to filing requirements for property tax exemption claims for certain improvements to benefit fish and wildlife habitat, water quality, or water quantity.

Engrossed Senate Bill No. 5607

Relating to beer, wine, and spirits theater licenses.

Senate Bill No. 5674

Relating to wine and beer sampling at farmers markets.

Substitute Senate Bill No. 5705

Relating to amounts received by taxing districts from property tax refunds and abatements.

Senate Bill No. 5806

Relating to repealing an obsolete provision for a credit against property taxes paid on timber on public land.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

May 15, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 15, 2013, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5102

Relating to veterinarian immunity from liability when reporting suspected animal cruelty.

Substitute Senate Bill No. 5135

Relating to judicial proceedings and forms.

Senate Bill No. 5145

Relating to community assistance referral and education services.

Substitute Senate Bill No. 5195

Relating to allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program.

Engrossed Senate Bill No. 5206

Relating to increasing the health professions participating in online access to the University of Washington health sciences library.

Substitute Senate Bill No. 5227

Relating to the corporate officer provisions of the employment security act.

Substitute Senate Bill No. 5287

Relating to eliminating accounts and funds.

Engrossed Senate Bill No. 5305

Relating to requiring hospitals to report when providing treatment for bullet wounds, gunshot wounds, and stab wounds to all patients.

Substitute Senate Bill No. 5308

Relating to establishing the commercially sexually exploited children statewide coordinating committee.

Substitute Senate Bill No. 5315

Relating to the implementation of the recommendations made by the Powell fatality team.

Senate Bill No. 5337

Relating to expiration dates affecting the department of natural resources' timber sale program.

Engrossed Senate Bill No. 5484

Relating to assault in the third degree occurring in areas used in connection with court proceedings.

Senate Bill No. 5797

Relating to specialty courts.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

May 16, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 16, 2013, Governor Inslee approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5053

Relating to vehicle prowling.

Engrossed Senate Bill No. 5104

Relating to placing epinephrine autoinjectors in schools.

Engrossed Senate Bill No. 5105

Relating to conditions under which the department of corrections provides rental vouchers to an offender.

Senate Bill No. 5113

Relating to enforcing speed limits within condominium association communities.

Substitute Senate Bill No. 5148

Relating to medication access for the uninsured.

Senate Bill No. 5149

Relating to crimes against pharmacies.

Second Substitute Senate Bill No. 5213

Relating to prescription review for medicaid managed care enrollees.

Senate Bill No. 5343

Relating to the rights of higher education students involved in military service.

Senate Bill No. 5344

Relating to revising state statutes concerning trusts.

Senate Bill No. 5359

Relating to mandatory reporting of child abuse or neglect by supervised persons.

Substitute Senate Bill No. 5369

Relating to the use of geothermal resources.

Substitute Senate Bill No. 5399

Relating to the timing of penalties under the growth management act.

Substitute Senate Bill No. 5416

Relating to prescription information.

Substitute Senate Bill No. 5434

Relating to the filing and public disclosure of health care provider compensation.

Substitute Senate Bill No. 5437

Relating to boating safety.

Engrossed Substitute Senate Bill No. 5449

Relating to modification of the Washington state health insurance pool.

Substitute Senate Bill No. 5459

Relating to requiring ninety-day supply limits on certain drugs dispensed by a pharmacist.

Senate Bill No. 5465

Relating to exemptions from licensure as a physical therapist.

Senate Bill No. 5472

Relating to applied doctorate level degrees in audiology at Western Washington University.

Engrossed Substitute Senate Bill No. 5491

Relating to statewide indicators of educational health.

Substitute Senate Bill No. 5507

Relating to increasing transparency of donors to candidates and ballot measures.

Senate Bill No. 5510

Relating to abuse of vulnerable adults.

Engrossed Substitute Senate Bill No. 5551

Relating to competency to stand trial evaluations.

Substitute Senate Bill No. 5556

Relating to missing endangered persons.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

May 17, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 17, 2013, Governor Inslee approved the following Senate Bill entitled:

Substitute Senate Bill No. 5152

Relating to Seattle Sounders FC and Seattle Seahawks special license plates.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

May 20, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 20, 2013, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5024

Relating to transportation funding and appropriations.

Engrossed Second Substitute Senate Bill No. 5215

Relating to health care professionals contracting with public and private payors.

Engrossed Senate Bill No. 5236

Relating to the uniform correction or clarification of defamation act.

Substitute Senate Bill No. 5256

Relating to reports and records of autopsies and postmortems.

Substitute Senate Bill No. 5559

Relating to educational specialist degrees at regional universities and the state college.

Substitute Senate Bill No. 5601

Relating to ensuring chapter 19.68 RCW is interpreted in a manner consistent with the federal antikickback statute.

Substitute Senate Bill No. 5615

Relating to the health professional loan repayment and scholarship program.

Engrossed Senate Bill No. 5616

Relating to the use of farm vehicles on public highways.

Substitute Senate Bill No. 5630

Relating to the enactment of the Engrossed Substitute House Bill No. 1277 adult family home quality assurance panel.

Engrossed Senate Bill No. 5666

Relating to health care quality improvement measures, including professional peer review.

Engrossed Substitute Senate Bill No. 5669

Relating to trafficking.

Engrossed Substitute Senate Bill No. 5681

Relating to facilitating treatment for persons with co-occurring disorders by requiring development of an integrated rule.

Senate Bill No. 5692

Relating to standby guardians and limited guardians.

Engrossed Senate Bill No. 5699

Relating to electronic product recycling.

Substitute Senate Bill No. 5702

Relating to aquatic invasive species.

Engrossed Substitute Senate Bill No. 5709

Relating to a pilot program to demonstrate the feasibility of using densified biomass to heat public schools.

Senate Bill No. 5715

Relating to addressing the evasion of taxes by the use of certain electronic means.

Engrossed Substitute Senate Bill No. 5723

Relating to enhanced raffles.

Senate Bill No. 5748

Relating to extending contribution limits to candidates for public hospital district boards of commissioners.

Substitute Senate Bill No. 5761

Relating to outdoor advertising sign fees, labels, and prohibitions.

Substitute Senate Bill No. 5767

Relating to inspection of dairy cattle.

Substitute Senate Bill No. 5786

Relating to requiring certain information in commercial fishing guide license applications.

Senate Bill No. 5810

Relating to exemption of information contained in the department of corrections' security threat group database.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

May 21, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 21, 2013, Governor Inslee approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5099

Relating to fuel usage of publicly owned vehicles, vessels, and construction equipment.

Engrossed Second Substitute Senate Bill No. 5193

Relating to gray wolf conflict management.

Substitute Senate Bill No. 5211

Relating to social networking accounts and profiles.

Substitute Senate Bill No. 5362

Relating to recommendations of the vocational rehabilitation subcommittee for workers' compensation.

Engrossed Second Substitute Senate Bill No. 5389

Relating to sibling visitation or contact for children in foster care.

Engrossed Second Substitute Senate Bill No. 5405

Relating to extended foster care services.

Senate Bill No. 5417

Relating to the annexation of unincorporated territory within a code city.

Substitute Senate Bill No. 5456

Relating to detentions under the involuntary treatment act.

Engrossed Substitute Senate Bill No. 5480

Relating to mental health involuntary commitment laws.

Substitute Senate Bill No. 5591

Relating to confidential license plates, drivers' licenses, identicards, and vessel registrations.

Second Substitute Senate Bill No. 5595

Relating to child care reform.

Engrossed Senate Bill No. 5603

Relating to establishing the Washington coastal marine advisory council and the Washington marine resources advisory council.

Second Substitute Senate Bill No. 5732

Relating to improving behavioral health services provided to adults in Washington State.

Engrossed Substitute Senate Bill No. 5744

Relating to reporting on the progress of the logger safety initiative.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

June 14, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on June 14, 2013, Governor Inslee approved the following Senate Bill entitled:

Second Engrossed Second Substitute Senate Bill No. 5296

Relating to the model toxics control act.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

June 30, 2013

To: To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on June 30, 2013, Governor Inslee approved the following Senate Bills entitled:

Third Engrossed Substitute Senate Bill No. 5034

Relating to fiscal matters.

Second Substitute Senate Bill No. 5367

Relating to Yakima river basin water resource management.

Engrossed Substitute Senate Bill No. 5644

Relating to license issuance fees of former contract liquor stores, former store state auction buyers, and spirits distributors.

Engrossed Substitute Senate Bill No. 5882

Relating to creating, expanding , or extending tax preferences.

Second Engrossed Substitute Senate Bill No. 5892

Relating to reducing corrections cost.

Engrossed Substitute Senate Bill No. 5897

Relating to state parks.

Senate Bill No. 5904

Relating to high quality early learning.

Engrossed Substitute Senate Bill No. 5913

Relating to a hospital safety net assessment and quality incentive program for increased hospital payments to improve health care access for the citizens of Washington.

Engrossed Substitute Senate Bill No. 5946

Relating to strengthening student educational outcomes.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

June 30, 2013

To: To the Honorable President and Members,
The Senate of the State of Washington

I have the honor to advise you that on June 30, 2013, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5035

Relating to the capital budget.

Engrossed Substitute Senate Bill No. 5036

Relating to state general obligation bonds and related accounts.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

July 1, 2013

To: To the Honorable President and Members,
The Senate of the State of Washington

I have the honor to advise you that on July 1, 2013, Governor Inslee approved the following Senate Bills entitled:

Second Engrossed Substitute Senate Bill No. 5157

Relating to child care.

Substitute Senate Bill No. 5679

Relating to improving the business climate and stimulating job creation by requiring certain agencies to establish a formal review process of existing rules.

Substitute Senate Bill No. 5718

Relating to monitoring the development of a one-stop portal for Washington businesses.

Substitute Senate Bill No. 5804

Relating to federal receipts reporting requirements.

Engrossed Substitute Senate Bill No. 5891

Relating to state technology expenditures.

Senate Bill No. 5948

Relating to state procurement of goods and services.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR

July 17, 2013

To: To the Honorable President and Members,
The Senate of the State of Washington

I have the honor to advise you that on July 17, 2013, Governor Inslee approved the following Senate Bill entitled:

Engrossed Second Substitute Senate Bill No. 5912
Relating to driving under the influence of intoxicating liquor or drugs.

Sincerely,
Ted Sturdevant, Executive Director

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL 5024

May 20, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 201(3); 209(10); 216(5); 218(2); 306(7); 306(22); 313(4); 313(5); 602; 903; page 139, lines 23-25; 903(1); 904, page 151, lines 7-9; 904(1); 906, page 154, lines 8-10; and 906(1), Engrossed Substitute Senate Bill 5024 entitled:

“AN ACT Relating to transportation funding and appropriations.”

Section 201(3), page 7, Washington Traffic Safety Commission, Traffic Safety Resource Prosecutor Program

This proviso requires the traffic safety prosecutor program to be moved from the Washington State Patrol to the Washington Association of Prosecuting Attorneys. Before making this change, a thorough analysis of the advantages and disadvantages should be done. For this reason, I have vetoed Section 201(3) and instructed the Washington Traffic Safety Commission to investigate this proposal.

Section 209(10), page 20, Department of Transportation, Annual Independent Audits

The Fiscal Year 2013 annual independent audit of State Route 520 is currently under way and will be completed in Fiscal Year 2014. This proviso would require the audit to be completed through an interagency agreement between the Department of Transportation and Office of Financial Management. This change would duplicate work and delay completion of the audit required in the State Route 520 master bond resolution. For these reasons, I have vetoed Section 209(10).

Section 216(5), page 26, Department of Transportation, Guide Signs to the City of Kenmore and Other Destinations

Traffic control signing, including guide signs to destinations, should be done in a cooperative manner between the Department of Transportation and the requestor to ensure that safety and motorist needs are met. State and federal regulations and policy are in place to guide this process. This proviso, therefore, is unnecessary. For this reason, I have vetoed Section 216(5) and directed the Department to work with the City of Kenmore to resolve their traffic control signing issues.

Section 218(2), page 29-30, Department of Transportation, Study on Restricting Use of Steel on Guardrail Posts

Section 218(2) directs the Department of Transportation to contract with an independent research organization to study wood guardrails; however, no funding is provided for the study. Moreover, the Department evaluated the use of wood guardrails as recently as 2009 and is currently conducting a study concerning guardrail materials. For these reasons, I have vetoed Section 218(2).

Section 306(7), pages 41-42, Interstate 5/Columbia River Crossing

Section 306(7) directs the expenditure of \$81 million, including federal funds, for the Columbia River Crossing project. I see no wisdom in expending these funds if the state of Washington does not contribute adequate funding necessary to complete the project. This section would result in the expenditure of \$81 million to no result. If there are no other funds appropriated, the bridge project cannot move forward because federal funding will disappear. In addition, this section would prohibit expenditure of federal funding that is necessary to build the bridge. If the Coast Guard permit is not issued, there is no need for the waste of \$81 million.

Section 306(22), page 47, Department of Transportation, Report on Public or Private Entity Mitigation

Section 306(22) requires the Department of Transportation to report to the chairs of the Senate and House transportation committees whenever it is in negotiations to provide a public or private entity mitigation for \$10 million or more. While I support the interest in transparency and accountability when negotiating public funds, non-disclosure agreements may require the Department to maintain confidentiality during certain negotiations. Therefore, I have vetoed Section 306(22) and directed the Department to develop a process to report on mitigation agreements exceeding \$10 million.

Section 313(4), page 57, Department of Transportation, Quarterly Reporting Requirements

This proviso requires the Department of Transportation to report quarterly on change order details that include the name of the contractor, dollar value of the change order, and explanation of the change order. No funding was provided for either the system or human resource efforts this would require given that there is no dollar threshold for reporting change orders. For this reason, I have vetoed Section 313(4).

Section 313(5), page 57, Department of Transportation, Quarterly Reporting Requirements

This proviso requires the Department of Transportation to report quarterly on all mitigation payments, including the party with whom the mitigation was negotiated, as well as the parties with whom the Department is in ongoing negotiations. No funding was provided for either the system or human resource efforts this would require given that there is no dollar threshold for reporting mitigation payments. For this reason, I have vetoed Section 313(5).

Section 602, page 74, Department of Transportation, Transitioning Passenger Vehicles to DES Motor Pool

This section directs the Department of Transportation to begin transitioning its passenger vehicles to the Department of Enterprise Services motor pool and prohibits the purchase of new passenger vehicles with appropriations in this act by programs headquartered in Thurston County. However, it is not clear whether the Department of Transportation's specialty service trucks are passenger vehicles as defined in RCW 46.04.382. I believe these vehicles, such as light trucks used by maintenance workers, should remain with the Department of Transportation. For this reason, I have vetoed Section 602 and directed the Department of Transportation to work with the Department of Enterprise Services to transition its vehicles to the motor pool where practicable and where efficiencies can be created.

Section 903, page 139, lines 23-25, and Section 903(1), page 140, Transportation Partnership Account-State Appropriation, Improvements Program

Due to unforeseen changes in the timing of expenditures for highway improvement projects and the lack of flexibility in the capital program budgets, this appropriation change would result in an estimated shortfall of approximately \$30 million in expenditure authority in the highway improvement program. The Department of Transportation must keep projects within the total spending plan; however, retaining the supplemental budget's original Transportation Partnership Account-State appropriation will provide flexibility in the timing of expenditures as the state transitions from one biennium to the next during the peak construction period. For these reasons, I have vetoed Section 903, page 139, lines 23-25, and Section 903(1).

Section 904, page 151, lines 7-9, and Section 904(1), page 151, Transportation Partnership Account-State Appropriation, Preservation Program

Due to unforeseen changes in the timing of expenditures for highway preservation projects and the lack of flexibility in the capital program budgets, this appropriation change would result in an estimated shortfall of approximately \$23 million in expenditure authority in the highway preservation program. The Department of Transportation must keep projects within the total spending plan; however, retaining the supplemental budget's original Transportation Partnership Account-State appropriation will provide flexibility in the timing of expenditures as the state transitions from one biennium to the next during the peak construction period. For these reasons, I have vetoed Section 904, page 151, lines 7-9, and Section 904(1).

Section 906, page 154, lines 8-10, and Section 906(1), page 154, Transportation 2003 Account (Nickel Account)-State Appropriation, Washington State Ferries Construction Program

Due to unforeseen changes in the timing of expenditures for ferry capital construction projects and the lack of flexibility in the capital program budgets, this appropriation change would result in an estimated shortfall of approximately \$7 million in expenditure authority in the ferry capital program.

The Department of Transportation must keep projects within the total spending plan; however, retaining the supplemental budget's original Transportation 2003 Account (Nickel Account)-State appropriation will provide flexibility in the timing of expenditures as the state transitions from one biennium to the next during the peak construction period. For these reasons, I have vetoed Section 906, page 154, lines 8-10, and Section 906(1).

For these reasons I have vetoed Sections 201(3); 209(10); 216(5); 218(2); 306(7); 306(22); 313(4); 313(5); 602; 903, page 139, lines 23-25; 903(1); 904, page 151, lines 7-9; 904(1); 906, page 154, lines 8-10; and 906(1) of Engrossed Substitute Senate Bill 5024.

With the exception of Sections 201(3); 209(10); 216(5); 218(2); 306(7); 306(22); 313(4); 313(5); 602; 903, page 139, lines 23-25; 903(1); 904, page 151, lines 7-9; 904(1); 906, page 154, lines 8-10; and 906(1), Engrossed Substitute Senate Bill 5024 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL 5946

June 30, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 304 and 515, Engrossed Substitute Senate Bill 5946 entitled:

“AN ACT Relating to strengthening student educational outcomes.”

This legislation includes reforms to improve student achievement, which includes strategies to address early elementary school literacy, strengthening the learning assistance programs, reforming the approach to long-term student suspensions, and clarifications regarding the alternative learning experience program.

Section 304 is an intent section that discusses various experiences of schools and students, and is not necessary to interpret or implement the substantive provisions of the bill. For this reason, I have vetoed section 304.

Section 515 requires the Office of Financial Management by November 1, 2013, to complete a study, in consultation with various stakeholders, to create a proposal for efficiently and sustainably funding alternative learning experience courses and to recommend steps to increase the focus of educational outcomes. Given the short timeline for completion, the Office would need to contract for the work, and no funding was provided to the Office to conduct the study. For these reasons, I have vetoed section 515.

For these reasons I have vetoed Sections 304 and 515 of Engrossed Substitute Senate Bill 5946.

With the exception of Sections 304 and 515, Engrossed Substitute Senate Bill 5946 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON THIRD ENGROSSED SUBSTITUTE SENATE BILL 5034

June 30, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 103(10); 103(11); 114(3); 124(2); 124(3); 124(4); 124(5); 130(5); 148(4); 150, page 37, lines 33-36 and page 38, lines 1-7; 205(1)(e); 208(7); 213(35); 213(36); 217(5); 219(25); 302(8); 307(15); 501(1)(a)(v); 610(1); 610(2); and 610(8), Third Engrossed Substitute Senate Bill 5034 entitled:

“AN ACT Relating to fiscal matters.”

Section 103(10), page 6, Joint Legislative Audit and Review Committee, Study of State Agency Performance Indicators and Performance Measurement Process

This proviso directs the Joint Legislative Audit and Review Committee to study the effectiveness of state agency performance indicators and performance measurement processes established in Chapter 43.88 RCW, the state Budget and Accounting Act. My administration is already conducting a thorough and rigorous review of state agency performance indicators and measurements through our Results Washington initiative. I appreciate the Legislature’s interest in performance management, but this review would be unnecessarily duplicative. For these reasons, I have vetoed Section 103(10).

Section 103(11), page 6, Joint Legislative Audit and Review Committee, Study of Electricity Cost Impacts from Renewable Energy Standards

This proviso directs the Joint Legislative Audit and Review Committee to assess the cost impacts of the state’s renewable electricity standards without also evaluating the economic and environmental benefits of renewable energy. The study is unnecessary, as there are cost controls built into the standards. In addition, improvements to the Energy Independence Act will also be considered through the ongoing efforts of the Climate Legislative and Executive Workgroup created in Chapter 6, Laws 2013 (E2SSB 5802). For these reasons, I have vetoed Section 103(11).

Section 114(3), page 9, Administrator for the Courts, Office of Chief Information Officer Approval of Judicial Technology Expenditures

This proviso requires the Administrative Office of the Courts (AOC) to work with the Office of the Chief Information Officer (OCIO) to analyze the feasibility of moving judicial branch information technology equipment into the state data center. AOC is

willing to undertake this analysis, in conjunction with the OCIO, as requested. However, the proviso also prohibits AOC from expending funds appropriated for an information network hub project and computer equipment replacement unless approved by the OCIO. This limitation on AOC's appropriation authority is not necessary given AOC's commitment to work cooperatively with the OCIO. I am willing to revisit this issue, however, should the necessary analysis not proceed in a timely and efficient manner. For this reason, I have vetoed Section 114(3).

Sections 124(2), 124(3), 124(4), 124(5), pages 16-17, State Auditor, Audit and Evaluation Requests

The State Auditor's is requested by the Legislature to conduct various audits and evaluations on actuarial functions, managed care systems, federal compliance and fraud activity, and inmate intake and reception processes. The budget reduces the State Auditor's ability to conduct performance audits by diverting nearly \$10 million from the Performance Audits of Government Account to funds to other activities, including \$5.6 million of funding for the Joint Legislative Audit and Review Committee (JLARC). Initiative 900 created the Performance Audits of Government Account to fund comprehensive performance audits independently chosen by the State Auditor. Therefore, the State Auditor should select the audits he will perform within his limited funds. Legislatively directed audits should be performed by JLARC. For these reasons, I have vetoed Sections 124(2), 124(3), 124(4), 125(5).

Section 130(5), page 28, Office of Financial Management, One-Stop Portal Monitoring

This proviso requires the Office of the Chief Information Officer to submit a plan to establish performance benchmarks and measuring results of implementing a one-stop integrated system for business interactions with government. A similar reporting requirement is contained in Substitute Senate Bill 5718, which passed the Legislature, making this proviso unnecessary. For this reason, I have vetoed Section 130(5).

Section 148(4), page 36, Department of Enterprise Services, Building Code Council Aspirational Codes

This proviso prohibits the State Building Code Council from working on aspirational codes, which are voluntary codes that offer builders options to demonstrate new energy efficiency measures that are economically and technically feasible. Energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. Therefore, I believe the Building Code Council should continue this work for the benefit of our state's taxpayers. For this reason, I have vetoed Section 148(4). Moreover, while I have not vetoed subsection (3) of this section, the proviso attempts to amend substantive law through the budget by "modifying" the Council's statutory authority and by restricting member compensation as allowed under RCW 19.27.070. Therefore, this improper proviso does not restrict the appropriation authority or activities of the Building Code Council.

Section 150, page 37, lines 33-36 and page 38, lines 1-7, Department of Archaeology and Historic Preservation, Agency Survey and Inventory Processes

The Department of Archaeology and Historic Preservation is directed to report to the Legislature by December 1, 2013, and a second report by December 1, 2014, regarding the agency's survey and inventory processes. No funding was provided to compile the necessary data, which is not readily available to the Department, to complete these reports. For this reason, I have vetoed Section 150, page 37, lines 33-36 and page 38, lines 1-7. However, I am directing the Department to work with interested stakeholders to provide useful and available information about the survey and inventory processes within existing resources.

Section 205(1)(e), page 61, Department of Social and Health Services, Rate Disparity Report

The Department of Social and Health Services is directed to report to the Legislature by December 31, 2013, with a strategy to reduce the rate disparity between urban and suburban residential service providers. No funding was provided to the Department and it does not currently collect the data necessary to complete the report. For this reason I have vetoed Section 205(1)(e).

Section 208(7), page 73, Department of Social and Health Services, Chemical Dependency Treatment Study

This proviso requires the Department of Social and Health Services to contract with the Washington State Institute for Public Policy (WSIPP) to study the long-term efficacy of the chemical dependency treatment program. Under Chapter 338, Laws of 2013 (2SSB 5732), WSIPP will develop an inventory of evidence-based and research-based prevention and intervention services for the Department to use in preparing a behavioral health improvement strategy. Additionally, no funding is provided to the Department to contract for this study. For these reasons, I have vetoed Section 208(7).

Section 213(35), page 88, Health Care Authority, Rebates for Brand Name Drugs

This proviso requires the Health Care Authority to purchase brand name drugs when it determines the cost of the brand name drug after rebate is less than the cost of generic alternatives and that the purchase of the brand rather than generic version can save at least \$250,000. The state has made a concerted effort to reduce pharmaceutical drug costs through increasing generic drug use when clinically appropriate. This requirement is administratively burdensome to implement and will likely result in increased costs rather than savings. For these reasons I have vetoed Section 213(35).

Section 213(36), page 88, Health Care Authority, Preferred Drug List Exclusions

This proviso prohibits the Health Care Authority from including specific drugs in the Medicaid preferred drug list for the fee-for-service population. This proviso is in direct conflict with the state's goal of ensuring that our expenditures on services, devices, and medications provide the greatest health benefit for employees and clients. Excluding classes of drugs from evidence-based medicine is inconsistent with improving health care quality and reducing costs. For this reason I have vetoed Section 213(36).

Section 217(5), page 96, Department of Labor and Industries; Section 219(25), page 105, Department of Health; Section 302(8), pages 119-120, Department of Ecology; Formal Review Process Existing Rules

These provisos require the Department of Labor and Industries, Health, and Ecology to establish and perform a formal review process of its existing rules within existing funds. A similar reporting requirement is included in SSB 5679, which passed the Legislature, making these provisos unnecessary. For this reason, I have vetoed Sections 217(5), 219(25), and 302(8).

Section 307(15), pages 126-127, Department of Fish and Wildlife; Payments in Lieu of Taxes Methodology

The Department of Fish and Wildlife is directed to develop and submit a revised payment methodology for certain counties that receive payments in lieu of taxes (PILT) for game lands managed by the Department. The revised methodology is directed to provide supplemental payments to these counties. I believe a comprehensive review of PILT for game lands should be conducted without any predetermined outcome. Therefore, I am directing the Department of Revenue to work with the Department of Fish and Wildlife and the Office of Financial Management to examine the current PILT methodologies, as well as methodologies used by other states and the federal government, to develop by December 1, 2013, options and recommendations to revise the PILT program. For this reason, I have vetoed Section 307(15).

Section 501(1)(a)(v), page 136, Superintendent of Public Instruction

This proviso requires the Office of the Superintendent of Public Instruction to review career and technical education and skill center formulas by October 1, 2013. The due date does not provide enough time for staff to accomplish the task. The Superintendent has expressed a commitment to completing the review by June 1, 2014. For these reasons, I have vetoed Section 501(1)(a)(v).

Section 610(1), page 190, The Evergreen State College, Extraordinary Foster Care Cost Study

This proviso directs the Washington State Institute for Public Policy to examine the extraordinary costs of individual foster care children to identify whether the cost of placements is consistent across similarly acute children. The Children's Administration of the Department of Social and Health Services routinely evaluates high cost placements and services but must make decisions based on the unique needs of each child. A study is not necessary at this time. For this reason, I have vetoed Section 610(1).

Section 610(2), page 190, The Evergreen State College, Safety Assessment Tool Study

This proviso directs the Washington State Institute for Public Policy to conduct an empirical study of the validity and reliability of the safety assessment tool used by the Children's Administration of the Department of Social and Health Services. The Department is currently evaluating the assessment tool as it implements the family assessment response system required by Chapter 259, Laws 2012 (ESSB 6555). A study at this time would be premature when the Department has not yet determined whether the assessment tool will continue to be used, modified or maintained. For this reason, I have vetoed Section 610(2).

Section 610(8), page 191-192, The Evergreen State College, K-12 Funding Task Force

This proviso establishes an eleven member task force on K-12 funding, to be staffed by the Washington State Institute for Public Policy. The task force is to examine and provide options on the following topics: salary allocation methodologies, career and technical education, and the appropriate use of state and local property taxes to finance public schools. Within the past three years, legislatively authorized working groups have conducted thorough reviews of compensation, career and technical education, and use of local levies. Another task force is duplicative of proposals from recent workgroups. For this reason, I have vetoed Section 610(8).

For these reasons I have vetoed Sections 103(10); 103(11); 114(3); 124(2); 124(3); 124(4); 124(5); 130(5); 148(4); 150, page 37, lines 33-36 and page 38, lines 1-7; 205(1)(e); 208(7); 213(35); 213(36); 217(5); 219(25); 302(8); 307(15); 501(1)(a)(v); 610(1); 610(2); and 610(8) of Third Engrossed Substitute Senate Bill 5034.

With the exception of Sections 103(10); 103(11); 114(3); 124(2); 124(3); 124(4); 124(5); 130(5); 148(4); 150, page 37, lines 33-36 and page 38, lines 1-7; 205(1)(e); 208(7); 213(35); 213(36); 217(5); 219(25); 302(8); 307(15); 501(1)(a)(v); 610(1); 610(2); and 610(8), Third Engrossed Substitute Senate Bill 5034 is approved.

Respectfully submitted,
Jay Inslee, Governor

July 1, 2013

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 5020(3), Engrossed Substitute Senate Bill 5035 entitled:

“AN ACT Relating to the capital budget.”

Section 5020(3), pages 166-168, Superintendent of Public Instruction, 2013-15 School Construction Assistance Program – Maintenance

This proviso directs the Superintendent of Public Instruction to create an interagency agreement with The Evergreen State College for a study by the Washington State Institute of Public Policy. The purpose of the study is to analyze the relationship between school design and student performance and to develop recommendations for the school construction assistance program. The institute is further directed to create an advisory group to assist in the development of these recommendations. I believe this study is overly broad and an unnecessary expense. The current system of evaluating school construction projects adequately addresses school capital needs. Moreover, the 2013-2015 capital budget fully funds the state’s school construction assistance program.

For this reason, I have vetoed Section 5020(3) of Engrossed Substitute Senate Bill 5035.

With the exception of Section 5020(3), Engrossed Substitute Senate Bill 5035 is approved.

Respectfully submitted,
Jay Inslee, Governor

HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Debbie J. Ahl	146	254	309	SGA 9000
Mark D. Albertson	146	254	293	SGA 9001
Mark Asmundson	146	275		SGA 9002
Phillip L. Barrett	146	607	663	SGA 9003
Gregory D. Bever	146	275	355	SGA 9004
Arthur A. Blauvelt	146	254	316	SGA 9005
Bob Bolerjack	146	275	355	SGA 9006
Wayne E. Brown	146			SGA 9007
Rebecca Chaffee	147	275	356	SGA 9008
Beverly J. Cheney	147	275	374	SGA 9009
Lisa Chin	147	275	355	SGA 9010
Diana Clay	147	607	649	SGA 9011
Susan Cole	147	455	663	SGA 9012
James Cunningham	147	275	356	SGA 9013
Joseph Dolezal	147	275	356	SGA 9014
Lindsay Fiker	147	254	316	SGA 9015
Anna C. Franz	147	276	355	SGA 9016
Darcey Fugman-Small	148	621	650	SGA 9017
Lawrence M. Glenn	148	607	673	SGA 9018
Courtney Gregoire	148	621	712	SGA 9019
James Groves	148	455	650	SGA 9020
Judith L. Hartmann	148	568	650	SGA 9021
Kedrich Jackson	148	455	673	SGA 9022
Tamra Jackson	148	568	596	SGA 9023
Dwayne Johnson	148	276	374	SGA 9024
Angela G. Roarty	148	608	674	SGA 9025
Charles Robinson	149	276	374	SGA 9026
Barbara Rofkar	149	276	375	SGA 9027
Robert Rowe	149			SGA 9028
Robert M. Ryan	149	276	375	SGA 9029
Miguel Sanchez	149	276	325	SGA 9030
Karen Seinfeld	149	276	375	SGA 9031
Christon C. Skinner	149	254	317	SGA 9032
Stephen L. Smith	149	568	674	SGA 9033
John Stephens	149	455	596	SGA 9034
Amadeo Tiam	150	622	674	SGA 9035
Brian Unti	150	276	325	SGA 9036
Miguel A. Villarreal	150	622	673	SGA 9037
Stephen W. Vincent	150	276	376	SGA 9038
Thuy Vo	150	455	640	SGA 9039
Lisa K. Woo	150			SGA 9040
Emily Yim	150	277	379	SGA 9041
Neil Johnson	150	608	685	SGA 9042
Lynette D. Jones	150	277	324	SGA 9043
Janet M. Kusler	151	608	684	SGA 9044
Mark P. Martinez	151	277	385	SGA 9045
Michael S. Maxwell	151	455	685	SGA 9046
Julie McCulloch	151	455	640	SGA 9047
Janet M. McDaniel	151	608	685	SGA 9048
Donald R. McQuary	151	608	640	SGA 9049
Louis A. Mendoza	151	622	686	SGA 9050
Darrell S. Mitsunaga	151	277	325	SGA 9051
Edwin W. Morgan	151	622	686	SGA 9052
Roger Olstad	152	277	385	SGA 9053

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Vicki Orrico	152	455	712	SGA 9054
Jim Page	152	608	686	SGA 9055
Susan Palmer	152	456	711	SGA 9056
Theresa Pan Hosley	152	456	711	SGA 9057
Calvin Pearson	152	277	385	SGA 9058
Darlene Peters	152	456	640	SGA 9059
John Philbrook	152			SGA 9060
Denise Portmann	152	255	317	SGA 9061
Faaluaina Pritchard	152	568	711	SGA 9062
Bruce Reid	153	456	535	SGA 9063
Alfie Alvarado-Ramos	207	263	317	SGA 9064
John R. Batiste	207	601	662	SGA 9065
Michael Cockrill	207	581		SGA 9066
Bret Daugherty	207	263	294	SGA 9067
Dale R. Peinecke	207	644		SGA 9068
Kevin Quigley	207	601		SGA 9069
Joel Sacks	208	644		SGA 9070
David Schumacher	208	568	597	SGA 9071
Creigh Agnew	277	1061	1188	SGA 9072
Robert C. Anderson	277	568		SGA 9073
Brian Baird	278	574		SGA 9074
Christopher P. Barry	278			SGA 9075
Elizabeth L. Baum	278	622	1162	SGA 9076
Ariele Belo	278	614	825	SGA 9077
Monica J. Benton	278			SGA 9078
Kristianne Blake	278	1061	1189	SGA 9079
David Boerner	278			SGA 9080
Mark E. Brennan	278			SGA 9081
J. A. Bricker	278	1061	1195	SGA 9082
Joshua Brown	278	671		SGA 9083
Don C. Brunell	279	1061	1196	SGA 9084
June Canty	279	614	1284	SGA 9085
Larry Carpenter	279	671	1182	SGA 9086
James Cook	279	568		SGA 9087
Carol Dahl	279	569		SGA 9088
Marc Daudon	279	637	1111	SGA 9089
Grant Degginger	279	608		SGA 9090
Lynne Delano	279			SGA 9091
David Dicks	279			SGA 9092
Dan Dixon	280	608	735	SGA 9093
Steven Drury	280	569	1231	SGA 9094
Lewis Edelheit	280	569		SGA 9095
Janice E. Ellis	280			SGA 9096
Jack Eng	280	576	1162	SGA 9097
Donna J. Feild	280			SGA 9098
Connie L. Fletcher	280			SGA 9099
Betti Fujikado	280	581	736	SGA 9100
Jose E. Gaitan	280	574		SGA 9101
Andrea Gamboa	281			SGA 9102
Marilyn Glenn Sayan	281	644		SGA 9103
John Glenn	281	614	1112	SGA 9104
James Glover	281	569		SGA 9105
Kelsey Gray	281	644		SGA 9106
Anne E. Haley	281	586	597	SGA 9107
Alfred Hallowell	281			SGA 9108
Molly E. Hamaker-Teals	281			SGA 9109

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Erin Harms	281	581	1112	SGA 9110
Clarence M. Henderson	281	601	1288	SGA 9111
Lester T. Herndon	282	614	1231	SGA 9112
Tony Hey	282	569		SGA 9113
Roy Heynderickx	282	581		SGA 9114
Nancy J. Holland Young	282	644	1288	SGA 9115
Donald Hover	282			SGA 9116
Mike Hudson	282			SGA 9117
Elsie Hulsizer	282			SGA 9118
Stephen J. Hunt	282	614	1289	SGA 9119
Takiyah Jackson	282			SGA 9120
Jeremy Jaech	283	581	736	SGA 9121
Lindsey Jahn	283	574, 1061		SGA 9122
David Jennings	283	1321		SGA 9123
Elizabeth K. Jensen	283	586		SGA 9124
Jeff Johnson	283			SGA 9125
Myra Johnson	283			SGA 9126
Chris Jordan	283	1061	1196	SGA 9127
Jay T. Kehne	283			SGA 9128
James L. Kemp	283	614	1112	SGA 9129
Dennis Kloida	283	622	1182	SGA 9130
Kathleen M. Kyle	284	614		SGA 9131
M.A. Leonard	284	622	1182	SGA 9132
Janet Lewis	284			SGA 9133
Jerald R. Litt	284	586		SGA 9134
Chris Liu	284	581	736	SGA 9135
Yvonne Lopez Morton	284			SGA 9136
Conrad Mahnken	284	671	1187	SGA 9137
Donald Mayer	284			SGA 9138
Kristina Mayer	284	614	1113	SGA 9139
James Mcdevitt	285			SGA 9140
Joseph E. Meyer	285	574, 581	787	SGA 9141
Steve S. Milner	285	671	1188	SGA 9142
Bruce Montgomery	285	569		SGA 9143
Maryann J. Moreno	285			SGA 9144
Philip N. Morrell	285			SGA 9145
Steven Moss	285	622	1230	SGA 9146
Ralph Munro	285	581	787	SGA 9147
Shawn M. Murinko	285			SGA 9148
James M. Murphy	286	582	788	SGA 9149
Joshua Neil	286			SGA 9150
Lee Newgent	286	1061	1216	SGA 9151
David L. Nicandri	286	582	857	SGA 9152
Lenell Nussbaum	286			SGA 9153
Charlotte Parsley	286			SGA 9154
Paul A. Pastor	286			SGA 9155
Marta B. Powell	286	582		SGA 9156
Natasha K. Pranger	286			SGA 9157
Natasha K. Williams		582		SGA 9157
Margarita L. Prentice	287	577		SGA 9158
Anne Proffitt	287	1062	1216	SGA 9159
Rafael B. Pruneda	287	582	767	SGA 9160
Mike Ragan	287	582		SGA 9161
Timothy Rasmussen	287	569	1231	SGA 9162
Jay A. Reich	287	574		SGA 9163
Constance W. Rice	287	574, 608		SGA 9164

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Phil Rockefeller	287			SGA 9165
Kecia Rongen	287			SGA 9166
Catherine Roth	287			SGA 9167
Charles Royer	288	586		SGA 9168
Dan Rubin	288	582		SGA 9169
Tom Sahlberg	288			SGA 9170
Daniel T. Satterberg	288	601		SGA 9171
Faouzi Sefrioui	288	622	1230	SGA 9172
Catherine Shaffer	288			SGA 9173
Susan K. Sharpe	288	582	788	SGA 9174
Lindsey J. Sires	288	608	809	SGA 9175
Nancy Smith	288			SGA 9176
Sepi Soleimanpour	289			SGA 9177
Stanley M. Sorscher	289	569		SGA 9178
Gabe P. Spencer	289	622	1230	SGA 9179
Charlene D. Strong	289			SGA 9180
John Swanson	289			SGA 9181
Paul Tanaka	289	582	858	SGA 9182
Ellen Taussig	289			SGA 9183
Barbara A. Taylor	289			SGA 9184
Stephen Tharinger	289			SGA 9185
Dennis Thaut	290			SGA 9186
Jodi N. Thew	290			SGA 9187
Pamela J. Tietz	290	623	1230	SGA 9188
Robyn J. Todd	290	569	1284	SGA 9189
Joe M. Tortorelli	290	586	1284	SGA 9190
Kathy R. Turner	290	609	1113	SGA 9191
Mario M. Villanueva	290	623	1188	SGA 9192
Janet Wainwright	290	671		SGA 9193
Bernard Warner	290			SGA 9194
Robert H. Whaley	291	623	810	SGA 9195
James S. Wigfall	291	1062	1228	SGA 9196
Vicki J. Wilson	291	1062	1229	SGA 9197
Roger D. Woodworth	291	570		SGA 9198
Michael C. Worthly	291	582	809	SGA 9199
Emma Zavala-Suarez	291	583		SGA 9200
Noah Zeichner	291			SGA 9201
Maia D. Bellon	323	570	651	SGA 9202
David Danner	323	570	675	SGA 9203
Brian Bonlender	570			SGA 9204
Marcie Frost	570	583		SGA 9205
Steven R. Hill	570			SGA 9206
Scott Jarvis	570	609	639	SGA 9207
Carol K. Nelson	570	583		SGA 9208
Dorothy F. Teeter	571	943		SGA 9209
Kelly L. Fox	587			SGA 9210
Carmen W. Gayton	587			SGA 9211
Mary Meinig	623			SGA 9212
Harold W. Hanson	683			SGA 9213
Donald "Bud" Hover	683			SGA 9214
Bette Hyde	683			SGA 9215
Chris Liu	683			SGA 9216
Thomas Karier	1109			SGA 9217
Gene C. Sharratt	1109			SGA 9218
John Wiesman	1109	1178		SGA 9219
Peter W. Bogdanoff	1179			SGA 9220

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Paul P. George	1179			SGA 9221
John G. Stewart	1179			SGA 9222
J. Tayloe Washburn	1179			SGA 9223
Deborah J. Wilds	1179			SGA 9224
Nancy Biery	1299			SGA 9225
Allyson Brooks	1299			SGA 9226
Nancy K. Fitta	1299			SGA 9227
Pat Kohler	1299			SGA 9228
Everett L. Macomber Dvm	1300			SGA 9229
Russell E. Olsen	1300			SGA 9230
Robert K. St. John	1300			SGA 9231
Jay T. Kehne	1305	1321	1597	SGA 9232
Charles Adams	1321			SGA 9233
Jeffrey Charbonneau	1322			SGA 9234
Frederick Goldberg	1322			SGA 9235
Shaunta Hyde	1322			SGA 9236
Chris Liu	1322			SGA 9237
Edmund Marmol	1322			SGA 9238
Ronald K. Sperling	1322			SGA 9239
Rekah T. Strong	1322			SGA 9240

CHAPT #	BILL NO.	TITLE	GOVERNOR SIGNED	VETO/PV	EFFECTIVE DATES
208	SSB 5002	Mosquito control districts	5/10/2013		7/28/2013
152	SSB 5008	Portable electronics	5/7/2013		7/28/2013*
20	SSB 5021	Riot & criminal mischief	4/22/2013		1/1/2014
153	SSB 5022	Retail theft & circumstances	5/7/2013		1/1/2014
306	ESSB 5024	Trans budget 2011-13/2013-15	5/20/2013	PV	5/20/2013*
21	SB 5025	State of emergency	4/22/2013		7/28/2013
154	SB 5030	Chinook scenic byway	5/7/2013		7/28/2013
4 E2	3ESSB 5034	Operating omnibus approps	6/30/2013	PV	6/30/2013*
19 E2	ESSB 5035	Capital budget 2013-2015	7/1/2013	PV	7/1/2013
20 E2	ESSB 5036	State gen. obligation bonds	7/1/2013		7/1/2013
22	SB 5046	District judges, retirement	4/22/2013		7/28/2013
155	SB 5050	Tow truck passengers	5/7/2013		7/28/2013
210	SB 5052	Superior crt judges/Whatcom	5/10/2013		7/28/2013
267	ESB 5053	Vehicle prowling	5/16/2013		7/28/2013
156	SB 5056	Employing minors/work permit	5/7/2013		7/28/2013
211	SSB 5072	Disabled vets/sales & use tx	5/10/2013		8/1/2013
23	SSB 5077	Gender-based terms	4/22/2013	PV	7/28/2013*
212	E2SSB 5078	Nonprofit fairs/property tax	5/10/2013		7/28/2013
228	ESSB 5082	Exchange facilitators	5/14/2013		7/28/2013
229	SB 5092	Registered nurses	5/14/2013		7/28/2013
157	ESSB 5095	Motor vehicle operation	5/7/2013		7/28/2013
328	ESB 5099	Publicly owned vehicles/fuel	5/21/2013		7/28/2013
245	SB 5102	Animal cruelty reporting	5/15/2013		7/28/2013
268	ESB 5104	Epinephrine autoinjectors	5/16/2013		7/28/2013
266	ESB 5105	Offender rental vouchers	5/16/2013		7/28/2013
24	ESSB 5110	Local government purchasing	4/22/2013		7/28/2013
269	SB 5113	Condo assoc. communities	5/16/2013		7/28/2013
25	SB 5114	K-12 campus access	4/22/2013		7/28/2013
246	SSB 5135	Judicial proceedings & forms	5/15/2013		7/28/2013
188	SB 5136	Claims against the state	5/8/2013		7/28/2013
7	SB 5139	Milk and milk products	4/17/2013		7/28/2013
26	SB 5142	Motorcycles/transp. planning	4/22/2013		7/28/2013
247	SB 5145	Fire departments	5/15/2013		7/28/2013
4	SB 5147	Juveniles & runaway children	2/27/2013		7/28/2013
260	SSB 5148	Medication access/uninsured	5/16/2013		7/1/2014
270	SB 5149	Crimes against pharmacies	5/16/2013		7/28/2013
286	SSB 5152	Sounders FC and Seahawks	5/17/2013		1/1/2014
230	ESSB 5153	Reg. support network clients	5/14/2013		7/28/2013
29 E2	2ESSB 5157	Child care subsidy fraud	7/3/2013		9/28/2013
137	SB 5161	Gold star license plates	5/3/2013		8/1/2013
27	SSB 5165	Superior court commissioners	4/22/2013		7/28/2013
231	SSB 5180	Higher ed access/disability	5/14/2013		7/28/2013
232	SSB 5182	Vehicle owner information	5/14/2013		1/1/2014
28	SB 5186	Contractor's bond	4/22/2013		7/28/2013*
329	E2SSB 5193	Gray wolf conflict managemnt	5/21/2013		7/28/2013

CHAPT #	BILL NO.	TITLE	GOVERNOR SIGNED	VETO/PV	EFFECTIVE DATES
248	SSB 5195	State need grant/nonprofits	5/15/2013		8/1/2013
233	2SSB 5197	Safe school buildings	5/14/2013		7/28/2013
249	ESB 5206	UW health sci library/online	5/15/2013		7/28/2013
29	SB 5207	Consumer loan act	4/22/2013		7/28/2013
30	SSB 5210	Mortgage brokers	4/22/2013		7/28/2013
330	SSB 5211	Social networking accounts	5/21/2013		7/28/2013
31	SB 5212	State horse park authority	4/22/2013		7/28/2013
261	2SSB 5213	Medicaid managed care/meds	5/16/2013		7/28/2013
293	E2SSB 5215	Health care professionals	5/20/2013		7/28/2013
8	SB 5216	Long-term care insurance	4/17/2013		7/28/2013
213	SB 5220	City disability boards	5/10/2013		7/28/2013
214	ESB 5221	Incompetent to stand trial	5/10/2013		7/28/2013
250	SSB 5227	Corporate officers	5/15/2013		12/29/2013
32	SB 5235	Indian children care	4/22/2013		7/28/2013*
294	ESB 5236	Defamation	5/20/2013		7/28/2013
295	SSB 5256	Autopsies and postmortems	5/20/2013		1/1/2014
138	SB 5258	Ballot measure ad sponsors	5/3/2013		7/28/2013
139	SSB 5263	Motorcycles passing	5/3/2013		7/28/2013
140	SSB 5264	Explosive devices	5/3/2013		7/28/2013
215	E2SSB 5267	Healthcare prior authorizing	5/10/2013		7/28/2013
33	SSB 5274	Motorcycle skills ed/private	4/22/2013		7/1/2013
216	SSB 5282	Involuntary commitment info	5/10/2013		7/28/2013
251	SSB 5287	Eliminating accounts & funds	5/15/2013		6/30/2013**
1 E2	2E2SSB 5296	Model toxics control act	6/14/2013		7/1/2013***
158	SB 5297	Coal transition power	5/7/2013		7/28/2013
34	SB 5302	Credit unions	4/22/2013		7/28/2013
252	ESB 5305	Hospitals/bullet wounds etc.	5/15/2013		7/28/2013
253	SSB 5308	Sexually exploited children	5/15/2013		7/28/2013
254	SSB 5315	Powell fatality team	5/15/2013		7/28/2013
48	SSB 5316	Interviews/third person	4/23/2013		7/28/2013*
209	ESSB 5324	Mosquito abatemnt/stormwater	5/10/2013		7/28/2013
159	E2SSB 5329	Persistently failing schools	5/7/2013		7/28/2013*
49	SSB 5332	Fire protection districts	4/23/2013		7/28/2013
255	SB 5337	DNR timber sale program	5/15/2013		7/28/2013
271	SB 5343	Higher ed students/military	5/16/2013		7/28/2013
272	SB 5344	Trusts	5/16/2013		7/28/2013
58	SSB 5352	Real estate agencies	4/23/2013		7/28/2013
189	SB 5355	Unemployment insurance	5/8/2013		10/20/2013
273	SB 5359	Child abuse & neglect	5/16/2013		7/28/2013*
331	SSB 5362	Workers' comp/voc rehab	5/21/2013		5/21/2013
11 E2	2SSB 5367	Yakima R. basin water mgmt	6/30/2013		9/28/2013**
274	SSB 5369	Geothermal resources	5/16/2013		7/28/2013
316	E2SSB 5389	Children/visiting & contact	5/21/2013		7/28/2013
234	SSB 5396	Spirits sampling on-premises	5/14/2013		7/28/2013
275	SSB 5399	Growth mgmt act/penalties	5/16/2013		7/28/2013

CHAPT #	BILL NO.	TITLE	GOVERNOR SIGNED	VETO/PV	EFFECTIVE DATES
61	SSB 5400	Utilities/energy indep. act	4/23/2013		7/28/2013
332	E2SSB 5405	Extended foster care	5/21/2013		7/28/2013*
160	SB 5411	Port commissioner terms	5/7/2013		7/28/2013
276	SSB 5416	Prescription information	5/16/2013		7/28/2013
333	SB 5417	Annexation within code city	5/21/2013		7/28/2013
277	SSB 5434	Health care providers	5/16/2013		7/28/2013
278	SSB 5437	Boating safety	5/16/2013		7/28/2013
235	SSB 5444	Publicly owned proprty/taxes	5/14/2013		7/28/2013
50	SB 5446	State auditor/subpoenas	4/23/2013		7/28/2013
279	ESSB 5449	State health insurance pool	5/16/2013		7/28/2013*
334	SSB 5456	Detentions	5/21/2013		7/28/2013
51	ESSB 5458	Asbestos/building materials	4/23/2013		7/28/2013
262	SSB 5459	Drugs/90-day supply limit	5/16/2013		7/28/2013
280	SB 5465	Physical therapists	5/16/2013		7/28/2013
62	SB 5466	Criminal history record info	4/23/2013		7/28/2013
281	SB 5472	Audiology degrees at WWU	5/16/2013		7/28/2013
141	SB 5476	News/independent contractors	5/3/2013		7/28/2013
335	ESSB 5480	Involuntary commitment	5/21/2013		7/28/2013
256	ESB 5484	Assault in 3rd degree/court	5/15/2013		7/28/2013
9	SB 5488	Sex-trafficking/internet ad	4/17/2013		7/28/2013
282	ESSB 5491	Educational health	5/16/2013		7/28/2013
161	SB 5496	Online school programs	5/7/2013		7/28/2013
283	SSB 5507	Candidate and measure donors	5/16/2013		7/28/2013
263	SB 5510	Abuse of vulnerable adults	5/16/2013		7/28/2013
52	SSB 5517	Beer, wine tasting endorsmnt	4/23/2013		7/28/2013
11	SSB 5518	Election law changes	4/17/2013	PV	7/28/2013
12	SSB 5524	Physician assistants	4/17/2013		7/28/2013
53	SB 5541	Real property redemption	4/23/2013		7/28/2013
284	ESSB 5551	Competency to stand trial	5/16/2013		7/28/2013*
285	SSB 5556	Missing endangered persons	5/16/2013		7/28/2013
13	SB 5558	Single-family homeownership	4/17/2013		4/17/2013
296	SSB 5559	Educational specialist degrs	5/20/2013		7/28/2013
10	ESSB 5563	Sex abuse prevention/schools	4/17/2013		7/28/2013
162	SSB 5565	Background checks	5/7/2013		7/28/2013*
54	SSB 5568	Tenant screening information	4/23/2013		1/1/2014
190	ESSB 5577	Public employee ethics	5/8/2013		7/28/2013
336	SSB 5591	Confidential licenses, etc.	5/21/2013		5/21/2013
236	SB 5593	Property tx exemption claims	5/14/2013		7/28/2013
337	2SSB 5595	Child care reform	5/21/2013		7/28/2013
297	SSB 5601	Health care rebating	5/20/2013		7/28/2013
318	ESB 5603	Marine advisory councils	5/21/2013		7/28/2013
237	ESB 5607	Theater licenses/beer, etc.	5/14/2013		7/28/2013
298	SSB 5615	Health professional program	5/20/2013		7/28/2013
299	ESB 5616	Farm vehicles on highways	5/20/2013		7/28/2013
14	ESB 5620	School safety-related drills	4/17/2013		7/28/2013

CHAPT #	BILL NO.	TITLE	GOVERNOR SIGNED	VETO/PV	EFFECTIVE DATES
55	2SSB 5624	STEM or career and tech ed	4/23/2013		7/28/2013
56	SB 5627	Commuter air carriers	4/23/2013		1/1/2014
300	SSB 5630	Adult family home quality	5/20/2013		7/28/2013
15	SSB 5634	DNR cooperative agreements	4/17/2013		7/28/2013
12 E2	ESSB 5644	Liquor lic. issuance fees	6/30/2013		6/30/2013
301	ESB 5666	Health care quality	5/20/2013		7/28/2013
302	ESSB 5669	Trafficking	5/20/2013		8/1/2013
238	SB 5674	Farmers markets/wine, beer	5/14/2013		7/28/2013
30 E2	SSB 5679	Agency rule review process	7/3/2013		9/28/2013
303	ESSB 5681	Co-occurring disorders	5/20/2013		7/28/2013
304	SB 5692	Standby & limited guardians	5/20/2013		7/28/2013
305	ESB 5699	Electronic product recycling	5/20/2013		1/1/2014
163	2ESB 5701	Educator tests/fraudulence	5/7/2013		7/28/2013
307	SSB 5702	Aquatic invasive species	5/20/2013		7/28/2013
239	SSB 5705	Taxing districts/property tx	5/14/2013		7/28/2013
308	ESSB 5709	Densified biomass pilot prog	5/20/2013		7/28/2013
57	SB 5712	Precollege placemnt measures	4/23/2013		7/28/2013
309	SB 5715	Tax evasion by electr. means	5/20/2013		7/28/2013
31 E2	SSB 5718	WA businesses 1-stop portal	7/3/2013		9/28/2013
310	ESSB 5723	Enhanced raffles	5/20/2013		7/28/2013
338	2SSB 5732	Adult behavioral health	5/21/2013		7/28/2013*
339	ESSB 5744	Logger safety initiative	5/21/2013		7/28/2013
311	SB 5748	Public hospital distrct brds	5/20/2013		7/28/2013
63	SB 5751	Inventory of state fees	4/23/2013		7/28/2013
312	SSB 5761	Outdoor advertising signs	5/20/2013		7/28/2013
313	SSB 5767	Dairy cattle inspection	5/20/2013		7/28/2013
164	SB 5770	Conservation districts	5/7/2013		7/28/2013
59	SSB 5774	Alcohol tasting/age 18	4/23/2013		7/28/2013
314	SSB 5786	Commercial fishing guides	5/20/2013		7/28/2013
257	SB 5797	Specialty and therap. courts	5/15/2013		8/1/2013
6	E2SSB 5802	Greenhouse gas emissions	4/2/2013		4/2/2013
32 E2	SSB 5804	Federal receipts reporting	7/3/2013		9/28/2013
240	SB 5806	Property tax credit/timber	5/14/2013		7/28/2013
165	SB 5809	Home visiting services acct	5/7/2013		7/28/2013
315	SB 5810	Security threat group info	5/20/2013		7/28/2013
60	ESSB 5849	Electric vehicle charging	4/23/2013		7/28/2013
13 E2	ESSB 5882	Tax preferences	6/30/2013		10/1/2013*
33 E2	ESSB 5891	State tech expenditures	7/3/2013		9/28/2013
14 E2	2ESSB 5892	Corrections costs	6/30/2013		7/1/2013
15 E2	ESSB 5897	State parks	6/30/2013		9/28/2013*
16 E2	SB 5904	High quality early learning	6/30/2013		9/28/2013
35 E2	E2SSB 5912	Driving under the influence	7/18/2013		9/28/2013*
17 E2	ESSB 5913	Hospital safety net assessmt	6/30/2013		6/30/2013
18 E2	ESSB 5946	Student educational outcomes	6/30/2013	PV	9/28/2013*
34 E2	SB 5948	State procurement	7/3/2013		9/28/2013

CHAPT. #	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/ PARTIAL VETO	EFFECTIVE DATES
219	SHB 1001	Beer & wine theater license	5/14/2013		7/28/2013
86	HB 1003	Health professions licensees	5/1/2013		1/1/2014
88	HB 1006	Horse racing comm. accounts	5/1/2013		7/28/2013
89	SHB 1009	Liquor self-checkout	5/1/2013		7/28/2013
90	SHB 1012	Appraisal mgmt company bond	5/1/2013		7/28/2013
91	SHB 1021	Parental abduction	5/1/2013		7/28/2013
64	SHB 1034	Escrow agent licensing	4/25/2013		7/28/2013
65	HB 1035	Title insurance rate filings	4/25/2013		7/28/2013
117	HB 1036	Service contracts	5/3/2013		7/28/2013
264	HB 1045	Local highway speed limits	5/16/2013		7/28/2013
66	HB 1056	Corporate officers	4/25/2013		12/29/2013
92	HB 1065	Arbitration proceedings	5/1/2013		7/28/2013
191	SHB 1068	TV reception improvement/tax	5/10/2013		7/28/2013
93	SHB 1071	Salmonid hatchery management	5/1/2013		7/28/2013
16	SHB 1074	Plat approvals	4/18/2013		7/28/2013
288	SHB 1075	Dungeness crab fishery	5/20/2013		7/28/2013
192	SHB 1076	Innovation academy coops	5/10/2013		7/28/2013
166	SHB 1093	State agency lobbying	5/8/2013		1/1/2014
94	HB 1108	Rape in the third degree	5/1/2013		7/28/2013
67	HB 1109	Higher ed registration/vets	4/25/2013		7/28/2013
68	HB 1112	Science and public policy	4/25/2013		7/28/2013
69	HB 1113	Science and public policy	4/25/2013		7/28/2013
289	E2SHB 1114	Crim. incompetency/commitmnt	5/20/2013		7/28/2013
118	SHB 1115	Uniform commercial code	5/3/2013		7/28/2013*
119	SHB 1116	Unif. collaborative law act	5/3/2013		7/28/2013
95	HB 1124	Spirits taxes & fees/reports	5/1/2013		7/28/2013
150	SHB 1130	Impounded vehicle redemption	5/7/2013		7/28/2013
242	E2SHB 1134	State-tribal edu compacts	5/15/2013		7/28/2013
96	SHB 1141	Water pollution contrl loans	5/1/2013		7/28/2013**
151	SHB 1144	Educational interpreters	5/7/2013		7/28/2013
70	HB 1146	Water right examiner bonding	4/25/2013		7/28/2013
97	HB 1148	Dissenters/business corp act	5/1/2013		7/28/2013
98	HB 1149	Craft distillery customers	5/1/2013		7/28/2013
99	HB 1154	Nonpower attributes	5/1/2013		7/28/2013
142	HB 1175	Judges/Benton & Franklin co.	5/6/2013		7/28/2013
193	HB 1178	Teacher certification	5/10/2013		7/28/2013
100	SHB 1180	Firefighters & reserve ofcers	5/1/2013		7/28/2013
71	HB 1182	Pharmacists/legend drug act	4/25/2013		7/28/2013
317	SHB 1183	Wireless communications	5/21/2013		7/28/2013
101	SHB 1192	Veterans with disabilities	5/1/2013		2/1/2014
194	HB 1194	Habitat project liability	5/10/2013		7/28/2013
195	2SHB 1195	Primaries	5/10/2013		5/10/2013
290	SHB 1200	Seafood labeling	5/20/2013		7/28/2013

CHAPT. #	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/ PARTIAL VETO	EFFECTIVE DATES
220	HB 1203	Children's personal info	5/14/2013		7/28/2013
167	HB 1207	Cemetery districts	5/8/2013		7/28/2013
72	HB 1209	Christmas tree growers	4/25/2013		7/28/2013
73	HB 1213	Social worker licensing	4/25/2013		7/28/2013
168	SHB 1216	Eosinophilia disorders	5/8/2013		7/28/2013
102	HB 1218	DFW license suspensions	5/1/2013		7/28/2013
169	SHB 1242	Vehicle subagents	5/8/2013		7/28/2013
291	ESHB 1245	Derelict & abandoned vessels	5/20/2013		7/28/2013*
103	ESHB 1247	Job skills program	5/1/2013		7/28/2013
196	ESHB 1253	Lodging tax	5/10/2013		7/1/2013
104	SHB 1256	Freight mobility invest. brd	5/1/2013		7/28/2013
105	SHB 1261	Emer & crisis care/children	5/1/2013		7/28/2013
170	SHB 1265	Traffic infraction notices	5/8/2013		7/28/2013
171	SHB 1270	Board of denturists	5/8/2013		7/28/2013*
172	SHB 1271	Denturism	5/8/2013		7/1/2014
120	HB 1277	Conservation easemnts/tribes	5/3/2013		7/28/2013
173	SHB 1284	Incarcerated parents' rights	5/8/2013		7/28/2013
121	ESHB 1291	Sex trade victims	5/3/2013		7/28/2013
21 E2	E2SHB 1306	Local infrastr. financing	7/3/2013		9/28/2013
74	SHB 1307	Sexual assault prot. orders	4/25/2013		7/28/2013
75	HB 1311	Maritime service/unempl comp	4/25/2013		7/28/2013
5	HB 1319	Welcome home Vietnam vet day	3/29/2013		7/28/2013
76	ESHB 1325	Banks, trust companies, etc.	4/25/2013		7/28/2013**
106	SHB 1327	Money transmitters	5/1/2013		7/28/2013
87	HB 1330	Dental hygienists, assistnts	5/1/2013		7/28/2013
174	SHB 1334	Motorcycle conversion kits	5/8/2013		7/28/2013
197	ESHB 1336	Troubled youth in schools	5/10/2013		7/28/2013
175	ESHB 1341	Wrongful imprisonment	5/8/2013	PV	7/28/2013
77	SHB 1343	Nurses surcharge	4/25/2013		4/25/2013
107	HB 1351	Wineries & breweries/labels	5/1/2013		7/28/2013
17	SHB 1352	Sexual abuse against a child	4/19/2013		7/28/2013
108	SHB 1370	Homeowners' associations	5/1/2013		7/28/2013
78	SHB 1376	Suicide assessment training	4/25/2013		7/28/2013
109	ESHB 1381	DOH admin adjud proceedings	5/1/2013		7/28/2013
84	ESHB 1383	Stalking protection orders	4/27/2013		7/28/2013
122	EHB 1394	Employment security dept	5/3/2013		5/3/2013
79	EHB 1396	Unemployment insurance	4/25/2013		7/28/2013
85	SHB 1397	Sexual health education	5/1/2013		7/28/2013
110	EHB 1400	Service/electr. distribution	5/1/2013		7/28/2013
111	ESHB 1403	Economic development	5/1/2013		7/28/2013
112	HB 1404	Alcohol poisoning deaths	5/1/2013		7/28/2013
176	ESHB 1412	Community service/students	5/8/2013		7/28/2013
177	2SHB 1416	Irrigation distrect financing	5/8/2013		7/28/2013
113	SHB 1420	Transp. improvement projects	5/1/2013		7/28/2013*

CHAPT. #	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/ PARTIAL VETO	EFFECTIVE DATES
221	EHB 1421	Deferred property taxes	5/14/2013		7/28/2013
	SHB 1422	Beer, wine tasting endorsmnt	5/1/2013	V	
123	ESHB 1432	County property tax levies	5/3/2013		7/28/2013
114	SHB 1435	Deeds of trust reconveyances	5/1/2013		7/28/2013
18	HB 1442	Parimutuel locations	4/18/2013		7/28/2013
178	E2SHB 1445	Complex rehab technology	5/8/2013		1/1/2014
115	HB 1447	Heavy haul corridors	5/1/2013		7/1/2013
22 E2	EHB 1450	Public school assessments	7/3/2013		9/28/2013
124	SHB 1456	Transit and parking benefits	5/3/2013		7/28/2013
222	SHB 1466	Alt public works contracting	5/14/2013		6/30/2013**
125	HB 1468	Claimant benefits payment	5/3/2013		7/28/2013
80	HB 1469	Horse racing/ind. insurance	4/25/2013		7/28/2013
319	HB 1471	Hospital infection rates	5/21/2013	PV	7/28/2013*
241	SHB 1472	Computer science education	5/14/2013		7/28/2013
143	HB 1474	Top 2 nonpartisan candidates	5/7/2013		7/28/2013
126	ESHB 1480	Direct practice providers	5/3/2013		7/28/2013
198	EHB 1493	Mobile homes property tax	5/10/2013		7/28/2013
292	SHB 1498	Electronic waste collection	5/20/2013		7/28/2013
258	SHB 1499	Elderly all-inclusive care	5/16/2013		7/28/2013
127	SHB 1512	Water/fire suppression	5/3/2013		7/28/2013
128	ESHB 1515	Medical assistants	5/3/2013		7/1/2013
81	2SHB 1518	Disciplining authorities	4/25/2013		7/1/2013
320	ESHB 1519	Health care coordination	5/21/2013		7/28/2013
179	ESHB 1524	Juvenile mental health	5/8/2013		7/28/2013
321	SHB 1525	Birth certificates	5/21/2013		7/28/2013
82	HB 1533	Health care actions/claims	4/25/2013		7/28/2013
129	HB 1534	Impaired dentist program	5/3/2013		7/28/2013
83	SHB 1537	Veteran's preference	4/25/2013		7/28/2013
180	SHB 1541	Nasal spray/school employees	5/8/2013		7/28/2013
130	HB 1547	Recreational programming	5/3/2013		7/28/2013
322	ESHB 1552	Scrap metal theft reduction	5/21/2013	PV	7/28/2013*
181	SHB 1556	Cardiac arrest/high schools	5/8/2013		7/28/2013
36	HB 1565	Prescription monitoring prog	4/23/2013		7/28/2013
182	2SHB 1566	Youth in out-of-home care	5/8/2013		7/28/2013
144	SHB 1568	Business licensing service	5/7/2013		7/28/2013*
131	HB 1576	County assessors offices	5/3/2013		7/28/2013
19	HB 1609	Board of pharmacy	4/18/2013		7/28/2013*
183	SHB 1612	Firearm offenders	5/8/2013		7/28/2013
265	SHB 1613	Crim justice training comm	5/16/2013		7/28/2013
145	SHB 1617	Housing trust fund	5/7/2013		7/28/2013
37	ESHB 1625	Tow truck operator rates	4/23/2013		7/28/2013
259	SHB 1629	Home care aide continuing ed	5/16/2013		7/28/2013
23 E2	ESHB 1632	Off-road vehicles	7/3/2013		7/28/2013***
223	ESHB 1633	School district bidding reqs	5/14/2013		7/28/2013

CHAPT. #	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/ PARTIAL VETO	EFFECTIVE DATES
38	HB 1639	Presidential electors	4/23/2013		7/28/2013
184	2SHB 1642	H.S. academic acceleration	5/8/2013		7/28/2013
199	HB 1644	Transportation planning	5/10/2013		7/28/2013
217	HB 1645	Higher ed facils authority	5/10/2013		7/28/2013
35	ESHB 1647	Landlords/safeguarding keys	4/23/2013		7/28/2013
	ESHB 1652	Impact fee payment	5/21/2013	V	
185	EHB 1677	Adult family home operators	5/8/2013		7/28/2013
200	ESHB 1679	Health care info disclosure	5/10/2013		7/1/2014*
201	HB 1683	Postsecondary institutions	5/10/2013		7/28/2013
39	SHB 1686	High school equiv certifs	4/23/2013		7/28/2013
202	ESHB 1688	Student restraint, isolation	5/10/2013		7/28/2013
243	ESHB 1717	Up-front enviro planning	5/15/2013		7/28/2013*
323	2SHB 1723	Early learning services	5/21/2013	PV	7/28/2013
218	HB 1736	Higher ed efficiencies	5/10/2013		7/28/2013
203	SHB 1737	Physician assistants	5/10/2013		7/28/2013
132	HB 1738	Political subdivisions	5/3/2013		7/28/2013
224	SHB 1752	Commercial motor vehicles	5/14/2013		7/8/2014*
204	2SHB 1764	Geoduck diver licenses	5/10/2013		7/28/2013
186	HB 1768	DOT/job order contracting	5/8/2013		7/28/2013
40	HB 1770	Commodity boards/members	4/23/2013		7/28/2013
205	ESHB 1774	Child welfare system	5/10/2013		7/28/2013
187	SHB 1779	Esthetics	5/8/2013		7/28/2013
41	HB 1790	Traffic school fees	4/23/2013		7/28/2013
146	HB 1800	Compounding of medications	5/7/2013		5/7/2013
42	SHB 1806	Veterans' assistance	4/23/2013		7/28/2013
133	EHB 1808	Legal marijuana/disposal	5/3/2013		7/28/2013
147	SHB 1812	Urban school turnaround	5/7/2013		5/7/2013
324	HB 1818	Business & govt streamlining	5/21/2013		7/28/2013
206	SHB 1821	Permanency hearings	5/10/2013		7/28/2013
148	SHB 1822	Debt collection practices	5/7/2013		7/28/2013*
149	EHB 1826	Integrated resource plans	5/7/2013		7/28/2013
43	SHB 1836	Contraband/secure facility	4/23/2013		7/28/2013
325	ESHB 1846	Stand-alone dental coverage	5/21/2013		7/28/2013
207	SHB 1853	Real estate brokers	5/10/2013		7/28/2013
44	HB 1860	Sunset review process	4/23/2013		7/28/2013
134	HB 1863	L&I/scholarship information	5/3/2013		7/28/2013
24 E2	SHB 1866	Aerospace tech innovation	7/3/2013		9/28/2013
287	SHB 1868	Disabled LEOFF plan2 members	5/20/2013		7/28/2013
25 E2	E2SHB 1872	Sci, tech, engineering, math	7/3/2013		9/28/2013
225	SHB 1883	Fuel tax administration	5/14/2013		7/1/2015
45	SHB 1886	Ag dept/recoverable costs	4/23/2013		7/28/2013
326	EHB 1887	Voc rehab plans/ed options	5/21/2013		7/28/2013
46	SHB 1889	Fruit and veg district fund	4/23/2013		6/30/2013
244	HB 1903	Unemployment insurance	5/15/2013		1/1/2014

CHAPT. #	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/ PARTIAL VETO	EFFECTIVE DATES
47	HB 1937	Vapor products	4/23/2013		7/28/2013
226	SHB 1941	Toll adjudication, penalties	5/14/2013		7/28/2013
135	ESHB 1944	Lic. plate & registr. fraud	5/3/2013		7/28/2013
6 E2	ESHB 1947	WA health benefit exchange	6/30/2013		9/28/2013
7 E2	SHB 1961	Judicial stabil. trust acct.	6/30/2013		7/1/2013
227	ESHB 1968	Programs in school buildings	5/14/2013		7/28/2013
8 E2	2E2SHB 1971	Communications services	6/30/2013		8/1/2013*
136	SHB 1982	Lottery games	5/3/2013		7/28/2013
3 E2	HB 2042	Medicaid nursing payments	6/28/2013		7/1/2013
5 E2	HB 2043	Education employee comp	6/30/2013		7/1/2013
26 E2	HB 2044	Family leave insurance prog.	7/3/2013		9/28/2013
9 E2	ESHB 2051	Basic education expenditures	6/30/2013		9/28/2013*
116	EHB 2056	Marijuana THC concentration	5/1/2013		5/1/2013
327	HB 2058	State budget transparency	5/21/2013		7/28/2013
27 E2	EHB 2068	Annexation within a city	7/3/2013		7/28/2013
10 E2	SHB 2069	Safety net benefits	6/30/2013		1/1/2014*
2 E2	EHB 2075	Estate, transfer tx/edu acct	6/14/2013		6/14/2013*
28 E2	HB 2079	Envir. legacy stewardshp acct	7/3/2013		9/28/2013

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**Sixty-Third Legislature
2013 Regular and Special Sessions

Senate Bill No.

Status Title

SENATE JOINT MEMORIALSSJM 8001
SJM 8005I-5 Purple Heart Trail
SR 117 POW/MIA mem. Highway**SENATE CONCURRENT RESOLUTIONS**SCR 8400
ESSCR 8401
SCR 8402
SCR 8403
SCR 8404
SCR 8405Legislature joint session
Health care oversight comm
Cutoff resolution, amending
Governor Booth Gardner
Bills house of origin
Adjourning SINE DIE

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**Sixty-Third Legislature
2013 Regular and Special Sessions

House Bill No.

Status Title

HOUSE CONCURRENT RESOLUTIONS

HCR 4400	Legislature joint rules
HCR 4401	Legislature cutoff dates
HCR 4402	Legislature joint sessions
HCR 4404	William Booth Gardner
HCR 4405	HB 2056
HCR 4406	HB 2058
HCR 4407	Special session bill status
HCR 4408	Bills/house of origin
HCR 4409	Adjourning SINE DIE
HCR 4410	Special session bill status
HCR 4411	Bills/house of origin
HCR 4412	Adjourning SINE DIE

HISTORY OF SENATE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5000	31					
5001	31					
5002	31	128	162			C208
5002-S			163	163	951, 1010(P), 1110(S)	C208
5003	31	82				
5004	31					
5005	31					
5006	31	193			602	
5007	31					
5008	31	166	233			C152
5008-S			233	233	787, 812(P), 944(S)	C152
5009	31					
5010	32	122	481			
5010-S			481	481	1293	
5011	32				33, 50	
5012	32					
5013	32	113			602	
5014	32	220			602	
5015	32	245	529	530	1293	
5016	32					
5017	32					
5018	32					
5019	32	113				
5020	32					
5021	32	82				C20
5021-S			120	120	669, 673(P), 810(S)	C20
5022	33	82	121			C153
5022-S			121	121	951, 955, 956, 1010(P), 1110(S)	C153
5023	33					
5024	33	943	946			C306PV
5024-S			946, 947	947	947, 1232, 1284, 1284, 1291(P), 1293(S), 2013	C306PV
5025	49	128	478	478	672, 676(P), 810(S)	C21
5026	49					
5027	49	113				
5028	49	193				
5029	49					
5030	49	122	480	480	787, 812(P), 944(S)	C154
5031	49	237	546			
5031-S			546	546	1293	
5032	49					
5033	49					
5034	49	648	651, 655			C 4 L 13 E2
5034-S			652, 653, 654, 655, 656, 657, 658, 1330, 1466, 1729, 1872, 1873	658, 1595, 1874	653, 656, 1330, 1330, 1594, 1610, 1729, 1873, 1874, 1885, 1885(P), 1920(S), 2013	C 4 L 13 E2
5035	49	733	1928			C 19 L 13 E2
5035-S			1928	2005	2004, 2005, 2006(P), 2007(S), 2013	C 19 L 13 E2
5036	50	733	1926			C 20 L 13 E2

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5036-S			1926	1927	1927, 2006(P), 2006, 2007(S)	C 20 L 13 E2
5037	50	171			50, 602	
5038	50					
5039	50					
5040	50					
5041	50					
5042	50					
5043	50					
5044	50					
5045	50	220	431			
5045-S			431	431	986, 1293	
5046	63	82	121	121	669, 673(P), 810(S)	C22
5047	63					
5048	63	139	396, 397	397	1293	
5049	63					
5050	63	166	294	295	956, 1010(P), 1110(S)	C155
5051	63					
5052	63	109	120	120	929, 932(P), 944(S)	C210
5053	63	182	269	273	273, 1118, 1122, 1123, 1162(P), 1179(S)	C267
5054	63	182, 320	451			
5054-S			451	452	1293	
5055	63					
5056	63	122	163	164	787, 812(P), 944(S)	C156
5057	64	182				
5058	64	245				
5059	64	182	534	534	1293	
5060	64					
5061	64	113			602	
5062	64				65	
5063	64					
5064	64	245				
5065	64	226				
5066	70	166			602	
5067	70					
5068	70	113			602	
5069	70	189	338	339	1293	
5070	70					
5071	70					
5072	70	171	461			C211
5072-S			461	461	1225, 1226, 1291(P), 1293(S)	C211
5073	70					
5074	70					
5075	70					
5076	70	156				
5077	70	122	177			C23PV
5077-S			177	177	669, 673(P), 810(S), 1301	C23PV
5078	72	113, 245	297			C212
5078-S2			297	298	298, 956, 957, 957, 1010(P), 1110(S)	C212
5079	72	156				
5080	72					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5081	72	245	361	361	1293	
5082	72	122	212			C228
5082-S			212	212	1049, 1051, 1078(P), 1179(S)	C228
5083	72	122	501	501	1293	
5084	72	215				
5085	72					
5086	72					
5087	72					
5088	72	113, 300	408		114	
5088-S			408	408	1293	
5089	72					
5090	72					
5091	72					
5092	72	156	475	476	1078, 1079, 1180	C229
5093	73					
5094	74					
5095	74	82, 122	232			C157
5095-S			232, 233	232, 233	233, 787, 812(P), 944(S)	C157
5096	74					
5097	74	205	266	267	1293	
5098	74	156	268	268	1293	
5099	74	113	255	256	1066, 1067, 1112(P), 1180(S)	C328
5100	74	182	357			
5100-S			357	357	1293	
5101	74	182, 329			77	
5102	74	139	176	176	1067, 1112(P), 1180(S)	C245
5103	74					
5104	74	145	180	180	1067, 1068, 1112(P), 1180(S)	C268
5105	75	237, 329	405	407	405, 407, 1090, 1091, 1092, 1123(P), 1179(S)	C266
5106	75	189	478	478	1293	
5107	75	220	471	471	1293	
5108	75					
5109	75	237, 320				
5110	75	128	179			C24
5110-S			179	180	734, 772(P), 810(S)	C24
5111	75					
5112	75	109	136	143	143, 1293	
5113	75	122	177	178	1092, 1112(P), 1180(S)	C269
5114	75	220	351	351	669, 673(P), 810(S)	C25
5115	75					
5116	75	189				
5117	75					
5118	75	189	463		191	
5118-S			463	464	464, 1293	
5119	75	189	359			
5119-S			359	359	1293	
5120	76					
5121	76	128	256, 257	258	258, 1293	
5122	76	171				
5123	76	215, 329	519			
5123-S			519	519	1293	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5124	76	109			602	
5125	76					
5126	76	109			602	
5127	76	109	135			
5127-S			135, 144	144, 1597	144, 1293, 1597, 1610	
5128	76	109	134			
5128-S			134	143	143, 1293	
5129	78					
5130	78					
5131	79	171				
5132	79	171	499	500	1293	
5133	79	189				
5134	79					
5135	79	220	438			C246
5135-S			438	439	1079, 1080, 1112(P), 1180(S)	C246
5136	79	139	163	163	1068, 1069, 1113(P), 1180(S),	C188
5137	79	156				
5138	79	329	413			
5138-S			413, 414, 416	417	416, 1293	
5139	79	114	164	164	646(P), 646, 672(S)	C7
5140	79					
5141	79	166	258	259	1293	
5142	79	166	268	268	672, 676(P), 810(S)	C26
5143	79					
5144	79					
5145	79	114	232	232	1069, 1070, 1113(P), 1180(S),	C247
5146	80	215				
5147	80	100	120	120	217(P), 217, 223(S)	C4
5148	80	156	296			C260
5148-S			296	296	1103, 1104, 1123(P), 1179(S)	C260
5149	80	182, 245	358	358	184, 787, 812(P), 944(S)	C270
5150	80					
5151	80				81	
5152	80	122	164			C286
5152-S			165	165	943, 947(P), 1110(S)	C286
5153	80	171	328			C230
5153-S			328	328	1052, 1078(P), 1179(S)	C230
5154	80	156, 329				
5155	80					
5156	80					
5157	80	166	365			C 29 L 13 E2
5157-S			365, 1654	365, 1655	365, 1293, 1654, 1654, 1717, 1722(P), 1885(S)	C 29 L 13 E2
5158	80	215	471	471	1293	
5159	81	145			1152	
5160	81	215	472			
5160-S			472	472	1293	
5161	81	166	212	213	957, 958, 1010(P), 1110(S)	C137

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5162	82	260	502			
5162-S			502	502	1293	
5163	82					
5164	83	312				
5165	83	202	452			C27
5165-S			452	453	672, 676(P), 810(S)	C27
5166	83					
5167	83					
5168	83					
5169	63	226				
5170	83					
5171	83	193				
5172	83					
5173	83					
5174	83					
5175	83	172			602	
5176	83	237	340			
5176-S			340	341	1293	
5177	83	145				
5178	84	245, 300	499			
5178-S			499	499	1293	
5179	84					
5180	84	215	341			C231
5180-S			341	341	787, 812(P), 944(S)	C231
5181	84					
5182	84	226	417			C232
5182-S			417	417	911, 932(P), 944(S)	C232
5183	85	183	468	468	1293	
5184	85	226			88, 602	
5185	85					
5186	85	189	296	297	669, 673(P), 810(S)	C28
5187	85	215	432			
5187-S			433	434	1293	
5188	85	205				
5189	85	215				
5190	85					
5191	85					
5192	85					
5193	85	216, 320	560			C329
5193-S2			560, 561	561	561, 1200, 1200, 1216(P), 1229(S)	C329
5194	85					
5195	86	205, 320	467			C248
5195-S			467, 482, 560	561	856, 914(P), 944(S)	C248
5196	86				88	
5197	86	145, 172	187			C233
5197-S2			187	188	958, 959, 1010(P), 1110(S),	C233
5198	86	172	267	267	88, 1293	
5199	86	246, 330	418			
5199-S2			418	419		
5200	86	193	474			
5200-S			474	475	475, 1293	
5201	86	202				
5202	86	246	559			

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5202-S			559	560	559, 1293	
5203	86				88	
5204	86				88	
5205	86	193				
5206	86	172	274	274	1070, 1071, 1113(P), 1180(S),	C249
5207	87	156	365	366	669, 673(P), 810(S)	C29
5208	87	166	467			
5208-S			467	467	1293	
5209	87	205			602	
5210	87	226	494			C30
5210-S			494	494	669, 673(P), 810(S)	C30
5211	87	260	536			C330
5211-S			536	536	1088, 1200, 1201, 1216(P), 1229(S)	C330
5212	87	157	268	268	672, 676(P), 810(S)	C31
5213	87	226, 320	431			C261
5213-S2			431	431	1039, 1189, 1191, 1214(P), 1229(S)	C261
5214	87					
5215	87	246, 330	496			C293
5215-S2			496	497	496, 1102, 1103, 1103, 1123(P), 1179(S)	C293
5216	87	246	352	352	646(P), 646, 672(S)	C8
5217	87					
5218	87	189				
5219	88	226, 330	465			
5219-S2	63	82	465	466	466, 1294	
5220	88	190	296	296	1080, 1081, 1113(P), 1180(S),	C213
5221	88	145	308	308	986, 1191, 1191, 1191, 1214(P), 1229(S)	C214
5222	88	128				
5223	88					
5224	88					
5225	88					
5226	88					
5227	88	216	364			C250
5227-S			364	364	987, 989, 1078(P), 1179(S)	C250
5228	88					
5229	88					
5230	88					
5231	94	246			602	
5232	94					
5233	95	246			602	
5234	95					
5235	95	145	303	303	672, 676(P), 810(S)	C32
5236	95	246	547	547	1192, 1217, 1218, 1219, 1291(P), 1293(S)	C294
5237	95	167, 246	387			
5237-S2			387	388	1294	
5238	95	260			602	
5239	95	183	529			
5239-S			529	529	1294	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5240	95					
5241	95				99	
5242	95	216	378			
5242-S			378, 1598	379, 1599	379, 1294, 1597, 1598, 1610	
5243	95	183, 321	389			
5243-S2			389	389	1294	
5244	95	167, 246	388			
5244-S2			388	389	1294	
5245	96					
5246	96					
5247	96					
5248	96					
5249	96	226				
5250	96					
5251	96	227, 330			99	
5252	96					
5253	96					
5254	96					
5255	96					
5256	96	183	436			C295
5256-S			436	436	1065, 1113(P), 1180(S), 1294	C295
5257	96	128	495	495		
5258	96	128	325	326	787, 812(P), 944(S)	C138
5259	96					
5260	97					
5261	97					
5262	97	247, 300			602	
5263	97	167	269			C139
5263-S			269	269	911, 932(P), 944(S)	C139
5264	97	312	422			C140
5264-S			422	422	911, 932(P), 944(S)	C140
5265	97					
5266	97					
5267	97	247, 330	544			C215
5267-S2			544	544	544, 1064, 1206, 1207, 1216(P), 1229(S)	C215
5268	97					
5269	97	183				
5270	97					
5271	97					
5272	97	190			602	
5273	97	216, 330			602	
5274	97	167	339			C33
5274-S			339	339	672, 676(P), 810(S)	C33
5275	98	145			602	
5276	98	247				
5277	98					
5278	98					
5279	98	167	497			
5279-S			497	497	1294	
5280	98	247			602	
5281	98	205				
5282	98	220	452			C216

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5282-S			452	452	989, 990, 1078(P), 1179(S).	C216
5283	98	172				
5284	98					
5285	98					
5286	98					
5287	98	172	452			C251
5287-S			452	452	1123, 1131, 1162(P), 1179(S)	C251
5288	99	220				
5289	99	216	454			
5289-S			454	454	1294	
5290	99	202	530			
5290-S			530, 531	531	531, 1294	
5291	99					
5292	99					
5293	100					
5294	100					
5295	100					
5296	100	202, 733	1010			C 1 L 13 E2
5296-S2			1010, 1024, 1633	1039, 1648	1039, 1294, 1633, 1633, 1648, 1649, 1649(S), 1649(P)	C 1 L 13 E2
5297	100	247	431	432	929, 932(P), 944(S)	C158
5298	100	247			602	
5299	100					
5300	100					
5301	100					
5302	101	193	295	295	734, 772(P), 810(S)	C34
5303	101					
5304	101					
5305	101	220	350	350	990, 1078(P), 1179(S)	C252
5306	101					
5307	101					
5308	101	190				C253
5308-S			304	304	1081, 1082, 1113(P), 1180(S)	C253
5309	101					
5310	101	221			602	
5311	101					
5312	101	183	234			
5312-S			235, 236	236	1294	
5313	101					
5314	101					
5315	101	227, 331	421			C254
5315-S			421	422	1052, 1055, 1078(P), 1179(S)	C254
5316	102	227	360			C48
5316-S			360	360	734, 772(P), 810(S)	C48
5317	102					
5318	102	172, 331	480	480	1294	
5319	102					
5320	102	190				
5321	102					
5322	102					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5323	103	190	267	267	1294	
5324	103	247	437			C209
5324-S			438	438	438, 1057, 1058, 1058, 1078(P), 1179(S)	C209
5325	103	237			107	
5326	103					
5327	103					
5328	103	167	376			
5328-S			376, 377	378	1294	
5329	103	202, 331	408			C159
5329-S			409			C159
5329-S2			408, 409, 412	413	409, 412, 961, 967, 968, 1010(P), 1110(S)	C159
5330	103	260, 331	386			
5330-S2			386	387	1294	
5331	103					
5332	103	227	405			C49
5332-S			405	405	734, 772(P), 810(S)	C49
5333	103	190				
5334	104					
5335	104	183	303	303	1294	
5336	104	190			1162	
5337	104	172	436	436	1162(P), 1179(S)	C255
5338	104	227	545			
5338-S			546	546	546, 1294	
5339	104					
5340	104					
5341	104					
5342	104	172				
5343	104	173	259	259	787, 812(P), 944(S)	C271
5344	104	157	295	295	990, 1001, 1078(P), 1179(S)	C272
5345	104					
5346	104	157				
5347	104	227				
5348	105					
5349	105	190	295	295	1294	
5350	105					
5351	105					
5352	105	216	464			C58
5352-S			464	464	669, 673(P), 810(S)	C58
5353	105	216				
5354	105					
5355	105	260	472	472	968, 971, 972, 1010(P), 1110(S)	C189
5356	105					
5357	105	247				
5358	105	205				
5359	105	221	500	501	972, 976, 1010(P), 1110(S),	C273
5360	106					
5361	106					
5362	106	216	462			C331
5362-S			463	463	787, 812(P), 944(S)	C331
5363	106					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5364	106	247				
5365	106	190, 321			602	
5366	106					
5367	106	193, 1717	1874			C 11 L 13 E2
5367-S2			1874, 1875	1880	1926, 1928(P), 2007(S)	C 11 L 13 E2
5368	106	194				
5369	106	248	338			C274
5369-S			338	338	1072, 1074, 1113(P), 1180(S),	C274
5370	106					
5371	106					
5372	107					
5373	107					
5374	107					
5375	107					
5376	107	237				
5377	107	145	259	259	1294	
5378	107	194	421	421	1294	
5379	107					
5380	107					
5381	107	190, 194	546		191	
5381-S			546	547	193, 1294	
5382	107	237				
5383	107					
5384	109					
5385	110					
5386	110					
5387	110					
5388	110					
5389	110	221, 331	476			C316
5389-S2			476	478	477, 1071, 1072, 1072, 1113(P), 1180(S)	C316
5390	110					
5391	110	216				
5392	110	321				
5393	110					
5394	110					
5395	110					
5396	110	237	498			C234
5396-S			498	535	535, 787, 812(P), 944(S)	C234
5397	110					
5398	111					
5399	111	227	361			C275
5399-S			361	361	1075, 1078, 1113(P), 1180(S)	C275
5400	111	238	473			C61
5400-S			473	473	669, 673(P), 810(S)	C61
5401	111					
5402	111	173				
5403	111	238			602	
5404	111	205				
5405	111	238, 331	547			C332
5405-S2			547	556	555, 1164, 1174, 1174, 1229(S)	C332
5406	111					

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5407	111	238	326	326	1294	
5408	111	194	273	274	1293	
5409	111					
5410	111					
5411	112	227	518	519	856, 914(P), 944(S)	C160
5412	112					
5413	112					
5414	112					
5415	112	206			602	
5416	112	221	397			C276
5416-S			397	398	856, 914(P), 944(S)	C276
5417	112	227	545	545	1055, 1056, 1078(P), 1179(S)	C333
5418	112	248, 331			602	
5419	112					
5420	112	206				
5421	112					
5422	114					
5423	114					
5424	114	248				
5425	114	248	526	526	1294	
5426	114	248			116	
5427	114					
5428	114					
5429	114					
5430	115	206				
5431	115					
5432	115					
5433	115					
5434	115	248	327			C277
5434-S			327	327	976, 977, 978, 1010(P), 1110(S)	C277
5435	115					
5436	115					
5437	115	248	421			C278
5437-S			421	421	1001, 1004, 1078(P), 1179(S)	C278
5438	115	238	352			
5438-S			352	353	1294	
5439	115	183				
5440	115					
5441	115					
5442	115	248				
5443	116	248				
5444	116	227, 300	499			C235
5444-S			499	499	787, 812(P), 944(S)	C235
5445	116	173	187			
5445-S			187	187	1294	
5446	116	191	360	361	669, 673(P), 810(S)	C50
5447	116					
5448	116					
5449	116	249	304			C279
5449-S			304	307	307, 1131, 1134, 1134, 1162(P), 1179(S)	C279
5450	116	228	351	352	1294	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5451	116					
5452	123	238	495			
5452-S			495	496	1294	
5453	123	332				
5454	123	238, 300			602	
5455	123					
5456	123	221	558			C334
5456-S			558	558	1196, 1197, 1217(P), 1229(S),	C334
5457	123					
5458	123	238	532			C51
5458-S			532	533	533, 669, 673(P), 811(S)	C51
5459	123	228	308			C262
5459-S			308	308	1097, 1123(P), 1180(S)	C262
5460	123	228				
5461	123	228				
5462	124					
5463	124					
5464	124					
5465	124	249	398	398	1095, 1096, 1123(P), 1180(S),	C280
5466	124	173	267	268	669, 673(P), 811(S)	C62
5467	124					
5468	124					
5469	124					
5470	124					
5471	124	206	494			
5471-S			494	494	1294	
5472	124	173	341	341	1042, 1043, 1078(P), 1180(S)	C281
5473	124					
5474	124	249				
5475	125	228				
5476	125	239	436	436	911, 932(P), 944(S)	C141
5477	125					
5478	125					
5479	125					
5480	125	221, 332	478			C335
5480-S			479	479	1098, 1123(P), 1180(S),	C335
5481	125				127	
5482	125					
5483	125					
5484	125	249	530	530	1197, 1199, 1200, 1217(P), 1229(S)	C256
5485	125					
5486	125					
5487	125					
5488	125	221	342	342	646(P), 646, 672(S)	C9
5489	126	206				
5490	126					
5491	126	261	389			C282
5491-S			390	390	1043, 1044, 1078(P), 1180(S)	C282
5492	126	221				
5493	126					

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5494	126	194	480			
5494-S			480	480	1294	
5495	126	228	348, 349	349	349, 1294	
5496	126	239	398	398	787, 812(P), 944(S)	C161
5497	126					
5498	126					
5499	126	228			602	
5500	126	228	353	353	1294	
5501	126					
5502	127					
5503	127	249				
5504	127	239				
5505	127	228				
5506	129					
5507	129	229	308			C283
5507-S			308	309	1089, 1113(P), 1180(S),	C283
5508	129	229			602	
5509	129	206	255		256, 602	
5510	129	229	500	500	1116, 1201, 1204, 1217(P), 1229(S)	C263
5511	129					
5512	129					
5513	129					
5514	130	229				
5515	130					
5516	130	249	360	360	1294	
5517	130	221	545			C52
5517-S			545	545	669, 673(P), 811(S)	C52
5518	130	229	501			C11PV
5518-S			501	501	646(P), 646, 672(S), 1301	C11PV
5519	130	249				
5520	130					
5521	130					
5522	130					
5523	131	183	397			
5523-S			397	397	1294	
5524	131	249	338			C12
5524-S			338	338	646(P), 646, 672(S)	C12
5525	131					
5526	131					
5527	131					
5528	131	249			602	
5529	131	249				
5530	131					
5531	131	239				
5532	131	250				
5533	131					
5534	131					
5535	132	191				
5536	132					
5537	132					
5538	132					
5539	132					

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5540	132	250, 332	430			
5540-S2			431	431	1294	
5541	139	229	478	478	669, 673(P), 811(S)	C53
5542	139					
5543	139	250			602	
5544	139	250				
5545	139					
5546	139					
5547	139					
5548	140					
5549	140					
5550	140	250			602	
5551	140	184, 239, 332	533			C284
5551-S			533	534	1134, 1135, 1162(P), 1180(S)	C284
5552	140	239, 332			602	
5553	140					
5554	140					
5555	140					
5556	140	250	357			C285
5556-S			357	357	1097, 1098, 1123(P), 1180(S)	C285
5557	140					
5558	140	206	360	360	646, 647(P), 672(S)	C13
5559	140	184	339			C296
5559-S			339	339	787, 812(P), 944(S)	C296
5560	140	202, 332			602	
5561	140	194, 332				
5562	140	250			602	
5563	141	261	366			C10
5563-S			366, 367	367	367, 646, 647(P), 672(S)	C10
5564	141					
5565	141	239	435			C162
5565-S			435	436	978, 982, 1010(P), 1110(S)	C162
5566	141	239				
5567	141					
5568	141	250	475			C54
5568-S			475	475	734, 772(P), 811(S)	C54
5569	141					
5570	141	261				
5571	141					
5572	141	194			602	
5573	141	261				
5574	141					
5575	141					
5576	141					
5577	142	229, 332	419			C190
5577-S			419, 429	421, 430	1135, 1137, 1162(P), 1180(S)	C190
5578	142	239	350	351	350, 1294	
5579	142					
5580	142					
5581	142					
5582	142					

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5583	142					
5584	142					
5585	142					
5586	142					
5587	142	222	380		223	
5587-S			380, 383, 384	385	384, 1294	
5588	143	202				
5589	153					
5590	153	239			602	
5591	153	300	453			C336
5591-S			453	453	959, 960, 961, 1010(P), 1110(S)	C336
5592	153	312			500, 602	
5593	153	194	234	234	787, 812(P), 944(S)	C236
5594	153					
5595	153	240, 333	558		242	C337
5595-S2			558	559	932, 1204, 1205, 1217(P), 1229(S)	C337
5596	153	250	498	498	498, 1294	
5597	153	222			602	
5598	153	229			231	
5599	153					
5600	154					
5601	154	250	357			C297
5601-S			357	357	1137, 1138, 1162(P), 1180(S),	C297
5602	154					
5603	154	240, 333	556, 557	558	155, 557, 856, 914(P), 944(S)	C318
5604	154					
5605	154	251, 333	479			
5605-S			479	480	1294	
5606	154	229	358	358	1294	
5607	154	222	362, 363	364	363, 364, 1041, 1226, 1227, 1291(P), 1293(S)	C237
5608	154	261				
5609	154					
5610	154					
5611	154					
5612	154					
5613	154	333				
5614	155					
5615	155	191, 251	298			C298
5615-S			298	298	1057, 1078(P), 1180(S),	C298
5616	155	300	481	481	1044, 1045, 1078(P), 1180(S),	C299
5617	155					
5618	155	222	352	352	1294	
5619	155	222				
5620	157	240	366	366	646, 647(P), 672(S)	C14
5621	157					
5622	157	206, 333				
5623	157					
5624	157	184, 229, 333	526			C55
5624-S2			526	526	734, 772(P), 811(S)	C55

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5625	157					
5626	157					
5627	157	206, 321	473	474	669, 673(P), 811(S)	C56
5628	157					
5629	157					
5630	158	251	307			C300
5630-S			307	308	1099, 1102, 1123(P), 1180(S)	C300
5631	158					
5632	158					
5633	158	251			602	
5634	158	217	298			C15
5634-S			298	299	646, 647(P), 672(S)	C15
5635	158					
5636	158	230			602	
5637	158	230, 334			231, 602	
5638	158					
5639	158					
5640	158					
5641	158	230, 321	430	430	1294	
5642	158					
5643	159					
5644	159	261, 334	1922		264	C 12 L 13 E2
5644-S			1922	1924	1923, 1926, 1928(P), 2007(S)	C 12 L 13 E2
5645	159					
5646	159	206			602	
5647	159	240				
5648	159	240			602	
5649	159					
5650	159					
5651	159					
5652	159					
5653	167	251				
5654	168					
5655	168					
5656	168	240, 334	470			
5656-S			470	471	1294	
5657	168					
5658	168	251	559	559	559, 1294	
5659	168				170	
5660	168					
5661	168	230			602	
5662	168					
5663	168, 173	251, 334	439		170	
5663-S			439	451	451, 1294	
5664	168	251			602	
5665	168					
5666	169	251	536, 541	541	541, 934, 1116, 1187, 1229(S)	C301
5667	169					
5668	169					
5669	169	222	342			C302
5669-S			342	348	348, 856, 914(P), 944(S)	C302
5670	169					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5671	169					
5672	169					
5673	169	207				
5674	169	222	501	501	1089, 1090, 1113(P), 1180(S),	C238
5675	169					
5676	169	230			602	
5677	169					
5678	173					
5679	174	191, 240, 321	468			C 30 L 13 E2
5679-S			468	469, 1656	1294, 1656, 1717, 1722(P), 1885(S)	C 30 L 13 E2
5680	174	240, 334	461			
5680-S2			461	462	462, 1294	
5681	174	240	328			C303
5681-S			328	329	911, 932(P), 944(S)	C303
5682	174	261			602	
5683	174					
5684	174	241	517			
5684-S			517	518	518, 1294	
5685	174	241				
5686	174	241	471			
5686-S			471	472	1294	
5687	174					
5688	174	252, 334	502			
5688-S2			502, 517	517	517, 1294	
5689	174	241, 321			602	
5690	174					
5691	174	230, 321	453		231	
5691-S			453	453	1294	
5692	175	252	317	318	1092, 1093, 1123(P), 1180(S)	C304
5693	175	194				
5694	175					
5695	175					
5696	175	230			602	
5697	175	241	464			
5697-S			464	464	1294	
5698	184					
5699	184	241	519	526	525, 1082, 1088, 1088, 1113(P), 1180(S)	C305
5700	184					
5701	184	241	327, 339, 340	327, 340	336, 339, 787, 812(P), 944(S)	C163
5702	184	252	473			C307
5702-S			473	473	856, 914(P), 944(S)	C307
5703	184					
5704	184					
5705	184	252	341			C239
5705-S			341	341	1114, 1219, 1220, 1221, 1291(P), 1293(S)	C239
5706	184	261				
5707	185					
5708	185					
5709	185	207, 334	418			C308

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5709-S			418	418	1045, 1046, 1078(P), 1180(S)	C308
5710	185					
5711	185					
5712	185	252	365	365	669, 673(P), 811(S)	C57
5713	185	252			602	
5714	185					
5715	185	334	437	437	911, 932(P), 944(S)	C309
5716	185	322	518	518	1294	
5717	185	230, 322				
5718	191	241	327			C 31 L 13 E2
5718-S			327	328, 1655	1294, 1655, 1717, 1722(P), 1885(S)	C 31 L 13 E2
5719	191					
5720	191				192	
5721	191				192	
5722	191					
5723	191	241	358			C310
5723-S			358	362	1094, 1095, 1113(P), 1180(S),	C310
5724	191	261				
5725	191					
5726	192	262	469	470	470, 1294	
5727	192	222			602	
5728	192	262			602	
5729	192					
5730	192					
5731	192	262			602	
5732	192	222, 335	419			C338
5732-S2			419	419	938, 1221, 1225, 1291(P), 1293(S)	C338
5733	192					
5734	195	262			602	
5735	195	241	544		242	
5735-S			544	545	1294	
5736	195	207, 252			602	
5737	195					
5738	195					
5739	195					
5740	195					
5741	195				197	
5742	195					
5743	195	301			602	
5744	195	262	481			C339
5744-S			481	482	1207, 1217(P), 1229(S),	C339
5745	195					
5746	196	230				
5747	196	230	430	430	1294	
5748	196	231	407	407	1096, 1097, 1123(P), 1180(S)	C311
5749	196					
5750	196					
5751	196	322	519	519	669, 673(P), 811(S)	C63
5752	196	322				
5753	196	262	398			

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5753-S			398, 403, 404	405	404, 1294	
5754	196	262, 335	432			
5754-S			432	432	1294	
5755	196	262, 335	466			
5755-S			466	467	1294	
5756	196					
5757	196	242				
5758	196	262				
5759	197	242				
5760	197	252	318		197	
5760-S			318	318	1294	
5761	197	301	432			C312
5761-S			432	432	1046, 1047, 1078(P), 1180(S)	C312
5762	203					
5763	203					
5764	203					
5765	203	242				
5766	203	252	502			
5766-S			502	502	1294	
5767	203	253	494			C313
5767-S			494	494	1047, 1048, 1078(P), 1180(S)	C313
5768	203					
5769	203					
5770	203	222	494	495	787, 812(P), 944(S)	C164
5771	203	242				
5772	203					
5773	203	322				
5774	203	263	413			C59
5774-S			413	413	669, 673(P), 811(S)	C59
5775	203	301	454	454	1294	
5776	204	322			602	
5777	204					
5778	204					
5779	204					
5780	204					
5781	204					
5782	204					
5783	204				204	
5784	204	253	468	468	1294	
5785	204	312	947			
5785-S			947	950	950, 1294	
5786	208	253	351			C314
5786-S			351	351	1048, 1049, 1078(P), 1180(S)	C314
5787	208	253	318	318	1294	
5788	208					
5789	208					
5790	208					
5791	208	263				
5792	208	231				
5793	208					
5794	208	263, 335	390		264	
5794-S2			390	390	1294	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5795	208	253				
5796	209	253			602	
5797	209	253	541	541	1174, 1176, 1229(S)	C257
5798	209					
5799	209					
5800	209					
5801	209					
5802	209	253, 335	531			C6
5802-S2			531	532	602(P), 602, 615(S)	C6
5803	209					
5804	209	322	453			C 32 L 13 E2
5804-S			453	453, 1656	1294, 1656, 1717, 1722(P), 1885(S)	C 32 L 13 E2
5805	209	253			602	
5806	217	335	529	529	787, 812(P), 944(S)	C240
5807	217					
5808	217					
5809	217	263	296	296	982, 983, 1010(P), 1110(S),	C165
5810	217	231	362	362	1138, 1139, 1162(P), 1180(S)	C315
5811	217	323	542			
5811-S			542	543	543, 1294	
5812	217					
5813	217	263				
5814	218					
5815	218					
5816	223					
5817	223					
5818	223					
5819	223					
5820	223					
5821	223					
5822	224					
5823	224					
5824	224	253	529	529	1294	
5825	231					
5826	231					
5827	231					
5828	231					
5829	231					
5830	232					
5831	232	335				
5832	232					
5833	242					
5834	242	263	559			
5834-S			559	559	1294	
5835	242	254				
5836	242	254			602	
5837	243					
5838	243					
5839	243					
5840	243					
5841	243					
5842	243					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5843	243	336	417	418	417	
5844	243					
5845	243					
5846	255					
5847	255					
5848	255	336				
5849	255	312	536			C60
5849-S			536	536	734, 772(P), 811(S)	C60
5850	255					
5851	255	323	1154			
5851-S			1154, 1155, 1161	1162	1154, 1161, 1294	
5852	265					
5853	265					
5854	265					
5855	265					
5856	265					
5857	292	635	950			
5857-S			950	951	1294	
5858	292					
5859	292					
5860	301	336	437	437	1294	
5861	301					
5862	313	336				
5863	313					
5864	323					
5865	337	856				
5866	391	1608			395	
5867	391					
5868	485					
5869	561					
5870	577					
5871	577	1608				
5872	577					
5873	577	1608				
5874	577					
5875	577					
5876	577	1608				
5877	577					
5878	577					
5879	577					
5880	577					
5881	577					
5882	577	1717	1899			C 13 L 13 E2
5882-S			1899, 1917	1919	1918, 1920, 1924(P), 2007(S)	C 13 L 13 E2
5883	583	648				
5884	590				590	
5885	596					
5886	609					
5887	615					
5888	623					
5889	623	1178			623	
5890	627					
5891	637	648	651			C 33 L 13 E2

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5891-S			651, 1708	651, 1711	1294, 1708, 1708, 1710, 1716, 1716, 1716, 1722(P), 1885(S)	C 33 L 13 E2
5892	637	733	1139			C 14 L 13 E2
5892-S			1139, 1140, 1662, 1663, 1665	1140, 1665	1294, 1662, 1662, 1665, 1720, 1721, 1722, 1885(P), 1920(S)	C 14 L 13 E2
5893	638					
5894	638					
5895	638	648	1105			
5895-S			1105, 1106, 1107, 1599	1108, 1600	1107, 1294, 1599, 1599, 1600, 1610	
5896	646					
5897	646	733	983			C 15 L 13 E2
5897-S			983, 1660	983, 1662	1294, 1659, 1660, 1661, 1668(P), 1885(S)	C 15 L 13 E2
5898	646	733	1058			
5898-S			1058, 1059	1059	1294	
5899	646					
5900	646					
5901	648	1109				
5902	659					
5903	660	734	1059	1060	1060, 1294	
5904	660	734	983	984, 1655	1294, 1655, 1722, 1722, 1722, 1885(P), 1920(S)	C 16 L 13 E2
5905	669	734	1004			
5905-S			1004	1010	1007, 1294	
5906	669	943				
59065-S			1007			
5907	669					
5908	671					
5909	734					
5910	734	943	1227	1227, 1662	1294, 1662, 2007	
5911	736					
5912	736	1299, 1310	1669			C 35 L 13 E2
5912-S2			1669, 1691, 1693, 1694	1694	1693, 1694, 1717, 1722(P), 1885(S)	C 35 L 13 E2
5913	737	1061	1139			C 17 L 13 E2
5913-S			1139, 1694	1139, 1707	1294, 1694, 1694, 1707, 1718, 1880(P), 1885(S)	C 17 L 13 E2
5914	929	1178				
5915	929	1299				
5916	929	1109				
5917	929	1299				
5918	985					
5919	985					
5920	986					
5921	986					
5922	986					
5923	1063					
5924	1153					
5925	1180					
5926	1180					

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3rd Reading Final Passage	Other Action	Action by Governor
5927	1180					
5928	1180					
5929	1215					
5930	1216					
5931	1297					
5932	1297					
5933	1297					
5934	1300					
5935	1300					
5936	1301					
5937	1302					
5938	1302					
5939	1308	1310				
5940	1308					
5941	1309	1321				
5942	1309	1321				
5943	1309					
5944	1309					
5945	1323					
5946	1328	1608	1614			C 18 L 13 E2
5946-S			1614, 1627	1633	1633, 1648, 1887, 1898, 1899, 1924(P), 2007(S), 2013	C 18 L 13 E2
5947	1596					
5948	1602	1608	1662	1662	1885(P), 1885, 1920(S)	C 34 L 13 E2
5949	1668					
5950	1718					
5951	1922					
5952	2014	2015	2016			C 2 L 13 E3
5952-S			2016, 2025	2025	2025, 2027(P), 2027, 2028(S)	C 2 L 13 E3
5953	2014	2015	2015	2016	2028	

HISTORY OF SENATE JOINT MEMORIALS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8000	76	173			602
8001	81	123	163	163	1095, 1162(P), 1180(S),
8002	107				
8003	116	173			602
8004	127	231			602
8005	159	242	408	408	1056, 1057, 1123(P), 1180(S),
8006	170	263	429	429	2007
8007	175	254	482		
8007-S			482	482	1294
8008	209				
8009	324				

HISTORY OF SENATE JOINT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8200	64				
8201	64				
8202	64				
8203	64				
8204	76	231			231
8205	76	231, 323			231
8206	77	114			
8207	84				
8208	155				
8209	175	194			
8210	209	254			

HISTORY OF SENATE CONCURRENT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8400	33		33		33, 78, 89(P), 223(S),
8401	99	254	326		
8401-S			326	326	1098, 1099, 1123(P), 1180(S),
8402	435		435		435, 566(P), 566, 587(S), 587,
8403	587		587		587, 590(P), 590, 602(S)
8404	1291		1291		1291, 1293(S), 1293(P), 1293,
8405	1291		1291		1291, 1293(S), 1293(P), 1293,
8406	2027		2027		2027, 2028(S), 2028(P), 2028,
8407	2027		2027		2027, 2028(S), 2028(P), 2028,

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	ACTION
8600	Senate organized, ready	30
8601	Adopting senate rules	28
8602	Adopting senate rules	17
8603	Project Homeless Connect	186
8604	Dr. Martin Luther King, Jr.	81
8605	4-H youth developmnt program	219
8606	Senate rules: committees	89
8607	Facils, operations committee	90
8608	Montesano H.S. football team	133
8609	Outdoor recreation in WA	108
8610	Senator Bob Morton	119
8611	Taiwan	118
8612	Senator Jerome Delvin	133
8613	National Guard	176
8614	President Ronald Reagan	160
8615	WA girls and women in sports	161
8616	Women legislators	197
8617	Filipino-Americans	373
8618	Japanese-Americans/WWII	211
8619	Civic education	218
8620	Tahoma high school	302
8621	Civil air patrol	314
8622	Gifted education day & week	578
8623	Consul gen. Gao Zhansheng	294
8624	Seattle Seahawks	309
8625	Washington state parks	461
8626	2013 Special Olympics	493
8627	Blessing of the fleet	324
8628	Senator Lorraine Wojahn	338
8629	Seattle Raging Grannies	528
8630	Department of agriculture	396
8631	Pres. Franklin D. Roosevelt	359
8632	Br Columbia leg. intern prog	575
8633	Enumclaw's 100th anniversary	628
8634	U.S. Rep. Norm Dicks	424
8635	Individuals with autism	610
8636	Peace Corps volunteers	567
8637	Daffodil festival	573
8638	Gideon v. Wainwright	931
8639	Catholic schools week	575
8640	Mark Morris HS girls teams	661
8641	Sea Service personnel	584
8642	National day of the cowboy	672
8643	Welcome home Vietnam vet day	624
8644	Independent Colleges of WA	603
8645	Morningside	615
8646	Spokane lilac festival	639
8647	Seattle Children's Hospital	670
8648	Consul gen. Kiyokazu Ota	634
8649	Norway's culture & heritage	634
8650	National donate life month	735
8651	Doris M. Brougham	1111
8652	Religious freedom in Wa. st.	945

NUMBER	SUBJECT	ACTION
8653	Apple blossom festival	684
8654	Skagit Valley tulip festival	703
8655	1963 Mt. Everest expedition	808
8656	Tim & Cheryl Owen and family	857
8657	Margaret Thatcher	931
8658	Forrest Westering	1181
8659	Red hat day	1154
8660	Jeff Charbonneau	1064
8661	Brush Prairie Baptist Church	1195
8662	Senate business/interim	1292
8663	Trooper Sean M. O'Connell Jr	1607
8664	Senator Mike Carrell	1603

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1000-S	561				495, 1294	
1001-S	391	629	710	710	368, 1062, 1110(S), 1113(P)	C219
1003	391	617	906	906	368, 944(S), 946(P)	C86
1004-S	571	629			566, 1295	
1006	224	611	741	742	223, 856(S), 858(P)	C88
1007-S	485				457, 1294	
1008	485				457, 1295	
1009-S	292	629	914	914	291, 944(S), 946(P)	C89
1010-S	224	629			223, 1152, 1295	
1012-S	368	579	892	892	354, 944(S), 946(P)	C90
1013	485				457, 1294	
1014	243	629			242, 1295	
1016-S	224	629			223, 1152, 1295	
1017-S2	425				391, 1294	
1021-S	292	611	827	827	291, 945(S), 946(P)	C91
1027-S	425				391, 1294	
1028	485				457, 1294	
1032-S	368	579			354, 1152, 1295	
1034-S	292	604	715	715	291, 293, 811(S), 811(P)	C64
1035	457	604	708	709	423, 811(S), 811(P)	C65
1036	224	629	830	831	223, 945(S), 946(P)	C117
1038-S	292	611			291, 1295	
1043	218				217, 1295	
1044	265				265, 811, 1295	
1045	224	579	928	928	223, 944(S), 946(P)	C264
1047-S	266				265, 1294	
1048-S	392				368, 1295	
1056	266	629	701	701	265, 811(S), 811(P)	C66
1057-S	1328				1323, 1610	
1059	266				265, 1294	
1065	368	611	901	901	354, 944(S), 946(P)	C92
1068-S	485	629	737	738	456, 738, 1062, 1110(S), 1113(P)	C191
1071-S	425	604	879	879	391, 944(S), 946(P)	C93
1074-S	369	604	661	661	354, 672(S), 673(P)	C16
1075-S	425	604	906	906	391, 944(S), 946(P)	C288
1076-S	369	641	886	886	354, 1062, 1110(S), 1113(P)	C192
1083-S	392	641			368, 1295	
1089-S					1609, 1610	
1090-S	485	635			457, 1152, 1295	
1093-S	369	630	745, 920	921	354, 920, 1062, 1110(S), 1113(P),	C166
1098-S	292				292, 1294	
1101	369				354, 1295	
1103-S	457				423, 1294	
1107-S	369	627			354, 1152, 1295	
1108	562	641	750	750	485, 856(S), 858(P)	C94
1109	571	604	675	675	566, 811(S), 811(P)	C67
1112	425	588	717	718	391, 811(S), 811(P)	C68
1113	266	579	682	682	265, 811(S), 811(P)	C69
1114-S2	562	630, 664	888	891	485, 891, 1062,	C289

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
					1110(S), 1113(P)	
1115-S	292	611	689	699	291, 699, 944, 1062(S), 1062(P)	C118
1116-S	369	630	779	782	354, 782, 944, 1062(S), 1062(P)	C119
1117-S	486	641			457, 1295	
1119	292	641			291, 1295	
1124	486	611	772	772	457, 856(S), 858(P)	C95
1130-S	369	635	773, 1140	775, 1143	354, 775, 1140, 1143, 1179, 1195(S), 1196(P),	C150
1132	571	635			566, 1295	
1134-S2	486	611, 665	812, 817	817	456, 816, 817, 944, 1062(S), 1062(P)	C242
1140-S	425				391, 1294	
1141-S	425	611	739	739	391, 856(S), 858(P)	C96
1144-S	369	641	826	826	354, 1062, 1110(S), 1113(P)	C151
1145	571	641			566, 1295	
1146	369	588	687	688	354, 811(S), 811(P)	C70
1148	313	612	738	738	313, 856(S), 858(P)	C97
1149	369	630	859	911	354, 944(S), 946(P)	C98
1154	425	579	742	742	391, 856(S), 858(P)	C99
1155-S	369	588			354, 1295	
1157	457				423, 1294	
1158-S2	486	630			457, 1295	
1159	486				457, 1294	
1170-S	369				354, 1295	
1172-S	425	604			391, 1295	
1173	369	612			354, 1295	
1175	392	627	775	775	368, 856(S), 858(P)	C142
1178	370	612	699	700	354, 700, 1062, 1110(S), 1113(P)	C193
1179	370	601			354, 1295	
1180-S	571	665	819	819	566, 945(S), 946(P)	C100
1182	562	588	677	677	485, 811(S), 811(P)	C71
1183-S	292	617	904, 905, 1163	905, 1164	291, 905, 1163, 1164, 1195, 1229(S), 1229(P),	C317
1186	224				223, 1294	
1192-S	571	635	745	745	566, 856(S), 858(P)	C101
1194	458	642	913	914	423, 914, 1063, 1110(S), 1113(P)	C194
1195-S2	458	642, 665	1289, 1290	1291	423, 645, 1289, 1290, 1292, 1293(S), 1293(P)	C195
1199-S	425	635			391, 1152, 1295	
1200-S	224	588	791	797	223, 797, 945(S), 946(P)	C290
1203	224	630	818	818	223, 818, 945(S), 946(P)	C220
1204-S	266	630			265, 1152, 1295	
1207	392	604	753	755	368, 755, 1063, 1110(S), 1113(P)	C167
1209	266	588	676	676	265, 811(S), 811(P)	C72
1213	224	604	677	677	223, 811(S), 811(P)	C73
1216-S	266	601	716	716	265, 716, 944, 1062(S), 1062(P)	C168
1217-S2	392				368, 1294	
1218	425	588	892	892	391, 944(S), 946(P)	C102

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1225	370				354, 1294	
1227	426	642			391, 1295	
1230	266	576			265, 1295	
1242-S	370	579	678	680	354, 679, 1110, 1180(S), 1182(P)	C169
1243	426				391, 1294	
1244-S	426				391, 1294	
1245-S	458	605	718	731	423, 731, 1110, 1180(S), 1182(P)	C291
1247-S	486	605	826	826	457, 609, 945(S), 946(P)	C103
1251	370	579			354, 1152, 1295	
1252-S	486	617			456, 1295	
1253-S	571	642, 665	783	784	566, 784, 1153, 1195(S), 1196(P)	C196
1256-S	313	580	824	824	313, 945(S), 946(P)	C104
1260-S	458				423, 1294	
1261-S	426	605	816	816	391, 945(S), 946(P)	C105
1265-S	370	580	663	664	354, 664, 1063, 1110(S), 1113(P)	C170
1266	370	630			354, 1295	
1267	458				423, 1294	
1268	313				313, 1294	
1269	486	630			457, 1295	
1270-S	392	618	818	819	368, 945(S), 946(P)	C171
1271-S	392	618	819	819	368, 945(S), 946(P)	C172
1274-S	313	605			313, 1295	
1276	486				456, 1294	
1277	243	635	755	756	242, 756, 944, 1062(S), 1062(P)	C120
1279	458				423, 1294	
1283-S	486				456, 1294	
1284-S	370	630, 665	915	919	354, 919, 1063, 1110(S), 1113(P)	C173
1285-S	426	630			391, 1295	
1286	392				368, 1294	
1287	985	1215	1285, 1287	1288	944, 1288	
1290-S	486				457, 1294	
1291-S	458	642	746	749	423, 749, 944, 1062(S), 1062(P)	C121
1292-S	293				291, 1294	
1294-S	426	636	903	904	419, 904, 1295	
1298-S	370	631			354, 1295	
1301-S2	486	568			457, 1294	
1302-S2	487	631			457, 1296	
1306-S2	487, 1712	1178	1208, 1712	1214, 1712	457, 1214, 1669, 1712, 1885(S), 1886(P)	C 21 L 13 E2
1307-S	293	605	687	687	291, 811(S), 811(P)	C74
1309-S	426	580			391, 1296	
1311	392	612	699	699	368, 811(S), 811(P)	C75
1314-S	487				456, 1294	
1319	243	588	597	600	242, 602(S), 602(P)	C5
1323-S	426	636			391, 1295	
1324-S	459				423, 1295	
1325-S	459	618	718	718	423, 811(S), 811(P)	C76
1326	459	636			423, 1295	

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1327-S	459	605	786	786	423, 856(S), 858(P)	C106
1328-S	459	618			423, 1295	
1330	392	618	854	854	368, 945(S), 946(P)	C87
1331-S	243				242, 1296	
1332-S	370	631			354, 1295	
1334-S	293	580	680, 681	681	291, 681, 1063, 1110(S), 1113(P)	C174
1336-S	370	612, 665	742	744	354, 744, 1063, 1110(S), 1113(P)	C197
1339	293	576			291, 1152, 1295	
1341-S	487	631, 665	768, 771	772	457, 772, 1063, 1110(S), 1113(P)	C175PV
1343-S	392	576	681	682	368, 811(S), 811(P)	C77
1345	370				354, 1295	
1348	487				456, 1296	
1351	392	631	768	768	368, 856(S), 858(P)	C107
1352-S	566	612	661	661	528, 672(S), 673(P)	C17
1359	393				368, 1295	
1361	370	618			354, 1152, 1295	
1362	371				354, 1296	
1364-S	426				391, 1295	
1369	313				313, 1295	
1370-S	313	605	827	827	313, 945(S), 946(P)	C108
1374-S2	487				457, 1295	
1376-S	293	618	677	678	291, 811(S), 811(P)	C78
1379-S	293				291, 1295	
1381-S	562	618	880	880	495, 944(S), 946(P)	C109
1382-S	293	601			291, 1152, 1295	
1383-S	562	631	788	789	485, 788, 944, 1062(S), 1062(P)	C84
1394	393	612	688	688	368, 688, 944, 1062(S), 1062(P)	C122
1395	487	642			457, 1295	
1396	487	612	676	676	457, 811(S), 811(P)	C79
1397-S	371	642	807	807	354, 945(S), 946(P)	C85
1399-S	562				485, 1295	
1400	393	627	740	741	368, 856(S), 858(P)	C110
1401-S	487	631			456, 1295	
1402	459	605			423, 1295	
1403-S	487	605	907	907	457, 944(S), 946(P)	C111
1404	393	642	745	745	368, 856(S), 858(P)	C112
1409-S	393	618			368, 1152, 1295	
1412-S	571	642	927	928	566, 927, 1110, 1180(S), 1182(P)	C176
1413-S	459				423, 1295	
1416-S2	488	631	703	708	457, 707, 1063, 1110(S), 1113(P)	C177
1418-S	371	576			354, 1295	
1419	426	605			391, 1152, 1295	
1420-S	488	606, 665	887	887	457, 944(S), 946(P)	C113
1421	985	1153	1176	1176	944, 1195(S), 1196(P)	C221
1422-S	562	631	807	810	485, 945(S), 946(P)	Vetoed
1423-S	371				354, 1295	
1424-S2	488	618			456, 1296	
1432-S	393	586	825	826	368, 944, 1062(S),	C123

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					1062(P)	
1435-S	562	606	741	741	485, 856(S), 858(P)	C114
1436	393	642			368, 1295	
1437-S2	985				944, 1296	
1441	371				354, 1296	
1442	459	612	662	662	423, 672(S), 673(P)	C18
1445-S2	562	619, 666	823	824	495, 823, 1063, 1110(S), 1113(P)	C178
1447	371	636	818	818	354, 945(S), 946(P)	C115
1448-S	426				419, 1296	
1450	1719		1884	1884	1718, 1719, 1926(S), 1928(P)	C 22 L 13 E2
1456-S	393	576	919	920	368, 944(S), 946(P)	C124
1459-S	488	643			457, 1152, 1295	
1466-S	488	606, 666	797, 806	824	457, 807, 824, 1110, 1180(S), 1182(P)	C222
1467-S	488	643			456, 1296	
1468	488	612	879	880	457, 944(S), 946(P)	C125
1469	293	613	675	675	292, 811(S), 811(P)	C80
1470	224	613			223, 1152, 1295	
1471	562	606	712, 1143	714, 1146	485, 714, 1143, 1146, 1195, 1229(S), 1229(P),	C319PV
1472-S	488	643, 666	789	790	456, 789, 1063, 1110(S), 1113(P)	C241
1473	488				457, 1296	
1474	459	631, 666	894	895	423, 895, 1063, 1110(S), 1113(P)	C143
1480-S	393	619	812	812	368, 945(S), 946(P)	C126
1483	393	580			368, 1295	
1486	488				457, 1295	
1487-S	371	632			354, 1295	
1493	393	636	912	913	368, 913, 1063, 1110(S), 1113(P)	C198
1496-S	426	636			391, 1295	
1498-S	427	636	855	855	391, 945(S), 946(P)	C292
1499-S	562	606	827	827	485, 945(S), 946(P)	C258
1501-S	488				456, 1295	
1512-S	371	632	784	785	354, 857(S), 858(P)	C127
1515-S	562	619	744	745	495, 857(S), 858(P)	C128
1518-S2	563	619	710	710	485, 811(S), 811(P)	C81
1519-S	563	606, 666	895	898	495, 897, 1063, 1110(S), 1113(P)	C320
1522-S2	563	632			485, 1296	
1524-S	427	632	768	768	419, 857(S), 858(P)	C179
1525-S	427	632	828	829	391, 828, 1063, 1110(S), 1113(P)	C321
1526-S2	489	613			456, 1296	
1527-S	563	619			485, 565, 1152, 1295	
1529-S	371				354, 1295	
1531	563	619			485, 1152, 1295	
1533	371	632	702	703	354, 811(S), 811(P)	C82
1534	563	619	829	829	485, 945(S), 946(P)	C129
1536-S	371				354, 1296	
1537-S	571	601	686	687	566, 811(S), 811(P)	C83
1538	393	619			368, 1152, 1295	

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1539	1216				1206, 1216, 1295	
1541-S	393	613	739	740	368, 740, 944, 1062(S), 1062(P)	C180
1542-S	566				528, 1295	
1544	489	606			456, 1152, 1295	
1547	427	576, 619	701	702	391, 702, 944, 1062(S), 1062(P)	C130
1552-S	489	632	831, 842	854	457, 633, 842, 854, 1146, 1179, 1195(S), 1196(P)	C322PV
1554	571				566, 1295	
1556-S	489	643	714	715	456, 715, 1063, 1110(S), 1113(P)	C181
1558-S	489	588			457, 1296	
1563-S2	427	619			419, 623, 1295	
1565	563	606	676	676	485, 811(S), 811(P)	C36
1566-S2	489	632, 666	858	859	456, 859, 1063, 1110(S), 1113(P)	C182
1568-S	489	666	910	910	457, 910, 944(S), 946(P)	C144
1570	371	636			354, 1152, 1295	
1574-S	427	620			419, 428, 1296	
1576	371	632	905	906	354, 944(S), 946(P)	C131
1580-S	566				528, 1295	
1582-S	394				368, 1295	
1587	489	589			456, 1295	
1592	372	580			354, 373, 1295	
1593	372				354, 1296	
1594-S	427				391, 1295	
1601-S	566	643			528, 1296	
1608	489	632			456, 633, 1295	
1609	394	589	662	662	368, 672(S), 673(P)	C19
1612-S	567	643, 667	907	910	528, 909, 1110, 1180(S), 1182(P)	C183
1613-S	563	643	904	904	485, 944(S), 946(P)	C265
1614-S	372	580			354, 1152, 1295	
1617-S	372	580	920	920	354, 944(S), 946(P)	C145
1620-S	571	643, 660			566, 645, 1152, 1295	
1625-S	489	606	731	732	457, 732, 811(S), 811(P)	C37
1627-S2	563	620			485, 1296	
1629-S	394	589	903	903	368, 944(S), 946(P)	C259
1631	427	589			391, 1296	
1632-S	1924		1925	1925	1921, 1924, 2006(S), 2006(P)	C 23 L 13 E2
1633-S	490	613	716	717	457, 717, 1063, 1110(S), 1113(P)	C223
1634	985				944, 1296	
1635-S	394	613			368, 1295	
1638-S	490	620			456, 885, 1152, 1295	
1639	460	606	709	709	423, 709, 811(S), 811(P)	C38
1642-S2	490	620, 667	790	791	456, 791, 1063, 1110(S), 1113(P)	C184
1644	490	589	898	898	457, 944(S), 946(P)	C199
1645	372	580	900	901	354, 901, 1063, 1110(S), 1113(P)	C217
1647-S	372	607	732	732	354, 811(S), 811(P)	C35

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1648-S2	490				457, 1295	
1651-S	427	620, 667			419, 1152, 1295	
1652-S	427	632	766, 767	767	419, 944, 1062(S), 1062(P)	Vetoed
1654-S	490				457, 1295	
1660	394				368, 1296	
1663-S2	427	667			391, 1295	
1669-S	372	580			354, 1152, 1295	
1671-S2	428				391, 1295	
1674-S	490	643			456, 1296	
1675-S	428				419, 1295	
1677	428	589	742	742	419, 857(S), 858(P)	C185
1679-S	563	627	861, 878	879	495, 879, 1063, 1110(S), 1113(P)	C200
1680-S2	490				456, 1295	
1683	572	607	910	911	566, 944(S), 946(P)	C201
1684		613			313, 1295	
1686-S	490	607	682	682	456, 811(S), 811(P)	C39
1688-S	572	643, 667	829	830	566, 645, 830, 1063, 1110(S), 1113(P)	C202
1710	490	660			456, 1296	
1715	567	620			528, 1152, 1295	
1717-S	491	633	816	816	456, 945(S), 946(P)	C243
1723-S2	428	620, 667	756, 757, 760, 763, 1148	766, 1152	391, 760, 763, 766, 1147, 1151, 1179, 1195(S), 1196(P),	C323PV
1724	428				391, 1295	
1727-S2	564	627, 667			495, 1152, 1295	
1733	394	668	880	881	368, 881, 1295	
1736	372	607	921, 922	922	354, 922, 1063, 1110(S), 1113(P)	C218
1737-S	564	620	902, 903	903	485, 1063, 1110(S), 1113(P)	C203
1738	572	633	817	817	566, 945(S), 946(P)	C132
1740-S	460	607			423, 1295	
1752-S	394	581	785	786	368, 785, 857(S), 858(P)	C224
1753-S	564				495, 1296	
1764-S2	428	636, 668	819, 820	821	391, 821, 1110, 1180(S), 1182(P)	C204
1768	491	607	859	861	456, 860, 1146, 1180(S), 1182(P)	C186
1769-S	491				456, 1296	
1770	372	589	680	680	354, 811(S), 811(P)	C40
1773-S	564	620			495, 1152, 1295	
1774-S	564	633	750, 752	752	495, 752, 1063, 1110(S), 1113(P)	C205
1777-S2	564	620			485, 1296	
1779-S	491	644	922, 923, 926	927	456, 927, 1110, 1180(S), 1182(P)	C187
1790	491	586	678	678	456, 811(S), 811(P)	C41
1795	564	621			485, 1296	
1797	491				457, 1295	
1800	564	621	881, 883	884	485, 883, 884, 1063, 1110(S), 1114(P)	C146
1806-S	372	576	709	709	354, 811(S), 811(P)	C42

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1808	491	621	782	783	457, 782, 944, 1062(S), 1062(P)	C133
1812-S	372	613, 668	807	807	615, 945(S), 946(P)	C147
1814-S	394				368, 1295	
1817-S	572				566, 811, 1296	
1818	491	607, 1215	1227	1227	457, 609, 1292(S), 1292(P)	C324
1819-S	491				457, 1295	
1821-S	428	633, 668	901, 902, 1147	902, 1147	391, 902, 1146, 1147, 1179, 1195(S), 1196(P)	C206
1822-S	491	621	892	892	457, 944(S), 946(P)	C148
1826	491	636	898	900	457, 900, 1063, 1110(S), 1114(P)	C149
1828-S2	564				495, 1296	
1836-S	567	621	687	687	528, 811(S), 811(P)	C43
1840-S	567	644			528, 1152, 1295	
1841-S	491	589			457, 1152, 1295	
1843-S	491				456, 1296	
1846-S	564	621, 668	776	778	495, 778, 1063, 1110(S), 1114(P)	C325
1853-S	372	633	741	741	354, 857(S), 858(P)	C207
1858-S	572				566, 1296	
1859	572	633			566, 1295	
1860	394	633	708	708	368, 811(S), 811(P)	C44
1861	394				368, 1295	
1863	395	613	861	861	368, 944(S), 946(P)	C134
1864-S	929				857, 1296	
1866-S	492, 1712	637	1713	1713	457, 1296, 1669, 1712, 1885(S), 1886(P)	C 24 L 13 E2
1868-S	372	668	893	894	354, 894, 945(S), 946(P)	C287
1870-S	460	644			423, 1295	
1872-S2	492, 1718	621, 1885	1919	1920	456, 1296, 1669, 1926(S), 1928(P)	C 25 L 13 E2
1883-S	572	637	776	776	566, 776, 1063, 1110(S), 1114(P)	C225
1884-S	492				457, 1296	
1886-S	428	589	708	708	391, 811(S), 811(P)	C45
1887	564	644	902	902	495, 945(S), 946(P)	C326
1889-S	428	614	677	677	391, 811(S), 811(P)	C46
1891	492				457, 1296	
1892	492	637			457, 1295	
1896	428	589			391, 1295	
1900	492				456, 1296	
1903	492	614	772	773	457, 857(S), 858(P)	C244
1909-S2	572				566, 1296	
1920	929				856, 1296	
1922-S	492				457, 1296	
1923	492				457, 1296	
1934-S	460				423, 460, 1296	
1937	395	627	680	680	368, 811(S), 811(P)	C47
1941-S	492	637	821	822	457, 822, 1110, 1180(S), 1182(P)	C226
1944-S	492	586	749	750	457, 857(S), 858(P)	C135
1946-S	492	596			457, 1295	
1947-S	564, 1328,	621, 1609	1880, 1883	1884	495, 1296, 1322,	C 6 L 13 E2

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	1659				1611, 1659, 1884, 1920, 1926(S), 1928(P),	
1950-S	460	637			423, 1152, 1295	
1954-S	1718				1717, 2007	
1955-S	1719				1718, 2007	
1957-S	985, 1719				944, 1296, 1669, 2007	
1960-S	573				566, 1296	
1961-S	930, 1328, 1659	1609	1666	1666	856, 1296, 1322, 1610, 1659, 1668(S), 1668(P),	C 7 L 13 E2
1968-S	460	633	887	887	423, 887, 1063, 1110(S), 1114(P)	C227
1971-S2	930, 1329, 1719		1920	1921	856, 1296, 1322, 1329, 1610, 1718, 1719, 1926(S), 1928(P)	C 8 L 13 E2
1978-S	985, 1719				944, 1296, 1669, 2007	
1982-S	930	1178	1227	1228	856, 1292(S), 1292(P)	C136
1986-S	985, 1719				944, 1296, 1669, 2007	
1988	985, 1719				944, 1296, 1669, 2007	
2002-S	930				856, 1296	
2016-S	930, 1329				856, 1296, 1610	
2017					1292, 1295	
2018-S	930				856, 1296	
2024	1110	1215			1062, 1295	
2034-S	1329				1323, 1610	
2036	1329				1323, 1329, 1610	
2038-S	1180				1153, 1296	
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Juveniles, chemical dependency treatment assessments or screenings, admissibility of statements, admissions, or confessions: HB 1724

Liquor excise tax, wholesale and retail sales, imposing to fund alcohol and drug treatment: SB 5949

Marijuana, crime-related cannabis product use or possession prohibitions, role in general sentencing provisions: SB 5966

Mental health disorders, co-occurring with chemical dependency, developing integrated rule for treatment by an agency: SB 5681

Service coordination organizations and contracting entities, for alcohol and drug addiction services, establishing accountability measures: ***ESHB 1519, CH 320 (2013)**

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Youth in need, improving school districts' capacity to respond through training and planning: ***ESHB 1336, CH 197 (2013)**

Youth, troubled, improving school districts' capacity to respond through training and planning: SB 5365

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Alcohol, crime-related use or possession prohibitions, role in general sentencing provisions: SB 5966

Beer, additional tax on beer and strong beer, extending for basic education funding: SB 5039

Beer, additional tax on beer and strong beer, using certain revenues in connection with health security trust: SB 5224

Beer, additional tax on beer and strong beer, using for educational funding: SB 5738

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Beer, beer and wine theater license: ***SHB 1001, CH 219 (2013)**, SB 5111

Beer, day spas offering to customers, creating day spa permit for: SB 5045

Beer, sampling, conducted by microbreweries at farmers markets, allowing: ***SB 5674, CH 238 (2013)**

Beer, tasting, changing criteria for beer and wine tasting endorsement for grocery stores: ***SHB 1422 (2013) V**, SB 5517

Beer, tasting, permit to allow postsecondary students under age 21 to taste beer and other alcoholic beverages in certain culinary or alcohol-related classes: SB 5774

Beer, wine, beer, and spirits theater licenses: ***ESB 5607, CH 237 (2013)**

Cider, sales by certain retail beer sales licensees: HB 1008

Craft distillery customers, spirits sales, increasing allowable per day volume per customer: ***HB 1149, CH 98 (2013)**

Craft distillery products, license endorsement for sales by beer and/or wine specialty shop: SB 5731

Culinary or alcohol-related classes, postsecondary, permit to allow students under age 21 to taste alcoholic beverages in: SB 5774

Day spas, offering of wine or beer to customers, creating day spa permit for: SB 5045

Grocery stores, changing criteria for beer and wine tasting endorsement: ***SHB 1422 (2013) V**, SB 5517

Growlers of cider, sales by certain retail beer sales licensees: HB 1008

Health security trust, using certain beer and spirits tax revenues for health care services and maintenance of trust: SB 5224

Licenses, beer and/or wine specialty shop, endorsement to sell craft distillery products: SB 5731

Licenses, multiple for single location, allowing: SB 5628

Licenses, renewals, increasing excise tax revenues with: SB 5285

Licenses, senior center license: SB 5310

Licenses, theater, beer, wine, and spirits sales: ***ESB 5607, CH 237 (2013)**

Licenses, theaters, beer and wine sales: ***SHB 1001, CH 219 (2013)**, SB 5111

Liquor excise tax, wholesale and retail sales, imposing to fund alcohol and drug treatment: SB 5949

Liquor excise taxes, deposit in liquor excise tax fund and transfer to impaired driving safety account: SB 5917, SB 5929

Liquor excise taxes, deposit in liquor excise tax fund and transfer to liquor revolving fund, modifying provisions: SB 5703
 Liquor excise taxes, increasing revenue with liquor license renewals: SB 5285
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 Permits, special, to allow college and vocational students under age 21 to taste wine in viticulture and enology classes: SHB 1459
 Permits, special, to allow postsecondary students under age 21 to taste alcoholic beverages in certain culinary or alcohol-related classes: SB 5774
 Sales of liquor, prohibiting if customer has marker on identicard indicating restriction of driving privileges due to driving under the influence: SB 5915, SB 5917
 Self-checkout for liquor sales, prohibiting certain machines: SB 5261
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 Spirits, retail sales for later resale, excluding from "spirits sales revenues under the license": SB 5644
 Spirits, retailers, disabling point-of-sale machines' ability to accept public assistance electronic benefit cards: SB 5279
 Spirits, sale and distribution, streamlining collection of taxes, fees, and reports: ***HB 1124, CH 95 (2013)**, SB 5238
 Spirits, sampling, limited on-premise sampling provided by certain spirits retail license holders: SHB 1332, SB 5396
 Spirits, tasting, permit to allow postsecondary students under age 21 to taste spirits and other alcoholic beverages in certain culinary or alcohol-related classes: SB 5774
 Spirits, using certain spirits tax revenues in connection with health security trust: SB 5224
 Spirits, wine, beer, and spirits theater licenses: ***ESB 5607, CH 237 (2013)**
 Wine, beer and wine theater license: ***SHB 1001, CH 219 (2013)**, SB 5111
 Wine, beer, wine, and spirits theater licenses: ***ESB 5607, CH 237 (2013)**
 Wine, day spas offering to customers, creating day spa permit for: SB 5045
 Wine, sampling, conducted by wineries at farmers markets, allowing: ***SB 5674, CH 238 (2013)**
 Wine, tasting, changing criteria for beer and wine tasting endorsement for grocery stores: ***SHB 1422 (2013) V**, SB 5517
 Wine, tasting, permit to allow college and vocational students under age 21 to taste wine in viticulture and enology classes: SHB 1459
 Wine, tasting, permit to allow postsecondary students under age 21 to taste wine and other alcoholic beverages in certain culinary or alcohol-related classes: SB 5774

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 Companion animals, low-income owner assistance through companion animal safety, population control, and spay/neuter assistance program: SB 5202
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 Cruelty to animals, failure to provide care, civil infraction: SB 5204
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 Cruelty to animals, veterinarian liability protections when reporting: HB 1186, ***SB 5102, CH 245 (2013)**
 Diseases, control and traceability activities, recovery of department of agriculture data entry costs in connection with: ***SHB 1886, CH 45 (2013)**
 Pet food, distributors and responsible buyers, paying companion animal spay/neuter fee: SB 5202
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 Driving under the influence, creating statewide 24/7 sobriety program and 24/7 sobriety account, role of attorney general's office: SB 5912
 Indian tribal hunting rights, office of attorney general to prepare module on rights for use in connection with enforcement: ESHB 1496
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 Marinas, floatation devices used by, requiring that polystyrene foam be encapsulated in state waters: SB 5546
 Marinas, private, options for vessel disposal and eligibility for vessel turn-in program: SB 5663
 Marinas, private, vessel disposal and vessel turn-in program, modifying certain provisions: ***ESHB 1245, CH 291 (2013)**
 Moorage facilities, private, options for vessel disposal and eligibility for vessel turn-in program: SB 5663
 Moorage facilities, private, vessel disposal and vessel turn-in program, modifying certain provisions: ***ESHB 1245, CH 291 (2013)**
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School district bonds, requiring simple majority of voters voting to authorize: SB 5589, SJR 8208

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Stadium, baseball, construction bond issue repayment funding through state lottery account, terminating: SB 5273

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Tax expenditures by state, requiring report by governor with budget documents: SB 5040, SB 5938

Transportation budget, directing that HB 2058 concerning budget transparency through geographic coding and searchable web site use be considered: ***HCR 4406 (2013)**

Transportation budget, funds for US 395/North Spokane corridor projects, amending budget to provide: SB 5947

Transportation budget, project expenditure information, adding to searchable state information web site: EHB 1733, ***HB 2058, CH 327 (2013), *HCR 4406 (2013)**

Transportation budget, project investments, coding with geographic information: ***HB 2058, CH 327 (2013)**

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 Carbon monoxide alarms, in residential occupancies, extending deadline: SB 5494
 Codes, substantial amendments to, allowing only at six-year intervals, exception for embodied energy: ESB 5378
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 Permits, fee, funding building code officials apprenticeship program: SB 5074, SB 6018
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 Aquaculture, marine, authorizing inclusion of net pen facilities siting in shoreline master programs: SB 5623
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 Beekeeping, apiarists, immunity from civil liability, conditions and limitations: SB 5696
 Beekeeping, feed, sales to and use by beekeepers, tax exemptions: SHB 1558
 Beekeeping, honey bee work group, creation: SHB 1558
 Beekeeping, honey beekeepers, extending business and occupation tax exemption in connection with certain wholesale sales: SB 5453
 Beekeeping, tax relief, extending to apiarists and subject to periodic review: SHB 1558
 Brokers, real estate, independent contractor status when not under contract with firm: *SHB 1853, CH 207 (2013), SB 5729
 Business license center act, renaming as business licensing service act: *SHB 1568, CH 144 (2013)
 Business license center, expanding required participation to additional agencies: *ESHB 1403, CH 111 (2013), SB 5680
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 Business licensing service program, administrative clean-up changes related to 2012 statutory changes: *SHB 1568, CH 144 (2013)
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 Charter boat operators, unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896
 Cigar lounge special license endorsement for tobacco products retailer licensees: SB 5070
 Collection agencies, debt buyer practices and licensing requirement: *SHB 1822, CH 148 (2013)
 Commerce, discrimination-free, to include individuals and entities providing goods and services in keeping with freedom of religion: SB 5927
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 Contractors, independent, reporting payments to independent contractors to improve child support collections: SB 5552
 Cosmetology, barbering, manicuring, and esthetics, rules for online learning: SHB 1038, SB 5779, SB 5996
 Court reporters and court reporting firms, contracts for services, prohibitions: SB 5364
 Credit cards, surcharge when cardholder uses card in lieu of other payment method, disclosure requirements: ESHB 1870
 Dancing, excluding charges made for opportunity to dance from sales taxes: SB 5613
 Day spas, offering of wine or beer to customers, creating day spa permit to allow: SB 5045
 Debt adjusters, nonprofit, defining "fair share" paid by creditor: SB 5338
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 Debt buyers, practices and licensing requirement: *SHB 1822, CH 148 (2013)
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 Drug manufacturers, participation in prescription donation for uninsured persons, including immunity provisions: SHB 1382, SB 5148
 Emergency medical care and transportation services, ensuring direct payment to provider under health care service contract: SB 5388
 Exchange facilitators, requirements and violations: SB 5082

Farmers markets, wine sampling conducted by wineries or beer sampling conducted by microbreweries, allowing in certain cases: ***SB 5674, CH 238 (2013)**

Fishing guides, food fish or game fish, expanding information and other requirements for licensure: SB 5786

Fishing guides, unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896

Food service businesses, prohibiting use of certain polystyrene food service products: SB 5252

For hire vehicle businesses, industrial insurance coverage provisions: SB 5814

Grocery stores, changing criteria for beer and wine tasting endorsement: ***SHB 1422 (2013) V**, SB 5517

Hotel management companies, moneys received by company for covered employee costs, business and occupation tax exemption: SB 5855

Interpreter services, authorizing direct purchase by certain state agencies and modifying collective bargaining provisions: ESHB 1753

Interpreter services, integrating purchase by certain state agencies and modifying collective bargaining provisions: SB 5833

Investment management companies, international, tax exemptions for financial information sales to and use by companies: SB 5101

Limousine businesses, including chauffeurs, industrial insurance coverage provisions: SB 5814

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Marinas, floatation devices used by, requiring that polystyrene foam be encapsulated in state waters: SB 5546

Marine manufacturing and industrial businesses, annexed into certain first-class cities, limiting imposition of license fee or tax upon: SB 5943

Minors, work permits for employing, master application procedures: ***SB 5056, CH 156 (2013)**

Money transmitters, amending provisions of uniform money services act: ***SHB 1327, CH 106 (2013)**, SB 5209

New businesses, business and occupation tax credit: SB 5382

New businesses, business and occupation tax exemption: SB 5109

Paymaster services by employer of record, B&O tax exemption for certain gross proceeds from affiliated business entity: SB 5808

Petroleum businesses, imposing privilege tax: SB 5756

Radio and television broadcasting, modifying business and occupation tax provisions: SB 5041

Real estate appraisers, trainee applicants and existing credential holders, fingerprint-based background checks: SHB 1740

Real-time captioners, certification and regulation: SB 5364

Regulatory processes, burden on businesses, certain state agencies to conduct rules review for streamlining purposes: SB 5679

Regulatory streamlining projects, multijurisdictional, establishment: ***HB 1818, CH 324 (2013)**, SB 5765

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Restaurants, flavor-imparting cooking products, including charcoal, sales and use tax exemption: SB 5342

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Start-up companies, business and occupation tax credit for new businesses: SB 5382

Storage facilities, unlicensed and improperly located, requiring county zoning, building, and fire regulation enforcement when existence becomes known: SB 5662

Tanning facilities, prohibiting use of tanning facility by persons under age eighteen, requirements and violations: SB 5455, SB 5521

Taxicab businesses, industrial insurance coverage provisions: SB 5814

Television and radio broadcasting, modifying business and occupation tax provisions: SB 5041

Tenant screening service providers, information disclosure by, restrictions: SHB 1529, SB 5568

Theaters, liquor license, beer and wine sales: ***SHB 1001, CH 219 (2013)**, SB 5111

Theaters, liquor license, beer, wine, and spirits sales: ***ESB 5607, CH 237 (2013)**

Tobacconist shop, retail, special license endorsement for tobacco products retailer licensees: SB 5070

Tour operators, preferential business and occupation tax rates, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038

Tow truck operators, placing limits on private impound rates in connection with state patrol-originated calls: ***ESHB 1625, CH 37 (2013)**

Training wage, allowing employers to pay for specified period: SB 5275

Transportation businesses, removing urban category for public utility tax purposes: SB 5041

Travel agents, preferential business and occupation tax rates, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038

Trustees for deeds of trust, requiring registration of: SB 5840

Uniform commercial code, article 9A, financing statements to perfect security interests, amending provisions: ESB 5183

Veteran-owned businesses, certification and listing by department of veterans affairs and awarding of contracts by state agencies: 2SHB 1909, SB 5834

Veterans, businesses hiring, business and occupation tax credit for: SB 5812

Washington businesses, one-stop state agency portal for, monitoring development of: SB 5718

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Contributions, candidates for boards of commissioners of public hospital districts, extending contribution limits: *SB 5748, CH 311 (2013), SB 5925

Contributions, requesting U.S. constitutional amendment to return regulatory authority to congress and state legislatures: HJM 4001, SJM 8002

Contributions, soliciting or accepting, expanding applicability to state officials and legislators of limitations on: SB 5988

Donors to candidates and ballot measure campaigns, printing public disclosure commission web address on voters' pamphlets and ballots: SB 5507

Legislators, newsletters and other public resource use, exempting from prohibitions: SB 5019

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Information technology expenditures in state budget process, office to evaluate and prioritize: SB 5891

Information technology expenditures, by higher education institutions and legislative and judicial agencies, evaluation and approval by office: SB 5891

Information technology expenditures, office role in implementing information technology business management program: SB 5891

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Information technology services, department of enterprise services contracting for, role of office and technology services board: SB 5891

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Technology services board, approving certain purchasing services and activities for department of enterprise services: SB 5717

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Costs of incarceration, requiring payment by convicted impaired driving offender: SB 5951

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Court records, nonconviction, removing from public access: SB 5341

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Restraining orders, certain persons subject to, firearm surrender requirements and prohibitions: SHB 1840

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- Fiscal notes, requirements prior to voting on final passage of certain bills and resolutions: SB 5640
- Higher education institutions, per-resident student state funding rates, office to convene work group to review: SB 5936, SB 5942
- Higher education institutions, reporting requirements, office role in reviewing and reporting for sake of streamlining and coordinating: ***HB 1736, CH 218 (2013)**, SB 5736
- Human resources director, eliminating: SB 6005
- Information technology for state agencies, establishing information technology investment pool, office role: SB 5891
- Long-term care costs and supports needs, families preparing for, evaluation of support options by office: SB 5519
- Parks and recreation commission, fiscal opportunity cost incurred via fee reductions and exemptions, office to deliver report: SB 5653
- Population enumeration data, limiting use and retention in certain cases: SB 6006
- STEM education, office to contract with statewide nonprofit organization to promote and support: ***E2SHB 1872, CH 25 (2013)**, SB 5755
- Student enrollment enumeration data, limiting use and retention and exempting from public inspection and copying: SB 6006

FIRE PROTECTION (See also UNIFORMED PERSONNEL)

- Annexation, of unincorporated territory within a code city or town, modifying provisions related to fire protection districts: ***EHB 2068, CH 27 (2013)**
- Fire departments, authority to develop community assistance referral and education services program: EHB 1554, ***SB 5145, CH 247 (2013)**
- Fire departments, public, interest arbitration panel determinations as part of collective bargaining: SB 5733
- Fire protection districts, imposition of benefit charges by, voter approval: SB 5332
- Flame retardants, limiting presence in upholstered furniture and children's products manufactured, sold, or distributed for use in state: ESHB 1294, SB 5181, SB 5933, SB 5984
- Indian tribes, land owned by, fire protection services when located within fire protection district or regional service district: EHB 1287
- Regional fire protection service authorities, establishment within boundaries of single city: SHB 1654
- Regional fire protection service authorities, formation process for cities, establishment: SB 5520
- Regional fire protection service authorities, imposition of benefit charges by, voter approval: HB 1486, SB 5331
- State fire service, mobilization, to include all risk resources: SB 6003
- Statewide special benefit charge for fire protection, imposing: SB 5286
- Student programs, before- and after-school, director of fire protection role in adopting standards to allow students to be in school buildings for: ***ESHB 1968, CH 227 (2013)**
- Water, fire suppression water facilities and services, provision for critical public services by water purveyors: ***SHB 1512, CH 127 (2013)**, SB 5606

Wildfires, public works wildfire damage repair projects, exemption from prevailing wage requirements in certain cases: SB 5619

FIREARMS

Assault weapons, prohibiting of and conditions for manufacture, possession, purchase, sale, and transfer: SB 5737
 Background checks, consolidating statewide involuntary commitment information at department of licensing and state patrol for purposes of: SB 5282
 Background checks, extending to all gun sales and transfers: SI 594
 Background checks, prohibiting without uniform national standard: SI 591
 Background checks, various provisions: SB 5282, SB 5625, SB 5711, SI 591, SI 594
 Children, allowing unauthorized firearm access to a child, criminal provisions: SB 5485
 Clay targets, purchased and provided by nonprofit gun clubs, sales and use tax exemptions: SB 5831
 Confiscation of firearms, prohibiting without due process: SI 591
 Firearms accident prevention, developing program of instruction for K-12 students: SB 5660
 Firearms accident prevention, Eddie Eagle GunSafe program, use in schools of instructional materials from: SB 5660, SJM 8006
 Firearms safety and violence reduction in relation to public health and safety, task force on, legislature to convene: SB 5714
 Juvenile firearms and weapons crimes, provisions: SB 5376
 Mental health courts, defendants, refraining from firearm possession and surrendering concealed pistol license: SB 5478
 National Rifle Association special license plates, creating: SB 5604
 Offenders, registration requirements and crime of failure to register as felony firearm offender: ***SHB 1612, CH 183 (2013)**
 Parks, laws and ordinances restricting firearm possession in parks or recreational facilities, authority of municipalities to enact: SB 5739
 Possession, by certain persons subject to certain no-contact, protection, or restraining orders, firearm surrender requirements and prohibitions: SHB 1840
 Reckless endangerment, storing or leaving loaded firearm where child can and does gain access to it: SB 5710
 Rifles, short-barreled, possessing, transporting, acquiring, or transferring when legal under federal law: SB 5956
 Rights, restoration of, denying to person involuntarily committed for mental health treatment in certain cases: SB 5635
 Safe storage, requirements for, in relation to reckless endangerment: SB 5710
 Safekeeping of firearms with law enforcement, voluntary temporary, establishing process for: SB 5479
 Sale of firearms, by unlicensed person to another unlicensed person, background check requirements: SB 5625, SB 5711
 Sentencing for crimes, certain firearm sentencing enhancements to be doubled if body armor was worn: SB 5119, SB 6025
 Unlawful possession in second degree, to include certain persons subject to certain no-contact, protection, or restraining orders: SHB 1840

FISH (See also FOOD AND FOOD PRODUCTS; SALMON; STEELHEAD)

Aquaculture, marine, authorizing inclusion of net pen facilities siting in shoreline master programs: SB 5623
 Barriers to fish passage associated with transportation, removal of, use of original issue license plate fees for: SB 5920
 Barriers to fish passage associated with transportation, removal or correction of: ESHB 1957
 Migrating fish, hydroelectric generation projects not impeding, including in definition of eligible renewable resource: SB 5769
 Property improvements benefitting habitat, property tax exemption: HB 1570, ***SB 5593, CH 236 (2013)**
 Shark fins, unlawful trade in second degree, prohibiting all commercial activities: SB 5081

FISH AND WILDLIFE COMMISSION

Endangered predator species, permitting livestock owner to kill any predator without a permit, conditions: SB 5187
 Hunting, hunter education training courses and certificates, related commission rule making: ESHB 1199, SB 5231
 Indian tribal hunting rights, commission to update policies based on training module prepared by attorney general's office: ESHB 1496
 Land, habitat and recreation, process for acquisition by commission: SB 5054
 Lands, department of fish and wildlife-owned, leasing for grazing when near a wolf pack, commission role: SB 5300
 Wildlife, damage to crops and livestock by, payment of claims for compensation, commission rule making concerning: SB 5193
 Wolves, conservation and management plan, funding source for: SHB 1501

FISH AND WILDLIFE, DEPARTMENT (See also FISH; FISHING, COMMERCIAL; FISHING, RECREATIONAL; OUTDOOR RECREATION; PUBLIC LANDS; SALMON; STEELHEAD)

- Applications submitted to department, requiring prompt action: SB 5821
- Aquatic invasive species, infractions to include transporting watercraft into state without valid documentation: SB 5702
- Bighorn sheep, damage to commercial crops by, payment of claims for compensation by department: SB 5760
- Discover pass, bulk sales at reduced rate in certain cases: SB 5897
- Discover pass, complimentary, for spouses doing collective agency-sanctioned volunteer work: SB 5097
- Discover pass, discount when purchased with certain hunting and fishing licenses, etc.: SB 5289
- Enforcement actions against Indian tribal members, hunting-related, using training module on tribal hunting rights prepared by attorney general's office: ESHB 1496
- Federal receipts, requiring that department report concerning federal financial assistance: SB 5804
- Game lands owned by department, property tax on, modifying in lieu payments provisions: HB 2045
- Geoduck clams, geoduck diver safety program, department to create program and establish diver safety requirements: ***2SHB 1764, CH 204 (2013)**
- Hatcheries, salmonid, department-partner management agreements: SB 5543
- Hatcheries, salmonid, department-partner management agreements for hatcheries in Hood Canal basin: ***SHB 1071, CH 93 (2013)**
- Hunting, hunter education training courses and certificates, department role: ESHB 1199, SB 5231
- Hydraulic permits and projects, removal of sediment from freshwater by volunteers, exemption from permit requirement under certain conditions: SB 6027
- Indian tribal members, hunting-related enforcement actions against, referring action to tribal enforcement authority in certain cases: ESHB 1496
- Invasive species, aquatic, infractions to include transporting watercraft into state without valid documentation: SB 5702
- Land, habitat and recreation, process for acquisition by department: SB 5054
- Lands managed by department, ensuring no net loss of public recreational opportunities on: SB 5907
- Lands purchased by nonprofit organization with public funds, recreation requirements and department role: SB 5057
- Lands, department-owned game lands, property tax on, modifying in lieu payments provisions: HB 2045
- Lands, department-owned, leasing for grazing when near a wolf pack, conditions: SB 5300
- Lands, department-purchased, retaining water rights for later transfer to local economy trust water account: SB 5219
- Licenses, child support noncompliance-based suspension, additional suspension due to violation of suspension: ***HB 1218, CH 102 (2013)**, SB 5137
- Licenses, commercial fishing, charter boat operators unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896
- Licenses, commercial fishing, food fish or game fish guides licensing, expanding information and other requirements: SB 5786
- Licenses, commercial fishing, guides unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896
- Licenses, geoduck clam diver licenses, provisions: ***2SHB 1764, CH 204 (2013)**, SB 5665
- Licenses, hunting and fishing, discover pass discount when purchased with certain licenses, etc.: SB 5289
- Licenses, hunting and fishing, personally identifying information from, disclosure for unemployment compensation overpayment recovery: SB 5353
- Licenses, nonresident veterans with disabilities, issuing combination fishing license or any hunting license at nondisabled resident cost: ***SHB 1192, CH 101 (2013)**
- Livestock damage by wolves, payment by department of claims for compensation: SHB 1501, SB 5079
- Marine areas redevelopment and restoration projects, requirements for permit review and approval process eligibility, department role: SB 5545
- Scientific literature, peer-reviewed, use by department before taking action: ***HB 1112, CH 68 (2013)**
- Sediment, removal from freshwater by volunteers, exemption from hydraulic project permit requirement under certain conditions: SB 6027
- Spawning beds, salmon and steelhead, prohibiting activities that harm or disturb, department role: SB 5254
- Transportation projects, environmental review and permitting, reforming to expedite projects through streamlined environmental decision making, department role: ESHB 1978
- Vessels, publicly owned, transfer by department: ***ESHB 1245, CH 291 (2013)**, SB 5663
- Wildlife, bighorn sheep, damage to commercial crops by, payment of claims for compensation by department: SB 5760
- Wildlife, damage to crops and livestock by, payment of claims for compensation: SB 5193
- Wolves, department management of, use of Washington's wolves license plate fees: SHB 1501, SB 5193, SB 5299

Wolves, livestock damage caused by, payment of claims for compensation: SHB 1501, SB 5300
 Wolves, nonlethal management cooperative agreements with livestock owners, department to enter into: SB 5300
 Working waterfront redevelopment jobs act, department role: SB 5545

FISHING, COMMERCIAL (See also FOOD AND FOOD PRODUCTS; SALMON)

Aquaculture, marine, authorizing inclusion of net pen facilities siting in shoreline master programs: SB 5623
 Charter boat operators, unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896
 Crab, Puget Sound Dungeness crab fishery, number of licenses per vessel: *SHB 1075, CH 288 (2013)
 Geoduck clams, diver licenses, provisions: *2SHB 1764, CH 204 (2013), SB 5665
 Geoduck clams, geoduck diver safety program, creation of program and establishment of diver safety requirements: *2SHB 1764, CH 204 (2013)
 Geoduck harvest safety committee, establishment by department of natural resources: *2SHB 1764, CH 204 (2013)
 Geoduck safety advisory committee, establishment by department of natural resources: SB 5665
 Guides, food fish or game fish, expanding information and other requirements for licensure: SB 5786
 Guides, unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896
 Licenses, child support noncompliance-based suspension, additional suspension due to violation of suspension: *HB 1218, CH 102 (2013), SB 5137
 Licenses, personally identifying information from, disclosure for unemployment compensation overpayment recovery: SB 5353
 Sea cucumber enhancement assessment, extending current rate: SHB 1323
 Sea cucumbers, dive fishery license surcharges, modifying provisions: SHB 1323, SB 5572
 Shark fins, unlawful trade in second degree, prohibiting all commercial activities: SB 5081
 Unemployment compensation, excluding services by certain persons on boat catching fish from definition of employment: *HB 1311, CH 75 (2013), SB 5758

FISHING, RECREATIONAL (See also SALMON; STEELHEAD)

Lands purchased by nonprofit organization with public funds, recreation requirements: SB 5057
 Licenses, child support noncompliance-based suspension, additional suspension due to violation of suspension: *HB 1218, CH 102 (2013), SB 5137
 Licenses, discover pass discount when purchased with certain licenses, etc.: SB 5289
 Licenses, nonresident veterans with disabilities, issuing combination fishing license at nondisabled resident cost: *SHB 1192, CH 101 (2013)
 Licenses, personally identifying information from, disclosure for unemployment compensation overpayment recovery: SB 5353
 Spawning beds, salmon and steelhead, prohibiting activities that harm or disturb: SB 5254

FLOOD CONTROL

Flood control districts, elections, allowing legal entities to vote: HB 1269
 Flood control zone districts, controlling mosquitos using integrated pest management: SB 5324
 Flood control zone districts, functions and taxing authority, transfer to county, conditions and process: SB 5096

FOOD AND FOOD PRODUCTS (See also BUSINESSES)

Dairy products, business and occupation taxation of, provisions: SB 5561
 Fish, food fish and shellfish, labeling for sale, requirements and penalties: *SHB 1200, CH 290 (2013), SB 5037
 Genetically engineered foods, disclosure for retail sale: SB 5073, SI 522
 Milk and milk products, examination of, requirements and penalties for violations: *SB 5139, CH 7 (2013)

FOREST LAND (See also FOREST PRACTICES AND PRODUCTS; TAXES - PROPERTY TAX)

Community forest trust account, creation: SB 5973
 Federal forest lands, counties with, discontinuing reduction of basic education allocation to districts in: SB 5986
 Fire damage, to public or private forested land, civil action to recover damages for: SB 5972
 Timber land, current use taxation, removal of or withdrawal from classification, modifying interest rate charge on additional tax: SB 5776
 Timber on public land, credit against property taxes paid on, repealing: *SB 5806, CH 240 (2013)
 Timber sale program, department of natural resources, modifying expiration dates: HB 1243, *SB 5337, CH 255 (2013)

FOREST PRACTICES AND PRODUCTS (See also FOREST LAND; FOREST PRACTICES BOARD)

- Christmas tree grower licensure, extending program: ***HB 1209, CH 72 (2013)**, SB 5377
- Industrial insurance, certain forest products industry risk classifications, creating workers' compensation state fund high risk premium subsidy program: SB 5744
- Logging operations, industrial insurance, creating workers' compensation state fund high risk premium subsidy program: SB 5744

FOSTER CARE

- Extended foster care services, provision for certain nonminor dependents: E2SHB 1302, SB 5405
- Passport to college promise program, eligibility of student formerly in foster care: ***2SHB 1566, CH 182 (2013)**
- Schooling support for youth residing in foster family home, provision of: ***2SHB 1566, CH 182 (2013)**
- Sibling visitation for children in foster care: ESHB 1204, SB 5389

FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

- Project funding from board, modifying provisions: ***SHB 1256, CH 104 (2013)**, SB 5239

FUELS (See also OIL AND GAS; TAXES - AIRCRAFT FUEL TAX; TAXES - MOTOR VEHICLE FUEL TAX; TAXES - SPECIAL FUEL TAX)

- Biodiesel blend or E85 motor fuel-related sales and services, apprentice utilization requirement for tax exemptions: SB 5393
- Biodiesel blend or E85 motor fuel-related sales and services, prevailing wage requirement for tax exemptions: SB 5395
- Biodiesel blend or E85 motor fuel-related sales and services, resident workers requirement for tax exemptions: SB 5394
- Biofuels, sales and use tax exemptions for use of hog fuel to produce: 2SHB 1663, SB 5866
- Excise tax, distribution of taxable fuel, imposing for student transportation: SB 5039
- Extracted fuels, use tax exemption for, modifying in connection with biomass fuel and refinery fuel gas: ESHB 2034, ESHB 2038
- Taxes on fuel, simplifying and updating of fuel tax administration through comprehensive revisions and consolidation: ***SHB 1883, CH 225 (2013)**
- Taxes, motor vehicle fuel tax, increasing nonhighway fuel tax refunds: SB 5868
- Taxes, motor vehicle fuel tax, tax rate used for calculating distribution to certain accounts, revising: SB 5888

GAMBLING

- Child support collections, implementing gambling payment intercept program: SB 5552
- Raffles, enhanced, authorizing charitable and nonprofit organizations serving persons with intellectual disabilities to conduct: SB 5723

GAMBLING COMMISSION

- Business license center, participation by commission: ***ESHB 1403, CH 111 (2013)**, SB 5680
- Raffles, enhanced, authorizing charitable and nonprofit organizations serving persons with intellectual disabilities to conduct, commission role: SB 5723

GENETICALLY MODIFIED ORGANISMS

- Regulation by local legislative authorities in cities, towns, and counties: SB 5167

GOVERNOR (See also BUDGET; GUBERNATORIAL APPOINTMENTS; PUBLIC EMPLOYMENT AND EMPLOYEES)

- Accountability and performance, office of, establishing multijurisdictional regulatory streamlining projects, office role: ***HB 1818, CH 324 (2013)**, SB 5765
- Bond authorization bill, governor role in preparing for debt issuance proposed in budget documents: SB 5138
- Climate legislative and executive work group, creation, governor to chair: SB 5802
- Commercially sexually exploited children statewide coordinating committee, establishing: SB 5308
- Corrections ombuds, office of, creation within office of governor: SB 5177
- Election campaign contributions, expanding applicability to governor of limitations on soliciting or accepting: SB 5988
- Emergencies and disasters, continuity of government and operations in the event of, role of governor: SB 5971
- Gardner, Booth, former Governor, joint legislative session to honor: ***SCR 8403 (2013)**
- Gardner, William Booth, former Governor, celebrating the life and legacy of: ***HCR 4404 (2013)**
- Greenhouse gas emissions, governor to contract with independent organization for evaluation of emissions reduction approaches: SB 5802

Gubernatorial appointments of legislators to certain boards, commissions, and councils, restrictions: SB 5004
 Ocean acidification, governor's blue ribbon panel on, implementing recommendations of: SB 5547
 Quality award program, applying to, removing requirement for housing organizations eligible for transitional housing operating and rent program: SB 5311
 Renewable energy system investment cost recovery incentive program, governor to designate administrator for: E2SHB 1301
 Rule making, significant legislative rules, requirement that governor sign: SB 5641
 State of emergency, proclamation of, effective upon governor's signature: HB 1059, ***SB 5025, CH 21 (2013)**
 State of state message, joint legislative session for: ***HCR 4414 (2014)**
 Tax expenditures by state, requiring report by governor with budget documents: SB 5040, SB 5938
 Washington coastal marine advisory council, establishment in office of governor: ***ESB 5603, CH 318 (2013)**
 Washington marine resources advisory council, creation in office of governor: ***ESB 5603, CH 318 (2013)**
 Washington marine resources protection council, creation in office of the governor: SB 5547

GROWTH MANAGEMENT (See also ECONOMIC DEVELOPMENT; LAND USE PLANNING AND DEVELOPMENT; TRANSPORTATION)

Annexation, requiring approval of registered voters: SB 5013
 Comprehensive plans and development regulations, cities and counties, allowing more time before certain penalties are possible: SB 5399
 Comprehensive plans, certain water purveyor facilities as essential public facilities: SHB 1016, SB 5612
 Comprehensive plans, identifying public schools as essential public facilities: SB 5314
 Comprehensive plans, impact fee collection delays, impact on timing of certain improvements and strategies: ***ESHB 1652 (2013) V, SB 5664**
 Growth management act, changing timing of certain penalties under: ESHB 1401, SB 5399
 Growth management act, county legislative authority withdrawal from planning under the act: SB 5636
 Growth management act, identifying public schools as essential public facilities: SB 5314
 Growth management act, local government compliance, allowing a showing of working toward complying: SB 5406
 Growth management act, suspending in counties with significant unemployment: SB 5820
 Hearings board, authority to hear petitions challenging regulation of permit exempt wells, limiting: SB 5983
 Hearings board, gubernatorial appointments of legislators, restrictions: SB 5004
 Hearings board, land use law practice experience requirement for some members: SB 5133
 Hearings board, senate confirmation of members: SB 5001
 Land, agricultural, of long-term commercial significance, allowing certain compatible uses while prohibiting mitigation project siting: SB 5276
 Private property rights, protecting from United Nations Agenda 21 policies: SB 5011
 Sewer systems, local government selection of appropriate urban growth area systems: SB 5610, SB 5995

GUARDIANSHIP

Guardian ad litem, appointment for a child in dependency proceedings: SHB 1285, SB 5461
 Guardian ad litem, appointment for woman under age eighteen seeking abortion: SB 5156
 Guardian ad litem, dependency proceedings, sunshine committee recommendations concerning disclosure of background information record: SHB 1298, SB 5170
 Guardian ad litem, persons under age sixteen, in connection with sexual assault protection orders: ***SHB 1307, CH 74 (2013), SB 5175**
 Incapacitated adults, guardians for, improving protections for adults by modifying guardianship provisions: SB 5694
 Professional and lay guardians, publication of information concerning: SB 5694
 Standby guardians and standby limited guardians, modifying provisions: ***SB 5692, CH 304 (2013)**
 Vulnerable adults, records from abuse and other investigations, use in certain guardianship contexts: ***SB 5510, CH 263 (2013)**

HAZARDOUS MATERIALS

Antifreeze and coolant, denatonium benzoate exemption for vehicle sale: SHB 1010
 Antifreeze and coolant, spent, denatonium benzoate exemption when stored or transported for disposal: SHB 1010
 Asbestos-containing building materials, labeling requirements: SB 5458
 Chemicals and chemical mixtures in environment, department of health to evaluate and report: SB 5348

Flame retardants, limiting presence in upholstered furniture and children's products manufactured, sold, or distributed for use in state: ESHB 1294, SB 5181, SB 5933, SB 5984

Motor carriers, regulation by state patrol in connection with hazardous materials: SB 5979

Paint, architectural, producers to establish paint stewardship program: SB 5424

Polystyrene foam used in floatation devices, requiring that foam be encapsulated in state waters: SB 5546

HAZARDOUS WASTE (See also HAZARDOUS MATERIALS; WATER POLLUTION)

Antifreeze and coolant, spent, denatonium benzoate exemption when stored or transported for disposal: SHB 1010

Batteries, small rechargeable battery stewardship: ESHB 1364

Batteries, small rechargeable battery stewardship act: SB 5457

Brownfield properties, cleanup and reuse, providing state resources and oversight authority for local governments: SB 5201

Brownfield properties, cleanup and reuse, using prioritized revenues under model toxics control act: SB 5296

Brownfield renewal authorities, establishment by city, county, or port district: SB 5201

Electronic products recycling program, improving waste collection reporting: *SHB 1498, CH 292 (2013)

Electronic products recycling program, revising provisions: *ESB 5699, CH 305 (2013)

Environmental legacy stewardship account, shifting funding of certain programs to: SB 5990

Mercury-containing light product stewardship program, repealing program and account: SB 5658

Mercury-containing lights, producers to pay registration and administration fees for reimbursing documented recycling and administrative costs: SB 5658

Paint, architectural, producers to establish paint stewardship program: SB 5424

Toxic waste sites, cleanup of, prioritizing spending of revenues under model toxics control act: SB 5296

HEALTH CARE (See also DENTISTS AND DENTISTRY; DRUGS; EMERGENCY SERVICES; HEALTH CARE AUTHORITY; HEALTH CARE PROFESSIONS AND PROVIDERS; HOSPITALS; LONG-TERM CARE; MEDICINE AND MEDICAL DEVICES; MENTAL HEALTH; PUBLIC ASSISTANCE; WORKERS' COMPENSATION)

Alcohol poisoning, involving person under age 21, limited immunity when seeking medical assistance: *HB 1404, CH 112 (2013)

Ambulances, diversion to urgent care facilities, department of health to study: SB 5553

Behavioral health services, adult, using evidence- and research-based and promising practices to improve outcomes: E2SHB 1522, SB 5234, SB 5732

Billing of patients, charges and fees, providing meaningful estimate to patients and web site listing of common procedure charges: SB 5265

Birth control, requiring dispensing of contraceptive drugs for medicaid enrollees: SB 5884

Blood, tissue, or blood and tissue banks, business and occupation tax exemption for, modifying definitions, including "qualifying blood bank": SB 5848

Cannabis, medical use, amending provisions: SB 5528, SB 5887

Cardiopulmonary resuscitation, requiring instruction for high school graduation: *SHB 1556, CH 181 (2013), SB 5428

Chemical dependency services, adult, using evidence- and research-based and promising practices to improve outcomes: E2SHB 1522, SB 5234, SB 5732

Co-occurring chemical dependency and mental disorders, developing integrated rule for treatment by an agency: SB 5681

Community health centers, use of certain funds for health care services and maintenance of health security trust: SB 5224

Defibrillators, medical emergency response and automated external defibrillator program for high schools: *SHB 1556, CH 181 (2013), SB 5232, SB 5428

Diabetes epidemic, agency collaboration to identify goals and develop agency plans: HB 1795, SB 5423

East Asian medicine, adding reflexology to definition: HB 1339

Electronic health record technology, donation by certain health care entities: SB 5601

Electronic tracking program, coordinated care, integrating prescription monitoring program into: SB 5554

EPI pens, in schools, technical correction to law: SB 6013

EPI pens, placing in schools: *ESB 5104, CH 268 (2013)

Epinephrine autoinjectors, in schools, technical correction to law: SB 6013

Epinephrine autoinjectors, placing in schools: *ESB 5104, CH 268 (2013)

Facilities, billing of patients, providing meaningful estimate of charges and fees to patients and web site listing of common procedure charges: SB 5265

Facilities, certificate of need review, eliminating for all facilities except hospitals: SB 5017

Facilities, disclosure of records related to mental health services and sexually transmitted diseases, expanding statutes: ***ESHB 1679, CH 200 (2013)**

Facilities, donation of electronic health record technology by certain health care entities: SB 5601

Facilities, emergency departments, department of health to convene stakeholders meeting to address overcrowding: SB 5629

Facilities, emergency services, integrating prescription monitoring program into coordinated care electronic tracking program: SB 5554

Facilities, hospital certificate of need review, to include determination concerning ability to provide abortion and assisted suicide services: SB 5586

Facilities, hospital safety net assessment and fund, modifying assessment and fund provisions to pay for medicaid hospital services and grants: 2ESHB 2016, SB 5913

Facilities, hospital safety net assessment and fund, state to phase down during medicaid expansion and end reliance on: SB 5913

Facilities, hospitals and ambulatory surgery centers, provisions concerning requests for prior facility names and other information from providers: ***ESB 5666, CH 301 (2013)**

Facilities, hospitals that experience boarding and overcrowding to be fined: SB 5629

Facilities, hospitals, business and occupation surtax on, extending to provide basic education and higher education funding: ESHB 2038

Facilities, hospitals, contracting with jails for inmate health care as condition of licensure: SB 5792, SB 5892

Facilities, hospitals, requirements for jails when contracting with and reimbursing: SB 5892

Facilities, noncritical access hospitals, designing system of hospital quality incentive payments for: 2ESHB 2016

Facilities, process for reviewing medical staff, other employees, and associated providers: HB 1436, SB 5550

Facilities, prospective payment system, psychiatric, and rehabilitation hospitals, designing system of hospital quality incentive payments for: SB 5913

Facilities, rural hospitals that are sole community hospitals, enhanced medicaid payment rates for: SB 5829, SB 5859

Facilities, urgent care, diversion of ambulances to, department of health to study: SB 5553

Facility price and quality data, submission by health insuring entities: SB 5537

Futile emergency medical treatment, use of medical order form for emergency medical personnel, immunity for certain providers: SB 5562

Health care oversight, joint select committee on, establishing: SCR 8401

Health security trust, creation: SB 5224

HIV, testing of infants placed in out-of-home care: SB 5454

Incarcerated offenders, health care services for, department of corrections to pay all contractors through provider one system: SB 5288

Injuries due to provider negligence, actions based on, removing intention to commence notice requirement: ***HB 1533, CH 82 (2013)**

Insurance, access to, for certain LEOFF plan 2 members catastrophically disabled in line of duty: ***SHB 1868, CH 287 (2013)**, SB 5698

Insurance, association or member-governed group health benefit plans: SB 5605

Insurance, carriers offering health benefit plans outside health benefit exchange, clarifying requirements: SB 5931

Insurance, certain agencies to identify and brief legislature on promising current and emerging health care practices: SB 5538

Insurance, coverage for voluntary termination of pregnancy, plan requirements and right of objection: EHB 1044, SB 5009, SB 5576, SB 5798

Insurance, creation of Washington health security trust: SB 5224

Insurance, direct patient-provider practices, prescription drugs: ***ESHB 1480, CH 126 (2013)**, SB 5539

Insurance, disability, allowing offering of wellness programs with inducements or incentives: SB 5339

Insurance, eligibility of separated members of PERS, SERS, and TRS plan 2 for insurance plans and contracts: SB 5650

Insurance, emergency medical care and transportation services, ensuring direct payment to provider: SB 5388

Insurance, eosinophilia gastrointestinal associated disorders treatment, providing coverage: ***SHB 1216, CH 168 (2013)**, SB 5130

Insurance, family and medical leave insurance program, implementing by amending provisions of family leave insurance program: SB 5292

Insurance, family leave insurance program, delaying implementation until funding and benefits payment authorized in law: ***HB 2044, CH 26 (2013)**

- Insurance, family leave insurance program, establishing joint legislative task force on family and medical leave insurance: ESB 5903
- Insurance, family leave insurance program, repealing family and medical leave insurance act: SB 5159
- Insurance, family leave insurance program, repealing family and medical leave insurance act if not funded: ESB 5903
- Insurance, health benefit exchanges, applying for waiver to authorize multiple private exchanges in state: SB 5919
- Insurance, health care service contractors, maximum capital and reserves accumulations: SB 5340
- Insurance, health insuring entities to submit price and quality data: SB 5537
- Insurance, health maintenance organizations, maximum capital and reserves accumulations: SB 5340
- Insurance, long-term care insurance policies, protecting insured from unintentional lapses through notification requirements: SB 5447
- Insurance, long-term care, requiring prompt payment and denials: HB 1441, ***SB 5216, CH 8 (2013)**
- Insurance, noninsured retiree long-term care and major medical service costs, local government self-insurance program to support LEOFF plan 1 retirees to develop voluntary risk pool for: SB 5916
- Insurance, out-of-state carriers, allowing purchase of health care coverage from foreign insurers that are qualifying reciprocal plans: SB 5540
- Insurance, premium assistance for health benefit exchange coverage for medicaid-eligible adults and children: SB 5914
- Insurance, prior authorization forms and procedures, requirements: SB 5267
- Insurance, provider compensation, instituting filing and public disclosure requirements: SB 5434
- Insurance, requiring wellness programs in state employee health care benefits but excluding from state employee collective bargaining: SB 5811
- Insurance, retirees of political subdivisions of state, participation in state insurance or self-insurance programs: SB 5654
- Insurance, stand-alone pediatric oral services coverage outside Washington health benefit exchange: ***ESHB 1846, CH 325 (2013)**
- Insurance, state employees, expanding health and wellness program: SB 5474
- Insurance, telemedicine health plan coverage, provider reimbursement: ESHB 1448
- Insurance, third-party reimbursement programs, prohibiting provider participation as a licensure condition: SB 5215
- Insurance, uninsured persons, authorizing receiving of donated prescription drugs and supplies: SHB 1382, SB 5148
- Insurance, Washington health benefit exchange, business and occupation tax exemption: ***ESHB 1947, CH 6 (2013)**, SB 5283
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- Records, disclosure when related to mental health services and sexually transmitted diseases, expanding statutes: ***ESHB 1679, CH 200 (2013)**
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Transportation projects, environmental review and permitting, reforming to expedite projects through streamlined environmental decision making, role of Indian tribes: ESHB 1978

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Initiative measure no. 502, marijuana, correcting definition of THC concentration in initiative: ***EHB 2056, CH 116 (2013)**

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- Health care, family leave insurance program, establishing joint legislative task force on family and medical leave insurance: ESB 5903
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- Health care, stand-alone pediatric oral services coverage outside Washington health benefit exchange: ***ESHB 1846, CH 325 (2013)**
- Health care, state employees, expanding health and wellness program: SB 5474
- Health care, telemedicine health plan coverage, provider reimbursement: ESHB 1448
- Health care, third-party reimbursement programs, prohibiting provider participation as a licensure condition: SB 5215
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- Health care, Washington health benefit exchange, carriers offering health benefit plans outside of, clarifying requirements: SB 5931
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- Health care, Washington health benefit exchange, funding exchange operations with insurance issuer assessment: ***ESHB 1947, CH 6 (2013)**
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- Health care, Washington health benefit exchange, premium assistance for exchange coverage for medicaid-eligible adults and children: SB 5914
- Health care, Washington health benefit exchange, requesting waiver to authorize enrollment in exchange rather than medicaid: SB 5918
- Health care, Washington health benefit exchange, stand-alone pediatric oral services coverage: SB 5719
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- Health care, wellness programs, allowing offering of programs with inducements or incentives: SB 5339, SB 5695
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- Insurance premium tax credit, under insurance guaranty association act, repealing: SB 5168
- Insurers, examinations of, implementation of sunshine committee recommendations concerning disclosure of reports: SB 5169
- Life insurance, netting agreements, settling certain derivative transactions: SB 5007, SB 5065
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Legislature, 2013 first special session, returning bills, memorials, and resolutions to house of origin: ***HCR 4408 (2013)**

Legislature, 2013 regular session, returning bills, memorials, and resolutions to house of origin: ***SCR 8404 (2013)**

Legislature, 2013 second special session, reintroduction of bills, memorials, and resolutions from 2013 regular and first special sessions: ***HCR 4410 (2013)**

Legislature, 2013 second special session, returning bills, memorials, and resolutions to house of origin: ***HCR 4411 (2013)**

Legislature, 2013 third special session, reintroduction of bills, memorials, and resolutions from 2013 regular and first and second special sessions: ***HCR 4413 (2013)**

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Resolutions, memorials, and bills from 2013 regular and first special sessions, reintroduction for 2013 second special session: ***HCR 4410 (2013)**

Resolutions, memorials, and bills from 2013 regular and special sessions, reintroduction for 2014 regular session: ***HCR 4415 (2014)**

Resolutions, memorials, and bills from 2013 regular session, reintroduction for 2013 first special session: ***HCR 4407 (2013)**

Resolutions, memorials, and bills from 2013 regular session, returning to house of origin: ***SCR 8404 (2013)**
 Resolutions, memorials, and bills from 2013 second special session, returning to house of origin: ***HCR 4411 (2013)**
 Resolutions, memorials, and bills from 2013 third special session, returning to house of origin: ***SCR 8406 (2013)**
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Keys, dwelling unit, landlord to maintain and safeguard master and duplicate keys: ***ESHB 1647, CH 35 (2013)**

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Mobile and manufactured homes and park model trailers, ownership taken by park landlord, responsibility for property taxes: ***EHB 1493, CH 198 (2013)**

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Alcohol poisoning, involving person under age 21, limited immunity when seeking medical assistance: ***HB 1404, CH 112 (2013)**

Apartment owners' associations, speed limit enforcement by law enforcement personnel within communities: ***SB 5113, CH 269 (2013)**

Apartment owners, associations of, speed limit enforcement by law enforcement personnel within communities: HB 1592

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Human trafficking, at rental properties, law enforcement agency provisions: SB 5280

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Metal theft, special enforcement efforts targeting, grant program to assist law enforcement to be established by Washington association of sheriffs and police chiefs: ***ESHB 1552, CH 322 (2013) PV**

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State patrol, participation in business license center: ***ESHB 1403, CH 111 (2013)**, SB 5680

State patrol, placing limits on tow truck operator private impound rates in connection with state patrol-originated calls: ***ESHB 1625, CH 37 (2013)**

State patrol, regulation of motor carriers transporting hazardous materials: SB 5979

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Motor vehicles, taxicab businesses, provisions: SB 5814

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Registration, motor vehicles, service fee to be collected at time of renewal: ESHB 1954, SB 5920

Registration, snowmobiles, modifying snowmobile license fees: SHB 2002, SB 5889

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Marijuana, medical, board regulation of, including provisions governing rule making and dispensary, processor, and producer licensing: SB 5887

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Permits, day spa permit, allowing offering of wine or beer to customers: SB 5045

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Tobacconist shop, retail, special license endorsement for tobacco products retailer licensees, board role: SB 5070

Wine and/or beer specialty shops, license endorsement to sell craft distillery products: SB 5731

Wine, offering to day spa customers, creating day spa permit to allow: SB 5045

Wine, tasting, changing criteria for beer and wine tasting endorsement for grocery stores: ***SHB 1422 (2013) V**, SB 5517

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Veterans innovation program, state lottery account funding, discontinuing: ***SHB 1982, CH 136 (2013)**

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Mercury-containing lights, producers to pay registration and administration fees for reimbursing documented recycling and administrative costs: SB 5658

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Epinephrine autoinjectors, placing in schools: ***ESB 5104, CH 268 (2013)**

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License plates, special, gold star plates, authorizing purchase by eligible family members of deceased armed forces member: EHB 1132

License plates, special, gold star plates, authorizing purchase by member of deceased armed forces member's family: ***SB 5161, CH 137 (2013)**

License plates, special, National Rifle Association plates: SB 5604

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Discover pass, complimentary, for spouses doing collective agency-sanctioned volunteer work: SB 5097

Discover pass, discount for certain veterans with disabilities: SB 5084

Discover pass, discount when purchased with certain hunting and fishing licenses, etc.: SB 5289

Discover pass, purchase option when applying for vehicle registration, procedures: SB 5266

Discover pass, requirements exemption for off-road vehicles with valid off-road vehicle permit: SB 5391

Discover pass, requiring for motor vehicle operation, exempting certain agency-managed roads: SB 5289

Discover pass, to be required for operating motor vehicle on any recreation site or lands: SB 5289

Firearms, laws and ordinances restricting possession in parks or recreational facilities, authority of municipalities to enact: SB 5739

Floation devices used in state waters, requiring that polystyrene foam be encapsulated: SB 5546

Lands purchased by nonprofit organization with public funds, recreation requirements: SB 5057

Milwaukee Road corridor, parks and recreation commission authority to manage as recreation trail: SB 6036

Off-road vehicles, increasing recreation opportunities for: ***ESHB 1632, CH 23 (2013)**, SB 5513

Public lands, recreation access, complimentary discover pass for certain veterans with disabilities: SB 5319

Public lands, recreation access, complimentary discover pass for spouses doing certain volunteer work: SB 5097

Public lands, recreation access, day-use permit requirement for motor vehicle operation, exempting certain agency-managed roads: SB 5289

Public lands, recreation access, discover pass bulk sales at reduced rate in certain cases: SB 5897

Public lands, recreation access, discover pass discount for certain veterans with disabilities: SB 5084

Public lands, recreation access, discover pass discount when purchased with certain hunting and fishing licenses, etc.: SB 5289

Public lands, recreation access, discover pass purchase option when applying for vehicle registration, procedures: SB 5266

Public lands, recreation access, discover pass requirement for motor vehicle operation, exempting certain agency-managed roads: SB 5289

Public lands, recreation access, discover pass requirements exemption for off-road vehicles with valid off-road vehicle permit: SB 5391

Public lands, recreation access, discover pass to be required for operating motor vehicle on any recreation site or lands: SB 5289

Public lands, recreation access, ensuring no net loss of public recreational opportunities on lands managed by departments of fish and wildlife and natural resources: SB 5907

Public lands, recreation access, increasing law enforcement presence on recreational lands managed by department of natural resources: SB 5906

Public lands, recreation access, vehicle access pass requirement for motor vehicle operation, exempting certain agency-managed roads: SB 5289

Public lands, recreation access, vehicle access pass use for department of natural resources recreation sites access: SB 5080

Recreation lands, acquisition by state: SB 5054

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Recreational vessels, operation under influence of THC or other drug, blood test and warrant waiver provisions: SB 6014

Ski area conveyances, safety program, revising provisions: SB 6035

Snowmobiles, special parking permits for winter recreational areas, snowmobile advisory committee to determine fee for issuance in certain cases: SB 5889

State parks and recreation centennial act, provisions concerning funding, access, and the parks and recreation commission: SB 5657

Vehicle access pass, requiring for motor vehicle operation, exempting certain agency-managed roads: SB 5289

Vehicle access pass, use for department of natural resources recreation sites access: SB 5080

Veterans with disabilities, complimentary discover pass: SB 5319

Veterans with disabilities, discover pass discount: SB 5084

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Airport parking, public and private facilities, rate requirements: EHB 1483

Disabilities, persons with, defining satisfactory proof for parking privileges renewal: SB 5957

Disabilities, persons with, parking placards and special license plates, provisions concerning improper display, illegal obtainment, and unauthorized use: SHB 1946

Disabilities, persons with, work group to develop plan to end parking placard and special license plate abuse: SHB 1946

Electric vehicles, charging stations for, signage and pavement marking requirements and infraction and penalty provisions: SB 5849

Passenger-only ferry service districts, imposition of parking tax on commercial parking businesses by: ESHB 1954

Snowmobiles, special parking permits for winter recreational areas, snowmobile advisory committee to determine fee for issuance in certain cases: SB 5889

Special parking privileges, accessible van rental companies, authorizing application by: SHB 1946

Special parking privileges, persons with disabilities, defining satisfactory proof for renewal of privileges: SB 5957

State agency employees, payroll parking fee deductions, authorizing pretax payment, conditions: ***SHB 1456, CH 124 (2013)**

PARKS (See also OUTDOOR RECREATION; PARKS AND RECREATION COMMISSION; PUBLIC LANDS; RECREATION AND CONSERVATION OFFICE)

Firearms, laws and ordinances restricting possession in parks or recreational facilities, authority of municipalities to enact: SB 5739

Metropolitan park districts, abandoned or derelict vessels: ***ESHB 1245, CH 291 (2013)**, SB 5663

Metropolitan park districts, benefit charge on real property, establishment: SHB 1960

Metropolitan park districts, eligibility for athletic facility grants: SB 5103

Metropolitan park districts, property tax levies: SB 5410, SB 5582

State parks and recreation centennial act, provisions concerning funding, access, and the parks and recreation commission: SB 5657

State, agreements for lands or facilities management by public or private partner, required considerations: SB 5897

State, day-use permit, requiring for motor vehicle operation, exempting certain agency-managed roads: SB 5289

State, discover pass discount when purchased with certain hunting and fishing licenses, etc.: SB 5289

State, discover pass, bulk sales at reduced rate in certain cases: SB 5897

State, discover pass, complimentary pass for certain veterans with disabilities: SB 5319
 State, discover pass, complimentary pass for spouses doing certain volunteer work: SB 5097
 State, discover pass, discount for certain veterans with disabilities: SB 5084
 State, discover pass, purchase option when applying for vehicle registration, procedures: SB 5266
 State, discover pass, requirements exemption for off-road vehicles with valid off-road vehicle permit: SB 5391
 State, discover pass, requiring for motor vehicle operation, exempting certain agency-managed roads: SB 5289
 State, discover pass, to be required for operating motor vehicle on any recreation site or lands: SB 5289
 State, interpretive activities involving natural, scenic, recreational, cultural, historical, ethnic, or artistic resources: SB 5897, SB 6034
 State, interpretive activities involving natural, scenic, recreational, cultural, or historical resources: SB 5653
 State, operation and maintenance of, funding from state parks renewal and stewardship account and waste reduction, recycling, and litter control account: SB 5897
 State, parks and recreation commission duties related to state parks: SB 5653, SB 5897
 State, public and private partnership agreements for stewardship and interpretation: SB 6034
 State, renovation and repair of, funding from state parks renewal and stewardship account: SB 5575
 State, sale or exchange of state park lands, decision-making process: SB 5897
 State, vehicle access pass, requiring for motor vehicle operation, exempting certain agency-managed roads: SB 5289
 State, Washington state parks foundation, membership and duties: SB 5653, SB 5897
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PARKS AND RECREATION COMMISSION (See also OUTDOOR RECREATION; PARKS; PUBLIC LANDS)

Abandoned and derelict vessels, reducing numbers through preventive measures and proactive removal: ***ESHB 1245, CH 291 (2013)**, SB 5663
 Art, contemporary works of, along with state's ethnic and cultural heritage, commission to increase appreciation of: SB 5653
 Artistic heritage, along with state's ethnic, cultural, and natural heritage, commission to increase appreciation of: SB 5897
 Commission mission and performance, evaluation and improvement of, to include development of performance measures: SB 5897
 Derelict and abandoned vessels, reducing numbers through preventive measures and proactive removal: ***ESHB 1245, CH 291 (2013)**, SB 5663
 Discover pass, bulk sales at reduced rate in certain cases: SB 5897
 Discover pass, complimentary, for lifetime veteran's disability pass holders: SB 5319
 Discover pass, complimentary, for spouses doing collective agency-sanctioned volunteer work: SB 5097
 Discover pass, discount, for lifetime veteran's disability pass holders: SB 5084
 Discover pass, purchase option when applying for vehicle registration, procedures: SB 5266
 Discover pass, requirements exemption for off-road vehicles with valid off-road vehicle permit: SB 5391
 Discover pass, requiring for motor vehicle operation, exempting certain agency-managed roads: SB 5289
 Discover pass, to be required for operating motor vehicle on any recreation site or lands: SB 5289
 Fee reductions and exemptions, commission fiscal opportunity cost incurred, biennial reimbursement: SB 5653
 Fee reductions and exemptions, commission fiscal opportunity cost incurred, office of financial management to deliver report: SB 5653
 Land, real property, process for acquisition by commission: SB 5054
 Lands purchased by nonprofit organization with public funds, recreation requirements and commission role: SB 5057
 Lands, commission-purchased, retaining water rights for later transfer to local economy trust water account: SB 5219
 Milwaukee Road corridor, commission authority to manage as recreation trail: SB 6036
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 Snowmobile advisory committee, special parking permits for winter recreational areas, committee to determine fee for issuance in certain cases: SB 5889
 State parks and recreation centennial act, provisions concerning funding, access, and the commission: SB 5657
 State parks renewal and stewardship account, funding operation and maintenance of state parks from, commission role: SB 5897
 State parks renewal and stewardship account, funding renovation and repair of state parks from, commission role: SB 5575
 State parks, agreements for lands or facilities management by public or private partner, commission to consider certain matters: SB 5897
 State parks, commission duties related to, modifying: SB 5653, SB 5897

State parks, discover pass, bulk sales at reduced rate in certain cases: SB 5897
 State parks, interpretive activities involving natural, scenic, recreational, cultural, historical, ethnic, or artistic resources: SB 5897, SB 6034
 State parks, interpretive activities involving natural, scenic, recreational, cultural, or historical resources: SB 5653
 State parks, public and private partnership agreements for stewardship and interpretation: SB 6034
 State parks, sale or exchange of state park lands, decision-making process: SB 5897
 State parks, Washington state parks foundation, membership and duties: SB 5653, SB 5897
 State parks, Washington state parks foundation, modifying provisions: SB 6034
 Vessels, publicly owned, transfer by commission: ***ESHB 1245, CH 291 (2013)**, SB 5663
 Veteran's disability pass, lifetime, holders to receive discover pass discount: SB 5084

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 Firearms, sale by unlicensed person to another unlicensed person, background check requirements: SB 5625, SB 5711
 Intangible personal property, narrowing property tax exemption: SB 5043
 Renters, deceased, disposing personal property in leased premises, landlord procedures before and after tenant's death: SB 5306
 Service contracts, provisions: ***HB 1036, CH 117 (2013)**

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 Mosquito control, integrated pest management use by counties, cities, and certain districts: SB 5324

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Biological products, by prescription, adding provisions concerning dispensing of interchangeable biosimilar products: SB 5469
 Board of pharmacy, changing name to pharmacy quality assurance commission: ***HB 1609, CH 19 (2013)**
 Compounding, drugs for distribution to licensed persons or commercial entities for resale or distribution, defining "manufacture" in relation to: ***HB 1800, CH 146 (2013)**
 Duties, facilitating delivery of prescribed drug or device, requirements: SB 5934
 Electronic communication of controlled substance prescription information, provisions: SHB 1155, SB 5416
 Marijuana, medical, legal amounts left at retail stores holding pharmacy license, notification and disposal requirements: ***EHB 1808, CH 133 (2013)**
 Pharmacy benefits managers, audits conducted by, regulating contracts between benefits managers and pharmacies: SB 5700
 Prescription drugs and supplies, donated, authorizing dispensing to uninsured persons: SHB 1382, SB 5148
 Prescription drugs, legend drug act, including pharmacists when authorized by board of pharmacy: ***HB 1182, CH 71 (2013)**
 Prescription drugs, ninety-day supply limit, placing conditions on dispensing in keeping with: SB 5459
 Prescriptions written by physician and osteopathic physician assistants in other states, authorizing pharmacies to fill: SB 5524
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 Costs of incarceration, requiring payment by convicted offender: SB 5950
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 Emotional or behavioral distress in students, recognition and response, board to incorporate into course for teachers: ***ESHB 1336, CH 197 (2013)**, SB 5365
 Interpreters, educational, assessments and performance standards, board role: ***SHB 1144, CH 151 (2013)**
 Online technology use, Washington K-12 online professional development project, board role: ESHB 1252
 Principals, secondary, board to revise certificate renewals to include career and technical education: SB 5818
 Psychologists, school, training requirements for, including high school transition services for special education students: SB 5958
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 Special education, training requirements for, including high school transition services for special education students: SB 5958
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 Teacher certification programs, expanding testing alternatives for admission, board role: ***HB 1178, CH 193 (2013)**
 Teacher certification standards, expanding STEM requirements to include the arts (STEAM): SB 5909
 Teacher preparation and certification, articulated pathway for, board to convene work group to design: 2SHB 1680
 Teachers, unprofessional conduct, reprimand or certificate or permit revocation or suspension due to fraudulent test submission upon complaint from board: ***2ESB 5701, CH 163 (2013)**

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 Barbering, schools of, recognizing as institutions of postsecondary study for sake of federal financial aid, conditions: ***HB 1683, CH 201 (2013)**
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 Cosmetology, schools of, recognizing as institutions of postsecondary study for sake of federal financial aid, conditions: ***HB 1683, CH 201 (2013)**

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- Court interpreters, providing for non-English-speaking persons, reimbursement: SB 5398
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- Debt adjusting services, nonprofit, licensing and regulation: SB 5527
- Electricians, with certain certificates, photovoltaic electrical systems endorsement: SB 5189
- Escrow agents, expanding "escrow" definition for licensing purposes and exempting certain entities from licensing: ***SHB 1034, CH 64 (2013)**
- Escrow agents, involvement in reconveyances of deeds of trust: ***SHB 1435, CH 114 (2013)**
- Esthetics, master esthetics and master estheticians, licensing and practice provisions: ***SHB 1779, CH 187 (2013)**
- Esthetics, rules for online learning: SHB 1038, SB 5779, SB 5996
- Esthetics, schools of, recognizing as institutions of postsecondary study for sake of federal financial aid, conditions: ***HB 1683, CH 201 (2013)**
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- Fishing guides, food fish or game fish, expanding information and other requirements for licensure: SB 5786
- Fishing guides, unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896
- HVAC/refrigeration specialty electricians, certified, exempting use from various requirements in connection with like-in-kind appliance replacement: SB 5682
- Language access providers, interpreter services from, authorizing direct purchase by certain state agencies and modifying collective bargaining provisions: ESHB 1753
- Language access providers, interpreter services from, integrating purchase by certain state agencies and modifying collective bargaining provisions: SB 5833
- Licensing, professions, expanding use of military training and experience to satisfy requirements for license, certification, registration, or permit: HB 1859, SB 5970
- Locksmiths, defining "locksmith services" and prohibiting misrepresentation of locksmith business location: SB 5597
- Manicuring, rules for online learning: SHB 1038, SB 5779, SB 5996
- Manicuring, schools of, recognizing as institutions of postsecondary study for sake of federal financial aid, conditions: ***HB 1683, CH 201 (2013)**
- Military training and experience, expanding use for satisfying requirements for professional license, certification, registration, or permit: HB 1859, SB 5970
- Money transmitters, amending provisions of uniform money services act: ***SHB 1327, CH 106 (2013)**, SB 5209
- Private investigators, motor vehicle owner information requests by, notice requirements: SB 5182
- Process servers, assault in third degree to include assault of legal process servers: SB 5345
- Real estate appraisers, trainee applicants and existing credential holders, fingerprint-based background checks: SHB 1740
- Real estate brokers, independent contractor status when not under contract with firm: ***SHB 1853, CH 207 (2013)**, SB 5729
- Real-time captioners, certification and regulation: SB 5364
- Tour operators, preferential business and occupation tax rates, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038
- Travel agents, preferential business and occupation tax rates, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038
- Trustees for deeds of trust, requiring registration of: SB 5840

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- School psychologists, training requirements for, including high school transition services for special education students: SB 5958
- School psychologists, youth suicide screening and referral training: ***ESHB 1336, CH 197 (2013)**

PUBLIC ASSISTANCE (See also DEVELOPMENTAL DISABILITIES, PERSONS WITH; DOMESTIC RELATIONS; LONG-TERM CARE; MENTAL HEALTH; SOCIAL AND HEALTH SERVICES, DEPARTMENT)

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- Background checks, unsupervised access to children, including persons seeking licensure for child welfare services: SB 5565
- Behavioral health services, adult, using evidence- and research-based and promising practices to improve outcomes: E2SHB 1522, SB 5234, SB 5732

Benefit cards, electronic, use in spirits retailer point-of-sale machines, requirement to disable machines' ability to accept cards: SB 5279

Birth control, requiring dispensing of contraceptive drugs for medicaid enrollees: SB 5884

Chemical dependency services, adult, using evidence- and research-based and promising practices to improve outcomes: E2SHB 1522, SB 5234, SB 5732

Child care subsidy program, payment received to constitute authorization for child support enforcement services: SB 5157

Child welfare services, agreements with university-based child welfare research entity, state agency requirements: ***ESHB 1774, CH 205 (2013)**

Child welfare services, assessing character, suitability, and competence for unsupervised access to children: SB 5565

Child welfare services, charging fee for child abuse and neglect history request by out-of-state jurisdiction: SB 5565

Child welfare services, Indian children, purchase of care from tribes and tribal agencies: HB 1361, ***SB 5235, CH 32 (2013)**

Child welfare services, infants in out-of-home care, HIV testing: SB 5454

Child welfare services, safety assessment tool, institute for public policy to conduct empirical study: SB 5281

Child welfare services, service delivery measurements using certain indicators of success, developing: ***ESHB 1774, CH 205 (2013)**

Child welfare services, service delivery measurements, developing: SB 5531

Child welfare services, training and advancement program, collecting certain financial assistance payments: SB 5403

Child welfare services, youth in out-of-home care, improving educational outcomes: ***2SHB 1566, CH 182 (2013)**

Child welfare transformation design committee, suspending statute that established committee: ***ESHB 1774, CH 205 (2013)**

Children's services, domestic violence training for caseworkers: SB 5315

Electronic benefit cards, use in spirits retailer point-of-sale machines, requirement to disable machines' ability to accept cards: SB 5279

Family support and related services, performance-based contracts for, modifying provisions: ***ESHB 1774, CH 205 (2013)**

Hospital safety net assessment and fund, modifying provisions to pay for medicaid hospital services and grants: 2ESHB 2016, SB 5913

Hospital safety net assessment and fund, state to phase down during medicaid expansion and end reliance on: SB 5913

Immigrants, restricting medical care services eligibility to certain legal immigrants: ***SHB 2069, CH 10 (2013)**

In-home care services, funding for, repealing nonresident sales tax exemption: SB 5346

In-home care services, hours, basing solely on objective assessment of need: SB 5346

In-home personal care, agency electronic timekeeping, limited exemption when lacking a landline phone: HB 1362, SB 5509

Interpreter services, authorizing purchase by certain agencies for limited-English speaking or sensory-impaired public assistance applicants and recipients: SB 5833

Interpreter services, authorizing purchase by certain agencies for limited-English speaking public assistance applicants and recipients: ESHB 1753

Medicaid enrollees, services to, allowing nurses and physicians to satisfy continuing education credits by performing: SB 5825

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Medicaid, contraceptive drugs, requiring dispensing of: SB 5884

Medicaid, eligible adults and children, premium assistance for health benefit exchange coverage for: SB 5914

Medicaid, enhanced payment rates for rural hospitals that are sole community hospitals: SB 5829, SB 5859

Medicaid, expansion of, comprehensive modifications in order to implement: SB 5894

Medicaid, false claims, reasons for debarment of state procurement contractors to include: ***SB 5948, CH 34 (2013)**

Medicaid, hospital safety net assessment and fund, modifying provisions to pay for medicaid hospital services and grants: 2ESHB 2016, SB 5913

Medicaid, hospital safety net assessment and fund, state to phase down during medicaid expansion and end reliance on: SB 5913

Medicaid, managed care, enrollee prescription review process: SB 5213

Medicaid, medicaid fraud penalty account, funding prescription monitoring program entirely from: ***HB 1565, CH 36 (2013)**, SB 5493

Medicaid, nursing facility payment system, delaying rebase of certain rate components and extending certain rate add-ons: ***HB 2042, CH 3 (2013)**

- Medicaid, nursing facility payment system, establishing medicaid disproportionate share component rate allocation for each facility: SB 5838
- Medicaid, nursing facility payment system, restoring certain changes made in 2011: SB 5838
- Medical assistance program, complex rehabilitation technology products and services, health care authority to establish separate recognition for: ***E2SHB 1445, CH 178 (2013)**
- Medical assistance, health care authority to establish low-income disproportionate share hospital payment mechanism: SHB 1635
- Medical assistance, hospital safety net assessment and fund, modifying provisions to pay for medicaid hospital services and grants: 2ESHB 2016, SB 5913
- Medical assistance, hospital safety net assessment and fund, state to phase down during medicaid expansion and end reliance on: SB 5913
- Medical assistance, noncritical access hospitals, designing system of hospital quality incentive payments for: 2ESHB 2016, SB 5913
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- Medical care services, restricting eligibility to certain legal immigrants: ***SHB 2069, CH 10 (2013)**
- Nursing facilities, medicaid payment system, various changes: ***HB 2042, CH 3 (2013)**, SB 5838
- Out-of-home care, youth residing in group care facility or foster family home, providing schooling support: ***2SHB 1566, CH 182 (2013)**
- Program of all-inclusive care (PACE), establishing certain long-term care client rules and program education plan: ***SHB 1499, CH 258 (2013)**
- Receiving care centers for children removed from parents or guardians, department of social and health services to license: SB 5475
- Resource and assessment centers, license for, short-term emergency and crisis care for child removed from home: ***SHB 1261, CH 105 (2013)**
- Respite care, agency electronic timekeeping, limited exemption when lacking a landline phone: HB 1362, SB 5509
- Safety net benefits, continuation for certain persons with a disability: ***SHB 2069, CH 10 (2013)**
- Temporary assistance for needy families, drug testing for certain recipients: SB 5585
- Temporary assistance for needy families, family violence and hardship exemptions from sixty-month limit: SB 5643
- WorkFirst program, "work activity" definition, amending vocational education training provision: SB 5600
- Working connections child care program, payment received to constitute authorization for child support enforcement services: SB 5157

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- Financial affairs reporting, in certain cases, modifying commission authority: SB 5257
- Lobbying, by state agencies, requiring electronic report-filing: ***SHB 1093, CH 166 (2013)**
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- Political advertising, sponsored by same committee, providing top five contributors information: ***SB 5258, CH 138 (2013)**
- Web site, campaign donor information, printing commission web address on voters' pamphlets and ballots: SB 5507

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- Collective bargaining, state superintendent school district employees, provisions: SB 5329
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- Collective bargaining, uniformed personnel, interest arbitration panel determinations: SB 5733
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- Ethics in state government, provisions concerning violations, investigations, and related matters: SB 5063, SB 5577

Language access providers, modifying collective bargaining provisions: ESHB 1753, SB 5833
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Washington state school directors' association, role in developing model policy for student suspensions and expulsions: SB 5901

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Health security trust, employers to pay health security assessment to fund trust: SB 5224

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High technology businesses, tax deferrals for investment projects, apprentice utilization requirement: SB 5393

High technology businesses, tax deferrals for investment projects, ending issuance of sales and use tax deferral certificates: ESHB 2034, ESHB 2038

High technology businesses, tax deferrals for investment projects, prevailing wage requirement: SB 5395

High technology businesses, tax deferrals for investment projects, resident workers requirement: SB 5394

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Rural counties, tax deferrals for investment projects in, resident workers requirement: SB 5394

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Transportation system funding, increasing revenue through modified revenue distribution, new accounts, and certain local tax increases: ESHB 1954

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- Airplanes, superefficient, extending exemption for certain port district facilities used in manufacture of: SB 5952
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- Developmental disabilities, persons with, exemption for certain property owned by facility-based vocational services: SB 5470
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- Exemption, land owned exclusively by Indian tribes: EHB 1287
- Exemptions, certain port district facilities used in manufacture of superefficient airplanes, extending exemption from property taxes: SB 5952
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- Exemptions, intangible personal property, narrowing exemption: SB 5043
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- Exemptions, senior citizens and veterans with disabilities, raising qualifying income thresholds: SB 5108
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- Game lands owned by department of fish and wildlife, property tax on, modifying in lieu payments provisions: HB 2045
- Government properties, tax-exempt, eliminating annual appraisal requirement: SB 5444
- Homes for sick or infirm, nonprofit, exemption requirements: SB 5041
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- Indian tribes, land owned exclusively by, to be considered as publicly owned real property exempt from property tax: EHB 1287
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- Levies, for schools, depositing certain revenues in education legacy trust account: SB 5895

Levies, for schools, including in district levy base those funds allocated to school in a state-tribal education compact district:

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Levies, for schools, modifying maximum levy percentages to increase education funding: SB 5898

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Levies, metropolitan park districts: SB 5410, SB 5582

Levies, school district bonds, requiring simple majority of voters voting to authorize: SB 5589, SJR 8208

Manufactured/mobile homes and park model trailers, ownership taken by park landlord, responsibility for property taxes:

***EHB 1493, CH 198 (2013)**

Metropolitan park districts, benefit charge on real property, establishment, including exemption for certain persons: SHB 1960

Mobile and manufactured homes and park model trailers, ownership taken by park landlord, responsibility for property taxes: ***EHB 1493, CH 198 (2013)**

Mobile homes and park model trailers, ownership taken by park landlord, responsibility for property taxes: SB 5523

Payments, electronic: ESHB 1004

Payments, past due, partial payment: SB 5047, SB 5503

Payments, past due, payment agreements for past due delinquencies: ESHB 1004

Preferences, legislative intent, review, and expiration provisions: ESB 5843

Refunds, claims and orders for, authorizing county legislative authority to act upon its own motion: SB 5908

Religious organizations, nonprofit, modifying exemptions: SB 5740

Retired due to physical disability, property tax deferral and exemption, creating task force to review program: SHB 1170

Retired due to physical disability, property tax deferral and exemption, raising qualifying income thresholds: SB 5108

Retired due to physical disability, property tax exemption, health care deductions from disposable income: SB 5089

Senior citizens, exemption, creating task force to review program: SHB 1170

Senior citizens, exemption, health care deductions from disposable income: SB 5089

Senior citizens, exemption, raising qualifying income thresholds: SB 5108

Trailers, park model, responsibility for property taxes when ownership taken by park landlord: ***EHB 1493, CH 198 (2013)**, SB 5523

Transfer of real property, Washington uniform real property transfer on death act provisions: ESHB 1117

Treasurers, county, collection of tax foreclosure avoidance costs: HB 1797, SB 5704

Valuation, real property, revising standard of evidence for appeals: SB 5336

Valuation, tax-exempt government properties, eliminating annual appraisal requirement: SB 5444

Veterans with disabilities, exemption, creating task force to review program: SHB 1170

Veterans with disabilities, exemption, health care deductions from disposable income: SB 5089

Veterans with disabilities, exemption, raising qualifying income thresholds: SB 5108

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Deductions, interstate hauls, deduction for, eliminating to provide basic education and higher education funding: ESHB 2038

Education legacy trust account, depositing certain public utility tax revenues in: ***ESHB 2051, CH 9 (2013)**

Electric utility rural economic development revolving funds, expiration date for tax credit for contributions: SB 5032

Interstate hauls, deduction for, eliminating to provide basic education and higher education funding: ESHB 2038

Irrigation, modifying deduction provisions: SB 5041

Light and power businesses, credits as part of renewable energy investment cost recovery incentive program: E2SHB 1301

Light and power businesses, modifying credit provisions when qualifying utility-owned solar energy system participates in cost recovery incentive program: SB 5807

Renewable energy system cost recovery, allowing participation by qualifying utility-owned distributed solar energy systems on certain premises: SB 5807

Renewable energy system cost recovery, incentives, measuring effectiveness through performance milestones: E2SHB 1301

Sewerage collection businesses, depositing certain revenues into education legacy trust account: SB 5895

Solar energy systems, distributed, allowing qualifying utility-owned system to participate in renewable energy system cost recovery incentive program: SB 5807

Solar energy systems, electric company-owned and -operated, distributed solar energy system cost recovery: E2SHB 1301

Transportation businesses, removing urban category: SB 5041

Water distribution businesses, depositing certain revenues into education legacy trust account: SB 5895

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Capital gains tax, provisions implementing, modifying real estate excise tax provisions in connection with: SB 5738

Education legacy trust account, depositing certain real estate excise tax revenues in: ***ESHB 2051, CH 9 (2013)**

Education legacy trust account, depositing certain revenues in, for basic education funding: SB 5895

Transfer of real property, real estate excise tax affidavit, exemption from filing requirement: SB 5116

Transfer of real property, Washington uniform real property transfer on death act provisions: ESHB 1117

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Aerospace products, sale in import commerce, exemption for, narrowing to provide basic education and higher education funding: ESHB 2038

Airplanes, commercial, computer parts and software, extending exemption: SB 5952

Airplanes, large private, certain sales involving, exemptions: SB 5622

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Marijuana, medical, exemption for sales by licensed dispensers to qualifying patients or designated providers: SB 5887

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Newspapers, sales and use tax exemptions, limiting eligibility: SB 5041

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Airplanes, superefficient, manufacturing-related labor, services, and personal property, expanding exemption for: SB 5952

Anaerobic digesters, apprentice utilization requirement for exemption: SB 5393

Anaerobic digesters, resident workers requirement for exemption: SB 5394

Back-to-school clothing and school supply items, exemption: SB 5529

Beekeepers, use of feed by, exemption: SHB 1558

Beekeepers, use of honey bees by, adding expiration date to exemption: SHB 1558

Biodiesel blend or E85 motor fuel-related sales and services, apprentice utilization requirement for exemption: SB 5393

Biodiesel blend or E85 motor fuel-related sales and services, prevailing wage requirement for exemption: SB 5395

Biodiesel blend or E85 motor fuel-related sales and services, resident workers requirement for exemption: SB 5394

Cannabis, medical, exemption for use when dispensed by licensed dispensaries to qualifying patients or designated providers: SB 5887

Clay targets, provided by nonprofit gun clubs, sales and use tax exemptions: SB 5831

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Exemptions, bottled water, exemption for, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038

Exemptions, expanding for labor, services, and personal property related to superefficient airplane manufacturing: SB 5952

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Exemptions, hog fuel, extending when used for production of electricity, steam, heat, or biofuel: 2SHB 1663, SB 5866

Exemptions, large private airplanes, use and related matters: SB 5622

Exemptions, machinery and equipment used for electricity generation from certain sources, extending expiration of: SB 5409, SB 5896

Exemptions, manufacturing machinery and equipment, changing to tax deferral and requiring net benefit to state to claim: SB 5429

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Exemptions, newspapers, limiting eligibility for sales and use tax exemptions: SB 5041

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Exemptions, use of financial information sold to international investment management companies: SB 5101

Exemptions, use of vessels by nonresident persons, in certain cases: SB 5241

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Hog fuel, extending exemption when used for production of electricity, steam, heat, or biofuel: 2SHB 1663, SB 5866

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Local sales and use, imposed by public utilities district, tax to expire when bonds for certain facilities are retired: SB 5599

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Local sales and use, imposition by legislative body of public transportation benefit area: ESHB 1954

Local sales and use, imposition by local government in connection with local infrastructure financing tool program: ***ESHB 1306, CH 21 (2013), SB 5293**

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Local sales and use, taxation of vessels: SB 5817

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Marijuana, medical, exemption for use when dispensed by licensed dispensaries to qualifying patients or designated providers: SB 5887

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 Restaurants, use of flavor-imparting cooking products, including charcoal, exemption: SB 5342
 School construction and maintenance, taxable items used for, exemption when purchased with debt proceeds: SB 5994
 Transportation projects, exemption, goods and services for capital construction: SB 5003
 Vessel use, by nonresident persons, exemption in certain cases: SB 5241
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Speed limits, in condominium association communities, enforcement by law enforcement personnel: ***SB 5113, CH 269 (2013)**

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Benefits, calculation of, adding certainty and simplifying: SB 5124
 Claims for compensation, benefits, adding electronic means of payment: ***HB 1468, CH 125 (2013)**, SB 5361
 Disability, long-term for injured workers, reducing disability and workers' compensation system costs: SB 5128
 Farm internship pilot project, establishment and relationship to workers' compensation: SB 5123
 For hire vehicle operators, industrial insurance coverage provisions: SB 5814
 High risk classifications, forest products industry, creating workers' compensation state fund high risk premium subsidy program: SB 5744
 Horse racing employees, grooms, industrial insurance premium assessment for, payment: ***HB 1469, CH 80 (2013)**, SB 5363
 Industrial insurance coverage, introducing private competition: SB 5675
 Industrial insurance, joint legislative task force on private competition in industrial insurance, establishing: SB 5675
 Legal actions, defining "recovery" for purposes of actions under industrial insurance statutes: SB 5126
 Legal actions, reimbursement from third-party recovery: SB 5126
 Limousine businesses, including chauffeurs, industrial insurance coverage provisions: SB 5814
 Logging operations, creating workers' compensation state fund high risk premium subsidy program: SB 5744

Medical exams and consultations, independent, scheduling authority for retrospective rating plan employers and groups: SB 5112

Misclassification of employees, penalties under employee fair classification act: SB 5526

News business, independent contractors in, employment status for worker's compensation purposes: ***SB 5476, CH 141 (2013)**

Occupational disease claims, clarification: SB 5125

Occupational disease claims, rate of compensation provisions: SHB 1884

Occupational disease claims, study of: SB 5128

Premiums for industrial insurance, contractor liability, modifying provisions: SB 5789

Recovery of benefits paid on behalf of worker or beneficiary, legal actions: SB 5126

Return to work provisions, study of: SB 5128

Settlement agreements, structured, age limit and worker's best interest provisions: SB 5127

Settlement agreements, voluntary, authorization and study of: SB 5128

Studies, independent, department of labor and industries to contract for multiple studies: SB 5128

Taxicab businesses, industrial insurance coverage provisions: SB 5814

Transitional or light duty work, providing in certain cases: SB 5128

Vocational rehabilitation, plans, educational options to include obtaining baccalaureate degree: ***EHB 1887, CH 326 (2013)**

Vocational rehabilitation, scheduling authority for retrospective rating plan employers and groups: SB 5112

Vocational rehabilitation, subcommittee recommendations concerning pilot program and other provisions: EHB 1470, SB 5362

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD (See also VOCATIONAL EDUCATION)

ASSET program, alliance for student success in education and training, establishment, with administration by board: SB 5754

Business license center, participation by board: ***ESHB 1403, CH 111 (2013)**, SB 5680

High skills high wages plan, urging legislative approval of: SCR 8409

Online higher education transfer and student advising system, board role in establishing: SB 5544

STEM fields, work-integrated learning opportunities in, increasing connections and access to, board role: SB 5754

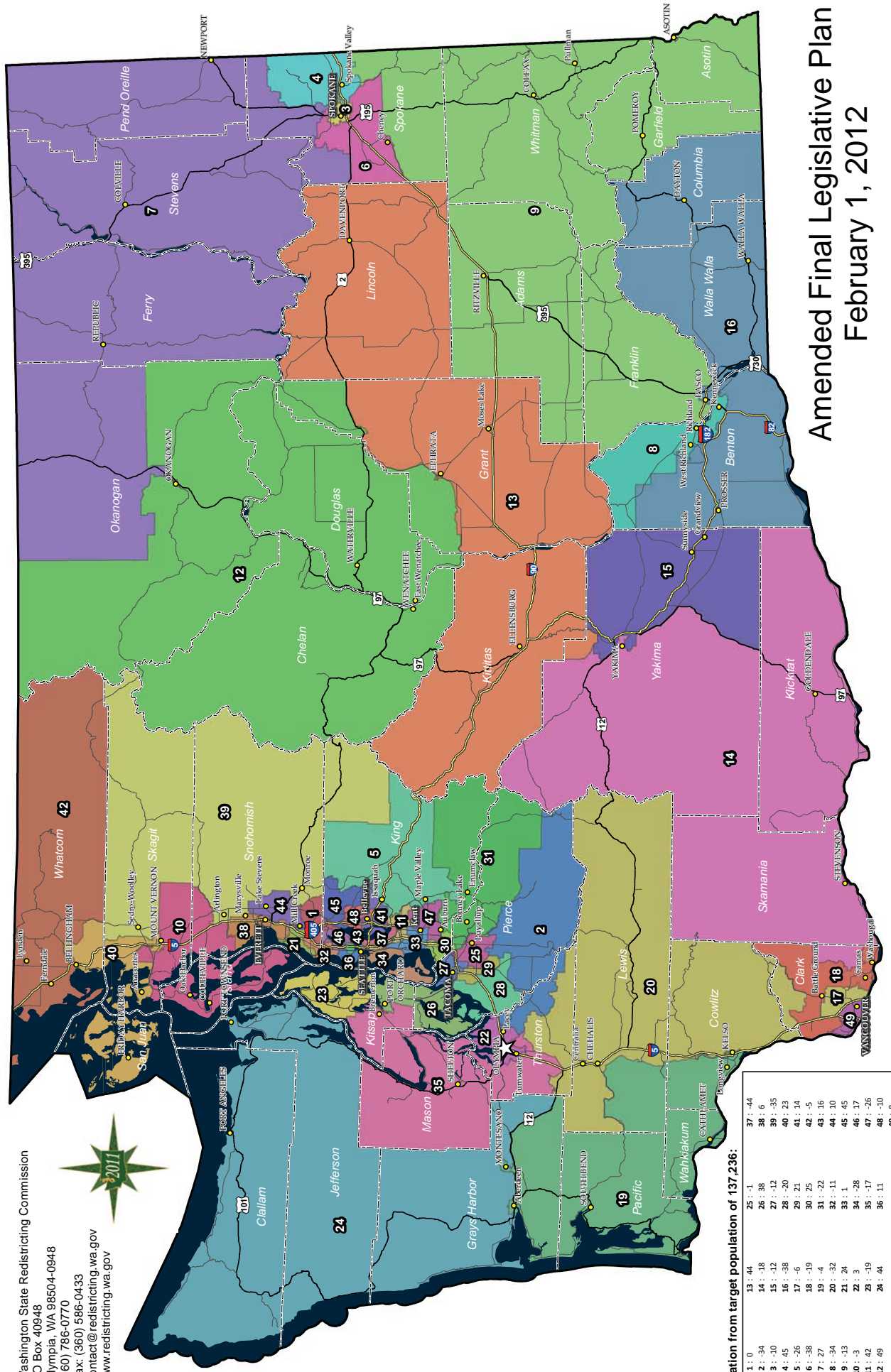
Work-integrated learning opportunities, increasing connections and access to, including STEM fields, board role: SB 5754

Workforce training, state comprehensive plan for, seeking approval of "high skills, high wages" plan: HCR 4403

ZOOS AND AQUARIUMS

Zoo, aquarium, and science or technology center facilities, competitive grant program for acquiring or constructing: SB 5146

Washington State Redistricting Commission
 PO Box 40948
 Olympia, WA 98504-0948
 (360) 786-0770
 Fax: (360) 586-0433
 contact@redistricting.wa.gov
 www.redistricting.wa.gov



Deviation from target population of 137,236:

1: 0	13: 44	25: -1	37: -44
2: 34	14: 18	26: 38	38: 6
3: 10	15: 12	27: -12	39: 35
4: 45	16: 38	28: -20	40: 23
5: 28	17: -6	29: 21	41: 14
6: 38	18: 19	30: 25	42: 5
7: 27	19: 4	31: -22	43: 16
8: 34	20: 32	32: -11	44: 10
9: 13	21: 24	33: 1	45: 45
10: 3	22: 3	34: -28	46: 17
11: 42	23: 19	35: -17	47: 26
12: 49	24: 44	36: 11	48: -10
			49: 8

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